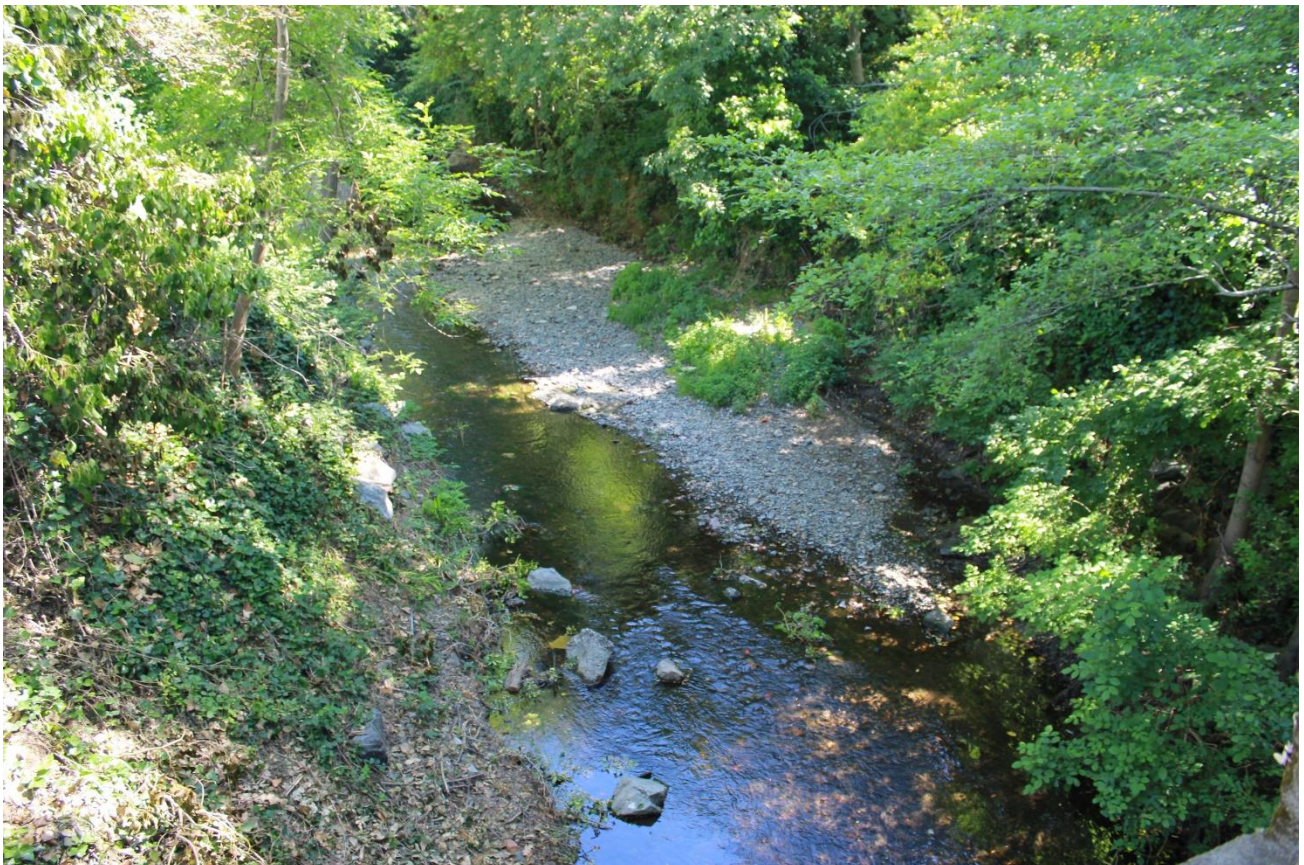


SAN ANSELMO FLOOD RISK REDUCTION PROJECT

Final Environmental Impact Report
Volume 2 - Response to Comments
State Clearinghouse No. 2017042041

Prepared for
Marin County Flood Control and Water
Conservation District

August 2018



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180 Grand Avenue
Suite 1050
Oakland, CA 94612
510.839.5066
www.esassoc.com



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CHAPTER 1

Introduction

1.1 Introduction to the Comments and Responses

After completion of a draft environmental impact report (EIR), the California Environmental Quality Act (CEQA) requires the Lead Agency to consult with and obtain comments from public agencies that have legal jurisdiction with respect to the proposed project, and to provide the general public with opportunities to comment on the Draft EIR. CEQA also requires the Lead Agency to respond to significant environmental issues raised in the review and consultation process. The Lead Agency for the San Anselmo Flood Risk Reduction Project EIR is the Marin County Flood Control and Water Conservation District (Flood Control District).

The San Anselmo Flood Risk Reduction Project Draft EIR (SCH# 2017042041) was released for public review and comment on May 18, 2018. The Flood Control District circulated the Draft EIR for review by public agencies, interested parties, and organizations for a 45-day public comment period, which ended on July 2, 2018. During the comment period, the Board of Supervisors held a Public Hearing on May 22, 2018, to take public comment on the Draft EIR. The County received 50 comment letters in addition to oral testimony at the public hearing.

This document contains all comments received during the comment period, as well as responses to these comments, and together with the Draft EIR, will constitute the Final EIR if the Marin County Board of Supervisors certifies the Final EIR as complete and adequate under CEQA. A list of those who commented on the Draft EIR appears in **Table RTC 1-1**. The list is divided into government agencies, organizations, and individuals.

1.2 Document Organization

The Response to Comments document consists of the following chapters:

- **Chapter 1, Introduction.** This chapter discusses the purpose and organization of this document, as well as a list of agencies, organizations, and persons who submitted written comments or offered oral comments on the Draft EIR.
- **Chapter 2, Master Responses.** This chapter contains consolidated responses to issues raised by multiple commenters.
- **Chapter 3, Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR, as well as oral comments received on the Draft EIR. A

written response for each CEQA-related comment received during the review period is provided. Each response is keyed to its respective comment.

- **Chapter 4, Draft EIR Text Revisions.** Corrections to the Draft EIR necessary in light of comments received and responses provided, or necessary to clarify any minor errors, omissions, or misinterpretations, are contained in this chapter.
- **Chapter 5, Report Preparers and References.** A summary of those involved in report preparation and a list of the references cited are contained in this chapter.

**TABLE RTC 1-1
LIST OF COMMENTERS**

Letter Designation	Letter Date	Date Received	Agency or Organization	Commenter's First Name	Commenter's Last Name
Federal Agencies					
A1	07-06-2018	07-06-2018	National Oceanic and Atmospheric Administration	Sara	Azat
State Agencies					
A2	06-28-2018	07-02-2018	California Department of Fish and Wildlife	Gregg	Erickson
A3	07-02-2018	07-02-2018	San Francisco Bay Regional Water Quality Control Board	Xavier	Fernandez
Regional and Local Agencies					
A4	06-25-2018	07-02-2018	Town of Ross	Joe	Chinn
A5	07-02-2018	07-02-2018	Town of Fairfax	Ben	Berto
A6	07-02-2018	07-02-2018	City of Larkspur	Julian	Skinner
A7	07-02-2018	07-02-2018	Town of San Anselmo	Sean	Condry
Organizations					
B1	07-01-2018	07-02-2018	Friends of Corte Madera Creek Watershed	Cindy	Lowney
B2	07-02-2018	07-02-2018	Marin Audubon Society	Barbara Phil	Salzman Peterson
B3	06-29-2018	07-02-2018	Marin Conservation League	Linda J.	Novy
Individuals					
C1	06-26-2018	07-02-2018		Ross	Asselstine
C2	06-29-2018	07-02-2018		Ross	Asselstine
C3	06-29-2018	07-02-2018		Ross	Asselstine
C4	07-02-2018	07-02-2018		Ross	Asselstine
C5	06-11-2018	07-02-2018		Karl	Baeck
C6	06-30-2018	07-02-2018	Brekhus Law Partners	Elizabeth	Brekhus
C7	05-23-2018	07-02-2018		Holly	Burgess
C8	06-06-2018	07-02-2018		Holly	Burgess
C9	05-19-2018	07-02-2018		John C.	Crane
C10	05-19-2018	07-02-2018		John C.	Crane
C11	06-29-2018	07-02-2018		John C.	Crane
C12	06-29-2018	07-02-2018		John C.	Crane
C13	07-02-2018	07-02-2018		Jennifer	Dickinson
C14	07-01-2018	07-02-2018		Roger	Farrow
C15	05-19-2018	07-02-2018		Greg	Finch
C16	06-29-2018	07-02-2018		John	Fitzpatrick

TABLE RTC 1-1 (CONTINUED)
LIST OF COMMENTERS

Letter Designation	Letter Date	Date Received	Agency or Organization	Commenter's First Name	Commenter's Last Name
C17	07-02-2018	07-02-2018		Ella Foley	Gannon
C18	06-25-2018	07-02-2018		Carolyn	Handelin
C19	06-24-2018	07-02-2018		Charles	Handelin
C20	07-02-2018	07-02-2018	Marten Law	Kevin T.	Haroff
C21	06-13-2018	07-02-2018		Brian	Hennessy
C22	06-29-2018	07-06-2018		James	Holmes
C23	06-29-2018	07-02-2018		Gypsy	Horsted
C24	07-02-2018	07-02-2018		William	Lukach
C25	07-02-2018	07-02-2018		Peter	Maguire
C26	06-11-2018	07-02-2018		Frank	Malin
C27	06-14-2018	07-02-2018		Julie	McMillan
C28	6-30-2018	07-02-2018		Glenn & Laura	Miwa
C29	06-25-2018	07-02-2018		Nancy	Oswald
C30	06-27-2018	07-02-2018		Nancy	Oswald
C31	07-02-2018	07-02-2018		Garril	Page
C32	07-02-2018	07-02-2018		Martha	Richter Smith
C33	06-28-2018	07-02-2018		Doug	Ryan
C34	06-29-2018	07-02-2018	Rifkind Law Group	Christopher A.	Skelton
C35	06-30-2018	07-02-2018		William	Solomon
C36	06-29-2018	07-02-2018		Travis & Stephanie	Trotter
C37	06-29-2018	07-02-2018		Michael	Van Metre
C38	05-17-2018	07-02-2018		Linn	Walsh
C39	05-25-2018	07-02-2018		Gordon	Wright
C40	05-21-2018	07-02-2018		John	Wright
Public Hearing					
PH	05-22-2018			Olivier	
		Town of Fairfax		Bruce	Ackerman
				Ross	Asselstine
		Town of Ross		Elizabeth	Brekhus
				John	Crane
				Linda	Gridley
		Friends of Corte Madera Watershed		Sandy	Gulldman
		City of Larkspur		Dan	Hilmer
		Town of Ross		Julie	McMillan
Town of Ross		Richard	Simonitch		

CHAPTER 2

Master Responses

2.1 List of Master Responses

Several issues were addressed by multiple commenters. “Master Responses,” which consolidate information on these subjects to ensure a more comprehensive response, are presented in this chapter. The following Master Responses are discussed in this Chapter:

Master Response 1: Project Merits

Master Response 2: Socioeconomic Effects

Master Response 3: Future Design Details

Master Response 4: Program-Project Relationship

Master Response 5: Flood Modeling

Master Response 6: Changes in Flood Risk and Flood Risk Mitigation

Master Response 7: Erosion, Sedimentation, and Channel Maintenance

2.2 Master Responses

2.2.1 Master Response 1: Project Merits

The comments and corresponding responses in this section relate to merits of the project. Multiple commenters remarked on project merits. This response addresses comments on the following topics:

- The reduction in flooding is not worth the potential downstream flooding impacts
- The reduction in flooding is not worth effects to businesses
- Approving the project with increased flooding on private property is wrong
- The Flood Control District should focus should be on reducing damage due to flooding instead of reducing flooding
- The cost of the project (or that of the Ross Valley Flood Protection and Watershed Program) is too high to justify it
- Support for the project

The comments do not address the adequacy or accuracy of the EIR; rather, the comments speak to the merits of the proposed San Anselmo Flood Risk Reduction Project. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed Project.

2.2.2 Master Response 2: Socioeconomic Effects

Several comment letters included questions about the Project's costs or its benefit-to-cost ratio, financial liability and/or funding related to the Project's implementation, operations and maintenance, possible failure, changes in insurance rates or property values, costs of disruptions to water supplies, or other aspects of construction. Many of these comments were particular to the flood barriers proposed as a mitigation measure. The measures intended to serve as flood barriers are clarified in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation.

In accordance with the California Environmental Quality Act (CEQA), the Draft EIR evaluated the potentially significant environmental effects of the Project. Economic (e.g., financial liability, property values) and social or quality-of-life effects of a project are not considered environmental impacts under CEQA (State CEQA *Guidelines* Section 15131) unless there is a chain of effect from the economic or social effect to a physical change in the environment (such as impacts addressed in the Draft EIR in the air quality, traffic, and noise sections); for example, if such effects result in the need for the construction of new or physically altered facilities that would result in significant physical environmental impacts. Therefore, a project's development or implementation costs or the ratio of its economic benefits to its costs are not environmental impacts subject to CEQA analysis. Comments on economic and social effects will be transmitted to the Flood Control District and its Board of Supervisors, which are the Marin County decision-makers, for consideration in their deliberations on whether to approve the Project. The Staff Report that is being prepared for submission to the Flood Control District's Board of Supervisors will also address the non-CEQA topics such as changes in property values, liability, and flood insurance that were asked about in many comment letters.

The Flood Control District is responsible for implementation of the Project itself and for most aspects of the proposed flood barriers that were identified as mitigation measures in the Draft EIR, except as discussed in the next paragraph. Under Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, (beginning on page 4.9-56 of the Draft EIR), the Flood Control District would perform the design, installation, maintenance, and eventual removal (in those areas where such removal may eventually be appropriate) of the flood barriers. As described in Master Response 6, the Final EIR also clarifies the definition of "flood barriers" as used in Mitigation Measure 4.9-4 to include other measures that the U.S. Army Corps of Engineers and the Federal Emergency Management Agency commonly include in a category with berms and small flood walls. These measures and other aspects of the clarified text about them are discussed in Master Response 6.

Comments included many questions about details of the financial responsibilities of the Flood Control District in developing, implementing, and maintaining the flood barrier mitigation

measure. While the technical details are included in Master Response 6, the responsibilities and financial details are as follows:

- For flood walls or berms at the top-of-bank of San Anselmo Creek or Fairfax Creek on privately owned parcels and with the property owners' permission, the Flood Control District would fund, design, build, and maintain all aspects of those measures, including their possible future removal if implementation of other flood risk reduction projects renders these flood walls or berms unnecessary as determined by the Flood Control District.
- For a flood barrier that involves improvements or modifications to privately owned habitable structures covered by Mitigation Measure 4.9-4 (structure elevation, wet proofing, dry proofing, basement removal and construction of an addition to house water heaters, furnaces, and similar home appliances), the Flood Control District would fully fund the design and provide funding for implementation that is proportional to the increased flood depth associated with the Project. The funding would be provided to the property owner to implement these modifications or improvements. The property owner would be responsible for construction, implementation, and future maintenance of the structure and any associated flood mitigation measures or improvements.

As noted in the text on Draft EIR Mitigation Measure 4.9-4 (page 4.9-56), the Flood Control District cannot require homeowners to agree to mitigation on private properties. As explained on page 4.9-59 of the Draft EIR, if not all property owners accept the mitigation measures, some new flooding could occur, which would be a significant and unavoidable impact. While the parcel boundaries include all or a portion of the creek channel or banks itself, and therefore these private properties cannot be completely avoided, the Flood Control District does not intend to require implementation of flood barriers on private property through an eminent domain procedure. Because implementation of flood barriers, therefore, cannot be assumed for all properties affected by the Project, the potential for new or increased flood risk is thus considered to be a significant and unavoidable impact.

2.2.3 Master Response 3: Future Design Details

Many comments include one or more requests for a level of specificity about the Project greater than that available at the current design stage. Examples of this type of comment are requests for detailed descriptions of or maps illustrating the potential flood barriers. Other comments made suggestions for a refinement or improvement to the designs included in the Draft EIR. This response is intended to explain the current state of design, the level of detail CEQA requires, the level of detail that permitting and other regulatory processes will eventually require, and the plans for developing further and more refined designs as the Project proceeds.

CEQA requires that an EIR be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.¹ CEQA also requires that the degree of specificity required in an EIR should correspond to the degree of specificity involved in the underlying activity described in the EIR² and that the information contained in an EIR shall include relevant information

¹ State CEQA *Guidelines* Section 15151.

² State CEQA *Guidelines* Section 15146.

sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public.³

In this case, the Project consists of site-specific improvements that are at a preliminary design stage. These preliminary designs used in this EIR were the most detailed available at the time of analysis. While utilizing designs at this level of detail necessarily involves some degree of forecasting, CEQA recognizes that projects will have unforeseeable aspects and requires the agency to use its best efforts to find out and disclose all that it reasonably can⁴. The Flood Control District's best efforts at discovery and disclosure included sharing the appropriate design documents, basing the content of the EIR on the best available information, and distributing the Draft EIR to the general public, public agencies and other stakeholders as required by State CEQA *Guidelines* Sections 15082, 15083, 15085, 15087, and 15088.

The Flood Control District has prepared designs sufficient to comply with these guidelines, to inform the necessary environmental impact analyses, and to compare potential alternatives and the no project alternative with the current environmental baseline and in the context of expected long-term trends in the environment.

There are many flood protection methods with demonstrated flood protection performance, and there are thus many ways to mitigate Impact 4.9-4 to meet the performance standard. There is a category of mitigation measures referred to by FEMA⁵ and the U.S. Army Corps of Engineers⁶ as “physical non-structural measures”, but that this EIR calls “flood barriers”. Individual measures within that category include the flood walls and berms described in the Draft EIR, as well as raising individual structures, wet-proofing or dry-proofing structures, and others, detailed in the Master Response 6, Changes in Flood Risk and Flood Risk Mitigation. Thus, the details of Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, including detailed descriptions, designs, and specific locations or extents (to be tailored to the individually affected properties), may be left to later design or engineering stages.

Many commenters requested details of the designs for the proposed Mitigation Measure 4.9-4. State CEQA *Guidelines* Section 15126.4(a)(1)(B) describes requirements for mitigation measures, including that the measures must be fully enforceable, “roughly proportional” to the impact, and should not be deferred until a future time. Measures may also specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way. In this case, with one exception, the performance standard for Mitigation Measure 4.9-4 is that the project must ensure existing habitable structures would not be newly inundated by the 25-year flood event. The exception is for the measure to raise a residential structure. In accordance with local floodplain ordinances and the California Building Code, structures raised as part of reducing flood risk are required to be elevated to a 100-year level of protection. More details on this are provided in Master Response 6, Changes in

³ State CEQA *Guidelines* Section 15147.

⁴ State CEQA *Guidelines* Section 15144.

⁵ FEMA, Chapter 3, An Overview of the Retrofitting Methods, in *FEMA P-312, Homeowner's Guide to Retrofitting*, Third Edition, 2014. Available online at <https://www.fema.gov/media-library/assets/documents/480>, accessed August 17, 2018.

⁶ U.S. Army Corps of Engineers Nonstructural Flood Proofing Committee and Association of State Floodplain Managers, Nonstructural Flood Risk Management, undated.

Flood Risk and Flood Risk Mitigation. The inclusion of those measures in a certified and adopted CEQA document, adoption and incorporation of the mitigation measures into the project would make these measures enforceable.

Permitting and other regulatory processes generally require more detailed designs with more refined estimates of areas and volumes of fill or habitat conversion or gain/loss. Many of the comments from the regulatory agencies specifically request more detailed information that will be required to proceed with permitting. Regulatory agency permitting processes typically proceed with designs ranging between 30 percent and 60 percent, depending on the nature of the element and the regulation and agency involved. Accordingly, additional detail will be required for future project permitting by the regulatory agencies, as described in Draft EIR Section 1.2, Project Approvals, and in the Regulatory Setting of each section of Draft EIR Chapter 4.

2.2.4 Master Response 4: Program-Project Relationship

Several comments addressed the relationship between this EIR for the San Anselmo Flood Risk Reduction Project (i.e., the Project that is the subject of this EIR) and the EIR for the Ross Valley Flood Protection and Watershed Program (the “Ross Valley Program” or simply “Program”), primarily with regard to the timing of the two EIRs (e.g., that the Flood Control District should delay the Project until the Program, or the EIR on the Program, were completed). Other comments addressed the scope and level of detail of the Program as characterized in this EIR (e.g., suggesting that some or all of the basins currently included in the Program be excluded). Note that many of these comments do not relate to an environmental effect of the project within the scope of CEQA or the EIR. These comments have been noted for the record and have been included in the Final EIR. The Final EIR will be considered by the decision makers as part of the deliberations to approve the Project.

This is a project-level EIR for the proposed San Anselmo Flood Risk Reduction Project as described in State CEQA *Guidelines* Section 15161. As explained below, although this Project is also part of Phase 1 of the Ross Valley Program, the Project would be constructed regardless of whether and when the Ross Valley Program is implemented. Consistent with State CEQA *Guidelines* Section 15130, Chapter 5 of the EIR analyzes the cumulative effects of implementing the proposed Project along with the Program (as well as other cumulative projects). As explained in Draft EIR Chapter 3, *Project Description*, the Project would substantially reduce the existing levels of flood risk in affected communities regardless of whether the Program is implemented. This EIR is not tiered from the Program EIR, which has not yet been completed, because the Project is scheduled for earlier implementation and, in addition, a greater level of specificity about the Project is available. The San Anselmo Flood Risk Reduction Project has independent utility, as it achieves large reductions in current flood risk, extent, and depth of inundation under a wide range of flood event sizes. It does not require other projects (under the Ross Valley Program or otherwise) to be implemented in order to achieve those benefits. Because of those benefits, the Flood Control District would implement this Project on its own, even without the Ross Valley Program or the other projects within it.

State CEQA *Guidelines* Section 15165 discusses EIRs for multiple projects and phased projects, and states that “[w]here an individual project is a necessary precedent for action on a larger

project, or commits the Lead Agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect.”

The San Anselmo Flood Risk Reduction Project is neither a necessary precedent for other individual projects under the Ross Valley Program nor an action that would commit the Flood Control District to any of those actions. It is, as the text of Section 15165 describes, one of several similar projects that may be implemented as part of the Ross Valley Program (as noted above and on Draft EIR page 3-4, the Ross Valley Program would also undergo review pursuant to CEQA).

State CEQA *Guidelines* Section 15168 describes a Program EIR and the ways in which such a document “may be” used in cases where a series of actions that can be characterized as one large project and are related either (1) geographically, (2) as parts of a chain of contemplated actions, (3) in connection with rules or regulations for a continuing program, or (4) as individual activities to be carried out under the same authority and with generally similar environmental effects that could be mitigated in similar ways. CEQA *Guidelines* Section 15168 describes how a Program EIR should be done if one is used, but nothing in the section requires it, as long as the individual projects within a program receive full environmental review as specified under CEQA. Tiering from a Program EIR is an option with several potential advantages, but it is not a requirement.

Therefore, making use of the flexibility allowed by CEQA to choose the type of EIR that will be prepared (see, e.g., State CEQA *Guidelines* Section 15161-15168), the Flood Control District has prepared an individual project-level EIR for this Project. The Program is a reasonably foreseeable cumulative project because planning for the Program and preparation of an EIR for the Program are underway. As discussed in Chapter 5, *Growth and Cumulative Effects*, a reasonably foreseeable project is generally a project for which an application has been filed with the approving agency, for which environmental review is underway, or that has approved funding (CEQA *Guidelines* Section 15145). The EIR’s description of the Program is consistent with CEQA requirements⁷ and is, accordingly, treated as a cumulative project in the cumulative impacts analysis in Chapter 5 of the EIR) in compliance with the requirements of State CEQA *Guidelines* Section 15130.

As described in the EIR (e.g., Chapter 3, pages 3-4 through 3-7; Chapter 5, page 5-5), the proposed Ross Valley Program would consist of almost 200 individual projects to be implemented in at least two phases. Phase One, which is anticipated to be constructed during 2017 to 2027, would include use of flood diversion and storage (FDS) basins, bridge replacements and selected elements in the creeks to increase capacity. The San Anselmo Project, the Corte Madera Creek Flood Risk Management Project, and several bridge replacement projects (bridges at Azalea Avenue, Nokomis Avenue, Madrone Avenue, Center Blvd-Sycamore Avenue, and Winship Avenue) are all included in Phase One. Phase Two elements of the Program, to be constructed during 2028 to 2050 after implementation of Phase One, would implement additional creek improvements, bridge

⁷ While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can. However, if after thorough investigation a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate the discussion of the impact (State CEQA *Guidelines* Sections 15144 and 15145).

replacements, additional FDS basins, low impact development, flood preparation and education, and creek maintenance. Draft EIR Section 5.4 (pages 5-8 through 5-31) evaluates the cumulative impacts implementing the Project and Program as well as other cumulative projects identified in Table 5-1 in the EIR. With respect to flood risk, implementation of the Ross Valley Program as well as the Corte Madera Creek Flood Risk Management Project, bridge replacement projects, and other projects in the watershed would have a beneficial effect on cumulative flooding and flood risk within the Ross Valley Watershed (see pages 5-20 and 5-23 of the Draft EIR).

The Project EIR accurately describes the Ross Valley Program as it is conceived at the present time. Several comments suggested that certain FDS basins (e.g., Lefty Gomez, Deer Park) or all of the basins should be excluded from the Program. While these comments do not relate to the environmental effects of the Project, because these FDS basins are not within the scope of the project description analyzed in this EIR, these comments have been noted for the record and have been included in the Final EIR, which will be considered by the decision makers. Some of the details requested by commenters (e.g., grading plans for basin construction and an evaluation of related impacts), are not currently available. Refer to Master Response 3, Future Design Details, for further discussion of the level of design needed to complete impact analyses under CEQA.

One commenter suggests that the Flood Control District address the impacts of implementing the FDS basin proposed as part of the Project with the basins proposed under the Program (the commenter is particularly concerned about increased flooding on his property). Section 5.4 of the EIR presents an analysis of the cumulative impacts of implementation to the degree that such impacts can be described at this time.

Another comment suggests that the EIR inappropriately relies on implementation of the Program and the U.S. Army Corps project (i.e., the Corte Madera Creek Flood Risk Management Project), which the comment says, are not fully defined, in order to mitigate the impacts of the Project. Implementation of the proposed Project and mitigation of the impacts of the Project do not depend on whether the Program and/or the Corte Madera Creek Flood Risk Management Project are implemented. Therefore, the status of the Program or of the Corte Madera Flood Risk Management project do not affect analysis and mitigation of the project-specific impacts identified in this Final EIR. If the Program and/or the Corte Madera Creek Flood Risk Management Project are implemented, however, the cumulative impacts would trend toward reduced flood risk because the combined Program and projects would have greater benefits and more flood risk reduction than any single project.

The analysis of impacts in the Draft EIR does not rely on implementation of other projects to mitigate impacts for the proposed Project. Instead, the project-specific analysis of flood risk (starting on Draft EIR page 4.9-51) identifies project impacts and includes Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, to address these impacts. Under that mitigation measure, the Flood Control District would develop, fund, and implement certain measures on properties where existing habitable structures would experience new inundation in a 25-year event. These measures (described as “flood barriers” in the clarified Mitigation Measure 4.9-4 described in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation) include actions such as berms, flood walls, elevation of structures, wet flood proofing

of structures, and dry flood proofing of structures. The Draft EIR concludes that this impact is significant and unavoidable, because the mitigation would require the consent of the owners of private property and is, therefore, outside the control of the Flood Control District.

One comment states that the Project EIR should have tiered from the Ross Valley Program EIR, stating that “the more limited focus on Project-level environmental impacts ... undermines this acknowledgement of the need to address Ross Valley flood risks initially at a program level.” Tiering under CEQA “refers to the analysis of general matters contained in a broader EIR with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.”⁸ CEQA encourages agencies to tier environmental analyses as a means to eliminate repetitive discussions of the same issues and focus the later EIR on the actual issues ripe for decision. But, as discussed in earlier paragraphs of this master response, nothing in CEQA requires preparation of a Program EIR or the subsequent tiering of individual projects from it. Moreover, a project EIR has greater detail and specificity than a program EIR, consistent with the level of detail of the proposed project.

2.2.5 Master Response 5: Flood Modeling

Multiple comments expressed concerns about the flooding model construction, calibration, and reliability, or generally expressed concerns about using a model to assess potential impacts. After an introduction to hydraulic models and associated terminology, this master response discusses the following topics for the Project flood modeling:

- Model construction
- Model calibration and accuracy
- Other modeling concerns (such as sensitivity to channel roughness, the effects of sediment transport on model results, and the areas of the model discussed in the Draft EIR)

2.2.5.1 Introduction to Hydraulic Models

Hydraulic models are computer simulations that represent water flow in the environment using hydraulic theory-based mathematical equations. By mathematically representing a simplified version of a hydraulic system, the effectiveness of flooding counter-measures can be tested and compared. Using hydraulic models to assess potential flooding impacts is a common and standard engineering practice. The applicability or usefulness of any model depends on how closely the mathematical equations approximate the physical system being modeled. Setting up a model involves delineating the model domain (for example, the area within which the model simulates hydraulic conditions), defining the geometry and topography of the system, assigning model parameters that influence how water moves through the domain, and testing, or calibrating and verifying the model output against known information such as measured water surface elevations or high water marks tagged during a historical flood event. During model calibration, model parameters embedded in the mathematical equations are adjusted and the model is rerun

⁸ CEQA Guidelines, Section 15152

iteratively until the model output satisfactorily matches the known information. Following calibration, the calibrated model is then used to predict the system behavior for a different set of hydraulic conditions without further changing of the model parameters. If the calibrated model satisfactorily matches the known information, then the model is considered verified.

As noted on Draft EIR page 4.9-39, hydraulic models predict the depth and speed of water that will flow over a given location in a channel or floodplain in response to a given creek flow rate, such as the 100-year flood flow. Hydraulic models can be one-dimensional (1D), two-dimensional (2D), or 1D and 2D combined. In a 1D hydraulic model, the calculations are made at a series of surveyed cross sections across the channel and floodplain.⁹ Cross sections are typically spaced every few hundred feet. In a 2D model, the calculations are made at grid cells throughout the channel and floodplain. A 1D model is very good at estimating the flow at which a channel will overtop and cause flooding, but less so at predicting where water will go once it escapes into the floodplain. For that reason, a 2D model is used for the floodplain area to better predict where flow will go once it escapes from the channel. In a combined 1D channel and 2D floodplain model, the calculations are designed to take advantage of the respective strengths of the 1D and 2D models. Areas included in the models are called Flow Areas. The combined 1D channel and 2D floodplain model simulates the flow exchanges (e.g., overtopping flows, return flows) between the channel Flow Areas and the floodplain Flow Areas along the tops of channel banks.

With regard to flow variability with time, hydraulic models can be either steady-flow or unsteady-flow (or dynamic) models. Steady-flow models run at a constant flow (e.g. the peak of the 100-year flow) and solve the mathematical equations over space only, without considering flow variations over time. Unsteady-flow models run the entire hydrograph with its rising, peak, and falling stages and solve the mathematical equations with consideration of flow variations over both space and time. Steady-flow models are generally more conservative than unsteady-flow models in that they predict larger areas of flooding because they assume that all parts of the creek and floodplain are receiving the peak flow simultaneously and continuously over an infinite amount of time, and flood attenuation is not considered.

2.2.5.2 Corte Madera Creek 1D/2D Unsteady-Flow Model Construction

For purposes of the EIR analysis, hydraulic modeling was performed to assess the Project's effects with regard to flooding. U.S. Army Corps of Engineers (USACE) software, HEC-RAS¹⁰ version 5.0, was used for modeling because it has combined 1D/2D and unsteady flow hydraulic capabilities. A combined 1D/2D unsteady-flow model application of HEC-RAS version 5.0 for the Corte Madera Creek watershed was jointly developed in 2017 by Stetson Engineers and USACE.¹¹ The model starts at the San Francisco Bay and extends about 10 miles upstream along the mainstream and tributaries into the upper watershed upstream of Fairfax. The model geometry incorporates sedimentation depths measured in May 2015 at the lower portion of the Corte Madera

⁹ The portion of the cross section in the floodplain is typically based on LiDAR topography.

¹⁰ The full name of the HEC-RAS model is "Hydrologic Engineering Center – River Analysis System".

¹¹ USACE developed the lower portion of the model which starts immediately downstream of the Ross Creek confluence with Corte Madera Creek and extends downstream to the bay encompassing the USACE Corte Madera Creek Project. Stetson Engineers developed the upper portion of the model and merged the two model portions to arrive at a single, comprehensive Ross Valley hydraulic model covering the entire Corte Madera Creek/San Anselmo Creek mainstem and major tributaries. Stetson Engineers then calibrated and verified the merged model.

Creek concrete channel.¹² The model was calibrated to the 12/15/2016 bankfull event and the 12/31/2005 flood event (an approximate 100-year flood), and verified to the 1/4/1982 flood event (an approximate 150-year flood). The model was peer-reviewed by USACE modeling experts.

The remainder of this section provides an overview of the model construction.

1D/2D Modeled Areas Configuration. In general, the 2D Flow Areas cover most of the floodplain and the 1D Flow Areas cover the channel of the entire Corte Madera Creek/San Anselmo Creek mainstem and major tributaries. The lateral extents of the 2D Flow Areas encompass the approximate 500-year flood inundation area as indicated in the Federal Emergency Management Agency’s (FEMA’s) 2014 Flood Insurance Rate Maps (FIRMs), Stetson Engineer’s MIKE FLOOD floodplain maps contained in the 2011 Ross Valley Capital Improvement Plan (CIP) study, and as inferred by the locations of the High Water Marks (HWMs) for the 1982 and 2005 floods. Non-flood-prone areas adjacent to the channel and some areas of the floodplain where minor or localized flooding occurs, but where the detail provided by 2D simulation is not needed, were also identified as 1D Flow Areas in order to minimize model computational time and avoid unnecessary model development effort. To allow flow exchange between 1D channel and 2D Flow Areas, lateral links were placed along the tops of the channel banks.

1D Cross-Sections. The 1D cross-sections were derived from the existing Ross Valley HEC-RAS 1D steady-flow hydraulic model that was developed by Stetson Engineers in 2011 for the Ross Valley CIP Study. The 1D channel cross-section geometry data were collected from field surveys performed in 2004 – 2009 for natural channels and the Corps’ as-built designs for the concrete channel.

Terrain.¹³ The terrain used in the hydraulic model was derived from two sources. The channel cross-section area was derived from the existing Ross Valley HEC-RAS 1D steady-flow hydraulic model. The overbank area terrain was derived from the 2010 LiDAR survey point data provided by Marin County. A GIS Triangulated Irregular Network surface was created from the two data sources, which was then converted to a Digital Elevation Model to be used by RASMapper in HEC-RAS to create a terrain surface for the hydraulic model.

2D Grid Cell Size. The primary grid cell size for the 2D Flow Areas is 10 feet by 10 feet in the upper portion of the model (upstream of the Ross Creek confluence) and 20 feet by 20 feet in the lower portion of the model (downstream of the Ross Creek confluence). Additional effort was

¹² Sediment had deposited in the lower portion of the concrete channel. The channel geometry of the model incorporated the 2015 sediment depth measured along the lower portion of the concrete channel as the bottom of the channel, rather than using the as-built designs of the clean concrete channel. Using the 2015 measured sediment depth has no relation to the calibration to the specific events. Actually the sediment depth that occurred during the specific event was likely mobilized but not measured. Due to modifications in recent years of a few hydraulic structures along Corte Madera Creek, including replacement of Lagunitas Bridge in 2010, modification of the Ross Fish Ladder in 2006, and the replacement of the Creekside Marsh culvert near Bon Air road in 2016, two geometry files were developed for model calibration; “2005 geometry” and “2017 geometry.” Both geometries share exactly the same calibrated/verified hydraulic parameters, and differ only with regard to the geometries of these three structures. For the design and analyses of alternatives, only the “2017 geometry” file was used.

¹³ Terrain or topographical relief refers to the vertical and horizontal dimensions of land surface and is usually expressed in terms of the elevation, slope, and orientation of terrain features. Terrain affects surface water flow and distribution.

made to enhance the topography representation at key locations (e.g., top of bank areas, berms, roads) using break lines (see additional description of break lines below) and fine mesh size of 2 feet by 2 feet. The topographic resolution is sufficient to capture topography of streets and most flow barriers such as berms or other high ground features. The effects of building structures were represented in the model by using a very high Manning's n roughness¹⁴ for grid cells where structures are located (see additional description of Manning's n below) to allow floodwater to enter buildings but at very slow speed. Fences were excluded from the model since fences are not expected to have an important effect on blocking or redirecting flows during the flood events modeled. This is because the fences are often not impermeable or are not typically designed to withstand floodwaters and, as such, can be easily pushed over during floods.

Break Lines.¹⁵ Break lines are included in the 2D computational mesh in order to align the cell edges with high ground. Aligning the cell edges with high ground ensures that barriers to flow, such as berms or roads, are correctly represented in the computational mesh. Without break lines, flow may cross a high ground barrier prematurely.

Manning's n Values. Manning's n values are used to account for the resistance to flow exerted by the ground surface or other surface (e.g., vegetation) that the flowing water is exposed to. A greater n value indicates greater surface roughness and resistance to flow. The n values for the 1D channel were initially based on the existing Ross Valley HEC-RAS 1D steady-state hydraulic model. The n values for the 2D Flow Areas were initially based on land cover data (i.e., parcels, buildings, streets, parking lots, etc.) and the HEC-RAS version 5 User's Manual (USACE, 2016). These initial Manning's n values were then modified as needed to reflect observed hydraulic conditions during calibration of the combined 1D/2D model.

Bridges/Culverts/Building Structures and Modeling Method. The model represents all structures (except the most downstream Highway 101 Bridge, which does not obstruct flows during up to the 500-year flood event due to its elevation above the channel) crossing the modeled creek channels including 34 bridges, 7 building bridges, and 4 culverts. Most of the bridges are modeled using the "Energy-Based" method, and some are modeled using the "Pressure and/or Weir Flow" method¹⁶.

¹⁴ Another way to represent building structures in a 2D model is to set high ground surface elevations for building footprints. This representation would cause buildings to act like flow barriers -- no floodwater would enter buildings. This representation was not used because it would not account for the volume of floodwater that enters buildings and would create dry areas in building footprints which is not realistic.

¹⁵ Break lines are used to define features such as berms, roads, channel top of bank areas, and other high ground features. Break lines force surface triangulation along the break line preventing triangulation across the break line when developing the topographic Digital Elevation Model.

¹⁶ The HEC-RAS program has the ability to compute high flows (flows that come into contact with the maximum low chord of the bridge deck) by either the Energy equation or by using separate hydraulic equations for pressure and/or weir flow. The energy-based method is applied to high flows in the same manner as it is applied to low flows. Computations of the energy-based method are based on balancing the energy equation through the bridge. Energy losses are based on friction and contraction/expansion losses. The energy-based method is commonly used for the conditions when the bridge deck is a small obstruction to the flow and the bridge opening is not acting like a pressurized orifice, or the bridge is highly submerged. The pressure and/or weir flow method is commonly used for the conditions when the bridge deck is a large obstruction to the flow and a backwater is created due to the constriction of the flow, or the bridge is overtopped but is not highly submerged by the downstream tailwater.

Boundary Conditions. The upstream boundaries are located at the upstream ends of the main channel and tributaries of the model. The upstream boundary conditions are the inflow hydrographs during the selected flood event. There are a total of 27 inflow locations in the model, including point source inflows at the upper boundaries and point source lateral inflows and uniform lateral inflows along the reaches. The downstream boundary was set as the observed time-varying San Francisco Bay tide for the model calibration/verification events, and constant mean higher high water (MHHW) for the design and analyses of alternatives.

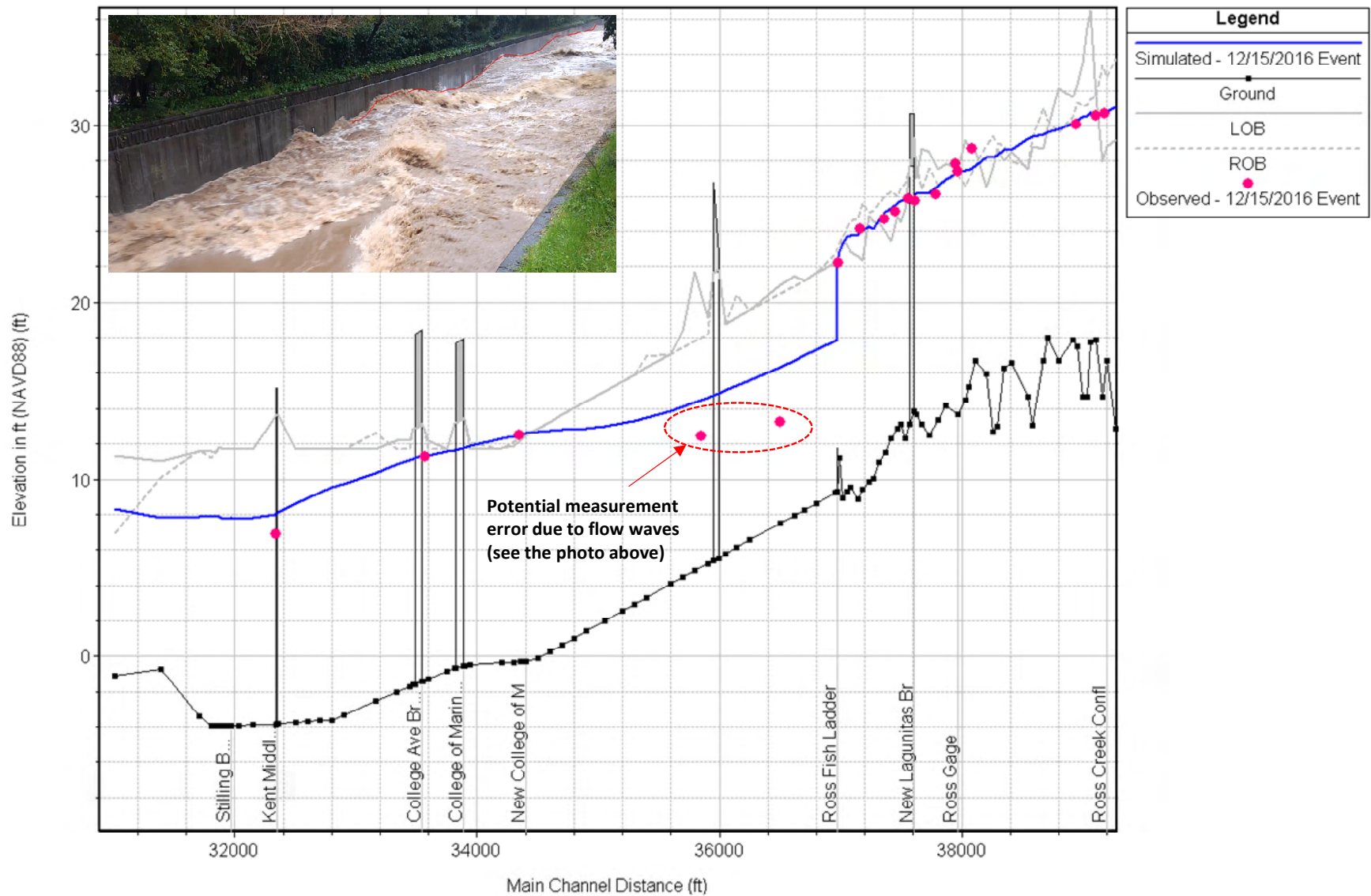
2.2.5.3 Model Calibration and Accuracy

As described on Draft EIR page 4.9-39, the model was calibrated to one historical top of bank event¹⁷ (on December 15, 2016) and one historical approximately 100-year flood (on December 31, 2005) on Corte Madera Creek. The model was validated based on the January 4, 1982 flood event (an approximate 150-year flood event).

The model was first calibrated to the 12/15/2016 bankfull event by running and rerunning the model and adjusting the model's in-channel parameters with each iteration until the model-simulated peak water surface elevations satisfactorily matched the observed channel HWMs (refer to **Figures RTC 2-1 through 2-4** for the model calibration results). The model was then calibrated to the 12/31/2005 flood event by further adjusting the floodplain parameters until the model-simulated peak water surface elevations in the floodplain satisfactorily matched the observed floodplain HWMs. The model was finally verified to the 1/4/1982 flood event. For all the three events, simulation differences were well within the FEMA-required 0.5-foot range for most of the HWMs, particularly at locations where HWMs were considered most reliable.

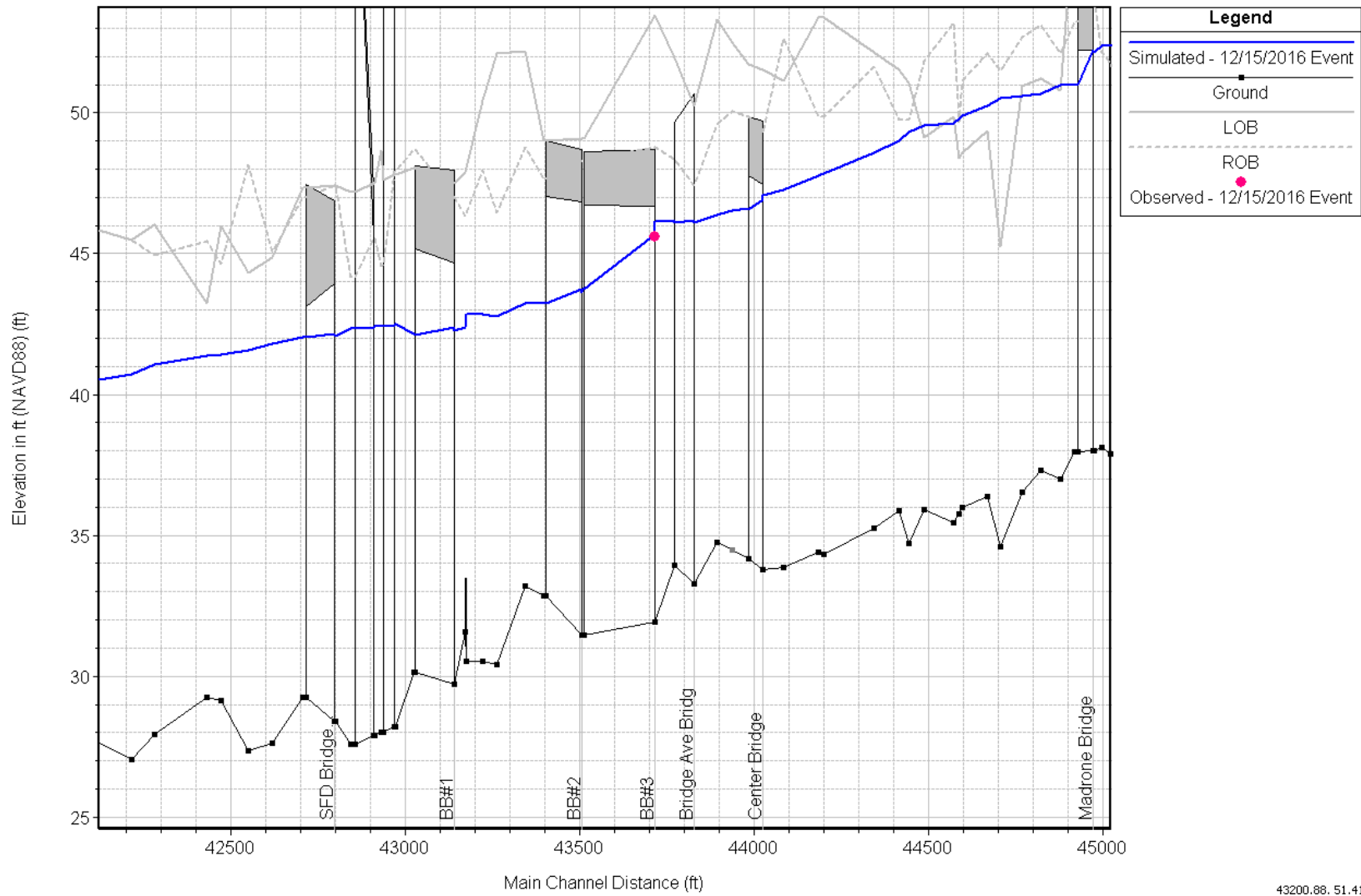
All hydraulic models solve universally-accepted mathematical equations to simulate surface water movement across approximated topographic terrain. The solutions are approximations because a model cannot precisely quantify the spatially variable properties that exist in the real world. A reliable hydraulic model is one that can produce field-measured water levels and flow within an acceptable range of error. Error exists because information on the real world system is always incomplete, and the field information that is available has associated errors (for example, measurement error). For all the three model calibration/verification events, the differences between the model-simulated peak water surface elevations and the observed HWMs were well within the FEMA-required 0.5-foot range for most of the HWMs, particularly at locations where HWMs were considered most reliable.

¹⁷ Top of bank event means the maximum volumetric flow rate of water that a stream channel can carry without overflowing, also called "bankfull" event.



SOURCE: Stetson Engineers

San Anselmo Flood Risk Reduction Project

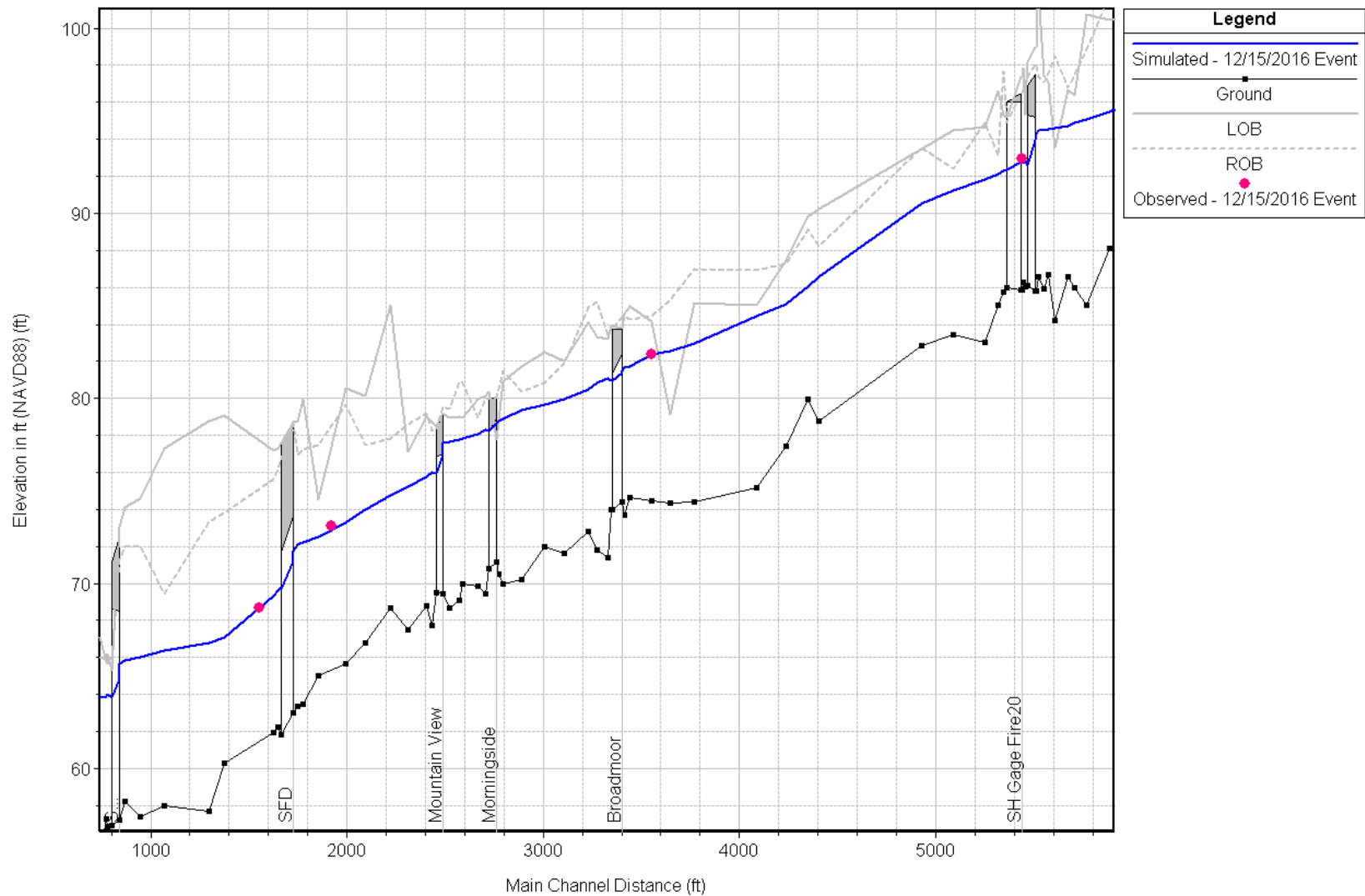


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SOURCE: Stetson Engineers

San Anselmo Flood Risk Reduction Project

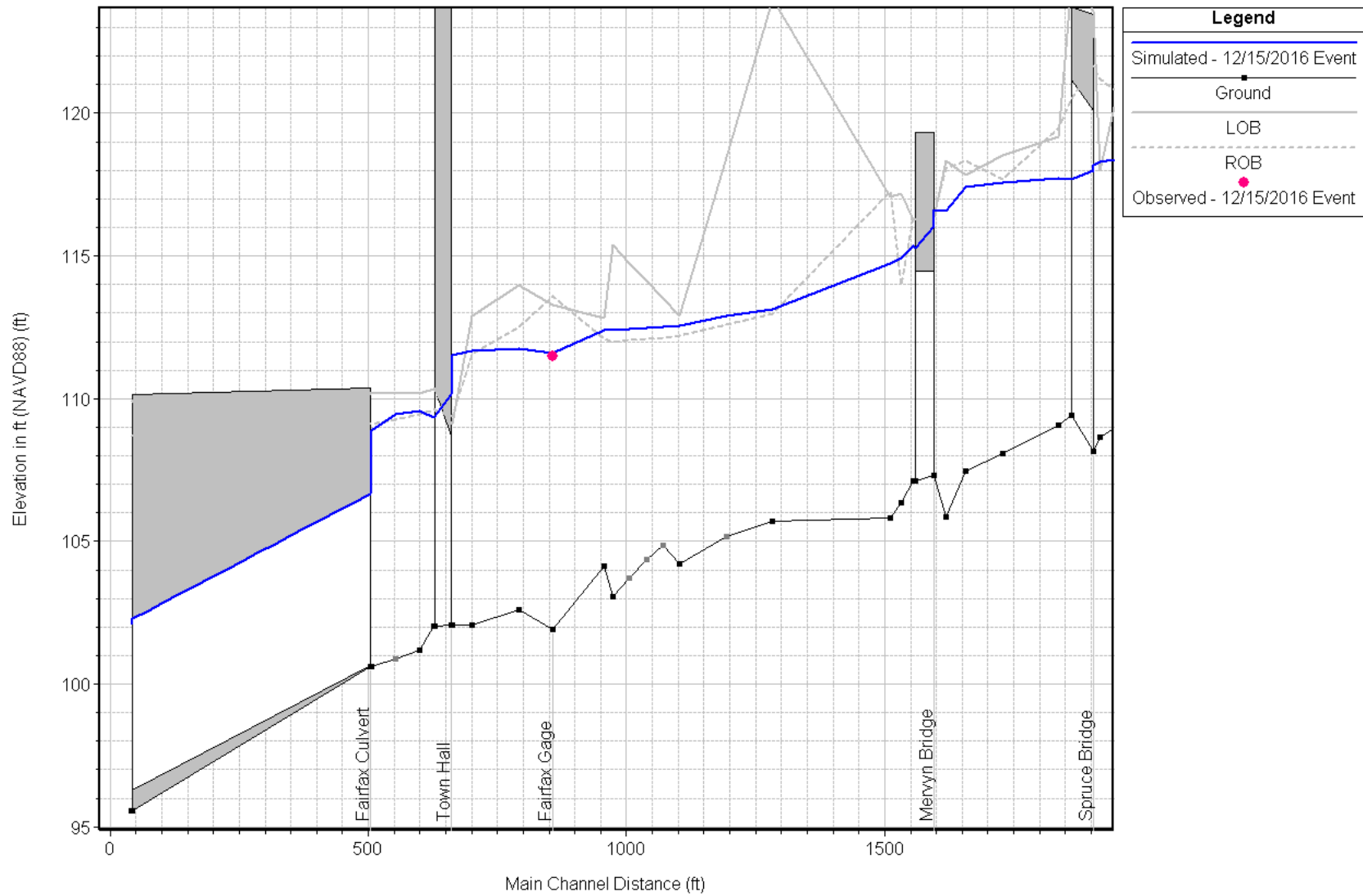
Figure RTC 2-2
 Comparison of HEC-RAS Simulated Peak Water Surface Elevation (WSE) versus Observed High Water Marks (HWMs) for 12/15/2016 Flow Event – San Anselmo Creek



SOURCE: Stetson Engineers

San Anselmo Flood Risk Reduction Project

Figure RTC 2-3
 Comparison of HEC-RAS Simulated Peak Water Surface Elevation (WSE) versus Observed High Water Marks (HWMs) for 12/15/2016 Flow Event – Sleepy Hollow Creek



SOURCE: Stetson Engineers

San Anselmo Flood Risk Reduction Project

Figure RTC 2-4
 Comparison of HEC-RAS Simulated Peak Water Surface Elevation (WSE) versus Observed High Water Marks (HWMs) for 12/15/2016 Flow Event – Fairfax Creek

2.2.5.4 Discussions of Several Other Modeling-Related Questions

Sensitivity to Channel Roughness

The hydraulic model is sensitive to channel roughness (i.e., Manning's n). The final channel Manning's n used in the model was determined through the in-channel model calibration to the observed hydrographs and high water marks from the 12/15/2016 bankfull event. During the model calibration, Manning's n was adjusted within literature-recommended ranges for the specific channel conditions (e.g., vegetation, channel irregularity, channel alignment, smoothness of channel bed), until the model simulated WSEs were equal or within the acceptable range (0.5 foot in general) to the observed WSEs. The model calibration ensured the model to be able to accurately simulate the project scenarios.

Effect of Sediment Transport in Flood Modeling

Sediment transport in flood water may affect the resistance to flow (i.e., Manning's n roughness) and, in turn, the water surface. More sediment and/or larger sediment particles may mean more resistance to flow and higher water surface. Since Manning's n was calibrated/verified to the actual HWMs observed during different flow events, the effect of sediment transport was already reflected in the flood modeling by means of the calibrated/verified Manning's n .

Modeling Results Downstream of the Sir Francis Drake Bridge (D/S Crossing)

While the flood model includes the entire Ross Valley watershed, the Draft EIR discussion of flood model results is limited to areas where Project impacts could occur. As noted in the Draft EIR page 4.9-59, the San Anselmo Creek channel capacity gets much larger immediately downstream of the Sir Francis Drake Bridge (D/S crossing), large enough that the Project does not affect water surface elevation downstream of the Sir Francis Drake Bridge during the flood events modeled. Regarding the request that areas downstream of Lagunitas Bridge be discussed in the Draft EIR, these areas were not included in the project-level impact analysis because the Project would not affect water surface elevations there. Draft EIR Chapter 5 evaluates cumulative impacts of the Project along with other reasonably foreseeable projects, including flooding impacts.

2.2.6 Master Response 6: Changes in Flood Risk and Flood Risk Mitigation

Multiple commenters requested more specific information about changes in flood risk and design of mitigation measures upstream of the Nursery Basin site and downstream of the building at 634-636 San Anselmo Avenue. This master response addresses the following topics in the subsections below.

- Concern about changes in flood risk resulting from the project
- The number and locations of properties affected by this increased flood risk
- Selection of flood risk significance threshold

- Flood risk mitigation
- Design details of the mitigation measure
- Environmental impacts of mitigation measures
- Significant and Unavoidable Impacts and Statement of Overriding Considerations

Changes in Flood Risk

Impacts resulting from changes in flood risk associated with the project are evaluated in Draft EIR Section 4.9, Hydrology and Water Quality, and Chapter 5, *Growth-Inducing and Cumulative Effects*. The Draft EIR analysis relies upon modeled water surface elevations and extent of flooding, and conservatively assumes that any locations where small amounts of new inundation or increases in water surface elevation could occur outside the creek channel could experience increased flood risk. As discussed in Draft EIR Section 4.9.3.2, the impact was considered significant if the project would exacerbate existing or future flood hazards or increase the frequency or severity of flooding in such a way as to substantially increase the threat to life and/or property.

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision that intelligently that takes account of environmental consequences.¹⁸ The flood modeling analysis conducted for the Draft EIR analyzed a range of events of differing magnitude (10-, 25- and 100-year events), selected to fully capture the potential effects of the project, and identifies areas where flood risk would decrease or increase. The Draft EIR discusses these effects in Impact 4.9-4 and in Chapter 5 (identifying the project-specific and cumulative impacts, respectively). Draft EIR Table 4.9-3 summarizes the changes in flood risk for the range of flood events, and Draft EIR Figures 3-13a through 3-15c illustrate these changes.

Some commenters asked why the flood modeling to evaluate this risk was done for the 25-year event but not for the 100-year event. The perception or interpretation behind these questions is not correct. As explained above, the modeling was performed for the 10-year, 25-year, and 100-year events, but the most meaningful results were those for the 25-year event, which was why more of the discussion in the document addressed that event. As explained in Draft EIR Section 3.4.2.3 and Section 4.9.3, the San Anselmo Flood Risk Reduction Project would have the greatest benefit by reducing the impacts associated with smaller, more frequent events, such as the 10-year flood event. Modeling for a 25-year event shows reductions in flood risk on 635 parcels, and increases in flood risk on 19 parcels.¹⁹ Accordingly, the 25-year flood event was determined to be a reasonable and conservative measure of the potentially significant adverse environmental effects of the project related to increased flood risk. By contrast, larger events, such as the 100-year flood event, would not be fully contained by the project improvements, and improvements in flood risk would be reduced compared with the 10-year and 25-year events. As explained on Draft EIR page 4.9-55, during the 100-year event, floodplain inundation in Fairfax, San Anselmo, and Ross would not occur in any areas not already inundated during the 100-year

¹⁸ State CEQA *Guidelines* 15151.

¹⁹ As discussed in greater detail in the following section, 18 of these parcels are mapped within the FEMA 100-year floodplain (i.e., the parcels are flooded during the 100-year flood event under existing conditions).

flood event (generally considered to be the “known floodplain” pursuant to National Flood Insurance Program). For this reason, it is a more conservative choice to use a smaller flood event (such as the 25-year event) to evaluate changes in flood risk; however, the results of all three event sizes are included in Draft EIR Section 4.9, Hydrology and Water Quality (text on Impact 4.9-4) and Appendix D.

The modeling indicates that two different types of impacts related to flood risk are possible. The first type is flooding upstream of the Nursery Basin site. This could occur because the diversion structure that would be placed in Fairfax Creek would cause water to pool in the creek channel and deposit sediment there. As described on Draft EIR page 4.9-52, if sediment deposited upstream of the diversion structure is not removed before the next large event (the worst-case scenario in terms of changing inundation patterns upstream of the diversion structure), the project could increase peak channel water surface elevations. Upstream of Flood Control District property, peak channel water surface elevations could increase by up to 3.8 feet during the 25-year flood event. Table RTC 3-1 in Response C21-8 provides additional detail regarding the changes in modeled water surface elevations in this area. The existing 100-year flood water surface elevation in the Fairfax Creek channel upstream of Flood Control District property ranges from 233.5 to 238.5 feet NAVD88. The peak water surface elevation upstream of Flood Control District property during the 100-year flood event with the diversion structure and sediment deposition would be up to 3.6 feet higher than the existing 100-year flood event water surface elevation. At these elevations, new inundation outside of the creek channel could occur on a portion of one parcel in an area of low channel banks upstream of the Sunnyside Bridge, as shown on **Figure RTC 2-5** (also added to Appendix D, item D-5).²⁰ Increased water surface elevations would also reduce the gravity draining capacity of the storm drain during flood events and could cause a backwater effect in the storm drain and localized ponding of floodwater around the storm drain inlet located at the end of Deer Creek Court cul-de-sac. As discussed on Draft EIR page 3-42, the project design would include a valve or weir in the storm drain that would route stormwater around basin to eliminate the potential for ponding.

As described in Draft EIR Impact 4.9-4, while annual sediment removal proposed as part of the Project would reduce the volume of sediment accumulated behind the diversion structure, a single event could produce enough sediment to cause new inundation during that same event; therefore, the Project’s impact on upstream flooding would remain significant. In addition to the planned sediment removal (discussed in text beginning on page 4.9-42 of the Draft EIR and as further explained in Master Response 7, Erosion, Sedimentation, and Channel Maintenance), Draft EIR Mitigation Measure 4.9-3a, Prioritize Nursery Basin Reach for Stream Maintenance, is proposed to reduce this risk by prioritizing sediment removal from this section of Fairfax Creek for regular removal under the Flood Control District’s Stream Maintenance Program. Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Properties, is proposed to address this potential upstream (i.e., backwater) flooding by implementing flood barriers.

²⁰ As discussed in greater detail in Master Response 7, the Draft EIR impact analysis conservatively relied upon a high sediment production rate from a nearby watershed (Devil’s Gulch watershed) for which sediment production rates during a large storm event are known. Sediment production estimates based on measurements from other nearby watersheds, combined with known stream power information for Fairfax Creek, result in a much lower production rate than the estimate used for the impact analysis (about 30 cubic yards as compared to 2,900 cubic yards for Devil’s Gulch during the 25-year flood event).

The second type of new or increased flooding anticipated would occur in areas downstream of where the building at 634-636 San Anselmo Avenue would be removed. As discussed starting on Draft EIR page 4.9-52, Project operation would reduce flood risk in Fairfax, San Anselmo, and Ross on between 480 and 635 parcels (depending on the magnitude of the flood event), and would increase downstream flood risk on up to 17 parcels between Barber Avenue and the Sir Francis Drake Bridge during the 25-year flood event. As discussed in Draft EIR Impact 4.9-4, the FDS basin would retain stormwater that currently floods Fairfax and San Anselmo, reducing the volume of water that floods downstream into lower neighborhoods. Removal of 634-636 San Anselmo Avenue would allow water to remain in the channel; this would raise the water surface elevation of water pooling upstream of Winship Avenue, where the Winship Bridge currently constricts wet weather flows.

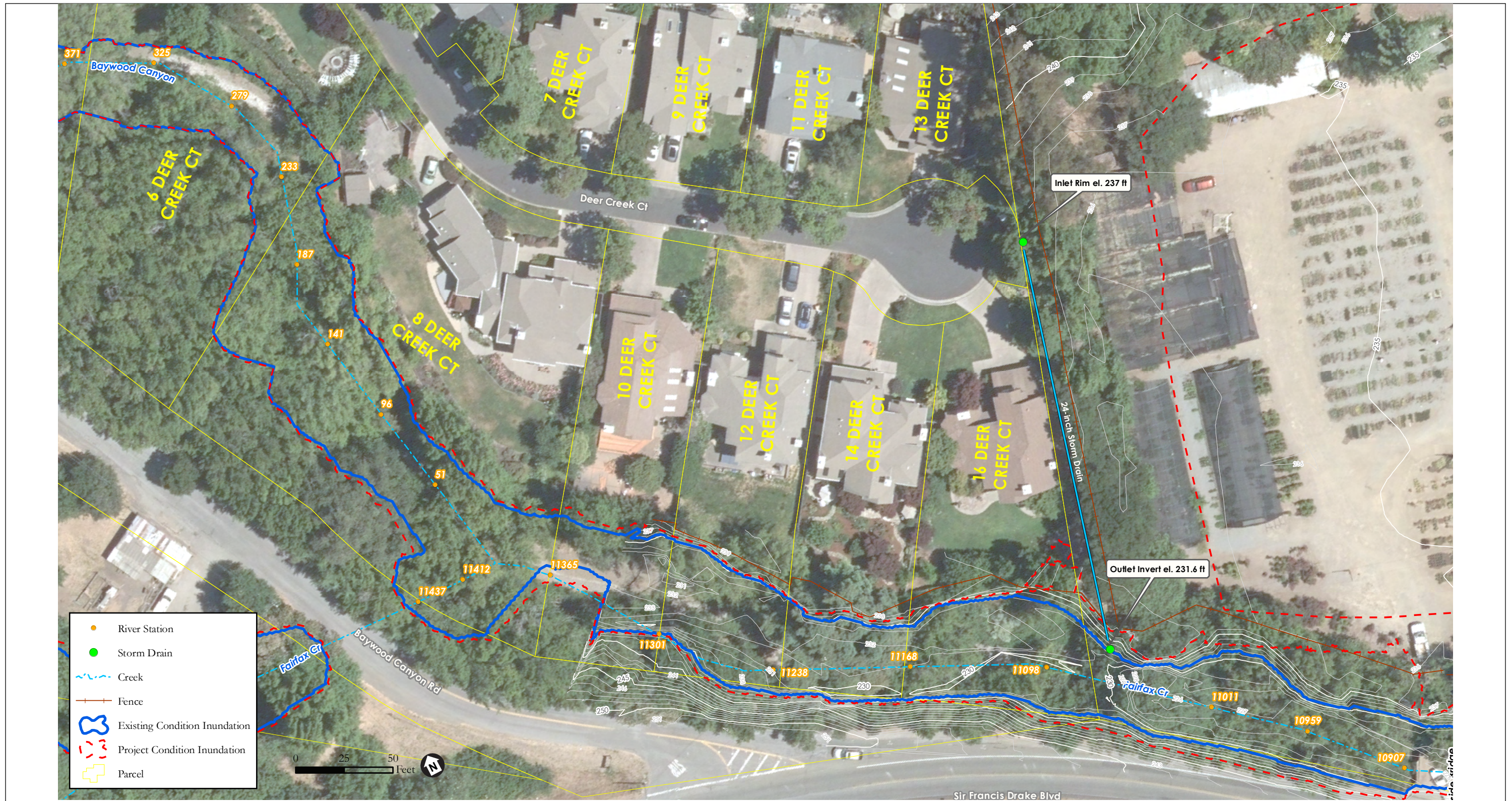
Identification of Properties with Increased Flood Risk

Several comment letters requested that the EIR identify the specific properties affected, by street address. **Tables RTC 2-1 and RTC 2-2** identify properties that the hydraulic modeling of the 25-year flood event and the 100-year event indicated would potentially be impacted by project implementation. In Table RTC 2-1, “Increased Depth” means that the model results indicate that a portion of the property would flood during a 25-year flood event under existing conditions, but that it would experience a greater depth of inundation after the project is implemented. “New Inundation” means that modeling shows the property would not be affected by flooding during a 25-year flood event under existing conditions but that it would be affected if the Project were implemented. In Table RTC 2-2, “Increased Inundation” means that the parcel would experience flooding during the 100-year event under existing conditions but that the depth or extent of expected inundation would increase after project implementation. The right-most column of each table indicates whether that parcel is currently in a FEMA Special Flood Hazard Area (SFHA) and whether or not the primary structure on that parcel is in the FEMA SFHA. This designation is based on FEMA mapping and is not a result modeling performed for this project or related to project effects.

Flood Risk Significance Threshold

Several comments questioned the “habitable structure standard” for what is considered a substantial effect on life or property. The National Flood Insurance Program (NFIP) regulations generally require elevation or protection of the lowest floor of a building from the 100-year flood event. The “lowest floor” means the lowest floor of the lowest enclosed area, including a basement. However, “[a]n unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of section 60.3.”²¹ This threshold is also consistent with State CEQA *Guidelines* Section 15064.7(a).

²¹ 44 Code of Federal Regulations (CFR) 59.1.



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**TABLE RTC 2-1
PROPERTIES POTENTIALLY IMPACTED BY FLOODING IN THE 25-YEAR EVENT**

Zoning	Address	APN	Town	Type of Impact	Parcel / Primary Structure in FEMA SFHZ?
Single-Family Residential	100 Sir Francis Drake Blvd.	072-151-08	Ross	Increased Depth / New Inundation	Yes / No
Single-Family Residential	98 Sir Francis Drake Blvd.	072-151-07	Ross	New Inundation	Yes / Yes
Single-Family Residential	96 Sir Francis Drake Blvd.	072-151-03	Ross	New Inundation	Yes / Yes
Single-Family Residential	94 Sir Francis Drake Blvd.	072-151-04	Ross	New Inundation	Yes / Yes
Single-Family Residential	92 Sir Francis Drake Blvd.	072-151-05	Ross	New Inundation	Yes / Yes
Single-Family Residential	90 Sir Francis Drake Blvd.	072-151-06	Ross	New Inundation	Yes / Yes
Single-Family Residential	86 Sir Francis Drake Blvd.	072-161-01	Ross	New Inundation	Yes / Yes
Single-Family Residential	84 Sir Francis Drake Blvd.	072-161-13	Ross	Increased Depth	Yes / Yes
Single-Family Residential	82 Sir Francis Drake Blvd.	072-161-12	Ross	Increased Depth	Yes / Yes
Single-Family Residential	78 Sir Francis Drake Blvd.	072-161-11	Ross	Increased Depth	Yes / Yes
Single-Family Residential	74 Sir Francis Drake Blvd.	072-161-10	Ross	Increased Depth / New Inundation	Yes / Yes
Single-Family Residential	40 Sir Francis Drake Blvd.	006-191-20	San Anselmo	Increased Depth	Yes / Yes
Single-Family Residential	36 Sir Francis Drake Blvd.	006-191-19	San Anselmo	Increased Depth	Yes / Yes
Single-Family Residential	34 Sir Francis Drake Blvd.	006-191-18	San Anselmo	Increased Depth / New Inundation	Yes / No
Multiple-Family Residential	32 Sir Francis Drake Blvd.	006-191-17	San Anselmo	Increased Depth	Yes / Yes
Single-Family Residential (unimproved)	30 Sir Francis Drake Blvd.	006-191-39	San Anselmo	Increased Depth	Yes / No
Single-Family Residential	28 Sir Francis Drake Blvd.	006-191-16	San Anselmo	Increased Depth / New Inundation	Yes / Yes
Single-Family Residential	16 Deer Creek Court ^a	174-180-09	Fairfax	New Inundation	No / No

NOTES: ^a This address is upstream of the Nursery Basin site; would be affected by backwater flooding of the first type discussed in this response.

SOURCE: Stetson Engineers, San Anselmo Flood Risk Reduction Project CEQA Support Conceptual Designs and Supplemental Modeling of Option 2A for Different Layouts of Sunnyside Detention Basin, January 31, 2018; Stetson Engineers, Water Depth Change point GIS data for D30, D31, D33, December 12, 2017.

TABLE RTC 2-2
PROPERTIES POTENTIALLY IMPACTED BY FLOODING IN THE 100-YEAR EVENT

Zoning	Address	APN	Town	Type of Impact	Parcel / Primary Structure in FEMA SFHZ?
Single-Family Residential	100 Sir Francis Drake Blvd.	072-151-08	Ross	Increased Inundation	Yes / No
Single-Family Residential	98 Sir Francis Drake Blvd.	072-151-07	Ross	Increased Inundation	Yes / Yes
Single-Family Residential	96 Sir Francis Drake Blvd.	072-151-03	Ross	Increased Inundation	Yes / Yes
Single-Family Residential	94 Sir Francis Drake Blvd.	072-151-04	Ross	Increased Inundation	Yes / Yes
Single-Family Residential	92 Sir Francis Drake Blvd.	072-151-05	Ross	Increased Inundation	Yes / Yes
Single-Family Residential	90 Sir Francis Drake Blvd.	072-151-06	Ross	Increased Inundation	Yes / Yes
Single-Family Residential	86 Sir Francis Drake Blvd.	072-161-01	Ross	Increased Inundation	Yes / Yes
Single-Family Residential	84 Sir Francis Drake Blvd.	072-161-13	Ross	Increased Inundation	Yes / Yes
Single-Family Residential	82 Sir Francis Drake Blvd.	072-161-12	Ross	Increased Inundation	Yes / Yes
Single-Family Residential	78 Sir Francis Drake Blvd.	072-161-11	Ross	Increased Inundation	Yes / Yes
Single-Family Residential	74 Sir Francis Drake Blvd.	072-161-10	Ross	Increased Inundation	Yes / Yes
Single-Family Residential	54 Sir Francis Drake Blvd.	006-191-21	San Anselmo	Increased Inundation	Yes / Yes
Single-Family Residential	40 Sir Francis Drake Blvd.	006-191-20	San Anselmo	Increased Inundation	Yes / Yes
Single-Family Residential	36 Sir Francis Drake Blvd.	006-191-19	San Anselmo	Increased Inundation	Yes / No
Single-Family Residential	34 Sir Francis Drake Blvd.	006-191-18	San Anselmo	Increased Inundation	Yes / No
Multiple-Family Residential	32 Sir Francis Drake Blvd.	006-191-17	San Anselmo	Increased Inundation	Yes / Yes
Single-Family Residential (unimproved)	30 Sir Francis Drake Blvd.	006-191-39	San Anselmo	Increased Inundation	Yes / No
Single-Family Residential	28 Sir Francis Drake Blvd.	006-191-16	San Anselmo	Increased Inundation	Yes / Yes
Single-Family Residential	16 Deer Creek Court ^a	174-180-09	Fairfax	New Inundation	No / No

NOTES: ^a This address is upstream of the Nursery Basin site; would be affected by backwater flooding of the first type discussed in this response.

SOURCE: Stetson Engineers, San Anselmo Flood Risk Reduction Project CEQA Support Conceptual Designs and Supplemental Modeling of Option 2A for Different Layouts of Sunnyside Detention Basin, January 31, 2018; Stetson Engineers, Water Depth Change point GIS data for D30, D31, D33, December 12, 2017.

For purposes of the Draft EIR, the NFIP regulations were used to select the appropriate threshold defining where the impacts of increased flood risk would be significant (that is, to identify which types of existing structures should be protected from project-related increased flood risk). To clarify, the Flood Control District intends for the “first finished floor” identified in Draft EIR Impact 4.9-4 (page 4.9-56) to be the same as the “lowest floor” as defined in the NFIP. As noted in Table RTC 2-1 and Table RTC 2-2, above, all of the parcels and many of the primary structures on them are already in the SFHA addressed by the NFIP.

Flood Risk Mitigation

Commenters suggested additional measures to address downstream flooding impact or requested that the EIR more specifically describe the types and extent of those measures. Other comments either explicitly or implicitly equated the Draft EIR’s use of the term “flood barrier” with “flood wall.” The Draft EIR uses the term “flood barrier” as a general, categorical term for a broader range measures to reduce flooding or flood-related impacts on relatively small areas, such as an individual structure or parcel of land. This approach is used by FEMA²² and the U.S. Army Corps of Engineers²³, which treat measures such as berms, flood walls, raising individual structures, wet-proofing or dry-proofing of structures, and others are part of a broad category of flood mitigation measures that in this EIR are referred to as “flood barriers.” The Flood Control District has clarified that Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, may include multiple options to mitigate the flooding impacts of the project. These options include methods and techniques implemented for reducing flood risk and/or flood damages by adapting to the natural characteristics of flooding within the unobstructed floodplain. These are measures used to mitigate potential loss of life as well as property damage. As noted in clarified Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, these measures would be required to protect existing habitable structures on affected parcels from new inundation during the 25-year event, which is the same performance standard as applied to the flood barriers specified in the Draft EIR.

Mitigation Measure 4.9-4: Provide Flood Protection to Substantially Affected Areas

For areas upstream and downstream of the Winship Bridge (between Barber Avenue and the Sir Francis Drake Bridge): ~~If the Winship Bridge Replacement Project is not completed prior to construction of the Project, t~~ The Flood Control District shall develop, fund, and implement flood barriers on properties where existing habitable structures would experience new inundation in a 25-year event. The flood barriers shall be designed based on hydraulic modeling demonstrating that the flood barriers would protect existing habitable structures on any properties upstream of the Sir Francis Drake Bridge from new inundation during the 25-year event; or to any higher degree of protection required for that particular type of measure by applicable building codes. Flood barriers include but are not limited to the following measures:

- Elevation of structures above the 100-year flood elevations

²² FEMA, Chapter 3, An Overview of the Retrofitting Methods, in *FEMA P-312, Homeowner’s Guide to Retrofitting*, Third Edition, 2014. Available online at <https://www.fema.gov/media-library/assets/documents/480>, accessed August 17, 2018.

²³ U.S. Army Corps of Engineers Nonstructural Flood Proofing Committee and Association of State Floodplain Managers, Nonstructural Flood Risk Management, undated.

- Basement removal and construction of an addition to contain utilities removed from the basement
- Wet flood proofing of structures, in which, with use of water resistant materials, floodwaters are allowed to enter a structure during a flood event
- Dry flood proofing of structures
- Berms or flood walls

For areas immediately upstream of the Nursery Basin site: The Flood Control District shall develop, fund, and implement flood barriers on properties where existing habitable structures would experience new inundation in a 25-year event.

For both of those locations: The flood barriers would ensure that existing habitable structures would not be inundated by the 25-year event. Upon confirmation of permission by the property owners, the Flood Control District shall implement this measure, including implementing any measures identified in permits required from the California Department of Fish and Wildlife, Regional Water Quality Control Board, or other regulatory agencies. However, the potentially adversely affected parcels are privately owned, and the Flood Control District ~~cannot necessarily~~ is not proposing to require the installation or implementation of flood barriers ~~because~~ without the consent of the property owner(s), who may specifically request that such measures not be implemented. In that case, this Mitigation Measure ~~shall~~ would not be implemented, and the affected parcels may experience an increased level of flood inundation in a 25-year event or larger.

The degree of flood protection provided to an individual property will vary depending on the specifics of the flood barrier selected. For most of the flood barriers, the Flood Control District shall provide protection from the 25-year event. However, pursuant to Marin County building code and associated permitting requirements, any increase in structure elevation must be to an elevation sufficient to raise the finished first floor above the elevation of the 100-year flood event. Therefore, property owners who accept that form of flood barrier would receive assistance to implement 100-year protection.

Funding and Implementation Responsibility (Both Locations): For flood walls or berms at the top-of-bank of San Anselmo Creek or Fairfax Creek on privately owned parcels and with the property owners' permission, the Flood Control District shall fund, design, build, and maintain all aspects of those measures, including their possible future removal if implementation of other flood risk reduction projects renders these flood walls or berms unnecessary as determined by the Flood Control District. For a flood barrier that involves improvements or modifications to privately owned habitable structures covered by Mitigation Measure 4.9-4 (structure elevation, wet proofing, dry proofing, basement removal and construction of an addition to house water heaters, furnaces, and similar home appliances, etc.), the Flood Control District shall fully fund the design and provide funding to the property owner for implementation –that is proportional to the increased flood depth with the project. The funding would be provided to the property owner to implement these modifications or improvements. The property owner would be responsible for construction, implementation, and future maintenance of the structure and any associated flood mitigation measures or improvements.

Future Design Details – Flood Mitigation

Several commenters requested more detailed descriptions of the flood barriers specified in Draft EIR Mitigation Measure 4.9-4, or questioned whether a significance conclusion could be reached based on the level of detail provided in Draft EIR Mitigation Measure 4.9-4.

As described in State CEQA Guidelines Section 15126.4(a)(1)(B), while formulation of mitigation measures should not be deferred until some future time, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way. The details of a mitigation measure may be left to later design or engineering work if mitigation that can meet a specified performance standard is known to be available.²⁴ Given the mandate of the Flood Control District and the ubiquity of flood protection methods with demonstrated flood protection performance, Mitigation Measure 4.9-4 could reasonably achieve the specified performance standard (to ensure existing habitable structures would not be newly inundated by the 25-year flood event).

Environmental Impacts of Flood Risk Mitigation

Some comments requested clarification or further description of impacts of non-structural measures. Some stated that the EIR needed to be more specific about the potential environmental impacts of those mitigation measures themselves. The flood barriers listed in the clarified Mitigation Measure 4.9-4, with the exception of berms or floodwalls which were analyzed in the Draft EIR, are unlikely to have additional significant environmental effects that were not analyzed in the Draft EIR because they would consist of alterations to individual structures.

The direct and indirect physical effects of Draft EIR Mitigation Measure 4.9-4 (flood barriers) were identified in Draft EIR Section 4.9, Hydrology and Water Quality, and in other relevant Draft EIR sections. As noted in Section 4.9, implementation of Mitigation Measure 4.9-4 would have other direct and indirect effects on the physical environment similar to those identified for the Project. These impacts are evaluated in other sections of this EIR and include emissions of criteria air pollutants and toxic air contaminants during construction, activities that could degrade water quality during construction, mortality or injury of special-status species and nesting birds, disturbance of wetlands during construction, noise during construction, and increases in downstream and upstream scour during operations. With implementation of the mitigation measures identified for these impacts in this document, the impacts of Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, would be less than significant.

To further clarify, the potential impacts of implementing that mitigation measure and other mitigation measures, evaluated in the Draft EIR are:

- Criteria air pollutant emissions during construction, evaluated in Impact 4.3-1, reduced to less than significant with implementation of Mitigation Measure 4.3-1, BAAQMD Basic Mitigation Measures

²⁴ *Dry Creek Citizens Coalition v County of Tulare* (1999) 70 CA4th 20, 25.

- Toxic air contaminant emissions during construction, evaluated in Impact 4.3-4, reduced to less than significant with implementation of Mitigation Measure 4.3-4, Tier 4 Engines for Construction Equipment
- Inefficient energy use during construction, reduced to less than significant with implementation of Mitigation Measure 4.3-1, BAAQMD Basic Mitigation Measures
- Effects on sensitive aquatic species, evaluated in Impact 4.5-1, reduced to less than significant with implementation of Mitigation Measures 4.5-1a, 4.5-1b, and 4.5-1c
- Effects on special-status plants, evaluated in Impact 4.5-2, reduced to less than significant with implementation of Mitigation Measure 4.5-2
- Effects on special-status amphibians, reduced to less than significant with implementation of Mitigation Measure 4.5.-3a, Install Wildlife Exclusion Fencing, and Mitigation Measure 4.5-3b, Avoid Impacts to California Red-legged Frog and Western Pond Turtle
- Effects on nesting birds and owls, reduced to less than significant with implementation of Mitigation Measure 4.5.-4, Avoid Impacts to Special-status and Nesting Birds, including Raptors and Northern Spotted Owls
- Effects on special status bats, reduced to less than significant with implementation of Mitigation Measure 4.5-6, Avoid Impacts to Special-status Bats
- Effects on sensitive natural communities, reduced to less than significant with implementation of Mitigation Measure 4.5-7a, Vegetation Protection for Sensitive Natural Communities, Mitigation Measure 4.5-7b, Habitat Restoration and Monitoring Plan, Mitigation Measure 4.5-7c, Avoid Spread of Invasive Species and Pathogens
- Effects on wetlands and other waters, reduced to less than significant with implementation of Mitigation Measure 4.5-7a and 4.5-7b
- Effects on wildlife movement corridors, reduced to less than significant with implementation of Mitigation Measures 4.5-1a, 4.5-3b, 4.5-4, and 4.5-6
- Effects related to tree removal, reduced to less than significant with implementation of Mitigation Measure 4.5-10, Mitigation for Removal of Heritage or Protected Trees
- Hazards to the public or environment related to hazardous materials, reduced to less than significant with implementation of Mitigation Measures 4.8-2a, Check 700/750 Sir Francis Drake Boulevard investigation status, 4.8-2b, Health and Safety Plan, and 4.8-2c, Soil Management Plan
- Effects related to water quality standard violations or other degradation of water quality, reduced to less than significant with implementation of Mitigation Measure 4.9-1, Implement Dewatering BMPs for In-Water Work
- Effects on sedimentation and erosion, reduced to less than significant with implementation of Mitigation Measures 4.9-3a. Prioritize Nursery Basin Reach for Stream Maintenance, and 4.9-3b, Scour Analysis and Protection Measures
- Effects on transportation, evaluated in Impacts 4.15-1 through 4.15-4, reduced to less than significant with implementation of Mitigation Measure 4.15-1

The Flood Control District intends for the language in these measures to apply to flood barriers implemented pursuant to Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, as explained on Draft EIR page 4.9-59 and as clarified and amplified in this response. Accordingly, the potential flood barriers that may require CEQA review would be similar to the berms or floodwalls listed in Mitigation Measure 4.9-4. The impacts of revised Mitigation Measure 4.9-4 would be similar in type to those already identified in the Draft EIR as set forth in Section 4.9 and restated above. Therefore, the same mitigation measures identified for the associated impacts in the EIR for the project as a whole would reduce these impacts to levels that would be less than significant.

Significant and Unavoidable Impacts and Statement of Overriding Considerations

Pursuant to CEQA, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.²⁵ When a lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record.²⁶ This statement of overriding considerations expresses a lead agency's views on the ultimate balancing of the merits of approving a project despite its anticipated environmental damage. This balancing may include competing public objectives such as environmental, legal, technical, social, and economic factors.

Within a CEQA framework, this written statement explains the reasons why the project would (or could, in this case, if the property owners do not accept the proposed mitigation measures) result in one or more unavoidable adverse impacts, the project's stated benefits are sufficient to warrant project approval. In this case, in larger events such as a 25-year event, models indicate that new inundation could occur on a portion of one parcel in the area upstream of the Nursery Basin, a significant and unavoidable impact, if that property owner does not accept offered mitigation measures. The Flood Control District would need to prepare findings and a statement of overriding considerations in accordance with CEQA should the project be approved.

In this case, the modeling indicates that in larger floods such as a 25-year event, up to 18 downstream properties (17 of which are private properties already in the 100-year special flood hazard zone) could experience slight increases in inundation depth or extent, which would be a significant and unavoidable impact only if those property owners do not agree to allow implementation of the mitigation measures on their private properties. Because the Flood Control District cannot control whether the mitigation measures are constructed on private property, it would need to prepare findings and a statement of overriding considerations in accordance with CEQA if the project is approved.

²⁵ State CEQA Guidelines Section 15091.

²⁶ State CEQA Guidelines Section 15093.

2.2.7 Master Response 7: Erosion, Sedimentation, and Channel Maintenance

Multiple comments discussed erosion and sedimentation impacts of the Project, impacts of channel maintenance, and the role of channel maintenance related to the existing Stream Maintenance Program and proposed stream maintenance for the Project. This master response addresses:

- Existing sediment production in the watershed
- Changes to erosion and sedimentation at the Nursery Basin site
- Changes to erosion and sedimentation downstream of the Downtown San Anselmo site
- Questions regarding the existing Stream Maintenance Program and the role of channel maintenance in flood control
- Environmental impacts of mitigation measures

2.2.7.1 Changes to Erosion and Sedimentation Patterns

Draft EIR Section 4.9, Hydrology and Water Quality, describes the existing erosion and sedimentation patterns in the Ross Valley watershed and evaluates the project's impacts on those patterns. Fairfax Creek watershed constitutes approximately 3.6 square miles of the 28-square-mile Ross Valley Watershed. As discussed starting on Draft EIR page 4.9-1, previous detailed studies estimated that Fairfax Creek contributes less than one percent of the total bed load sediment in Corte Madera Creek at the City of Ross. The average annual bedload sediment inflow at Ross is estimated to be about 7,000 tons per year (Stetson, 2000). The annual sedimentation rate in the Corte Madera Creek channel averaged 22,000 cubic yards (or 29,700 tons) between 1966 and 2004. Sediment enters the channel from the Bay as well as from other stream sources in the watershed, accounting for the over 20,000-ton difference between bedload sediment at the City of Ross and sediment deposition downstream in the Corte Madera Creek channel.

The Draft EIR evaluates changes in erosion and sedimentation caused by the Project in Impact 4.9-3 (beginning on page 4.9-46). Impacts were evaluated upstream and downstream of the Nursery Basin site and upstream and downstream of the Downtown San Anselmo site. With implementation of Mitigation Measures 4.9-3a, Prioritize Nursery Basin Reach for Stream Maintenance, and 4.9-3b, Scour Analysis and Protection Measures Upstream of the Downtown San Anselmo Site, the impacts would be less than significant.

Summary of Impacts at the Nursery Basin Site

As described in Draft EIR Chapter 3, *Project Description*, and shown in Draft EIR Figure 3-9, the proposed Project includes design features to reduce erosion, including scour protection (such as rock slope protection or similar materials) along the southern and northern banks of the channel between the diversion structure and the existing bridge and upstream of the existing bridge. Scour protection would also be installed within the Fairfax Creek channel from the downstream side of the diversion structure to approximately 10 feet downstream of the outlet pipe.

The Draft EIR discussion of sedimentation and associated flooding conservatively assumes high sediment production volumes for Fairfax Creek upstream of the Nursery Basin site. For purposes of the Draft EIR analysis, the Flood Control District evaluated the Project based on a worst-case estimate of sediment accumulation. This estimate was developed by applying known sediment production rates from a nearby watershed during an especially large storm (Devils Gulch watershed), during an already wet year (1982), to the Fairfax Creek watershed. As described in Impact 4.9-3, using conservative assumptions over 2,100 cubic yards (or approximately 2,840 tons) of sediment was estimated to deposit in the basin and behind the diversion structure in Fairfax Creek. This value is considered very conservative, given previous estimates of approximately 70 tons per year of bedload sediment production for the entire Fairfax Creek watershed (one percent of the 7,000 ton annual bedload sediment inflow at the City of Ross, described above and in Draft EIR Section 4.9.1). Sediment production estimates based on sediment measurements from a different nearby watershed, combined with known stream power information for Fairfax Creek, also result in a much lower sedimentation volume than the estimate used for this EIR's impact analysis.²⁷

As discussed in Impact 4.9-3 (page 4.9-48), additional modeling and analysis would be performed during the design stage to determine the proper sizing and operation of the opening to support the intended flood risk reduction function and to allow sediment transport. Generally, the opening would only be partially closed during high flow events (the only times when the basin would operate), thus reducing the volume of sediment filling the channel during basin operations. The design elevation of the opening would be evaluated and informed by two-dimensional sediment transport modeling. More frequent flows during the wet season after operation of the basin would be able to pass through the diversion structure, and could remobilize some of the deposited gravel bed materials (i.e., cause the materials to continue moving downstream), which would help maintain the existing pattern of sediment aggradation and transport within Fairfax Creek. Upon further detailed study to determine the rates of sediment production and transport in Fairfax Creek, the estimate of sediment accumulation may decrease.

As described in Impact 4.9-3 (page 4.9-47 through 48), the sediment would be removed from the creek channel upstream of the diversion structure. Sediment accumulation is not anticipated anywhere outside of the creek channel or FDS basin. It would be removed from both of those locations and either beneficially reused in a restoration project or disposed of at an appropriate waste management facility.

Impacts of the Project associated with sediment removal were evaluated in the topic sections of the Draft EIR, because the Project was assumed to include an annual volume of up to 1,600 cubic yards of sediment removal, as described on Draft EIR page 3-42. While this volume is lower than the volume of sediment removal proposed as part of Mitigation Measure 4.9-3a, Prioritize Nursery Basin Reach for Stream Maintenance, as described in greater detail below, this volume is

²⁷ Sediment transport modeling was conducted, and sedimentation volume estimated, using both Devils Gulch Creek and San Geronimo Creek sediment data. The sedimentation volumes estimated using the San Geronimo Creek bedload rating curve were about 17 and 27 cubic yards during the 10- and 25-year flood events, respectively. The sedimentation volumes estimated using the Devils Gulch bedload rating curve were over 1,300 and 2,100 cubic yards during the 10- and 25-year flood event, respectively (Stetson Engineers, Sediment Transport Modeling for the San Anselmo Flood Risk Reduction Project at the Sunnyside Nursery Detention Basin, April 19, 2018).

within the existing Stream Maintenance Program limitations on annual removal of sediment from one location within the watershed (the Stream Maintenance Program limits removal at any one site within the watershed to up to 2,100 cubic yards per year, as discussed on Draft EIR page 4.9-23). The impacts of sediment removal were evaluated during environmental review of the Stream Maintenance Program.

Erosion and Sedimentation Downstream of the Downtown San Anselmo Site

As discussed in Draft EIR Impact 4.9-3, changes in sedimentation and erosion in San Anselmo Creek downstream of the building at 634-636 San Anselmo Avenue (removal of which would expand channel capacity) were estimated based upon modeled changes in flow velocities. In summary, the increases in flow velocities²⁸ would be small or negligible, and within the range of variability in the existing flow velocity conditions along this reach. There would be no change in the flow velocities during a 10-year event. During a 25-year event, depending on the location along that stream reach, the flow velocities would increase by up to 4 percent; however, flow velocity increases at all of the affected locations would be within the existing range of flow velocity variability. During a 100-year event, the flow velocity would increase by 1 percent to 3 percent, which is also within the existing range of flow velocity variability. This increase in the 100-year event would be a smaller increase than that which would occur in a 25-year event because the baseline (non-project) conditions for the 100-year event are already high. As concluded in the Draft EIR (pages 4.9-49 through -51), these changes in flow velocities indicate that the potential sediment production rates downstream of 634-636 San Anselmo Avenue would not substantially change during project operations.

2.2.7.2 Channel Maintenance in the Ross Valley Watershed

The Flood Control District developed a Stream Maintenance Program to provide flood protection and maintain channel conveyance capacity while enhancing natural resources within the subject streams. As described starting on Draft EIR page 4.9-23, the Stream Maintenance Program waste discharge requirements (RWQCB Order No. R2-2017-0028)²⁹ cover routine management actions associated with providing flood protection and maintaining channel conveyance capacity, including sediment management, vegetation management, bank stabilization, and associated actions. These activities can occur in flood control channels, natural channels, and other facilities on an as-needed basis. The details of the Order's terms and conditions come largely from the Marin County Stream Maintenance Program Manual³⁰, which can be revised as needed (subject to RWQCB approval) to add new streams or new activities. The Order includes limits on the lengths of channels and the volumes of material that can be addressed in a given year, including limiting the maximum volume of debris or sediment removed from any site to 2,100 cubic yards. Over the Order's 5-year term, these activities may not exceed a program wide cumulative total of 25,000 linear feet and 55,000 cubic yards of sediment and debris.

²⁸ Determined by comparing the modeled future flow velocities along the creek channel to the standard deviation of the set of modeled existing flow velocities along the same channel. As explained in Draft EIR Section 4.9, flow velocities vary widely in modeled existing conditions (between 3 and 7 feet per second). All modeled changes in flow velocities were within one standard deviation of the mean of existing flow velocities.

²⁹ Available online at https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2017/July/5c_final_to.pdf

³⁰ The Marin County Stream Maintenance Manual is available online at <http://www.marinwatersheds.org/resources/publications-reports/marin-county-stream-maintenance-manual>

The number of sediment removal projects undertaken annually and the quantity of sediment removed in a given year depend on the frequency and extent of past maintenance activities and the weather and hydrologic conditions during recent years. Sediment removal requirements are generally greater following a wet winter with higher than usual runoff, slope erosion, and sediment delivery compared to an average or dry winter when sediment yields are less.

As explained above, limitations on sediment removal volumes are included in the Stream Maintenance Program. Thus, while dredging the channels in Ross Valley watershed could reduce some significant environmental impacts of the Project, increased channel maintenance (or dredging) as an alternative method of flood risk reduction would not be feasible due to the existing limitations in the Stream Maintenance Program. In addition, the majority of the parcels along creeks within the watershed include creek area, are privately owned, which limits the Flood Control District's ability to conduct dredging there.

2.2.7.3 Impacts of Mitigation Measure 4.9-3a

Some comments stated that the impacts of Draft EIR Mitigation Measure 4.9-3a, Prioritize Nursery Basin Reach for Stream Maintenance, were not evaluated in the Draft EIR. With implementation of Mitigation Measure 4.9-3a, watershed-wide, sediment removal volumes would remain unchanged because the overall volume of sediment removal allowed under the Stream Maintenance Program would not change (as described above). The Stream Maintenance Program is designed to be flexible in order to address the fact that locations where sediment removal is needed vary from year to year. The impacts of the Stream Maintenance Program were identified during environmental review of that program. No new significant impacts or mitigation measures were identified during the public comment period or in the process of responding to comments received.

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CHAPTER 3

Comments and Responses

3.1 Comments on the Draft EIR and Responses

This section contains all comment letters and responses to comments. Each comment letter is assigned an alphanumeric code, from A1 through C40, and each comment is numbered in the margin of the comment letter. Responses to the comments follow each letter, and responses are referenced using the same alphanumeric system. For example, the first comment from the first letter, from the National Oceanic and Atmospheric Administration, is designated A1-1, as is the response to it. Testimony from the public hearing is assigned the code “PH” and follows the comment letters.

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

- Additions to the text of the Draft EIR are shown as underlined;
- Deletions of the text of the Draft EIR are shown as strikeout.

All changes to the text of the Draft EIR are also shown in Chapter 4 of this document.

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3.2 Federal, State, Regional, and Local Agencies

From: Sara Azat - NOAA Federal [mailto:sara.azat@noaa.gov]
Sent: Friday, July 06, 2018 6:28 AM
To: Lewis, Liz <LizLewis@marincounty.org>
Subject: Re: got your vm

Hi Liz,
Yes those are the main concerns with the project.
Thanks for getting back to me.
Sara

On Tue, Jul 3, 2018 at 2:45 PM, Lewis, Liz <LizLewis@marincounty.org> wrote:

Hi Sara,

I got your voicemail. In summary, you said that you would like to echo the comments provided by Nicole Fairley with the State Regional Board.

1

Fish passage through upper Fairfax Creek is a priority for your agency as well as possible incision downstream of the diversion structure. Please let me know if you have any other concerns or questions.

2, 3

I can forward a copy of this email or your response to ESA.

Thanks,

Liz

Liz Lewis

Planning Manager

Marin County Public Works

lizlewis@marincounty.org

415.473.7226

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

--

Sara Azat

Fish Biologist
NOAA Fisheries - West Coast Region
U.S. Department of Commerce
777 Sonoma Ave. Room 325
Santa Rosa, CA 95404
tel: 707-575-6067
fax: 707-578-3435



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

3.2.1 Comment Letter A1: United States Department of Commerce, National Oceanic and Atmospheric Administration, West Coast Region

- A1-1 The commenter requested to echo comments provided by Nicole Fairley with the Regional Water Quality Control Board.

This comment is acknowledged. Refer to the comment letter submitted by the Regional Water Quality Control Board (A3), and to Response A3.

- A1-2 The commenter states that fish passage through upper Fairfax Creek is a priority for the National Oceanic and Atmospheric Administration.

This comment is acknowledged. Draft EIR Section 4.5, Biological Resources addresses Project impacts on biological resources, include special-status aquatic species or habitats. The Project would place a diversion structure across the Fairfax Creek channel. However, the design for this structure includes permanently open section(s), which would support natural stream flows and sediment transport (see Draft EIR page 3-19) and thereby enable movements of fish and wildlife within the creek channel and its surrounding riparian corridor (see pages 4.5-39 through 4.5-40).

- A1-3 The commenter states that possible incision downstream of the diversion structure is a priority for the National Oceanic and Atmospheric Administration.

This comment is acknowledged. Draft EIR Section 4.9, Hydrology and Water Quality describes existing hydrology and hydrological features in the Project area and addresses potential impacts that could result from construction and operation of the Project and mitigation measures to avoid or reduce significant adverse impacts are then discussed, as appropriate. As described in Draft EIR page 3-19, the Project includes scour protection downstream of the diversion structure and at the outlet end of outlet pipe that would drain the basin. The scour/erosion protection would protect against incision, which is a form of erosion.



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

Comment Letter A2
EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



June 28, 2018

Ms. Rachel Reid
Environmental Planning Manager
Marin County Flood Control and Water Conservation District
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Dear Ms. Reid:

Subject: San Anselmo Flood Risk Reduction Project, Notice of Availability of a Draft Environmental Impact Report, SCH #2017042041, San Anselmo, Marin County

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a draft Environmental Impact Report (EIR) from Marin County Flood Control and Water Conservation District for the San Anselmo Flood Risk Reduction Project (Project) pursuant to the California Environmental Quality Act (CEQA). CDFW previously submitted comments in response to the Notice of Preparation of the draft EIR.

CDFW is submitting comments on the draft EIR to inform the Marin County Flood Control and Water Conservation District, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as a California Endangered Species Act (CESA) permit, a Lake or Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

REGULATORY REQUIREMENTS

California Endangered Species Act

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

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CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code section 2080.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or Incidental Take Permit) until it has complied with CEQA as a Responsible Agency.

PROJECT DESCRIPTION SUMMARY

Proponent: Marin County Flood Control District

Objective: The Project would reduce flooding within portions of the San Anselmo Creek and Fairfax Creek sub-watersheds in Ross Valley, alleviating some flooding downstream. Primary Project activities include work at two Project sites:

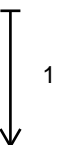
- Downtown San Anselmo, in between Creek Park and San Anselmo Avenue. The project consists of removing a flow constricting bridge building that is over the creek and restoring creek capacity using bioengineering.
- The former Sunnyside Nursery site, adjacent to Fairfax Creek. The project proposes the creation of flood diversion and storage basin adjacent to Fairfax creek by diverting water during high rainfall events to reduce downstream flows. Construction will impact oak woodland and riparian habitat and includes removal of trees.

Location:

- Downtown San Anselmo building removal and riparian restoration site: 634-636 San Anselmo Avenue, San Anselmo, CA 94960; cross streets at Center Boulevard, San Anselmo Boulevard, and Sir Frances Drake Boulevard (-122.56238 N 37.97592 E NAD83)
- Nursery Basin Site: Between 16 Deer Creek Court, Fairfax, CA 94930 and 32 Shadow Creek Court, Fairfax, CA 94930 (-122.61081 N, 38.00224 E NAD83)

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Marin County Flood Control District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources, in part through



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implementation of CDFW’s recommendations, CDFW concludes that the proposed EIR is appropriate for the Project.

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1 cont.

Project Description

COMMENT 1: Section 3.4.2.1, Page 3-14

Issue: The proposed nursery basin drain, riser pipe, and floodgate may impact rare, endangered, and common fish and other aquatic organisms.

Specific impact: Fish and other aquatic organisms’ passage would be impeded and stranding may occur, resulting in injury or mortality to these species.

Fish and Game Code section 5901 states that unless authorized, it is unlawful to construct or maintain a device that prevents or impedes the passing of fish up and downstream. Fish and Game Code section 45 defines “fish” as a wild fish, mollusks, crustaceans, invertebrates, or amphibians, including any part, spawn or ova thereof. Section 5937 requires “the owner of any dam [to] allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam.”

Why impact would occur: Placement of a floodgate in the creek or a riser pipe in the southeast corner of the basin would likely impede fish and other aquatic organisms from moving downstream and exiting the drainage basin. In Figure 3-9, element H shows a basin drain that includes a riser pipe to minimize debris clogging and a gate to manage outflow. During high flow events, spillover from Fairfax Creek provides an opportunity for fish to enter the drainage basin.

2

Evidence impact would be significant: Corte Madera Creek and tributaries, including portions of Fairfax Creek, are designated by the U.S. Fish and Wildlife Service (USFWS) as critical habitat for steelhead (*Onchorynchus mykiss*) species, and loss of steelhead caused by passage barriers or stranding could substantially reduce the population of this species. Further, impeding passage of other fish and aquatic organisms or causing their stranding could substantially reduce the habitat of any fish species. Therefore, Project impacts to fish and aquatic organisms would be potentially significant.

Recommended Mitigation Measure:

To reduce impacts to less-than-significant: Remove the riser pipe and floodgate in the drainage basin for passage of fish and other aquatic organisms. Alternatively, create a clear alternative passage route for fish and other aquatic organisms both when the floodgate is activated and when the flood basin is draining.

Both the bypass and outlet structure should assess impacts, and at a minimum, designed to maintain existing year round instream habitat. Bypass volumes should be enough to provide fish passage for all life stages of fish. A component of fish passage analysis and bypass volume determination should include critical riffle analysis utilizing CDFW’s Standard Operating Procedure for Critical Riffle Analysis for Fish Passage in California.¹

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¹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=93986&inline>

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This may need to include addressing fish passage design criteria, sediment transport, design storm elevations, scour potential, and shear stress involved in the bypass structure and the basin riser. Please review and utilize guidance and recommendations in the California Salmonid Stream Habitat Restoration Manual. Fish passage should include rearing, foraging, osmoregulation, smoltification, and related functions necessary to support fish through a range of life stages. Mitigation from construction and maintenance impacts and impacts to fisheries habitat should be proposed. CDFW supports channel naturalization and the restoration of habitat and channel complexity to support a broad range of aquatic and riparian wildlife.

2 cont.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT 2: Section 3.4.2.1, Page 3-14 and 3.4.2.2, Page 3-19

Issue: The Project as proposed may impact more riparian habitat than necessary to accomplish the Project goals.

Specific impact: The Project would result in the permanent loss of 0.59 acres of riparian habitat and the temporary loss of 0.42 acres at the basin project site.

Why impact would occur: Construction of a 100-foot side weir, earth fill, heavy geotextile fabric, and rock slope protection (riprap), and additional bank stabilization on the east-facing bank of Fairfax Creek would result in the removal of riparian habitat.

3

Placement of the floodwall/road barrier on the west side of the project boundary, shown as element N of Figure 3-9 on page 3-17, potentially requires additional removal of riparian vegetation and trees.

Evidence impact would be significant: Riparian habitat provides important ecological functions, including providing shading to control creek temperatures and providing habitat structure for numerous aquatic species and other wildlife. However, approximately 95 percent of riparian habitat has been lost in California (Wood et al. 2006). As such, additional riparian habitat loss resulting from the Project may substantially adversely affect this habitat. Therefore, Project impacts to riparian habitat would be potentially significant.

Recommended Mitigation Measure #4.5:

To reduce impacts to less-than-significant: Avoid use of heavy geotextile fabric and minimize the use of rock riprap to the extent feasible to achieve bank stabilization. If fabric is needed, it should be made of natural, biodegradable materials. Stabilization should be achieved through integration of biological bank stabilization methods, including use of live willow cuttings and other appropriate native species.

If the floodwall/road barrier on the west side of the project boundary, shown as element N of Figure 3-9 on page 3-17, does require removal of riparian vegetation and trees, then the floodwall/road barrier should be as close to the road as possible to reduce the loss of riparian habitat.

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CDFW also recommends reviewing the Downtown portion of the project, as shown on Figure 3-11, including the Bioengineered Slope. By pulling back the slope both under the current building and where the existing deck and stairs are located on the northeast slope, creek capacity could be expanded, slope steepness, the amount of rock riprap, pressure on the southwest bank, and the height of the proposed flood wall on that bank potentially could all be reduced.

5

Further, as a condition of Project approval, the applicant should submit an LSA Notification to CDFW as described above and adhere to any conditions required by an LSA Agreement, if issued.

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Mitigation Measures

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT 3: Section 4.5-10, Page 4.5-55

Issue: Mitigation Measure 4.5-10 does not adequately address impacts to riparian trees and sensitive natural communities (Impact 4.5-7).

Specific impact: The Project would result in permanent impacts to over 50 percent of the existing oak woodland habitat on the site, 0.43 acres of a total 0.81 acres, with an additional temporary impact of 0.37 acres.

Why impact would occur: The Project would result in the removal of 142 trees, including coast live oak trees (*Quercus agrifolia*), big-leaf maple (*Acer macrophyllum*), bay-laurel trees (*Umbellularia californica*), and one redwood (*Sequoia sempervirens*). Proposed revegetation plan of a 1:1 replacement ratio.

7

Evidence impact would be significant: Riparian trees and oak woodlands provide many important ecosystem functions including habitat for numerous species of wildlife, moderates temperature extremes, reduces soil erosion and sustains water quality. Loss of large native trees providing canopy coverage reduces suitable habitat for threatened species potentially inhabiting the project site or nearby areas, including hoary bat (*Lasiurus cinereus*) roosting habitat, and northern spotted owl (*Strix occidentalis*) foraging and nesting habitat.

Recommended Mitigation Measure:

To reduce impacts to less-than-significant: CDFW recommends survey results identifying sensitive natural communities be submitted to CDFW, along with a CDFW approved vegetation plan prior to commencement of construction activities.

8

The project area shall be revegetated and restored within the same season as construction following a Restoration Plan approved in writing by CDFW. CDFW requests submitting a Restoration Plan for CDFW review and acceptance prior to plan implementation. To compensate for the removal of trees, replacement ratios shall be as follows: All native trees between 3 and 6 inches in diameter (at breast height) at a 3:1 ratio with a combination of native

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trees and/or appropriate understory and lower canopy plantings. Native trees greater than 6 inches in diameter shall be replaced with native trees at a 6:1 ratio. Non-native trees greater than 12 inches in diameter shall be replaced at a 1:1 ratio. Replacement plantings shall consist of 5-gallon saplings and locally-collected seeds, stakes, or other suitable nursery stock as appropriate, and shall be native species to the area adapted to the lighting, soil, and hydrological conditions at the replanting site. Individual oak trees that will be removed shall be replanted at a minimum 10:1 ratio. If acorns are used for replanting, the mitigation ratio shall be at a minimum 15:1 ratio and each planting will include a minimum of three acorns planted at an approximately 2-inch depth to minimize predation risk. Large acorns shall be selected for plantings. Replacement oaks shall come from nursery stock grown from locally-sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they are planted.

9 cont.

The Marin County Flood Control District shall monitor and maintain, as necessary, all plants for a minimum of five years to ensure successful revegetation. Planted trees and other vegetation shall each have a minimum of 85 percent survival at the end of five years. If revegetation survival and/or cover requirements do not meet established goals, Marin County Flood Control District is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for five years after planting.

Some oak and bay-laurel trees could be planted on-site along the engineered east levee which would serve as mitigation and as a deterrent to California ground squirrel (*Otospermophilus beecheyi*) burrowing hole damage to the structural integrity of the levee.

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Alternatives Analysis

COMMENT 4: Section 6.3.3, Page 6-36

Issue and Impact: The raised building alternative impacts fish and wildlife and would require mitigation.

Why impact would occur: The raised building alternative could cause adverse impacts to aquatic species, such as dewatering, sediment deposition effecting water quality, disruption to nesting birds, etc. during the construction phase. In the preferred proposed project design, potential adverse impacts from removal of the Bridge Building #2 are offset an on-site restoration of the stream using a biotechnical approach. In the raised building approach, the mitigation measures for construction impacts to San Anselmo Creek are eliminated.

11

Evidence impact would be significant: San Anselmo Creek is designated by USFWS as critical habitat for federally protected Steelhead (*Onchorynchus mykiss*), and is likely host to western pond turtle (*Actinemys marmorata*), a species of special concern under CESA, both of which are protected under CEQA [CEQA Guidelines, § 15380, subd. (c)(1)]. In the proposed project design, potential adverse impacts from removal of the Bridge Building #2 are offset by on-site restoration of the stream using a biotechnical approach. The remaining building removes the proposed restoration plan changing the overall project from a small habitat restoration [CEQA Guidelines, § 15333, subd. (d)(3)] to a project requiring mitigation.

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To reduce impacts to less-than-significant: The construction and dewatering required to raise the building a set of avoidance and minimization measures for adverse impacts to riparian ecosystems, and mitigation for any impacts that could not be avoided. A CDFW LSA Agreement for the raised building alternative would likely require mitigation to compensate for impacts of the construction project in the creek. CDFW recommends not to proceed with the raised building alternative due to negative species impacts and need for additional mitigation.

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FILING FEES

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

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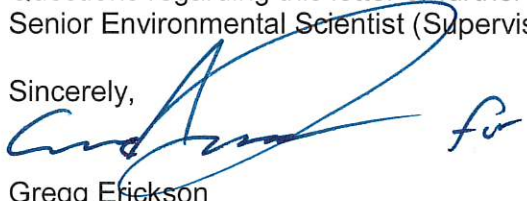
CONCLUSION

To ensure significant impacts are adequately mitigated to a level less-than-significant, CDFW recommends the feasible mitigation measures described above be incorporated as enforceable conditions into the final CEQA document for the Project. CDFW appreciates the opportunity to comment on the draft EIR to assist Marin County Flood Control District in identifying and mitigating Project impacts on biological resources.

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

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento (SCH# 2017042041)

REFERENCES

Wood et al. 2006. Overview of Cosumnes Riparian Bird Study and Recommendations for Monitoring and Management. A Report to the California Bay-Delta Authority Ecosystem Restoration Program. PRBO Conservation Science.

3.2.2 Comment Letter A2: State of California, Department of Fish and Wildlife, Bay Delta Region

A2-1 In this comment, the California Department of Fish and Wildlife (CDFW) offers comments and recommendations, and based on Project's avoidance of significant impacts on biological resources, in part through implementation of CDFW's recommendations, CDFW concludes that the EIR is appropriate for the Project.

This comment is acknowledged. Comments received on the Draft EIR will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to certify the EIR.

A2-2 The commenter recommends that the riser pipe and floodgate be removed from the project, or a clear alternative passage be created to assist fish and other aquatic organisms when flood basin is activated or draining. The comment states that this would reduce the impact of impeded and stranding of fish and other aquatic organisms.

As described in Draft EIR Chapter 3, *Project Description* (page 3-16), a designed low point, at the top of diversion structure, would act as an overflow to direct peak flows greater than the basin's capacity into Fairfax Creek downstream of the project site. As described on page 3-19, an opening or openings would be installed within the diversion structure, which would be partially closed by a gate during basin operations. The creek would thus flow unimpaired through the diversion and overflow structure most of the time; the gate would partially but not completely close the opening(s) in the diversion and overflow structure during peak-flow events.

To clarify this point, the description of the diversion structure during operations on Draft EIR page 3-19 has been revised as follows:

During design flood (flooding imminent in downtown Fairfax) high rainfall events, the partial closure of the opening and in the diversion structure would sufficiently impede the downstream flows in Fairfax Creek to cause ponding in the Fairfax Creek channel between the floodwall along Sir Francis Drake Boulevard and a lower armored side-weir that would allow water to spill into the basin, filling it. The impeded flows would not be complete; a base flow of approximately 400 cfs would still pass through the opening(s) in the diversion structure, allowing fish passage similar to that currently experienced in winter flows.

During diversion into the basin, as this comment from CDFW notes, fish could spill over the side-weir into the basin as it fills. Given the barriers to anadromy that are downstream of the Nursery Basin site, these individual fish are very unlikely to be special-status species. However, to further reduce the potential for adverse effects on general fish populations, some conceptual design improvements have been made to the outlet pipe in the basin's low point. The preliminary designs included in the project description have

been modified to eliminate the riser on the inlet end of the pipe and the grated exit on the outlet pipe. Instead, a trash rack would be used to keep debris out of the outlet pipe and still allow fish to leave the basin along with the draining water. A sloped trash rack would capture wood and debris and allow fish to flow over the top and safely exit the basin. The Flood Control District would work with CDFW during the design process to ensure materials and alignment of the trash rack would be appropriate for fish protection and passage.

The outlet pipe would still have a gate at its upper end to contain both water and fish in the basin until the peak flood has passed. Once opened by Flood Control District staff, the water and fish would drain out together. The designs no longer include a grate at the outlet end of the pipe, where it would empty into Fairfax Creek as described in the Draft EIR. And in another design modification, the lowest end of the pipe would be oriented horizontally (and also widened) to diffuse the force of the outflow and the potential for fish to be harmed by landing on the rock slope protection.

The updated text of the project description is as follows.

In Section 3.4.2.1, Nursery Basin (Fairfax Subwatershed), page 3-16:

Elevations at the eastern side of property currently range between 230 feet and 238 feet NAVD88, and the land naturally slopes from higher ground at the northwest corner down to the southeast corner. The proposed design would make use of this existing condition by maintaining the general drainage pattern and adding a culverted exit at the southeast corner that would drain into Fairfax Creek at approximate elevation 224 feet (NAVD88). The basin bottom would slope approximately 0.5%, from northwest to southeast. A channel would be constructed within the basin's interior to carry seasonal flows from the northwest corner to the southeast corner. There would be an outlet structure in the lower southeast corner of the basin to allow gravity drainage of the basin. This structure includes a ~~riser pipe~~ sloped trash rack to minimize clogging by debris and still allow fish to pass over it to reach the outlet pipe. There would also be ~~and~~ a gate to manage outflow from the basin. The structure would be connected to a 36-inch by 200-foot long pipe that would drain into Fairfax Creek downstream of the basin. The outlet pipe would be constructed within the former Sunnyside Nursery site parcel and discharge to Fairfax Creek downstream of the basin.

In Section 3.4.3.1, Nursery Basin, page 3-41:

During most of the year, the only water entering the basin would be incidental rainfall into the basin itself, storm water flows from the adjacent Trestle Glen neighborhood (Deer Creek Court) that would flow through the storm drain system into the basin, and emergent groundwater. Together, these inflows would result in a seasonal wetland channel running diagonally

through the basin. Water would passively drain from the basin to Fairfax Creek through the 36-inch ~~riser~~ outlet pipe, which would be open.

In Section 3.4.3.1, Nursery Basin, page 3-42:

Once high flows have passed, water collected in the Nursery Basin would exit the basin through the ~~gated~~ 36-inch ~~riser~~ outlet pipe. It would take about eight hours for that pipe to fully drain the basin.

Draft EIR Section 4.5, Biological Resources, evaluates project impacts to aquatic species in Impact 4.5-1 (begins on page 4.5-38). This section has been expanded to more explicitly discuss the limited potential for fish entrapment in the basin reflect these changes in the project description. The combined effect of the design refinements (removing the riser pipe and the grate and instead using a sloped trash rack to exclude debris from the outlet pipe) and the clarifications made to the project description clarify that the risk of fish entrapment would be less than significant. These design modifications will not result in new significant impacts; these clarifications do not result in any other changes to the environmental analysis included in the Draft EIR.

The updated text of that portion of Impact 4.5-1 is as follows.

Direct effects on individuals of a special-status aquatic species could arise from construction within the creek channel or along its banks. Construction activities can injure or kill individual fish by inadvertently bringing construction equipment into contact with them, by trapping or stranding them in a dewatering area, or otherwise directly physically damaging them. To avoid these significant impacts, the Project would implement standard construction best management practices, impact avoidance work windows (**Mitigation Measure 4.5-1a**), careful dewatering and fish relocation using approved techniques and qualified personnel (**Mitigation Measure 4.5-1b**), and conduct contractor environmental awareness training (**Mitigation Measure 4.5-1c**). With implementation of these mitigation measures, potential mortality or injury to special-status aquatic species during the construction phase would be less than significant.

During the operational phase of the project, heavy flows in Fairfax Creek would be diverted into the Nursery basin for some period of time before the basin is opened to allow it to drain back into Fairfax Creek. It is possible that fish could enter the basin during this use. Fish entry in the Nursery Basin is expected to be infrequent, because operation of the diversion into it would only happen in large events. Also, because there are existing downstream barriers to anadromy, there is currently no potential for special-status fish species to reach the project site itself. However, there are populations of fish in this upper portion of Fairfax Creek. As described in Sections 3.4.2.1 and 3.5.3.1 of the project description, the basin designs include a sloped trash rack to allow fish to pass over it, reach the outlet pipe, and leave the basin along with the diverted water as it flows back into Fairfax Creek. The slope of the basin floor down to the outlet pipe will avoid fish

stranding in the basin. Additional design-level modifications to the outlet end of the pipe will be developed in collaboration with the California Department of Fish and Wildlife and/or the National Marine Fisheries Service as part of the permitting processes, which is consistent with State CEQA Guidelines Section 15126.4. The effects on fish and other aquatic wildlife would be less than significant.

The updated text of that portion of Impact 4.5-9 is as follows.

The Nursery Basin site is adjacent to open space that provides valuable wildlife habitat. Approximately 0.21 acre of annual grassland upland habitat would be restored at the Nursery Basin, which would benefit terrestrial species. The Project would also place a diversion structure across the Fairfax Creek channel. However, the design for this structure include permanently open section(s) to enable movements of fish and wildlife within the creek channel and its surrounding riparian corridor. The project designs also include features to allow any fish that enter the basin during its use in flood water diversion to exit the basin along with detained water as it re-enters into Fairfax Creek (as described in the project description).

- A2-3 The commenter states that the project would result in loss of 0.59 acres of riparian habitat. To reduce this impact, County should avoid using heavy geotextile fabric and minimize the use of rock riprap to achieve bank stabilization. It says that stabilization should be achieved through integrating biological bank stabilization methods, including willow trees.

The Draft EIR discusses impacts to riparian habitat and other natural communities in Draft EIR Section 4.5, Biological Resources. In particular, Impact 4.5-7 (beginning on page 4.5-49) addresses the riparian habitat discussed in this comment. The Draft EIR includes mitigation for significant impacts to these resources, including Mitigation Measure 4.5-7a: Vegetation Protection for Sensitive Natural Communities, and Mitigation Measure 4.5-7b: Habitat Restoration and Monitoring Plan. In addition, the EIR commits the Project to compliance with any more stringent compensatory mitigation measures that may be required by regulatory agency-issued permits for impacts associated with wetlands, riparian areas, special-status species or their habitats, and for removal of heritage or protected trees. Following implementation of these mitigation measures and compliance with permitting, the impacts would be less than significant.

The Flood Control District understands and shares the preference for biological bank stabilization wherever possible. However, a portion of the left bank of the creek necessarily needs to be kept free from willow trees so that it serves as an overflow side-weir into the basin. Therefore, the geotextile fabric is necessary in that location for bank stability given the modeled velocities. Also, stated in other comments, there is a countervailing concern about erosion and loss of stream bank stability. Protecting against those adverse outcomes of the project are viewed as a greater risk than placing geotextile

fabric and/or rock slope protection in small sections of the creek channel. The Flood Control District understands that this fill and modification of the channel will need to be included in permitting documents and may require additional compensatory mitigation.

- A2-4 The commenter recommends that the floodwall should be as close to the road as possible to reduce loss of riparian habitat.

This comment is acknowledged. The Draft EIR discusses impacts to riparian habitat and other natural communities in Draft EIR Section 4.5, Biological Resources (see text on Impact 4.5-7), which includes mitigation for potential impacts to these resources, as discussed in the response to comment A2-3. Because the project would be designed to temporarily store water in Fairfax Creek channel as well as the FDS basin, the Flood Control District intends to install the floodwall as far from the creek centerline per California Department of Transportation standards as feasible.

- A2-5 The commenter recommends that the slope for the Downtown San Anselmo element of the project should be pulled back to reduce slope steepness, amount of riprap, pressure on southwest bank, and height of floodwall consistent with Creek Park's current use.

This comment is acknowledged. Impact 4.5-7 in the Draft EIR discusses impacts to riparian habitat and other natural communities in Draft EIR and includes mitigation for significant impacts to these resources. This comment does not address the adequacy or accuracy of the EIR analyses. Comments received on the Draft EIR will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project. The existing design, compliance with regulatory requirements, and implementation of proposed mitigation measures would result in impacts that would be less than significant.

- A2-6 The commenter states that the applicant (in this case, the Flood Control District) should submit a Lake and Streambed Alteration Agreement (LSAA) notification and adhere to any conditions required by the CDFW-issued LSAA.

The Draft EIR acknowledges in Section 1.2, Project Approvals, and in Section 4.5.2.4, Permits Required, that an LSAA would be necessary for the project. As described in Draft EIR Section 4.5, Biological Resources (Impact 4.5-7), the Flood Control District will prepare an application for an LSAA and comply with its terms and conditions. The existing design, compliance with regulatory requirements, and implementation of proposed mitigation measures would result in impacts that would be less than significant.

- A2-7 The commenter states that Mitigation Measure 4.5-10, Mitigation for Removal of Heritage or Protected Trees, does not adequately address impacts to riparian trees and sensitive natural communities discussed in Impact 4.5-7.

The Draft EIR discusses the impacts identified by the commenter in Impacts 4.5-7 and 4.5-10. The ecological functions of the riparian habitats in the project area are identified in the Draft EIR as being lost either temporarily (to be replaced on site by replanting) or

permanently (to be replaced by offsite replacement plantings). The replanting will be at a minimum of 1:1, as the comment notes, but the document also agrees to commit to a higher replacement ratio as required by permits. Other permit conditions (such as the CDFW-approved revegetation plan in this comment) will also apply. As shown on Draft EIR Figure 3-16, Trees to be removed at Former Sunnyside Nursery Site, many of the 142 trees that would be removed are not in the riparian corridor, and that the total acreage of the riparian habitat to be affected is located in a narrow strip between the road and the former nursery site property, with enough existing ongoing disturbance that it does not appear to be used by spotted owl or other sensitive bird or bat species. The existing design, compliance with regulatory requirements, and implementation of proposed mitigation measures would result in impacts that would be less than significant.

- A2-8 The commenter requests that survey results identifying sensitive natural communities be sent to CDFW.

This comment is acknowledged. Any sensitive natural communities will be noted on the preliminary plan sets provided as part of the permitting process, including the LSAA.

- A2-9 The commenter suggests tree replacement ratios and provides additional suggestions regarding tree planting, monitoring, and maintenance.

This comment is acknowledged. Tree removal is identified as a significant impact requiring mitigation in Draft EIR Section 4.5, Biological Resources. As stated in Draft EIR Mitigation Measure 4.5-10, for each tree to be removed, the Flood Control District shall plant a replacement tree of the same species or a suitable native species substitute, at a rate of one planting per tree removed or such other mitigation ratio requirements included in the LSAA to be obtained from CDFW (for riparian trees) or any applicable County and/or town recommendations (for heritage trees), and ensure that replacement trees are planted within or in the vicinity of the Project sites to the maximum extent practicable. The LSAA process and other permitting and regulatory processes will determine the replacement ratio for tree removal. Following implementation of proposed mitigation measures and compliance with permits and regulatory processes, the impacts would be less than significant.

- A2-10 The commenter suggests that oak and bay-laurel trees could be planted on the east levee as mitigation and as a deterrent to ground squirrels.

This comment is acknowledged. As discussed in Draft EIR Section 4.7, the basin would be constructed in accordance with state and federal dam and levee design standards. The extent of tree and other vegetation planting on the east levee would be determined in accordance with these design standards.

- A2-11 The commenter notes that the raised building alternative requires mitigation, specifically a set of avoidance and minimization measures for adverse impacts to riparian ecosystems.

Table 6-6 in Draft EIR Chapter 6, *Alternatives*, summarizes the impact evaluations for the creek capacity element alternatives, including the Raised Building Alternative. As stated there, the Raised Building Alternative would have similar adverse impacts on sensitive natural communities, and would therefore require the same mitigation measures as the proposed project. Implementation of proposed mitigation measures would result in impacts that would be less than significant.

- A2-12 The commenter recommends not to proceed with the raised building alternative due to negative impacts to species and habitats and a resultant need for additional compensatory mitigation under the LSAA.

This comment is acknowledged. Comments received on the Draft EIR will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

- A2-13 The commenter describes required filing fees associated with CDFW review.

This comment is acknowledged.

- A2-14 The commenter recommends the feasible mitigation measures described in this letter be incorporated as enforceable conditions into the final CEQA document.

This comment is acknowledged. The Draft EIR acknowledges that a LSAA would be necessary for the project. During the LSAA process, the CDFW will have the opportunity to specify permit conditions and other regulatory requirements applicable to biological resources. Refer to Responses A2-2, A2-3, A2-4, A2-5, A2-8, A2-9, A2-10, A2-11, and A2-12.



San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail: no hard copy to follow

July 2, 2018

Ms. Liz Lewis
Marin County Flood Control & Water Conservation District
3501 Civic Center Drive, Room 304
San Rafael, CA 94903
Email: LizLewis@marincounty.org

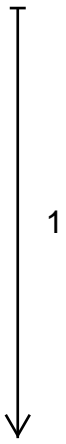
Subject: Comments on Draft Environmental Impact Report (DEIR) for San Anselmo Flood Risk Reduction (SAFRR) Project, Marin County

Dear Ms. Lewis:

San Francisco Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the San Anselmo Flood Risk Reduction Project (Project) by the Marin County Flood Control & Water Conservation District (District) pursuant to the California Environmental Quality Act (CEQA). The District posted the DEIR for public review on May 17, 2018. Accordingly, as a Responsible Agency under CEQA, we offer the following comments to guide the District in completing the Project DEIR:

- 1. Impacts to Federal and State Jurisdictional Wetlands and Other Waters.** The DEIR acknowledges that a Clean Water Act, (CWA) Section 401 water quality certification (401 Certification) from the Water Board and a CWA Section 404 Permit from the U.S. Army Corps of Engineers would be necessary as the Project impacts waters of the U.S. The impacts analyzed are separated into construction impacts and operational impacts. As proposed, the Water Board considers the potential impact on sediment transport and scour from the diversion structure for the Sunnyside Detention Basin, a significant effect that would not be adequately mitigated for with *Mitigation Measure 4.9-3a, Prioritize Nursery Basin Reach for Stream Maintenance*. The Project would result in ongoing aggradation upstream of the diversion structure and increased scour downstream. Recurring sediment removal maintenance would create on-going temporary impacts to the creek channel and would not address the downstream impacts of scour.

It has been shown in various off channel detention basin projects, particularly in Portland, Oregon, that diversion structures designed to backwater flow into a discontinuous basin and drain the floodwaters back to the creek at a downstream



point cause significant creek erosion. both. This erosion is caused by the high velocities immediately downstream of the instream diversion and basin drain outlet. Further, when the sediment falls out in the stream and basin, erosion will result downstream because the creek will reestablish equilibrium between its sediment load and flow volume by picking up stream bed and bank material. The potential overall effect would be for Fairfax Creek to incise resulting in headcuts and bank failures. We recommend that the District include mitigation measures and alternatives that would preserve sediment transport processes in the stream, keep sediment within the system, and reduce the risk of scour impacts downstream.

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cont.

- 2. Raised Building Alternative.** The Alternatives section includes a Raised Building Alternative (Alternative 3). Please note that the implementation of this alternative as opposed to the preferred alternative (the Bridge/Building Removal Alternative) would create significant mitigation requirements and add to the overall cost of the Project. The Raised Building Alternative would increase mitigation requirements because the benefits to creek and riparian habitat from removing the bridge would be lost. As a result, compensatory mitigation to offset the Project's unavoidable fill impacts would have to be found elsewhere. Accordingly, the Water Board strongly recommends that the Bridge/Building Removal Alternative be selected as a component of the Project. If the building is chosen to be raised, an Alternatives Analysis will be required in the section 401 Water Quality Certification (WQC) Application process. This Analysis must include, but not be limited to, an evaluation of other possible locations for the businesses, and an assessment of the structural feasibility of raising the businesses over a dynamic creek environment.

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- 3. Other Alternatives.** For the Water Board to permit the proposed Project pursuant to CWA, Section 401, we will require the District to conduct an alternatives analysis consistent with the U.S. Environmental Protection Agency's 404(b)(1) Guidelines. Accordingly, we recommend the District prepare and analyze alternatives in the DEIR that would be analyzed in the 404(b)(1) alternatives analysis to help expedite future Water Board actions and avoid the potential need for a DEIR supplement or amendment.

The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) incorporates the 404(b)(1) Guidelines by reference to determine the circumstances under which filling of wetlands, streams or other waters of the U.S. and/or the State may be permitted. In accordance with the Basin Plan, filling, dredging, excavating and discharging into a wetland or water of the state is prohibited unless the project meets the least environmentally damaging practicable alternative (LEDPA) standard as determined through the 404(b)(1) alternatives analysis. Although the LEDPA analysis is not required by CEQA, a project proponent may tailor the DEIR alternative analysis to fulfill both the CEQA and 404(b)(1) requirements to help expedite the Water Board's issuance of a 401 Certification and/or waste discharge requirements under Porter-Cologne. As such, we would like the following Alternatives to be analyzed in the DEIR:

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A. Naturalistic design: In Appendix D of the DEIR, *San Anselmo Flood Risk Reduction Project CEQA Support Conceptual Designs and Supplemental Modeling of Option 2A for Different Layouts of Sunnyside Detention Basin* (Stetson Engineers, January 31, 2018), a naturalistic design was proposed as Layout 1. However, Layout 1 was not carried forward as an alternative to be analyzed in the EIR nor was an explanation provided for why it was dropped. If the loss of the perimeter road was the limiting factor that made this alternative infeasible, we would like the DEIR to include an analysis of the necessary functionality of the perimeter road and alternative road locations that could provide that functionality.

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B. Floodplain design: This proposed alternative may be similar to the naturalistic design in Layout 1. We recommend evaluating an Alternative in which flood flows would spill over gradually into an adjacent floodplain bench at a certain storm frequency elevation and passively drain back into Fairfax Creek without interrupting the natural sediment transport processes. This could reduce the cumulative impact of ongoing sediment removal maintenance and scour within the creek channel. It may also make a complete perimeter road unnecessary. Moreover, with a careful design to ensure it is engaged when appropriate, it would provide a more continuous natural habitat that would reduce biological and water quality impacts while providing a sustainable solution to downstream flooding. This alternative's various benefits to water quality and habitat make it necessary to evaluate from a Water Board perspective.

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C. Bridge diversion structure: There is an existing bridge located on the property that may present an opportunity to minimize fill within Fairfax Creek. A potential alternative to consider would be to construct an overflow channel upstream of the bridge with temporary structures that could be lowered from the bridge to constrict and divert flow at the correct storm flow elevation to fill a side channel/floodplain basin within the nursery. Many of the similar issues with the proposed Project, such as aggregation upstream of the constriction and scour downstream, will remain. However, fill impacts will be minimized and mitigation requirements will be lower. The bridge constriction could allow base flow through while still diverting flood waters when needed. This would facilitate better sediment continuity and could be operated to minimize impacts. If the bridge location is infeasible, we would also require an alternatives analysis on alternative diversion structure options at the original location, which must include a bridge structure that will conform to the upstream and downstream creek cross-section and only temporarily fill the creek channel with a lowered gate.

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D. Fill Impacts: The Water Board shall require an analysis of the areas of permanent impact for opportunities of avoidance and minimization of impact to waters of the State. There is a relatively large area of riparian habitat currently proposed to be permanently filled with rock with a large amount of riparian canopy removed. We will require more habitat friendly biotechnical solutions to be evaluated where

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appropriate with the integration of native riparian plants and trees to minimize impacts to the maximum extent practicable.

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cont.

E. Downtown San Anselmo Bridge Removal Site: The Water Board also recommends that the District analyze expanding the riparian restoration at the Downtown San Anselmo site for additional flood protection and habitat restoration. There are many examples of innovative park renovations that involve creek restoration and flood protection that may be appropriate at this site, included a terraced amphitheater design or pathways down to a lower floodplain terrace. As proposed, the project permanent fill impacts are not fully compensated for by the restoration provided by this site. However, if opportunities to enhance or restore creek and riparian habitat were maximized, the Project might provide a net benefit to biological resources and water quality.

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4. Potential Impacts on Biological Resources. The Water Board regulates waters of the state to protect beneficial uses that support the health and success of various species, such as preservation of rare and endangered species, fish spawning and cold and warm freshwater habitat (Basin Plan, Chapter 2 and Table 2.1). Though there are currently major barriers to passage by anadromous fish downstream of the Project area, this portion of Fairfax Creek does have the potential to support salmonids, should those barriers be removed. Therein, the Water Board recommends evaluating more sustainable and fish passage friendly spillway structures across the creek, such as a fully spanning bridge with lowerable gates.

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Please note that the 401 WQC will require additional monitoring than what is outlined in *Mitigation Measure 4.5-7b: Habitat Restoration and Monitoring Plan*. The 5-year monitoring period will also include geomorphic monitoring for any sedimentation and/or erosion impacts at either site with the requirement to implement adaptive management measures where necessary. Any slow growing trees planted as part of the project or for mitigation, will need to be monitored for a minimum of 10 years to adequately assess their successful establishment relative to growth characteristics.

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We welcome the opportunity to continue to work collaboratively with the District on this important flood reduction project. If you have any questions about our comments please contact Nicole Fairley of my staff at nicole.fairley@waterboards.ca.gov or (510) 622-2424.

Sincerely,

Xavier Fernandez
Senior Environmental Scientist

Cc: CDFW, Karen Weiss, Karen.Weiss@wildlife.ca.gov
Corps, SF Regulatory, Roberta Morganstern,
Roberta.A.Morganstern@usace.army.mil

NMFS:

Dan Logan, Dan.Logan@noaa.gov
Sara Azat, Sara.Azat@noaa.gov
State Clearinghouse, State.Clearinghouse@opr.ca.gov

3.2.3 Comment Letter A3: California Water Boards, San Francisco Bay Regional Water Quality Control Board

- A3-1 The commenter states that Mitigation Measure 4.9-3a, Prioritize Nursery Basin Reach for Stream Maintenance, is not sufficient and that the Project would result in ongoing aggradation upstream of the diversion structure and increased scour downstream. The commenter also states that recurring sediment removal and related maintenance would create on-going temporary impacts to the creek channel and would not address the downstream impacts of scour, and recommends including mitigation measures and alternatives that preserve sediment transport processes in stream, keep sediment in the system, and reduce risk of scour downstream.

Draft EIR Impact 4.9-3 evaluates the effects of the project on sedimentation and erosion in Fairfax Creek and San Anselmo Creek. As discussed in Impact 4.9-3 (beginning on page 4.9-46), the creek would flow unimpaired through the diversion and overflow structure most of the time (including during wet season events that have occurrence intervals more frequent than 10-year annual percentage chance). During peak-flow events, the opening would be partly closed so that water would pool behind the diversion structure, which would potentially cause sediment to deposit upstream of the diversion structure. The Draft EIR identifies mitigation to address this impact of the project on sediment transport in Fairfax Creek. Specifically, under Mitigation Measure 4.9-3a, (page 4.9-50), sediment deposited upstream of the diversion structure would be removed and then trucked either to a beneficial reuse site or to an appropriate disposal site. The removal volume and area would be based on a combination of geomorphic triggers as well as flood storage capacity needs. This measure would sufficiently address the increased flood risk as stated in the Draft EIR; however, that sediment would be removed from the Corte Madera Creek watershed system, as the comment notes. Given the small area of the Fairfax Creek subwatershed that is upstream of the diversion structure, however, Fairfax Creek's relatively small share of the bedload generated in the Corte Madera Creek watershed (estimated as less than one percent of the total bed load sediment in Corte Madera Creek at the City of Ross), and the brief and infrequent closures of the flow path in the diversion structure, the loss of this sediment from the system would not rise to the level of a substantial adverse impact on the watershed as a whole.

In reference to the increased erosion portion of this comment, as described in Draft EIR Chapter 3, *Project Description*, scour protection (such as rock slope protection or similar materials) would be installed within the Fairfax Creek channel from the downstream side of the diversion structure to approximately 10 feet downstream of the outlet pipe, reducing the types of erosion discussed in this comment. With inclusion of these design features, implementation of Mitigation Measure 4.9-3a and compliance with relevant regulatory requirements, the impact would be less than significant.

To comply with CEQA's requirements to develop and analyze a reasonable range of alternatives to reduce significant adverse impacts, the Draft EIR also analyzed a passive basin as an alternative to the proposed flood diversion and storage basin, which would avoid interrupting the bedload sediment transport processes in Fairfax Creek while retaining a sufficient amount of peak flood flows to partially meet project objectives. As described in Section 6.3.2, Alternative 2, Morningside/Passive Basin alternative, this would be achieved by excluding a diversion structure from the design. This would avoid the upstream flooding impact by constructing the basin without a diversion and overflow structure.

- A3-2 The commenter indicates that the Raised Building Alternative would have additional mitigation requirements because of the reduction in stream restoration opportunities in this alternative. The comment also provides direction about additional permitting (Water Quality Certification under Section 401 of the Clean Water Act) requirements that would be necessary under this alternative.

This comment is acknowledged. As discussed in Draft EIR Chapter 6, *Alternatives*, the Raised Building Alternative would not avoid or reduce significant environmental impacts of the proposed project, and was not considered environmentally superior to the proposed project. Comments received on the Draft EIR will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

- A3-3 The commenter states that a project proponent may tailor the Draft EIR alternatives analysis to fulfill both the CEQA and the U.S. Environmental Protection Agency's 404(b)(1) Guidelines in order to expedite the Regional Water Quality Control Board's (RWQCB) issuance of a 401 Certification and/or waste discharge requirements under Porter-Cologne. The commenter then provides a list of recommended alternatives to be analyzed in the Draft EIR.

Pursuant to State CEQA *Guidelines* Section 15126.6, the Draft EIR evaluated a reasonable range of feasible alternatives, including a no project alternative and alternatives that would avoid or substantially lessen significant effects of the project or that would address community interests or points of concern, in Chapter 6, *Alternatives*, based in part on responses to the Notice of Preparation. As described in greater detail in Responses A3-4, A3-5, A3-6, A3-7, and A3-8, the Draft EIR analysis included alternatives designed to avoid and/or reduce the environmental impacts identified in this comment letter by the RWQCB.

The Flood Control District acknowledges that there may be a need to conduct a Section 404(b)(1) alternatives analysis and determine the least environmentally damaging practicable alternative (LEDPA) as part of obtaining a Section 404 permit and Section 401 water quality certification and would do so at the appropriate stage of project development.

- A3-4 The commenter requests that an explanation be provided for not including Layout 1 from the *San Anselmo Flood Risk Reduction Project CEQA Support Conceptual Designs and*

Supplemental Modeling of Option 2A for Different Layouts of Sunnyside Detention Basin (Stetson Engineers, January 31, 2018; included in Draft EIR Appendix D) and requests that the Draft EIR include an analysis of the necessary functionality of the perimeter road and alternative road locations.

In response to comments received from the public and neighbors during the scoping period, the Flood Control District included in the set of alternatives analyzed in the Draft EIR a basin with shallower side slopes and a naturalistic design and provided a perimeter road for maintenance access and access during basin operations. Several elements of Layout 1's naturalistic basin were included in the proposed Project's designs, but the side slopes of the basin were made more gently sloping to address community concerns. Other minor design changes on slope angle or perimeter road width may be made during the remainder of project development.

- A3-5 The commenter suggests that the Draft EIR evaluate an alternative in which flood flows would spill over gradually into an adjacent floodplain bench at a certain storm frequency elevation and passively drain back into Fairfax Creek without interrupting the natural sediment transport processes.

This comment is acknowledged. Layout 1 included a diversion and overflow structure, similar to the proposed project. The Draft EIR evaluated the Passive Basin (i.e., one without a diversion and overflow structure) as an alternative FDS basin, which would avoid interrupting the sediment transport processes in Fairfax Creek while retaining a sufficient amount of peak flood flows to partially meet project objectives. The commenter suggests that an adjacent floodplain bench, instead of a basin, should be considered for the Nursery Basin site. Without additional capacity provided by the basin, however, the suggested alternative would reduce the project's ability to meet objectives without substantially reducing environmental impacts any more than they would already be reduced by the Passive Basin alternative.

- A3-6 The commenter suggests that the Draft EIR evaluate an alternative that uses the existing bridge structure, instead of diversion structure, and construct an overflow channel upstream, or evaluate an alternative that includes a full-span bridge structure instead of the diversion structure, stating that this alternative would reduce fill impacts, and perhaps facilitate better sediment continuity.

Installing a gate on the existing bridge structure may reduce fill impacts in Fairfax Creek; however, due to its upstream location, the extent of flooding outside of the channel on upstream properties may be increased compared to the proposed project. The location of removal of deposited sediment could also shift upstream onto property not owned by the Flood Control District. As discussed in Response A3-5, the Draft EIR evaluated the Passive Basin as an alternative FDS basin, which would avoid most fill impacts and reduce impacts associated with sediment deposition and erosion.

- A3-7 The commenter states that the RWQCB will require an analysis of more habitat friendly biotechnical solutions for scour protection, tree removal, and fill in waters of the State.

The Flood Control District acknowledges this comment and will provide that information during the permitting stage of the project. In Section 1.2, the Draft EIR acknowledges that a Clean Water Act Section 401 water quality certification would be necessary for the project. During the Section 401 water quality certification process, the RWQCB will have the opportunity to specify requirements for fill impacts. The side-weir into the basin will have limited opportunities for biotechnical solutions because it is a critical structural feature of the functionality of the basin system.

- A3-8 The commenter recommends the Flood Control District analyze expanding the riparian restoration at the Downtown San Anselmo site for additional flood protection and habitat restoration.

This comment is acknowledged, and does not address the adequacy or accuracy of the Draft EIR analyses. Comments received on the Draft EIR will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

- A3-9 The commenter states that while there are currently major barriers to passage by anadromous fish downstream of the Project area, this portion of Fairfax Creek does have the potential to support salmonids, should those barriers be removed. The commenter recommends evaluating more sustainable and fish passage friendly spillway structures across the creek, such as a fully spanning bridge with lowerable gates.

This comment is acknowledged. As discussed in Response A3-5, the Draft EIR evaluated the passive basin as an alternative FDS basin, which would avoid the diversion structure and changes in sediment transport, and which would entail less modification to potential future fish passage than would the proposed project. However, as described in Draft EIR Chapter 3, *Project Description* (see page 3-19), the creek would flow unimpaired through the diversion and overflow structure most of the time (including during wet season events with occurrence intervals that are more frequent than 10-year annual percentage chance). Further, the opening would be partially closed only during peak-flow events, thus limiting the time during which fish passage could be affected at all. The diversion structure would never be fully closed to fish passage. Draft EIR Section 4.5, Biological Resources, evaluates project impacts to aquatic species in Impact 4.5-1, and it evaluates project impacts on wildlife movements in Impact 4.5-9.

- A3-10 The commenter states that additional monitoring beyond Mitigation Measure 4.5-7b, Habitat Restoration and Monitoring Plan, would be required by the RWQCB as part of the Section 401 Water Quality Certification process. Additional monitoring would include geomorphic monitoring for erosion and sedimentation impacts, with a requirement to implement adaptive management measures where necessary, and monitoring of slow-growing trees for a minimum of 10 years.

This comment is acknowledged. Draft EIR Mitigation Measure 4.5-7b, Habitat Restoration and Monitoring Plan, would address project impacts on natural communities. As described in that measure, the plan shall include, but not be limited to, protocols for

replanting of vegetation removed prior to or during construction, and management and monitoring of the plants to ensure replanting success pursuant to local municipal codes or by any more stringent requirements included in other permits issued for the Project. The Draft EIR acknowledges that a Clean Water Act Section 401 water quality certification would be necessary for the project. During the Section 401 water quality certification process, the RWQCB will have the opportunity to specify requirements for impacts on natural communities.



June 25, 2018

Marin County Community Development Department
C/O Rachel Reid, Environmental Planning Manager
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

RE: San Anselmo Flood Risk Reduction Project Draft Environmental Impact Report Comments

Dear Ms. Reid:

Thank you for the opportunity to provide comments regarding the San Anselmo Flood Risk Reduction Project (the Project) Draft Environmental Impact Report (DEIR). The Town of Ross understands that this is a significant step in the California Environmental Quality Act environmental review process and we appreciate this opportunity to provide comments on the adequacy of the DEIR for consideration when preparing the Final Environmental Impact Report (FEIR).

As the Marin County Flood Control and Water Conservation District is aware, the Town of Ross is subject to periodic flooding from Corte Madera and Ross Creeks. Throughout history and as demonstrated by recent events, prolonged and heavy storms can result in high flows exceeding the capacity of the creek in places where conveyance is constrained and floodwaters can breach the top of bank and escape the creek. With the pending reconstruction of the Winship Avenue bridge, the Town has growing concerns about the Marin County Flood Control District's (MCFCD) ability to successfully mitigate the potential increase in water surface elevation caused by the Project on private property as illustrated in the before-after flood profiles. Similarly, if the Project was to be completed before the completion of the Winship bridge reconstruction, several Ross residences upstream of the bridge would also experience a significant increase in water surface elevation within their property.

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With respect to the aforementioned concerns, the Town provides the following comments on the adequacy of the DEIR:

1. Describe, and not by reference, all proposed creek and stream channel improvements, including project alternatives and mitigation measures, within the Town of Ross. The description of in-channel flood wall and barrier mitigation measures on private properties should include some level of detail including diagrams of a typical deck and top of bank retrofit, including a description of materials. To better understand the aesthetic impacts of the improvements, the Town is also requesting photo simulations.
2. In section 4.9-3 (Impacts and Mitigation Measures) the Winship bridge reconstruction project is treated as a mitigation measure to alleviate inundation of properties upstream of the Winship bridge, however the flood profiles still show a rise in water surface elevation downstream of the existing

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bridge. The DEIR should recognize this fact and discuss adequate mitigation measures without having to refer to the Cumulative Impacts section.

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cont.

3. The Winship Bridge reconstruction project is inadequately represented as a "Cumulative Impact" in the DEIR. Section 5.4.8 (Cumulative Impacts) the DEIR states that "The Project would have no impact related to creating or contributing to runoff water that would exceed the capacity of stormwater drainage systems, place housing within 100-year flood hazard areas, or...". This statement is untrue or misleading and should be revised because any increase in water surface elevation in the channel could:

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- a. Impact the capacity of a storm drain emptying into the channel (the drainage outlet for the flood-prone Bolinas Avenue at the Winship bridge is one example.)
- b. Cause a structure to be placed within a 100-year flood hazard area (SFHA) if the inundation exceeds the lowest adjacent grade (LAG) of a structure not protected by a proposed flood barrier (this impact cannot be determined until the LAG is surveyed for each parcel subject to increased inundation)
- c. Inundate the crawlspace of a residential structure with new or increased flooding causing damage to HVAC, electrical, structural cribbing, etc.

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4. The DEIR should discuss what recourse is available to the individual homeowners if barriers are installed but the implementation of future projects lowers the 100-year flood elevation to a point where the barriers are no longer needed. Conversely, what recourse is available to homeowners if (for whatever reason) the 100-year flood elevation turns out to be higher than the constructed barrier.

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5. The DEIR Appendix D ends the discussion of the channel erosion scour impacts and countermeasures at the Winship bridge. There are, however, several walls and old rock revetments downstream of the Winship bridge, some in the area of an almost 90-degree change in direction just upstream and downstream of the Sir Francis Drake Bridge. The study should extend the discussion through this S-turn to ensure that channel erosion and scour within this critical reach is evaluated during final design.

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6. The map showing inundation changes near the Winship bridge (Figure 4.9-7) for the 25-year event should also include similar inundation maps for the 10 and 100-year event. Assuming the maps in Chapter 4 of the DEIR represent the impacts before the replacement of the Winship bridge, similar maps, showing the impacts after the reconstruction of the Winship bridge for 10, 25, and 100-year events, should also be included in the Chapter 5 Cumulative Impact section of the DEIR.

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Thank you in advance for considering the above comments and incorporating them into the San Anselmo Flood Risk Reduction Project Final Environmental Impact Report.

Sincerely,

Joe Chinn
Town Manager

cc: Mayor Robbins and Council Members
Richard Simonitch, Director of Public Works
Heidi Scoble, Planning Manager

3.2.4 Comment Letter A4: Town of Ross

A4-1 This comment summarizes the flooding history in the Town of Ross and expresses concern about the sequencing of different flood risk reduction/protection projects in an order that will avoid increasing flood risk or severity in portions of the Town of Ross. Specifically, it states that if the San Anselmo Flood Risk Reduction Project were implemented before the Winship Bridge Replacement Project, there would be increases in peak water surface elevation (WSE) on several private properties.

This comment is acknowledged. The Draft EIR contains multiple discussions of this complicated dynamic. Draft EIR Impact 4.9-4 presents a brief discussion of increased flood risk. Draft EIR Chapter 5, *Cumulative Impacts*, includes a lengthier discussion of the hydraulic interactions between the Project and the Winship Bridge Replacement Project. Several of the alternatives in Draft EIR Chapter 6, *Alternatives*, also discuss this effect. Several of the other comments in this letter explore this in more detail, and responses are provided below.

A4-2 The commenter requests more description/design detail of proposed creek and stream channel improvements and mitigation measures such as flood barriers.

The requested design details will be determined during the design process. Please refer to Master Response 3, Future Design Details, regarding the level of detail of the proposed project and the corresponding level of detail of the CEQA analysis.

As explained in CEQA Guidelines Section 15126.4(a)(1)(B), which says “Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.”

The Draft EIR shows potential impacts on approximately six privately owned parcels downstream of the Winship Bridge once it is replaced with one that does not constrain flows. That hydraulic modeling shows these parcels could expect an additional one to three inches of peak water surface elevation during a 25-year flood event once the bridge is replaced. The identified flood barrier measures in Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, (revised as described in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation) are appropriate for these parcels but are outside the Flood Control District’s direct control because they are on private property.

As part of preparing the design plans for the Project, mitigation measures will be developed for each individual property that is affected and in coordination with the property owners, and will be designed based on the elevation, slope, and other physical constraints of each property. The EIR considered analysis of flood barriers at the parcel level but the specific location and dimensions of the mitigation measure will require more detailed design and engineering, and are beyond the level of detail required in this EIR.

Please note that Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, has been clarified to explain that the term “flood barriers” includes several different measures. Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, includes the text of this clarified Mitigation Measure 4.9-4.

- A4-3 Photo-simulations are requested to help understand the aesthetic implications of the proposed flood barriers and other mitigation measures.

Please refer to the response to the previous comment for a discussion of the plans to develop more detailed designs for individual properties in coordination with the property owners.

- A4-4 This comment characterizes the removal of the Winship Bridge as a mitigation measure for increased flood risk (increased water surface elevations) on properties upstream of the Winship Bridge. It then states that said mitigation measure would be inadequate and requests additional mitigation.

The text of the Draft EIR does not treat the removal of the Winship Bridge as a mitigation measure for the San Anselmo Flood Risk Reduction Project. Rather, because it is an independent project being planned and designed at the present time, it is part of the expected future condition that is assessed in Draft EIR Chapter 5, *Growth-Inducing and Cumulative Impacts* (Section 5.4). Regardless of whether the Winship Bridge project is approved, the mitigation for any increases in water surface elevations/flood risk due to the proposed project, would be the same as that for the proposed Project, as described in Draft EIR Impact 4.9-4. Please refer to revised Mitigation Measure 4.9-4, Provide Flood Protection to Adversely Affected Areas, which has clarified that flood barriers and includes several other types of physical non-structural mitigation measures, in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation.

- A4-5 This comment concerns the cumulative impacts discussion (Section 5.4.8) of the Draft EIR and its assessment of the Winship Bridge Replacement Project, particularly regarding potential impacts to the capacity of the storm drain system because of increased runoff.

The comment states that the Winship Bridge replacement is treated in the Draft EIR as a mitigation measure. This is a mischaracterization of the document. As described in the response to comment A4-4, the Winship Bridge Replacement Project is treated as part of the expected future condition, within which the cumulative impacts of this project and others are evaluated.

The text referenced in the comment is the introductory paragraph of Draft EIR Section 5.4.8, and it discusses whether the Project, in combination with other projects, would cause changes in stormwater runoff that would exceed the capacity of the drainage system. Because the Project would not create new stormwater runoff or contribute new stormwater runoff (as discussed in Draft EIR Section 4.9.3.1, page 4.9-37), it cannot contribute to a cumulative impact on that aspect of the drainage system. Pursuant to state

CEQA *Guidelines* Section 15130(a)(1), the EIR “should not discuss impacts that do not result in part from the project evaluated in the EIR.”

The comment may be making a different point about the capacity of the receiving water body (San Anselmo Creek near Bolinas Avenue at the Winship Bridge) being reduced because of the increase in water surface elevation within the channel. The outfall in its current conditions is already subject to backwater conditions during peak flow events. That dynamic is addressed in Draft EIR Chapter 5 (on Draft EIR pages 5-22 and 5-23) and in more detail in Draft EIR Appendix D. The hydraulic modeling conducted for the Draft EIR impact analysis included the combined effect of the San Anselmo Flood Risk Reduction Project along with other projects (such as the Winship Bridge Replacement Project) to estimate changes in creek water surface elevations and flooding.

- A4-6 This comment asserts that the Project could cause a structure to be placed within the 100-year special flood hazard area by causing inundation above the lowest adjacent grade of a structure not protected by a flood barrier. It notes that this potential impact cannot be evaluated because detailed surveys of the potentially affected properties have not yet been surveyed.

As discussed in Draft EIR Impact 4.9-4, the Project would not cause inundation in new areas during the 100-year flood event but would cause an increase in peak flood elevations on certain properties in the 25-year and 100-year flood event. Refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation. In that master response, two tables demonstrate which parcels are already in FEMA special flood hazard areas and present the changes in 25- and 100-year flood risk as they would potentially affect only the parcels or the structures on them.

As discussed in Draft EIR Impact 4.9-5, the Project would remove many structures and parcels from the 100-year special flood hazard area. The Draft EIR analysis relied upon modeled water surface elevations, and conservatively assumed that any locations where water surface elevation increased outside the creek channel could experience increased flood risk, which would be a significant impact under CEQA. The Flood Control District agrees that more property-specific surveying and mitigation designs are needed. Mitigation Measure 4.9-4, Provide Flood Protection to Adversely Affected Areas, commits it to doing those surveys and developing and implementing appropriate flood barriers. Implementation of this mitigation measure would be adequate to reduce flood risk to levels that would be less than significant, but that implementation depends on property owner approval.

- A4-7 This comment states that the Project could inundate the crawlspace of a residential structure with new or increased flooding and thereby damage its structure or utilities/service systems.

Draft EIR Impact 4.9-4 acknowledges the possibility that the Project could result in inundating the crawlspace of residential structures on certain properties, as suggested in this comment. Proposed Mitigation Measure 4.9-4, Provide Flood Protection to

Adversely Affected Areas, would address that risk and reduce or avoid those potential impacts. However, the Flood Control District cannot require the property owners to accept these measures to protect their properties; therefore, the impact was necessarily determined to be significant and unavoidable. As the CEQA lead agency, the Flood Control District's role is to establish appropriate thresholds for when mitigation is necessary to reduce a significant adverse impact. Please refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for more on this topic.

- A4-8 The commenter requests information regarding what would happen to flood barriers if implementation of other future projects lowers the flood risk and water surface elevations to points where the barriers are no longer needed. It also asks about a 100-year flood elevation exceeding the flood barriers' height.

As discussed in Draft EIR Impact 4.9-4, the flood barriers (discussed in the clarified Mitigation Measure 4.9-4, Provide Flood Protection to Adversely Affected Areas; refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation) are intended to provide protection against the 25-year flood event. The 100-year event would be so large that the San Anselmo Flood Risk Reduction Project on its own would not substantially reduce the area of inundation. Nor would it substantially increase the water surface elevations in most of the downstream areas that would experience increase flood risk in the 25-year event. As shown on *Map Showing Change in Water Surface Extent and Depth between Existing Condition and Project Completion, Flood Event: 100-Year Flood, Project: Option 2A*, Downtown San Anselmo Area (Lower)* in Appendix D, Item D-1, the increase in water surface elevation during the 100-year flood would occur broadly across the entire area between San Anselmo Creek and Sir Francis Drake Boulevard along Barber and Winship Avenues, in an area that already floods during the 100-year event.

If enough flood protection is provided by a combination of upstream storage and downstream creek capacity improvements or removal of flow-constraining features that the flood barriers are no longer needed, the Flood Control District would remove them at the request of the property owners (more detail on the Flood Control District's responsibilities regarding flood barriers is presented in Master Response 2, Socioeconomic Effects, and in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation).

- A4-9 This comment requests additional analysis of erosion and scour just upstream and downstream of the Sir Francis Drake Bridge (below the Winship Bridge), particularly because there are sharp turns in the creek centerline that may be affected by the Project.

Due to the constriction of Winship Bridge, the Project's effects on the reach downstream of the Winship Bridge would be limited; however, potential scour downstream of Winship Bridge in the cumulative scenario was evaluated in Draft EIR Chapter 5, *Growth-Inducing and Cumulative Effects*. As described in Section 5.4.8, to evaluate this potential impact, channel bed and bank materials were inventoried in the bridge project

locations and compared with modelled stream flow velocities in these areas. The modeling included replacement of the Azalea, Madrone, Nokomis, Center, Bridge Avenue, and Winship Bridges along with the proposed Project and removal of the fish ladder structure as part of the USACE Corte Madera Creek Flood Risk Reduction Project. The impact assessment evaluated changes in bed material mobility at all of these locations, as described in page 13 of Appendix D Item D.4. The model results combined with the bed and bank material information indicated that changes in mobility of channel bed and bank materials is minor compared to existing conditions

- A4-10 This comment requests additional maps showing changes in water surface elevations for the 10- and the 100-year flood events to correspond to those shown in Figure 4.9-7, which shows the 25-year event.

Maps illustrating the data requested by the commenter are presented in Appendix D, Items D-1 and D-3.

In Item D-1, the *Map Showing Change in Water Surface Extent and Depth between Existing Condition and Project Completion, Flood Event: 10-Year Flood, Project: Option 2A* (Sunnyside Det. Basin Layout 2 + BB#2 Complete Removal), Downtown San Anselmo Area (Lower)* and *Map Showing Change in Water Surface Extent and Depth between Existing Condition and Project Completion, Flood Event: 100-Year Flood, Project: Option 2A* (Sunnyside Det. Basin Layout 2 + BB#2 Complete Removal), Downtown San Anselmo Area (Lower)* show the ‘project-only’ changes in water surface elevations for the 10-year and the 100-year events.

In Item D-3, *Change in HEC-RAS-Simulated Inundation Extent and Depth between Option 2A (Complete Removal) + Foreseeable Projects and Existing Conditions for 10-year Flood, Downtown San Anselmo Area (Lower)* and *Change in HEC-RAS-Simulated Inundation Extent and Depth between Option 2A (Complete Removal) + Foreseeable Projects and Existing Conditions for 10-year Flood, Downtown San Anselmo Area (Lower)*, the maps show the cumulative effect of the Project along with the expected future conditions for all three flood events.



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
PHONE (415) 453-1584 / FAX (415) 453-1618

July 2, 2018

Liz Lewis
Planning Manager
County of Marin Public Works Department
3501 Civic Center Drive
San Rafael, CA 94901

Subject: Draft Environmental Impact Report for San Anselmo Flood Risk Reduction Project

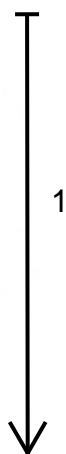
Dear Liz:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the San Anselmo Flood Risk Reduction (SAFRR) Project (Project). The recent flood experiences locally illustrate the importance of flood reduction efforts in the Ross Valley, of which this Project is a part of the overall Ross Valley Flood Protection and Watershed Program (Program).

The SAFRR Project consists of flood risk reduction improvements in/near both Fairfax and San Anselmo. Although the entirety of the project and the DEIR's analysis are of interest and concern, these comments focus on the Project component that most directly concerns the Town of Fairfax, the Floor Diversion and Storage basin proposed at the former Sunnyside Nursery growing grounds (the "Nursery FDS"), located approximately 1½ miles west of our downtown.

The Town has several questions and concerns about the DEIR's discussion of impacts regarding the Nursery FDS as addressed in the DEIR.

First, DEIR Section 4.15 Transportation and Circulation (summarized in the Mitigation Monitoring and Reporting Program (MMRP)) generally notes in 4-15.3.3 Approach to Analysis "Construction-related transportation impacts are not generally considered significant because of their temporary duration and limited scope". The Town questions the propriety of this assumption, particularly with a project involving this substantial a scale and duration of construction-related activities. Demolition, debris removal, and construction-related traffic and equipment all could generate transportation, air quality, and noise impacts that adversely affect Fairfax residents and businesses. In addition, the Town is concerned that the DEIR fails to meaningfully analyze the cumulative traffic, air quality, and noise impacts associated with past, present and reasonably foreseeable future projects, particularly with respect to the intense and protracted construction-related activities associated with the project.



DEIR Section 4.15 identifies certain potential construction-related impacts:

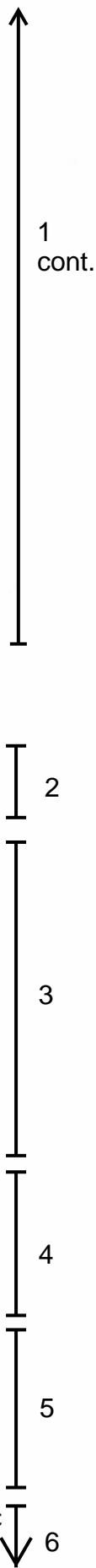
Impact 4.15-1 states that construction activity associated with the project could potentially substantially increase traffic congestion. It notes that construction activity could last 6-8 months and generate up to 392 one-way vehicle trips per day (76 worker trips and 316 truck trips) on Sir Francis Drake Boulevard (SFD). Peak construction traffic is estimated to occur over an approximately 20-day period of excavation and off-hauling. The analysis asserts notes that the construction-trip traffic would not represent a substantial increase in the daily traffic volumes on SFD, but it would potential impede traffic if it occurred during peak hours (7-9 am and 4-6 pm).

Mitigation Measure (MM) 4-15.1 concludes that while wear-and-tear on road conditions and driving safety are potentially significant impacts, any potential traffic impacts will be reduced to less-than-significant-with-mitigation (LSM) by a future Traffic Mitigation Plan (TMP) prepared by a professional traffic engineer. The TMP would include a variety of submittigation measures including: measure b) as needed schedule truck traffic outside of peak hours, and measure j) prior to project construction, document road conditions for all routes to be used by Project-related vehicles, and repair roads damaged by construction to a structural condition equal to what existed prior to construction.

Staff has several questions about the DEIR’s conclusions and proposed mitigations. For example:

- What is the basis for concluding that heavy trucks will only be driving to and from the Project site (particularly hauling dirt) during the 20-day period estimated in the DEIR? How certain is this estimate?
- In briefly evaluating heavy vehicle traffic on SFD during the week, the time of heaviest traffic, the closest comparison to the type of traffic to be generated by the project are buses that travel on SFD. We calculate that the average daily volume of one-way bus traffic at approximately 110 trips per day. The closest headway of those buses is typically greater than 20 minutes apart. In order for truck traffic to confine its SFD roadway travel to the hours of 9 am to 4 pm, it appears heavy truck headways could average 1½ minutes apart during those hours. During the week the project traffic will roughly triple the volume of heavy vehicles from the other largest volume heavy vehicle source, and will have a much higher vehicle frequency on SFD. How will this mesh with existing traffic, and avoid adverse congestion and safety impacts?
- What are comparable vehicle weights for buses versus these 20-yard trucks? Some evaluation of the relative potential for wear-and-tear roadway impacts should be made to determine whether the Project’s heavy trucks would have more impacts on a per vehicle basis, and whether these could degrade the roadway to the point where repaving/reconstruction is necessary.
- Sir Francis Drake Boulevard has up to hundreds of bicyclists using it on a daily basis, including children cycling to and from school. While GGBHTD bus drivers are well trained and experienced in sharing Marin roadways with bicyclists, what provisions beyond enhanced enforcement will be in place to ensure that truck drivers are as compatible as possible with users such as cyclists?

Impact 4-15.4 states that Project-related construction activity could temporarily increase traffic hazards and roadway wear-and-tear due to heavy traffic uses. The Impact 4.15-4 discussion



states that major arterials are designed to handle heavy trucks and impacts are expected to be negligible on those roads.

Potentially patching SFD doesn't adequately address the Town's concerns about the Project's impacts on this roadway. Truck trips will be occurring an average of every 1-1/2 minutes, 7 hours a day for (at least) 20 days. This level of truck traffic represents a significant disruption even outside peak hours.

SFD has been inspected throughout its entire length in Town, and some pavement cracking occurs to a greater or lesser extent throughout its entire length. What assessment has been made of the SFD pavement condition, and the capacity of it to accommodate the heavy truck use for this and other foreseeable future projects? (see cumulative impacts discussion below). A detailed photographic and engineering analysis should be conducted of SFD throughout its length in Fairfax to provide an accurate baseline against which anticipated and actual truck traffic impacts on the roadway can be assessed.

Cumulative Impacts The cumulative effects of the total projects planned for the upper watershed as part of the Ross Valley Flood Protection and Watershed Program (Program) is of concern to the Town. Table 5-1 Projects Considered In Cumulative Impact Analysis references the effort led by the Flood Control District, lists the general projects included in that effort. The Summary of the overall Program (contained in Section 3.1.1 of the Project DEIR) shows locations of a total of four (4) FDS basins proposed in the upper subwatersheds immediately northwest of Fairfax.

While acknowledging that Fairfax, particularly its downtown, will directly benefit from the upper watershed FDS basins, the overall scope of these projects is somewhat dismissively characterized in the DEIR's Chapter 5 Cumulative Analysis.

Section 5.4.14 on Transportation and Circulation asserts that because the Project would be consistent with congestion management program (CMP's), Level-of-Service and Air Quality [long-term] and wouldn't conflict with policies supporting alternative transportation, there would be no significant Project impacts on those resources.

The analysis asserts there is no potential for cumulative impacts due to traffic volume increases during construction in relation to the existing traffic load and capacity of the road system, or conflict with plan ordinances or policies relating to the circulation system, emergency access, and user safety.

The Traffic Management Plan listed in Mitigation Measure 4.15-1 of Chapter 4 does not contain any discussion of the project-specific or cumulative transportation/circulation impacts, nor does the cumulative impacts discussion in Chapter 5 provide meaningful analysis of such impacts. The document does not evaluate how these measures will reduce potentially significant impacts, or provide reasonable performance standards that demonstrate that impacts will be reduced to less-than-significant through use of the measures identified in the plan. This appears to be a serious oversight, given the potential impacts for this Project alone.

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cont.

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While the Project impacts are open to discussion in terms of their standalone significance, the four similar reasonably foreseeable projects demand a more thorough analysis of potential cumulative impacts than has been provided.

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- Will all four FDS basins be part of the overall Program and the accompanying Program EIR? At this time, this Project DEIR is the only document on record providing an assessment of cumulative impacts.
- What is estimated schedule of release of the Draft Program EIR?

Potential cumulative impacts from all FDS basins must address grading, air quality impacts, and transportation.

10

- From the information on the proposed Lefty Gomez Field FDS, would that project entail a roughly equivalent amount of grading to this Project?
- How much grading and offhaul would be involved with all of the foreseeable FDS basin projects (including Bothin Park and Loma Alta)?
- What air quality, noise, and transportation impacts could be anticipated from all FDS grading and associated activities?

Adding many thousands more heavy truck trips that would be anticipated to travel through downtown Fairfax for the cumulative project will directly impact the Town in all the ways being discussed in this Project DEIR, only much more so.

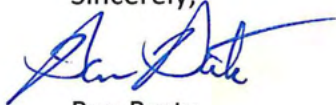
11

- What condition Sir Francis Drake Boulevard will be in at the end of this extended construction period can only be hazarded. It would seem reasonable to conclude the effects will be quite adverse.

The Town of Fairfax supports the efforts of the Flood Control District in planning projects that will substantially reduce the risk of recurring flooding in the Ross Valley. However, it is incumbent on the District to fully assess and address the potential impacts of such projects. We look forward to working with the District to mutually resolving our concerns.

12

Sincerely,



Ben Berto
 Director of Planning and Building Services
 Town of Fairfax
 142 Bolinas Road
 Fairfax, CA 94930
 ph. 415-458-2346
 bberto@townoffairfax.org

CC: Garrett Toy, Town Manager
 Town Attorney
 Town Council

3.2.5 Comment Letter A5: Town of Fairfax

A5-1 This comment is an introduction to the questions and comments noted in the remainder of the letter. This introduction does several things. First, it questions the assumption made in the Transportation section of the EIR that construction-related transportation impacts are not generally considered significant because of their temporary duration and limited scope. The reason given for this question is the scale and duration of construction-related activities. It asks how the construction impacts can be considered temporary. It then notes that the various construction activities could generate impacts that adversely affects Fairfax residents and businesses. It then states the Town's opinion that the Draft EIR does not sufficiently analyze the cumulative impacts of traffic, air quality, and noise from the San Anselmo Flood Risk Reduction Project in combination with past, present, and reasonably foreseeable project, particularly with regard to the construction of this project. Finally, the comment letter then includes a summary description of Impact 4.15-1 and the associated Mitigation Measure 4.15-1, Traffic Management Plan (not 'Traffic Mitigation Plan', as in the comment text). That summary description is used as the basis for several of the following comments. Responses to the issues raised in this introductory comment are provided below in response to individual comments.

Regarding the question of how construction impacts can be considered temporary, as the CEQA lead agency, the Flood Control District has determined that potential construction-related impacts on some topical resource areas (most notably Aesthetics and Transportation) are rightfully considered temporary, and the thresholds of significance discussed in those sections of the EIR (4.2 and 4.15) address those impacts specifically. The construction durations at the two project locations (eight months at the Nursery basin site and four months in downtown San Anselmo), are presented in Table 3-2 of the project description.

A5-2 This comment asks about the estimate of 20 days of heavy truck trips to and from the project sites. It specifically asks how it was derived and how certain it is.

The estimates of the numbers and durations of truck trips came from CH2M (now Jacobs). It was developed as a conservative estimate of what the maximum number of truck trips would be if the excavation at the Nursery Basin site could proceed as rapidly as possible for consecutive days. The total volume of material to be excavated and off-hauled was divided by the capacity of a haul truck in order to determine a total number of truckloads. That number was then divided by a theoretical maximum of how many trucks could enter the site, be loaded, and leave the site each hour for the duration of an allowable work day. Next, individual vehicle trips associated with construction activities (e.g., work crew members' personal vehicles) were added to the estimates of haul truck trips. A similar approach was used for the Downtown San Anselmo site, which was then added to the estimate for the Nursery Basin site subtotal. This approach is an acceptable method to generate a high-end estimate of the number of truck trips per hour or per day, and has the effect of compressing the schedule into the fewest number of days, thereby providing information about the worst-case condition on any single day during the

construction period. The actual construction duration is likely to be longer with less intense increases in daily construction traffic. As discussed in Draft EIR Impact 4.15-1, this approach to estimating construction traffic could cause peak traffic impacts of approximately 3% over baseline levels, which is within the normal range of daily fluctuation. This is not a substantial increase in traffic levels on its own, but Draft EIR Mitigation Measure 4.15-1, Traffic Management Plan, would further reduce the adverse effects, as described in the Draft EIR.

- A5-3 This comment uses data on the frequency of buses on Sir Francis Drake Boulevard to relate to the expected frequency of construction truck trips on that same road. It states that the project would triple the volume of heavy vehicle trips on that road and asks how that will mesh with existing traffic and avoid congestion and safety impacts.

Draft EIR Impact 4.15-1 (Section 4.15.3.4) states “The primary impacts resulting from the movement of construction trucks would include a short-term and intermittent lessening of roadway capacities due to the slower movements and larger turning radii of the trucks compared to passenger vehicles.” The same section also states, “Drivers could experience delays if they were traveling behind a construction truck. Traffic volume increases caused by Project construction would be most noticeable on local-serving roadways, but the increased traffic volumes are expected to remain at levels less than the carrying capacity of the roads.”

The Draft EIR text concludes that these changes would generally be less than significant, but that in some directions at certain times of the day unacceptable levels of congestion could occur. Mitigation Measure 4.15-1 would reduce those levels of congestion and address other concerns expressed in the comment. The Traffic Management Plan required by Mitigation Measure 4.15-1 includes provisions such as adjusting off-haul schedule to reduce congestion, coordinating with County and Town agencies, implementing a public information program, enforcing construction specifications with the drivers, and other measures to address public safety.

- A5-4 This comment asks about the weight of a laden haul truck compared to a public transit system bus as a way of assessing the potential for the haul trucks to damage the roads. That assessment is also requested.

As discussed in Draft EIR Impact 4.15-4, major arterials, such as Sir Francis Drake Boulevard, are designed to handle a mix of vehicle types, including heavy trucks, and the impacts are expected to be negligible on those roads. Mitigation Measure 4.15-1 includes a commitment to document the pre-project condition of the roads on the haul routes and to repair the roads to the pre-project conditions.

- A5-5 This comment asks about the safety of bicycles sharing the road with the haul truck used for construction.

Draft EIR Impact 4.15-3 evaluates project impacts on bicycle and pedestrian safety. As discussed, the Traffic Management Plan required in Draft EIR Mitigation Measure 4.15-1

would provide for continuity of pedestrian, and bicyclist traffic; reduce the potential for traffic accidents; and ensure worker safety in construction zones. Where Project construction activities could disrupt mobility and access for bicyclists and pedestrians, the TMP measures shall ensure safe and convenient access would be maintained.

- A5-6 This comment asks about the weight of heavy trucks and the potential to damage roads. It asks what assessment of the pavement condition has been done so far and to evaluate its capacity to support heavy trucks. It calls for a detailed photographic and engineering analysis should be conducted of SFD throughout its length in Fairfax to provide an accurate baseline against which anticipated and actual truck traffic impacts on the roadway can be assessed

Please see response to Comment A5-4, which explains that Draft EIR Mitigation Measure 4.15-1 includes a commitment to document the pre-project condition of the roads on the haul routes and to repair the roads to the pre-project conditions.

- A5-7 This comment explains the Town of Fairfax's concern that the Ross Valley Flood Protection and Watershed Program's (the Ross Valley Program) total of four flood diversion and storage (FDS) basins in the watersheds above the Town of Fairfax could have a cumulatively adverse effect on traffic and the transportation system. The comment also summarizes the Town's general conclusions of the EIR's cumulative impact chapter's evaluation of transportation impacts.

Draft EIR Chapter 5, *Growth-Inducing and Cumulative Effects*, includes an evaluation of cumulative impacts related to transportation and circulation. The transportation impacts of the flood protection projects in the Ross Valley Program – especially the FDS basins noted in the comment – are limited to the construction phase because there is almost no operational traffic associated with their operation. The Ross Valley Program EIR will include program-level analysis and mitigation measures, if necessary, to address any potentially significant transportation impacts associated with construction of the FDS basins included in the Program. As stated in Draft EIR Chapter 5, page 5-31, construction of the Program FDS basins is not expected to occur concurrently with construction of the proposed Project. For this reason, there is no cumulative transportation and circulation impact to which construction of the Ross Valley Program FDS basins and the proposed project would contribute.

- A5-8 This comment states that the text of Section 4.15 does not explain how the TMP required by Mitigation Measure 4.15-1 would reduce the impacts to the transportation/circulation system to less than significant levels or specify adequate performance standards, either on the project-specific basis or on the program level.

Draft EIR Section 4.15 identifies the potentially significant impacts on transportation and circulation associated with the project, and describes feasible measures which can minimize those significant adverse impacts. As stated on Draft EIR page 4.15-8, the Traffic Management Plan (TMP) would provide for continuity of vehicular, pedestrian, and bicyclist traffic; reduce the potential for traffic accidents; and ensure worker safety in

construction zones. Where Project construction activities could disrupt mobility and access for bicyclists and pedestrians, the TMP measures shall ensure safe and convenient access would be maintained. The TMP includes performance standards for elements listed, such as requiring truck drivers to use the most direct route between the Project sites and U.S. 101, installing traffic control devices as specified in the applicable jurisdiction's standards, and repairing roads damaged by construction to a structural condition equal to that which existed prior to construction activity.

- A5-9 This comment asks about the cumulative impacts of traffic associated with the four FDS basins and their inclusion in the Ross Valley Program EIR as well as the timing of that document's release.

All of the FDS basins listed in this comment (and that are considered in the cumulative impacts analysis of this EIR) are part of the Ross Valley Program and will be included in the Program EIR, which is expected to be released early in 2019. The Program EIR will provide a programmatic description of the basins, their locations, the expected primary haul routes, and a program-level evaluation of the associated impacts on transportation. As explained in Response A5-7, because the construction of these basins would not be concurrent, there is no cumulative transportation and circulation impact to which construction of the Ross Valley Program FDS basins and the proposed project would contribute.

- A5-10 This comment asks about cumulative impacts from grading, air quality, transportation and noise associated with construction of those other basins. It asks for specific project-level details on the amount of grading (i.e., earthwork), off-haul volumes, and air quality emissions from the construction of those projects.

As explained in previous responses, no design work has been done on the other FDS basins in the Ross Valley Program. Impacts of construction traffic and noise are only cumulative if two or more projects are under construction simultaneously, which would not be the case, as described on Draft EIR Chapter 5, page 5-31 and in Response A5-7. As stated in Section 5.4.2 of the Draft EIR, the project-level thresholds for criteria air pollutants set by the Bay Area Air Quality District (BAAQMD) are based on levels by which new sources are not anticipated to contribute to an air quality violation or result in a cumulatively considerable net increase in criteria air pollutants. Therefore, if a project would exceed the identified construction or operational significance thresholds, its emissions would be cumulatively considerable, and if a project would not exceed the construction or operational significance thresholds, its emissions would not be cumulatively considerable. The Project's contribution to cumulative air quality impacts are evaluated in Draft EIR Impacts 4.3-1 and 4.3-4; as discussed there, with implementation of Mitigation Measures 4.3-1, BAAQMD Basic Construction Measures, and 4.3-4, Tier 4 Engines for Construction Equipment, the Project's construction emissions would be below the BAAQMD significance thresholds.

The cumulative impacts analysis presented in Chapter 5, *Growth-Inducing and Cumulative Impacts*, discusses the cumulative impacts on air quality, transportation, and noise (as well as on other resources) at the appropriate level of detail for a project-level EIR. The Ross Valley Program EIR will address them at a programmatic level, and the individual project EIRs for those different basins will quantify and analyze the specific volumes of earthmoving and make estimates of haul truck volumes, air quality emissions, and so on.

- A5-11 This comment is about the combined total of haul truck trips for all of the projects under the Ross Valley Program and asserts that Sir Francis Drake Boulevard will be adversely affected by them.

As explained in Response A5-7, the Ross Valley Program EIR will address the cumulative effects of the proposed program on Sir Francis Drake Boulevard and other major roadways, but the construction of that program of improvements will not occur at the same time as the proposed project. The Program EIR will identify the potentially significant impacts on transportation and circulation associated with the program, and will describe feasible measures to avoid or reduce those significant adverse impacts.

- A5-12 This comment voices support for the efforts to reduce flooding but notes that the Flood Control District must fully assess and address potential impacts of these projects.

This comment is acknowledged. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.



City of Larkspur

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

Ms. Rachel Reid, Environmental Planning Manager
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Via email: envplanning@marincounty.org

July 2, 2018

RE: SAN ANSELMO FLOOD RISK REDUCTION PROJECT - EIR

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

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

1

Pg. 2-28 Hydrology and Water Quality – Impact 4.9-3:

In reference to the Nursery Basin, Mitigation Measure 4.9-3a states

'... the Flood Control District shall prioritize sediment removal at this site over other sites covered by the SMP and shall remove all deposited sediment up to the maximum volume allowed under the existing permit (2,100 cubic yards.)'

2

There is no discussion of impacts of this proposed change in sediment removal operations within the watershed.

Mitigation Measure 4.9-3b states

'measures to counter scour and sedimentation issues must be based on more advanced project design.'

3

The remainder of the section discusses only scour analysis and protection measures. It is understood that sedimentation issues will be studied and accounted for in addition to the scour analysis.

3.2.6 Comment Letter A6: City of Larkspur

- A6-1 The City of Larkspur supports the development of projects that will reduce watershed flood risks, while not creating any additional flood risks in Larkspur.

This comment is acknowledged. The comment does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed Project.

- A6-2 The commenter states that there is no discussion of impacts of this proposed change in sediment removal operations within the watershed.

Refer to Master Response 7, Erosion, Sedimentation, and Channel Maintenance for a discussion of impacts of changes in sediment removal.

- A6-3 The commenter requests that sedimentation issues be studied and accounted for in addition to the scour analysis.

Draft EIR Section 4.9, Hydrology and Water Quality, includes discussion of the Project's impacts on sedimentation issues as well as erosion. These topics are addressed in Impact 4.9-3, which begins on page 4.9-46. Refer also to Master Response 7, Erosion, Sedimentation, and Channel Maintenance for additional discussion of sedimentation related to the proposed Project.

- A6-4 The commenter requests "not increase flood risk in areas downstream" be explicitly listed in the project objectives.

The commenter's interest in the Project is noted. The comment does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed Project.

- A6-5 The commenter understands that future detailed Project design and modeling will include analysis of additional flows and downstream impacts, including Larkspur specifically.

As discussed in Draft EIR Section 4.9, Hydrology and Water Quality, Impact 4.9-4 (see page 4.9-59) Project impacts on flooding are negligible downstream of the Sir Francis Drake Bridge in Ross because the channel can safely contain the additional flow. No additional or increased adverse effects on properties from this Project are expected in the areas downstream of the Sir Francis Drake Bridge. Additional modeling and analysis of impacts of other projects within the Ross Valley Flood Protection and Watershed Program will be included in the Draft Program EIR and in the individual project documents. The Draft EIR analysis focuses on significant effects of the Project on the environment.

-----Original Message-----
From: Sean Condry [mailto:scondry@townofsananselmo.org]
Sent: Monday, July 02, 2018 11:04 AM
To: Lewis, Liz <LizLewis@marincounty.org>
Subject: FW: Draft EIR on SA Creek flood project

From Elise below.

Sean

Sean Condry, P.E.
Public Works and Building Director
Town of San Anselmo
525 San Anselmo Avenue
San Anselmo, CA
(415) 258-4676
www.townofsananselmo.org

-----Original Message-----
From: Elise Semonian
Sent: Tuesday, May 29, 2018 6:48 PM
To: Sean Condry <scondry@townofsananselmo.org>
Cc: Scott Schneider <:sschneider@townofsananselmo.org>; John Wright <johndwright1125@gmail.com>; Dave Donery <ddonery@townofsananselmo.org>
Subject: RE: Draft EIR on SA Creek flood project

Sean, my comments to include with any comments:
Page 150 They didn't use the San Anselmo waste diversion requirement 85% until December 31, 2018/90% after 12/31/18 (SAMC Section 9-20.05 - Diversion Requirements) in the discussion and referred to our Climate Action Plan.

1

I would have preferred more discussion of the temporary traffic impacts on the hub intersection, which is already operating below acceptable levels. The Fairfax project trips will likely go through the Hub during our peak hours. Also, more discussion of San Anselmo Avenue as a bike route and how construction may impact the route temporarily. But, I would defer to public works on this issue - you may think their analysis is adequate for temporary impacts.

2
3

-Elise

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

3.2.7 Comment Letter A7: Town of San Anselmo

- A7-1 This comment refers to the Regulatory Setting section of Draft EIR Section 4.3, Air Quality and Greenhouse Gas Emissions. The comment notes that there is another section of the San Anselmo Municipal Code, referring to waste diversion requirements, that could have been referenced.

This portion of the text has been revised to include a reference to that section of the Town's municipal code, as shown excerpted below. This change does not affect the results of the analyses of air quality emissions, greenhouse gas emissions, or solid waste management.

Town of San Anselmo Municipal Code

Section 9-20.05 of the San Anselmo Municipal Code specifies diversion requirements for Projects subject to the Town's jurisdiction. Diversion requirements for a Project and for a Certified C&D Recovery Facility shall be a minimum of seventy (70%) percent on or after the effective date of this chapter, and shall increase to eighty (80%) percent by December 31, 2012, to eighty-five (85%) percent by December 31, 2015, to ninety (90%) percent by December 31, 2018, and to ninety-four (94%) percent by December 31, 2025.

- A7-2 This comment is about temporary traffic impacts from congestion, especially at key intersections in San Anselmo that may already be congested below intended levels of service.

As Draft EIR Section 4.15 describes, the added traffic volumes associated with construction trips would increase by approximately 3%, which is less than the typical daily variation in traffic and is below a threshold that would normally be noticeable by an average motorist. The exception to that would be the increased construction traffic during weekday peak hours in the direction of highest traffic. Mitigation Measure 4.15-1 requires a Traffic Management Plan to adjust construction hauling schedules and coordinate with local public works departments, law enforcement agencies, and others as needed to reduce roadway capacity impacts and congestion to levels that would be acceptable.

- A7-3 This comment is about the discussion of San Anselmo Avenue as a bicycle route and how it may be affected by the project construction.

Although final designs and construction plans for the proposed project are not yet complete, San Anselmo Avenue is not expected to be a primary route for construction vehicle access or construction equipment use. There would be intermittent closures of a portion of the roadway and parking areas as necessary to protect public safety during the building demolition and during construction of the flood wall and guardrail and sidewalk installation. But, as explained in the Project Description (Section 3.5.1.2), most of the construction work would be done from the Creek Park side of the project area, which

would also be used as the staging, stockpiling, and material laydown area. The Traffic Management Plan (Mitigation Measure 4.15-1) described in Section 4.15 would include coordinating the scheduling, signage, public notification, traffic control, and other mechanisms to reduce potential effects on road capacity (including for bicycles) and safety.

3.3 Organizations



**FRIENDS OF
CORTE MADERA CREEK
WATERSHED**

July 1, 2018

Liz Lewis
Planning Manager, Department of Public Works
3501 Civic Center Drive
San Rafael CA 94903

Re: San Anselmo flood Risk Reduction Project
Draft Environmental Impact Report

Dear Ms. Lewis,

Friends of Corte Madera Creek Watershed is pleased to have the opportunity to comment on this draft Environmental Impact Report (EIR).

Design Comments

We request that the design include installation of full-trash capture at any new or replaced storm drains.

1

We request that the possibility of sediment deposition in Fairfax Creek be carefully evaluated, so that appropriate delivery of sediment to downstream reaches be maintained.

2

Field measurement of sediment in Fairfax Creek as well as detailed HEC-RAS modeling of sediment deposition in the channel and the control structure are warranted, and should be performed prior to construction. It is likely that dredging of the channel, possibly between storms, could be necessary. We request that this be given further study and that design refinements include consideration of access for heavy equipment as to ensure minimal environmental impact.

3
4

Mapping Comments

Figures in Chapter 3 (figures 3-13, 3-14, and 3-15), that show water surface elevation, change with project are not easy to interpret. It appears that the purple areas, labeled "After Project Inundation Reduction Area" would be removed from flooded areas during the specified events. However, use of the word "reduction" suggests that they would still be inundated, just to a lesser extent.

5

The mouth of Tamalpais Creek is not accurately depicted on Figure 4.5-5. Tamalpais Creek enters a culvert at Kent Avenue and joins Corte Madera Creek just downstream of the concrete channel. The relict mouth located near College of Marin Parking Lot 13 is no longer connected to Tamalpais Creek.

6

Friends SAFRR Comments on Draft EIR
June 28, 2018
Page 2

Disposal of Excavated Soil from Nursery Basin Site

We urge the Department to look for areas where excavated soil could be used to provide better protection from rising sea level in the lower watershed. Working with the City of Larkspur could be productive.

7

Corrections

The first sentence of the third paragraph on page 4.6-9 states that the Nursery Basin is in the Town of Fairfax; this should be corrected.

8

However, we support certification of this EIR by the Board of Directors of the Flood Control District and subsequent implementation of this multi-benefit project, with the mitigation measures identified in the DEIR. A project that reduces flood risk for Fairfax and San Anselmo is important and should be implemented.

9

Sincerely,



Cindy Lowney, President

3.3.1 Comment Letter B1: Friends of Corte Madera Creek Watershed

- B1-1 This comment requests that the design include installation of full-trash capture at any new or replaced storm drains.

This comment does not address the adequacy or accuracy of the EIR. The comment will be transmitted to the Flood Control District for its use in developing the next stages of design; it will also go to the decision-makers at the Flood Control District for consideration in their deliberations on whether to approve the proposed project. Compliance with the Regional Water Quality Control Board's Municipal Separate Storm Sewer System (MS4) General Permit would include provisions designed to protect water quality, such as trash capture.

- B1-2 This comment requests that sediment deposition in Fairfax Creek be carefully evaluated, so that appropriate delivery of sediment to downstream reaches be maintained.

Draft EIR Impact 4.9-3 (in Section 4.9) evaluates Project impacts on sediment transport, including expected deposition in the Fairfax Creek channel upstream of the diversion structure. Following implementation of Mitigation Measures 4.9-3a, Prioritize Nursery Basin Reach for Stream Maintenance, and 4.9-3b, Scour Analysis and Protection Measures Upstream of the Downtown San Anselmo Site, the impacts would be less than significant. Refer also to Master Response 7, Erosion, Sedimentation, and Channel Maintenance. As discussed there, modeling would be performed during the design stage to determine the proper sizing and operation of the gate to support the intended flood risk reduction function and to allow sediment transport.

- B1-3 This comment suggests further study of sediment deposition in Fairfax Creek behind the diversion structure and associated design refinements made based on the results. It says that sediment removal from the channel between storms would be necessary.

Draft EIR Impact 4.9-3 (beginning on page 4.9-43) discusses the points raised by this comment. As described on Draft EIR page 4.9-48, the Flood Control District would conduct similar design and analysis as that suggested by this comment prior to construction.

- B1-4 This comment requests that designs include plans for heavy equipment access that would cause minimal environmental impact.

The potential impacts of maintenance and operations are evaluated in the relevant sections of the Draft EIR, most notably in Impact 4.5-1 (impacts on special-status aquatic species and habitats) and others in the biological resources section and in Impact 4.9-1 (construction-related effects on water quality). This comment does not address the adequacy or accuracy of the EIR analyses. The comment will be transmitted to the Flood Control District for its use in developing the next stages of design; it will also go to the

Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

- B1-5 This comment suggests changes to the legend and labeling of model results on map figures that would improve clarity.

Draft EIR Figures 3-13a-c, 3-14a-c, and 3-15a-c have been revised in response to this comment. The revisions to these figures do not result in any changes to the environmental analysis in the Draft EIR.

- B1-6 This comment suggests a correction to the portrayal of a portion of Tamalpais Creek on Draft EIR Figure 4.5-5.

Draft EIR Figure 4.5-5 has been revised in response to this comment. The data source was the U.S. Fish and Wildlife Service, however, not original work done for this comment. The referenced creek is far downstream from the project area in downtown San Anselmo.

- B1-7 This comment suggests that excavated soil be beneficially reused in downstream areas to protect against tidal inundation.

This comment does not address the adequacy or accuracy of the EIR. The comment will be transmitted to the Flood Control District for its use in developing the next stages of design; it will also go to the Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

As noted in Section 3.5.1.3, the Flood Control District is open to beneficial reuse of excavated material in another project.

- B1-8 This comment suggests correcting text that says the Nursery Basin site is in the Town of Fairfax.

The first sentence of the third paragraph on Draft EIR page 4.6-9 has been revised as follows:

The parcel is at the foot of White Hill ~~is~~ adjacent to the Town of Fairfax and west of the Oak Manor neighborhood, which was developed as a residential subdivision in the early 1950s.

- B1-9 This comment expresses the support for the Project by the Friends of Corte Madera Creek.

This comment is acknowledged. This comment does not address the adequacy or accuracy of the EIR. The comment will be transmitted to the Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.



Marin Audubon Society

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

July 2, 2018

Liz Lewis
Marin County Department of Public Works
Marin County Civic Center
3501 Civic Center Drive
San Rafael, CA 94903

RE: COMMENTS ON SAN ANSELMO FLOOD RISK REDUCTION PROJECT DEIR

Dear Ms. Lewis:

The Marin Audubon Society appreciates the opportunity to comment on the EIR for the Flood Risk Reduction Project. A majority of Ross Valley voters have voted to tax themselves to construct a project that will address local flooding. It is long past time for a project to move forward to address this critical problem. This Phase 1 Project will begin to address extensive flooding that occurs periodically from storms and other projects will follow. This Phase will have important public benefits because it would reduce flood risk on a large number of properties that currently flood.

1

We appreciate the information provided in the DEIR. However, there are areas in which insufficient work has been done to provide adequate information. These areas include: design of the water control structure; responses of residents who could be adversely impacted by flooding as a result of the project as to whether they would allow flood barriers to be installed on their property; information on the Tree Plan; and modeling of design combinations to analyze an environmentally superior alternative (see below). As time has passed since preparation of the DEIR was initiated, there should be updated information in some or all of these categories. The Final DEIR should provide current information on the various data collected and analyses.

2

Our specific comments are as follows:

The preferred project for this Phase 1 is the construction and operation of a detention basin, the Nursery Basin, on uplands west of Fairfax and removal of structures on and over the creek in downtown San Anselmo. A more environmentally superior alternative is described on page 2-11 as combining the basin component of the Morningside Drive/Passive Basin with the Downtown San Anselmo Basin because it would reduce construction impacts on biological resources, water quality, sediment deposition and flooding upstream on Fairfax Creek, and flood risk. The DEIR reports that this alternative was not chosen because modeling of all of the design element combinations was not completed when the alternatives analysis began. We assume sufficient time has passed for modeling to have been completed and we ask that the results of the modeling be presented, discussed and considered in the Final EIR.

3

Another question concerns the status of the communication with residents who could experience flooding as a result of the project. What is the status of negotiations? Have any property-owners given permission for barriers to be constructed on their properties to protect them from flooding?

4

BIOLOGICAL RESOURCES

Adverse impacts of project construction on natural resources are well addressed. However, impacts related to construction are not the only impacts that could result. The most obvious omission from the DEIR is identifying possible adverse impacts of **operation** of the system on aquatic resources – most notably fish entrapment. The DEIR must identify as an impact and discuss the possibility of fish being entrapped in the detention basin. Entrapment of endangered and special status fish species is of most concern. Describe whether fish can become trapped in the basin, how they can escape and the potential for some to remain trapped.

5

Native tree impacts: Whether or not the District is exempt from the county’s tree ordinance, as a public agency the District should protect resources to the extent provided in the ordinance and beyond. While we understand trees need to be removed, the District should set an example. Trees, particularly native trees that must be removed because they are in the footprint of construction should be replaced at a ratio of three trees for each tree removed. 0.59 acres of riparian habitat would be permanently removed for the Nursery Basin site. 0.43 acres would be temporarily removed and 0.10 acres of temporary impacts would occur at the San Anselmo site. How many trees are in this .59 acre area? The only mitigation mentioned is preparation of a Habitat Restoration and Monitoring Plan that apparently relies on salvaging trees. While salvaging trees is preferable if it works, but it is risky because the salvaging could fail. There should be a backup plan for growing and planting replacement trees. The Draft EIR and the Plan should identify potential sites along Fairfax creek where the revegetation would occur. Also, please clarify how the 4.5-7a coordinates with proposed mitigation 4.5-10. Why are the riparian trees not considered with the trees addressed in Impact/Mitigation 4.5-10?

6

7

8

9

Mitigation 4.5-10 proposes that the 145 trees, including 10 heritage trees, be replaced at a ratio of 1:1. We recommend a replacement ratio of 3 replacements of the same species for each tree removed. The native trees that are identified for removal obviously survive in this location. The choice of replacements should not be left up to consultants. The species for replacing native trees removed should be identified in the Final EIR as should the potential location for their planting, so they can be reviewed by the public.

10

Wetland Impacts: There would be a permanent loss of 0.01 acres of wetland and 0.03 acres of wetland at the Nursery Basin site. The DEIR appears to indicate that the necessity of obtaining agency permits for the loss of wetland would be sufficient mitigation, in addition to “a seasonal wetland channel and associated wetland area would be constructed at the Nursery Basin site using stormwater flows from the adjacent neighborhood...” Show the proposed mitigation site. Agencies do not design mitigation projects; applicants design the projects according to agency standards. Replacement wetlands should be of the same type of wetland that will be lost, preferably be located on or nearby the site of loss and be replaced at a 2:1 acreage.

11

12

HYDROLOGY/SEDIMENT

Describe the current design for the water control structure that would be used.

13

How much sediment is it anticipated could be trapped in the Nursery Basin and upstream of the diversion structure and how would that quantity effect the effectiveness of the storage?

There are repeated references to an existing Stream Maintenance Program as limiting removal of sediments from the stream to 2,100 cubic yards but it is unclear whether that limit applies to any one site or all sites managed by the District. Various references to requirements of this Program are in different places in the DEIR, making it difficult to understand provisions of this Program. Please provide a clear and comprehensive description of the requirements of the Program and the reasons for them. How was the 2,100 cubic yard figure arrived at? From the description under Biological Resources, the restriction appears to cover all maintenance under the District’s authority, but other references do not convey this limitation. If the limit covers all sites, how many sites requiring maintenance are under the District’s authority and what is the largest quantity of sediments that are already removed on most high rainfall years? How much capacity would be available for this project? What is the potential for a large storm or series of storms to exceed the removal limit? Does the Program provide for modification in sediment removal criteria? Would or could consideration of changing the maximum total allowed to be removed be an option? How can the public access and review the Stream Maintenance Program.?

14

15

What are the BMPs that are anticipated (page 4.9-41) in the SWPPP and by the RWQCB to control stormwater runoff and sediment? Usually BMP’s would be initially identified by the project sponsor in the permit application and there are many that are standard.

16

Sediment removal will be required both in the Nursery Basin and upstream of the diversion structure in Fairfax creek. It is anticipated that up to 1600 cubic yards of sediments could be deposited “upstream of the diversion structure” from a 10 year event. What is the length of Fairfax Creek in which it is anticipated sediments would be deposited? Show this length on a figure. What is the condition of the banks along this length of creek? Describe the vegetation? How is it anticipated these conditions would be changed as a result of the build-up and removal of sediments? Would vegetation be lost? How could fish be impacted?

17

Please provide a more clear, comprehensive and concise description of the anticipated schedule for sediment removal from both upstream of the diversion structure and the basin itself during normal rainfall years and after extreme storm events. As we understand, there would be routine removal during the dry season which we assume would involve lowering the basin and an undefined area upstream of the diversion structure to design elevations. Discussions also address the removal of material on an “as needed” basis to maintain capacity. How would “as needed” be determined? What if there is not enough capacity under the Stormwater Management Program? It seems it will be important to immediately remove sediments deposited by an extreme storm that occurs early in the season in order to make space for sediment deposition from later storms. How is this “emergency” work built into the schedule?

18

What are the equipment and supplies mentioned on page 4.9-443 that “could immediately be deployed” to minimize the levels of turbidity that exceed water quality objectives?

19

The project will require regular maintenance, compliance with permit conditions and the management plan, protecting natural resources as well as oversight and immediate attention to deal with high storm events. Please describe the staff time that will be committed to this project so that it is ensured the oversight is adequate and activities are carried out when needed.

20

In one section of the DEIR, it is stated that the basin floor would be natural but at page 4.9-45 "The floor of the nursery basin is positioned within an intermediate clean, clay layer of low permeability material beneath the basin (CH2M, 2018c)". Is the clay considered natural in this location? Would vegetation readily grow in it? Discuss how vegetation that would colonize the basin would affect the quantity of water that could be impounded in the basin? How much vegetation would adversely impact the effectiveness of the basin. How will it be assured this quantity is not exceeded?

21

As we understand, for larger storms water would be held in the diversion basin and in the creek until flood stage has passed then would be slowly drained out into the creek. How long would it take for water to drain out? Could there be a problem if there are two large storms in a row?

22

Scour protection on Flood Control District property is planned to "reduce erosion of existing bed downstream of the diversion structure" and is offered as a mitigation for possible buildup of sediments. Has the design process proceeded sufficiently so what the design of the protection measures can now be described? How would scour protection function to lessen or control erosion downstream of the diversion structure? Is it sufficient to have it on District property only?

23

Thank you for responding to our comments. We look forward to your responses.

Sincerely,


Barbara Salzman, Co-chair
Conservation Committee


Phil Peterson, Co-chair
Conservation Committee

3.3.2 Comment Letter B2: Marin Audubon Society

- B2-1 This comment states that the Project will have important public benefits because it would reduce flood risk on a large number of properties.

This comment is acknowledged.

- B2-2 This comment lists the areas that the commenter views as being insufficiently treated in the Draft EIR. The list includes design of the water control structure, whether residents would allow flood barriers to be installed on their property, information on “the Tree Plan,” and modeling of design combinations for an environmentally superior alternative.

This comment introduces the subsequent comments, which are addressed in the following responses.

- B2-3 This comment pertains to the environmentally superior alternative and suggests that it “was not chosen because modeling of all design elements was not completed when the alternatives analysis began.” It then asks for additional hydraulic modeling to be completed to show the flood results of that environmentally superior alternative.

The “more environmentally superior alternative” (a combination of the Morningside/Passive Basin Alternative and the proposed Project) is a combination of alternative components that were evaluated in detail in Draft EIR Chapter 6, in Section 6.4.2.3. As summarized in Draft EIR Chapter 2 (page 2-11) and fully detailed in Section 6.4, there were three action alternatives to the proposed project, consistent with the State CEQA *Guidelines* Section 15126.6 requirement to consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. Each of the action alternatives includes a flood diversion and storage basin element at the Nursery Basin site and a downstream creek capacity element. Most of the downstream elements would be located on San Anselmo Creek in downtown San Anselmo, but one alternative (the Morningside/Passive Basin alternative) includes implementing creek improvements (i.e., bridge removals) along the nearby Sleepy Hollow Creek instead. The different options for those elements were combined to form the three numbered action alternatives. Draft EIR Chapter 6 evaluates the impacts of the alternatives and compares them to the proposed project. The hydraulic modeling and the results of changes in flooding in the 10-, 25-, and 100-year events are summarized in named sections for each action alternative in Sections 6.2, 6.3, and 6.4, and are presented in full in Sections D-1 and D-2 of Appendix D.

The text then identifies the Morningside/Passive Basin Alternative as environmentally superior from among *those three* alternatives and the proposed project.¹ But the Draft EIR also notes that a different combination of the elements than any of those proposed in

¹ The Draft EIR also analyzes the No Project Alternative (Section 6.3.1). Pursuant to CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the no project alternative, then the EIR shall also identify an environmentally superior alternative from among the other alternatives.

the numbered alternatives would be more superior still. Specifically, it says that combining the passive basin design for the Nursery Basin site with the full removal of the bridge building at 634-636 San Anselmo Avenue would reduce adverse environmental impacts more than any other alternative or the proposed project. It would, however, not provide as much flood risk reduction as the proposed project. The hydraulic modeling and flood results of the “more environmentally superior” alternative are presented in Figures 1a through 6d in Section D-2 of Appendix D. The other significance determinations are presented separately for each of the different project locations in Tables 6-5 and 6-6. This is presented in Section 6.4.2.3.

Finally, the comment suggests that this modified alternative, which was composed of different fully-analyzed elements of the other alternatives, was “not chosen” because of unavailability of modeling results. No alternative (or the proposed project) has yet been chosen by the Flood Control District and its Board of Supervisors. As discussed in Section 3.6 of the EIR, when the Final EIR and responses to comments on the Draft EIR are complete, the Flood Control District Board will hold a public hearing, at which time it will consider whether the Final EIR complies with CEQA and, if so, the Board will decide whether to certify the Final EIR. Certification of the EIR neither requires nor ensures approval of the project. Following certification, the Board may decide to either approve the project and adopt and incorporate the mitigation measures identified in the Final EIR into the project, to disapprove the project, or to approve an alternative to the project that has been evaluated in the Final EIR.

- B2-4 This comment asks for more information on the negotiations with individual homeowners regarding flood barriers (or other mitigation actions) on their properties.

This comment does not address the adequacy or accuracy of the EIR, and this topic is not a consideration of environmental impacts under CEQA. The discussions between the Flood Control District and the potentially affected homeowners are ongoing. Therefore, the EIR conservatively assumes that the permissions will not be granted, which is why some parcels would be adversely affected, and the impacts are therefore considered to be significant and unavoidable.

- B2-5 This comment is about possible entrapment of fish in the basin during its operation in large flood events.

The Project’s potential effects on fish are evaluated in Impact 4.5-1 (which is about effects on special-status aquatic species or habitats) and Impact 4.5-9 (which is about effects on wildlife movement corridors). Fish entry into the Nursery basin is expected to be infrequent, because operation of the diversion into the basin would only happen in large events. Also, because there are existing downstream barriers to anadromy, there is currently no potential for special-status fish species to reach the project site itself. However, there are populations of fish in this upper portion of Fairfax Creek. Chapter 3, Project Description, in the Final EIR has been clarified to include more design detail, including a trash rack instead of a grate to keep debris out of the outlet pipe and removal

of the riser pipe. These design modifications would allow fish to leave the basin along with the diverted water as it flows back into Fairfax Creek. The slope of the basin floor down to the outlet pipe will avoid fish stranding in the basin. Additional design-level modifications to the outlet end of the pipe will be developed in collaboration with the California Department of Fish and Wildlife and/or the National Marine Fisheries Service as part of the permitting processes, which is consistent with State CEQA *Guidelines* Section 15126.4. The resultant effects on special-status fish and other aquatic wildlife would be less than significant. Text on this topic has been added to the discussions of Impacts 4.5-1 and 4.5-9 in Section 4.5, Biological Resources. That text is presented in Response C2-2, which was a comment from the California Department of Fish and Wildlife.

Pursuant to State CEQA *Guidelines* Section 15088.5, revisions to an EIR do not trigger recirculation unless the new information added to the EIR deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. This is not the case here, where an aspect of the design was clarified to explain that the potential adverse environmental effects were reduced or eliminated compared to those presented in the Draft EIR.

- B2-6 This comment addresses the proposed tree removal, suggests minimizing that effect, and also suggests increasing the mitigation-based replacement ratio, especially for riparian trees.

Draft EIR Mitigation Measure 4.5-10, Mitigation for Removal of Heritage or Protected Trees, addresses replacement of removed trees, whether of heritage status or other special status, including riparian trees. The measure commits the Flood Control District to replacement at least a 1:1 ratio, but it also acknowledges that permitting agencies may increase the required mitigation ratio for removed trees. For example, the California Department of Fish and Wildlife's regulation of riparian impacts under Fish and Game Code's Section 1602 often requires mitigation ratios of 3:1 for the impacts of trees removed from the riparian corridor. This requirement is included in the Lake and Streambed Alteration Agreements (LSAA) it issues for projects that would affect creeks, and the Flood Control District expects to acquire an LSAA for this project. Mitigation Measure 4.5-10 commits the Flood Control District to comply with the mitigation ratios in those permitting or other regulatory approval processes, which may be greater than those proposed in the EIR. This approach is consistent with CEQA *Guidelines* Section 15126.4(a)(1)(A), and (B), which explain the difference between mitigation measures proposed by project proponents (i.e., the Flood Control District) and those proposed by responsible or trustee agencies (e.g., CDFW), as well as the use of performance standard(s) in mitigation measures. With implementation of Mitigation Measure 4.5-10, as well as with compliance with permits and other regulatory requirements, the project's effects on sensitive natural communities would be less than significant.

- B2-7 This comment requests additional detail on the locations of trees to be removed and asks about details of the Habitat Restoration and Monitoring Plan.

Draft EIR Figure 3-9 shows the approximate locations of trees to be removed. Approximately 70-80 of the trees to be removed are near the Fairfax Creek channel and are likely to be in the riparian corridor. The Habitat Restoration Monitoring Plan is not specific to trees and covers a variety of vegetation replanting and other site restoration actions, as discussed in Mitigation Measure 4.5-7b, Habitat Restoration Monitoring Plan. Consistent with mitigation measure requirements in State CEQA *Guidelines* Section 15126.4(a)(1)(B), during a future design stage, the details of the Habitat Restoration Monitoring Plan will be developed to comply with the performance standards included in the mitigation measure.

This mitigation measure also discusses reuse of salvage trees, not as the upper limit of mitigation (as suggested in the comment) but rather as a source of replanting for onsite restoration. Mitigation efforts for habitat impacts and tree removal may need to be done off-site, depending on the permit requirements. With implementation of Mitigation Measure 4.5-7b, Habitat Restoration and Monitoring Plan, and Mitigation Measure 4.5-10, Mitigation for Removal of Heritage or Protected Trees, as well as with compliance with permits and other regulatory requirements, the project's effects on sensitive natural communities would be less than significant.

- B2-8 This comment suggests that the Draft EIR and Habitat Restoration Monitoring Plan should plan for specific locations of offsite mitigation along Fairfax Creek.

As explained in the response to comment B2-7, some mitigation may take place off-site, depending on the required mitigation ratios that result from the permitting process, in which case the permitting agency(ies) will be active participants in developing, reviewing, and approving specific mitigation areas or approving of payments to a mitigation bank or other approved mitigation processes. The Habitat Restoration Monitoring Plan is for on-site replanting and restoration only, and it would be developed during a later project design stage in accordance with the requirements listed in Mitigation Measure 4.5-7b.

- B2-9 This comment questions why the effects on removal of riparian trees are not considered with trees addressed in Impact 4.5-10 and Mitigation Measure 4.5-10.

Draft EIR Impact 4.5-7 evaluates project impacts on sensitive habitats such as riparian areas, and focuses on their ecological functions and values. Impact 4.5-10 is specific to the removal of the trees. Draft EIR Mitigation Measure 4.5-10 addresses tree removal, and as explained in the response to B2-6, the Flood Control District will replace removed trees at a 1:1 ratio or the mitigation ratio requirements included in the LSAA. That ratio will be determined during permitting.

- B2-10 This comment suggests that the choice of which tree species to replant as part of site restoration or mitigation efforts be disclosed to the public in the Final EIR.

Consistent with mitigation measure requirements pursuant to State CEQA *Guidelines* Section 15126.4(a)(1)(B), the project's replanting plan and specifics of tree replacement are design details that will come out of the specifics of the permitting and other regulatory processes to be undertaken with CDFW, NMFS, and others. Refer to Master Response 3, Future Design Details, of later project stages.

B2-11 This comment is about wetland impacts and the proposed mitigation approach.

The Draft EIR conservatively assumed that there could be small areas of stream-edge wetlands at the Nursery Basin site that could be affected by the project. Of those areas, project designs indicate that 0.01 acre would be permanently filled by the diversion structure and other project activities and that 0.01 acre would be temporarily affected. The text of comment B2-11 includes larger numbers for wetland impacts than those presented in Table 4.5-3 on page 4.5-39 of the document or in Impact 4.5-8.

The "seasonal wetland channel and associated wetland area" at the Nursery Basin site are proposed as part of the project. It is intended to be a habitat enhancement over the existing ruderal vegetation and mixed grassland, but is not considered mitigation. It is the feature described on page 3-16 of the Project Description as follows: "The seasonal drainage channel and catch basin/inlet area is expected to develop into a seasonal wetland," and in Section 3.5.3.1 (page 3.41) as "Together, these inflows would result in a seasonal wetland channel running diagonally through the basin." Draft EIR Figure 3-9 illustrates this feature as a darker area extending northwest to southeast across the basin.

For any impacts on wetlands, the Flood Control District has committed to Mitigation Measure 4.5-7b, which requires mitigation at a replacement ratio of 1:1 for wetlands (among other resources) or to any greater ratio required by a permit. The project does not rely on a permit as a mitigation measure. Rather, it acknowledges that compliance with regulatory requirements (i.e., complying with the law) are likely to necessitate on-site wetland restoration enhancement, offsite compensatory wetland mitigation (through a wetland bank or some other process), or a combination of both. The specifics of these requirements, including locations and design details of that permit-required compensatory mitigation (if necessary), will be determined during the permitting processes. This approach is consistent with those described in CEQA *Guidelines* Section 15126.4(a)(1)(A), and (B). With implementation of Mitigation Measure 4.5-7a, Vegetation Protection for Sensitive Natural Communities, as well as with compliance with permits and other regulatory requirements, the project's effects on sensitive natural communities would be less than significant.

B2-12 This comment states that replacement wetlands should be of the same type as those impacts and located on site or nearby. Please refer to the response to comment B2-11 directly above for a discussion of the wetland mitigation approach.

B2-13 This comment requests current designs for the water control structure that would be used and asks how much of sediment could be trapped upstream of the diversion structure and how that would affect storage.

The “water control structure” referred to in this comment may be the diversion structure itself, described in Draft EIR Section 3.4.2.1 (pages 3-16 through 3-19). Its construction is described in Section 3.5.2.1. Its operation is described in Section 3.5.3.1.

The topic of sediment deposition behind the diversion structure is discussed in Section 4.9.3, in the text about Impact 4.9-3, which was determined to be less than significant following implementation of Mitigation Measures 4.9-3a, Prioritize Nursery Basin Reach for Stream Maintenance, and 4.9-3b, Scour Analysis and Protection Measures Upstream of the Downtown San Anselmo Site. See also Master Response 7, Erosion, Sedimentation, and Channel Maintenance, which addresses the aspects of sediment deposition and removal asked about in this comment.

As described on Draft EIR (page 4.9-47), a 25-year flood event could deposit enough sediment to reduce basin capacity by 1-2 acre-feet. The impacts of that deposition, specifically the backwater flooding upstream of the Nursery Basin site, are addressed in Impact 4.9-4 and Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, the implementation of which would lead to a less-than-significant impact.

- B2-14 This comment asks several questions about the Marin County Stream Maintenance Program and its Stream Maintenance Manual.

Refer to Master Response 7, Erosion, Sedimentation, and Channel Maintenance for a discussion of the Marin County Flood Control and Water Conservation District Stream Maintenance Program (SMP). A summary of the SMP is included on Draft EIR page 4.9-23. The SMP and associated Stream Maintenance Manual are available on line at <http://www.marinwatersheds.org/resources/publications-reports/marin-county-stream-maintenance-manual>. The 2,100 cubic yard limit is an annual limit for each separate sediment removal location. The SMP arose out of a regulatory process undertaken by the Flood Control District and regulatory agencies.

- B2-15 This comment asks about how the Stream Maintenance Program would be implemented at the Fairfax Creek location of the Nursery Basin site.

As explained in the response to the preceding comment, Draft EIR Section 4.9 summarizes details of the SMP on page 4.9-23. The annual regulatory limit on the volume of sediment removed from one location, which is 2,100 cubic yards, does not depend on high- or low-rainfall years.

The comment asks about large storm events and probabilities of large storms or series of storms generating sediment volumes exceeding the removal limits. The sediment loads deposited by events of different sizes is discussed in Draft EIR Impact 4.9-3. Refer to Master Response 7, Erosion, Sedimentation, and Channel Maintenance, for additional discussion of the sedimentation estimates at the diversion structure.

- B2-16 This comment requests specifics of the construction best management practices (BMPs) that would be used in the Storm Water Pollution Prevention Plan (SWPPP) and developed in the permitting stage of project development. It refers specifically to BMPs associated with the Construction General Permit (CGP) issued by the Regional Water Quality Control Board.

The text referenced in this comment (page 4.9-41) points to Draft EIR Section 4.9.2 (page 4.9-21). The text beginning on that page describes the CGP, the SWPPP, the types of measures, and other details relevant to this comment.

- B2-17 This comment asks for more details of sediment deposition and removal from the proposed basin and the Fairfax Creek channel upstream of the diversion structure.

The length of the deposition area behind the diversion structure would vary by the size of the rainfall event as well as the duration of time required to fill the channel and basin, and the length of time that water would be detained there. Deposition would likely occur over approximately 600 feet of the Fairfax Creek channel. Refer to Master Response 7, Erosion, Sedimentation and Channel Maintenance, for further information. The methods and impacts of sediment removal from creeks in Marin County was evaluated and permitted in the Stream Maintenance Program.

- B2-18 This comment requests more detail on the anticipated schedule of sediment removal from the proposed basin and from the Fairfax Creek channel.

The comment's understanding of routine removal during the dry season is correct. Fairfax Creek is generally dry in the summer and fall, so sediment removal during these times of year would have little or no impact on fish or water quality. The basin would be dry prior to removal of deposited sediment. The comment is also correct in noting that a second removal process may be necessary between large rainfall events to restore the design capacity, the necessity of that would be evaluated by Flood Control District staff after each event. These processes are described in Draft EIR Chapter 3, on page 3-42 and Section 4.9, page 4.9-48. These maintenance processes are described on page 4.9-43 of the Draft EIR. Answers to the other questions in this comment are provided in Master Response 7, Erosion, Sedimentation, and Channel Maintenance, which also includes references to the text of the Draft EIR.

- B2-19 This comment requests more information on equipment and supplies used to control turbidity, in reference to text on page 4.9-43 of the Draft EIR. That text reads, "The Flood Control District or its contractor would have equipment and supplies onsite that could immediately be deployed as additional measures to minimize the levels of turbidity that exceed water quality objectives."

The Stream Maintenance Manual provides information on the types of turbidity control equipment and supplies used under the SMP. Examples include filtration/settling systems, filter fabric, turbidity curtains, silt fences, and coir rolls.

- B2-20 This comment requests more information on staff time and oversight associated with the implementation of necessary maintenance steps, etc.

Comment acknowledged. This comment does not address the adequacy or accuracy of the EIR impact analyses. Section 3.5.3.1 of the Project Description discusses the maintenance actions expected for the basin.

- B2-21 This comment asks about the clay layer of the existing subsurface at the Nursery Basin site and poses several questions about its capacity to support vegetation.

The clay layer is part of the natural geology and soils conditions of the site. The clay layer is below the surface soils; the vegetation would not be growing in the clay later.

Small amounts of vegetation in the basin are intended as part of its naturalistic design. Page 3-16 describes native grasses and other plants and being part of is design, and the seasonal channel would support wetland vegetation. Larger trees and shrubs would be removed annually from the basin so as not to diminish its capacity or increase risk of woody debris clogging the outlet drain pipe.

- B2-22 This question asks how long water would take to drain from the basin and what would happen if another large storm happened while the basin was full.

Preliminary designs indicate that the basin would drain in approximately 8 hours, as noted on page 3-41 of the Project Description. If another large rainfall event during that time caused high flows in Fairfax Creek, they would pass over the designed low-point (the overflow portion) of the diversion structure, as described on page 3-42 of the Project Description in the Draft EIR.

- B2-23 This comment asks about scour protection and whether any more design details on its extent or type are available.

No additional design has yet occurred. Please see Master Response 3, Future Design Details. As described in the Draft EIR, Mitigation Measure 4.9-3, Scour Analysis and Protection Measures, the Flood Control District would develop these details. Scour protection downstream of the diversion structure would be placed at the outlet pipe's outfall to guard against erosion there. Following implementation of Mitigation Measure 4.9-3, Impact 4.9-3 would be less than significant.



Protecting Marin Since 1934

Rachel Reid, Environmental Planning Manager
 3501 Civic Center Drive
 San Rafael, CA 94903

Re: San Anselmo Flood Risk Reduction Project Draft EIR

Dear Ms. Reid:

Marin Conservation League appreciates the opportunity to comment on the adequacy of the Draft EIR for the subject project. We recognize that the project is, in effect, a subset of the Ross Valley Watershed Flood Risk Reduction Program and EIR for which MCL submitted scoping comments on February 22, 2017. The Program EIR will be released at a later time as other phases of the Program are developed.

1

The subject project is limited to two elements – constructing a detention basin on the Nursery Basin site, and removing two structures that reduce stream capacity at the Downtown San Anselmo site. They have been designed to reduce, not eliminate, flood risk in the Ross Valley. Our comments concern the adequacy of the Draft EIR in describing these elements and in identifying and mitigating their specific impacts on the environment. Our comments are limited to the Project Description, which supports the impact analyses, and some deficiencies in the Biological Resources section.

2

Project Description

“The project description is the foundation upon which an environmental analysis is constructed. The impact analysis then flows from the detailed description of project features contained in the project description.” These are the requisites of a well-crafted project description. MCL appreciates that the Draft EIR, in Chapter 3, provides a sufficient description of the project to enable comprehensive analysis of most environmental impacts. Notably, it details the technical and environmental characteristics of construction, operation, and maintenance phases of the project. These details are especially important in analyzing the impacts of a project that is heavy in construction, earthmoving and other equipment, demolition and construction debris management, off-hauling and other construction-related traffic, dewatering and other temporary disturbances to stream flows. The list of construction equipment on page 3-24 and Construction Activities and Sequencing in Table 3-4 are particularly useful.

3

Based on information contained in the Project Description, the significant impacts of the Nursery Basin site and Downtown San Anselmo site projects on Air Quality and Greenhouse Gas Emissions, Energy Resources, Geology, Hazards and Hazardous Materials, Noise, Public Services and

PHONE: 415.485.6257
 FAX: 415.485.6259

EMAIL: mcl@marinconservationleague.org
 WEB: marinconservationleague.org

ADDRESS: 175 N. Redwood Dr., Ste. 135
 San Rafael, CA 94903-1977



Utilities, and Transportation and Circulation are readily identified and mitigated through standard measures. Further, potential impacts identified under the topics of Cultural and Paleontological Resources, Mineral, Forest, and Agricultural Resources, Land Use and Planning, Population and Housing, and Parks and Recreation are either negligible or, in the case of Cultural Resources, covered by standard “notify if encountered” mitigation procedures.

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3 cont.

The Hydrology and Water Quality discussion is central to understanding project objectives and benefits, and the significant impacts and mitigation measures involved in achieving them. MCL does not have expertise to comment.

Deficiencies in the Biological Resources impact analysis are listed below and should be corrected or clarified in the Final EIR.

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4

Biological Resources

- The Project Description on Page 3-16 notes that a six-foot high chain link security fence and gates would be installed around the perimeter of the Nursery Basin site. As indicated by the letter “O” on Figure 3-9, the fence would enclose the 7.7-acre site, including the existing riparian and oak woodland vegetation that will not be removed and the entire area proposed for revegetation.

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On Page 4.5-54, the Draft EIR states that “riparian corridors are important for wildlife movement.” On Page 4.5-26, it states that “the Nursery Basin site may serve as a movement corridor for terrestrial species from the creek to upland habitat on Marin County Open Space District Lands.”

The presence of the security fence would create a barrier to wildlife movement (excepting birds) in and out of the site. This should be identified as a “new” long term impact (in contrast to Impact 4.5-9, which identifies only short-term, construction-related impacts to riparian wildlife movement). The impact should be mitigated through design of a “wildlife-friendly” fence, or by some means that modifies the fence to permit free wildlife movement through the site. There is no mention of wildlife habitat in the mandatory “Habitat Restoration and Monitoring Plan.” The need to connect onsite wildlife habitats with external habitats should be included in the Plan. This mitigation measure is very different from Mitigation Measure 4.5-3a: Install Wildlife Exclusion Fencing, whose purpose is to keep special status amphibians away from the area during construction.

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6

- The Project Description notes on Page 3-16 that the Nursery Basin’s appearance would be enhanced using a naturalistic design concept. . . including planting bottom and sides with native grasses and plants . . . to establish a native grassland. Oak-bay woodland plantings would be placed on the outer toe of the engineered levee (presumably in set-back area “P”). Page 3-41 states, further, that the basin bottom and side slopes would be planted to establish native and non-invasive grassland (What is a “non-invasive grassland”?).

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These are worthy but probably unrealistic goals. Page 4.5-50 (Indirect Effects) admits that construction at both sites “could create a favorable environment for invasive non-native plant species.” In MCL’s view, this is an understatement! Page 4.5-1 describes native perennial grasslands (in Marin) as having been mostly replaced by non-native annual grassland, and invasive species are now widespread. Both photos in Figure 4.2-3 (Views Toward the Former Sunnyside Nursery Site) reveal infestations of “broom” in the foreground. Yet the Draft EIR promises on Page 4.5-50 that “Replanting native vegetation and monitoring the replanting effort would reduce the possibility of non-native species establishing in disturbed areas.” A long list of standard practices to avoid spread of invasive species is provided in Mitigation Measure 4.5-7c, even though the site is surrounded by source populations of invasive plant species that are spread by birds and the wind.

↑
7 cont.

Without diligent, frequent inspection and weed management during the five years of operation, it is not difficult to envision much of the 7.7-acre site becoming filled with weeds such as curly dock (in moist areas), hemlock, wild fennel, and a host of annual grasses, broom, and other weeds within the first year following disturbance. We recommend that the Final EIR prioritize performance standards for the project, setting realistic, achievable goals for revegetation of the basin floor and side slopes, and higher standards for the roughly 2.4 acres of sensitive riparian and oak woodland restoration areas. These should be included in the Habitat Restoration and Monitoring Plan, as well as in the Mitigation Monitoring and Reporting Plan.

- In this regard, it is not clear in the discussion under Impact 4.5-7 regarding adverse effects of the project on sensitive natural (riparian and oak woodland) communities, whether the Habitat Restoration and Monitoring Plan required by Mitigation Measure 4.5-7b is intended to cover all 7.7 acres of the Nursery Basin site, including monitoring revegetation on the basin floor and side-slopes, as well as “sensitive” riparian and oak woodland habitats. Will all of the site be considered “restored area,” including the basin bottom and side-slopes and levees, and will these areas receive the same level of monitoring attention?

8

- On Page 4.5-55, the EIR states that the project will require removing 142 trees on the Nursery Basin site and eight trees on the Downtown San Anselmo site. In Mitigation Measure 4.5-10 for removal of Heritage or Protected trees, the Flood Control District proposes a somewhat jumbled set of options. The most fundamental is to replace trees removed on a one to one basis – “or such other mitigation ratio requirements included in the Lake and Streambed Alteration Agreement to be obtained from the California Department Fish & Wildlife, or any applicable County and/or town recommendations (for heritage trees), etc., etc.”

9

The Marin County Development Code generally calls for replacing heritage and protected trees at a three to one ratio, with various conditions. MCL believes that one-to-one replacement ratio is minimal, and that the three-to-one ratio better ensures survival of at least one in each planting group. If surviving saplings exceed optimum densities, they can be thinned

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during the five-year monitoring period. The distribution of tree species and planting plan and protocols should be detailed in the Habitat Restoration and Monitoring Plan by a qualified arborist, in the process of satisfying permit requirements of trustee agencies. Existing trees and shrubs not slated for removal should be flagged and protected from construction activities (Mitigation Measure 4.5-7a), and revegetation should begin on disturbed sites as soon as feasible after construction is complete (MM4.5-7b). Seed mix for hydroseeding of engineered slopes at both sites should be carefully examined to exclude non-native grass or forb species.

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9 cont.

Finally, MCL believes that, with recommendations in this letter incorporated into the Final EIR, the objectives of the project in Chapter 3 (Project Description) can be achieved without further significant impact beyond those identified and mitigated in the Draft EIR.

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Sincerely,



Linda J. Novy, President

3.3.3 Comment Letter B3: Marin Conservation League

- B3-1 This comment expresses appreciation to comment on project, which is a subset of the Flood Risk Reduction Program.

This comment is acknowledged, and does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed Project.

- B3-2 This comment summarizes the two project elements and specifies that the commenter's concerns about the adequacy of the Draft EIR (described in subsequent comments) are regarding the Project Description and the Biological Resources section.

This comment is acknowledged, and does not address the adequacy or accuracy of the EIR; it introduces subsequent comments.

- B3-3 This comment states that Chapter 3, Project Description, appears to be satisfactory to inform an adequate level of CEQA analysis in most aspects. It lists sections or resource topics for which the commenter views the project description and associated environmental impact analyses are adequate. It notes two topical areas that the Marin Conservation League does not have adequate expertise to comment on.

This comment is acknowledged. The paragraph containing this comment introduces the aspects of the project description and environmental impact analyses that the commenter sees as inadequate or inaccurate and that are addressed in subsequent comments.

- B3-4 This comment states that the Biological Resources section and its impact analysis should be corrected or clarified in the Final EIR.

This introductory comment is acknowledged. Its specific points are included in the remainder of the comments in this letter (B3-5 through B3-9), which will be addressed in turn. The EIR will be clarified and amplified as appropriate.

- B3-5 This comment expresses a concern about the proposed security fence at the Nursery Basin site posing a barrier to terrestrial wildlife migrations and thus an adverse biological impact that was not discussed in the Draft EIR.

The label for the security fence (indicated as the letter "O" on Draft EIR Figure 3-9) was placed on the parcel boundary line. That is not the correct location of the security fence. The engineering plans for the project that were prepared by CH2M indicate that the security fence would only be placed on a portion of the southern boundary of the property, not all the way around the perimeter, as indicated on Figure 3-9 and in the text. The text of the Chapter 3, Project Description, has been changed to reflect this clarification, as follows.

Page 3-16:

A six-~~Six~~-foot high chain link security fencing and gates would be installed along portions of the southern edge ~~around the perimeter~~ of the basin.

Page 3-38 (Table 3-4):

Contractor installs permanent fencing along part of the southern edge of the basin, metal beam guardrail along Sir Francis Drake Boulevard and permanent signage. Control gate is tested and all appurtenances completed.

Page 3-39:

A chain link fence would be installed along part of the southern edge ~~around the perimeter~~ of the basin, and all construction equipment and materials would be removed.

Per State CEQA *Guidelines* Section 15088.5, revisions to an EIR do not trigger recirculation unless the new information added to it deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. This is not the case here, where an aspect of the design was clarified to explain that the potential adverse environmental effects were reduced or eliminated relative to those presented in the Draft EIR.

Also, there are sections of existing fence that would be removed as part of the project, as noted in Section 3.5.2.1). The linear extent and the total number of those sections of fencing are greater than the replacement security fence that would be added.

Therefore, there are no substantial effects on wildlife movements or habitat connectivity as a result of the fence placement. The fence does not contribute to a significant adverse impact.

- B3-6 This comment is related to the previous comment about incorporating wildlife habitat connectivity into the Habitat Restoration Monitoring Plan described in Draft EIR Section 4.5, Biological Resources.

The revisions to the text in Response B3-5 would also pertain here, as they would clarify that the Nursery Basin site would only have security fencing on a portion of one of its sides. As explained in the response to comment B3-5, per State CEQA *Guidelines* Section 15088.5, these revisions do not trigger recirculation of the EIR.

- B3-7 This comment describes concerns and asks questions about the naturalistic design for the Nursery Basin site, largely concerning the plant mix in the replanting efforts, the potential for invasive weed species, and the likelihood of successful establishment of the intended plant mix.

This comment is acknowledged. At present, the site is essentially unmaintained with regard to removal of invasive plants or other plantings or management. It is a location

with substantial weed populations. The site would be cleared and grubbed as part of the project construction, and the subsequent replanting to help establish a native vegetation community should reduce (not eliminate) the spread of non-native vegetation in the site in the time following construction (as stated on Draft EIR page 4.5-50). Even imperfect or partial establishment of this native revegetation would represent an improvement to the site relative to existing conditions.

This comment also asks about the long-term effectiveness of Mitigation Measure 4.5-7c, Avoid Spread of Invasive Species and Pathogens. Mitigation Measure 4.5-7c is specific to the construction phase of the project, and it does not address long-term control of invasive plant species. However, in order to maintain the intended design function, the basin, berms, and Fairfax Creek channel would need to be periodically cleared of vegetation in unintended locations or of unintended species. This vegetation removal is described in Section 3.5.3.1 in the Project Description as part of the Flood Control District's planned maintenance activities for the basin.

Together, the naturalistic basin design and the site revegetation and active maintenance/management activities would result in a less than significant impact and would also be an improvement over the existing conditions.

- B3-8 This comment asks for clarification on how much of the 7.7-acre Nursery Basin site parcel would be subject to the Habitat Restoration and Monitoring Plan required by Mitigation Measure 4.5-7b.

The Restoration and Monitoring Plan will focus on the sensitive habitat areas (riparian and oak woodland) on the periphery of the basin, and include monitoring and success criteria for restoration in these areas. These criteria would not apply to the grassland acreage of the basin itself. During construction, invasive plants will be removed. Following construction, the entire basin will be re-seeded with native plants, following the recommended species and schedule in the Habitat Restoration and Monitoring Plan. This will reduce (not eliminate) the spread of non-native vegetation in the site in the time following construction. However, as noted in the response to comment B3-7, the planned maintenance activities for the Nursery basin include vegetation management.

- B3-9 This comment discusses tree removal and associated general mitigation for tree removal, as well as Mitigation Measure 4.5-10 proposed for removal of heritage or protected trees. The commenter recommends replacement ratios of 3:1 for removed heritage trees, riparian trees or other protected trees. It also calls for details of other flagging and protection of trees not designated for removal.

Draft EIR Mitigation Measure 4.5-10 addresses replacement of removed trees, whether of heritage status or other special status. The measure commits the Flood Control District to replacement at least a 1:1 ratio, but it also acknowledges that permitting agencies may increase the required mitigation ratio for removed trees. For example, the California Department of Fish and Wildlife's (CDFW) regulation of riparian impacts under the Fish and Game Code's Section 1602 often requires mitigation ratios of 3:1 for impacts of trees

removed from the riparian corridor. This requirement is typically included in the Lake and Streambed Alteration Agreements (LSAA) that CDFW issues for projects that would affect creeks, and the Flood Control District expects to acquire an LSAA for this project. Mitigation Measure 4.5-10 commits the Flood Control District to complying with the mitigation ratios in those permitting or other regulatory approval processes, which may be greater than those proposed in the EIR. This approach is consistent with those described in CEQA *Guidelines* Section 15126.4(a)(1)(A), (B), which explain the difference between mitigation measures proposed by project proponents (i.e., the Flood Control District) and those proposed by responsible or trustee agencies (e.g., CDFW), as well as the use of performance standard in proper deferral of proper mitigation measure formulation.

Following implementation of Mitigation Measure 4.5-10 and compliance with permitting, this impact would be less than significant.

- B3-10 This comment suggests that, with incorporation of the letter's recommendations, the project objectives can be met without significant impacts.

This comment is acknowledged. Refer to previous responses to this comment letter, which address the letter's recommendations.

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3.4 Individuals

June 26, 2018

Raul Rojas

Director of Public Works, Marin County
3501 Civic Center Drive, Suite 304
San Rafael, CA 94903

RE: San Anselmo Flood Risk Reduction Project

Director Rojas,

We met in your office and talked about the Flood Zone 9 projects a few years ago and shared perspectives on what might actually be accomplished as well as what was probably out of reach in the Ross Valley. It's not a simple project by any means, nor is it feasible to prevent major flooding in such a large valley that has such dense and intensive land use.

I think that you are aware that I believe this entire "flood control" project got off on the wrong foot: with engineering teams putting forward "a solution" when what was actually needed first was a concentrated planning effort to consider what the stakeholders in the Ross Valley thought about the significant changes to parks, school grounds, open spaces and similar. In my view, the entire process has been conducted almost exactly backwards and the only significant public input has been singularly possible by ballot initiative, because the Flood Control District did not conduct a planning outreach effort at the outset. Some people in the Ross Valley view myself and others as obstacles to flood control. We see ourselves as contributing valuable and completely justifiable public input. The ballot measures' success to Save Memorial Park and Lefty Gomez Field confirmed the support of the community.

I was greatly disheartened recently to discover two things: A) the costs to date had not been compiled in a yearly report for two years, and flood fee funds are now rapidly running out and B) the SA FRR EIR was issued with scope that included increased flooding on private properties.

In regard to item A): DPW staff is not tracking costs in any form or fashion that I am familiar with. I had to file a request for a PRD to get updated financial information now two years overdue. In my career, project managers tracked both commitments and invoiced amounts, while the accounting departments tracked costs in a completely different format and detail. If I did not report costs frequently I would have been out the door within a few months of lack of reporting. Two years is beyond comprehension or professionalism in my experience. I assume you are working to bring the department processes up to a common standard of practice.

In regard to item B): I have heard of meetings with some parcel owners that only included generic comments about potential effects, requests for support of the project without full disclosures to parcel owners, offers one day to build flood walls followed by discussions about raising a house a few weeks later. For DPW staff to walk into the neighborhood and have undocumented, verbal discussions with parcel owners is highly unusual. The most concerning is hearing of discussions with elderly parcel



owners to seek “support for the project” and to reach “agreement in principle” of something so potentially so significant to their home’s value.

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cont.

In the circumstances of both the Save Memorial Park and Save Left Gomez efforts, the public rose up when the community facilities were threatened. I was active on both of these efforts. I note that I was personally motivated when I saw MC DPW and the FZ9 Advisory Board ignore the public’s clear sentiment of opposition. I am motivated once again to help push back on what is not right.

A plan to increase flooding on private citizens’ land is astounding crescendo of years of bad ideas. To compile an EIR requiring a “Statement of Overriding Considerations” by the BOS; where Katie Rice has the ability to determine that some parcel owners have to accept increased flooding for the infrequent and small benefit to others....is simply wrong.

6

This letter is to make you aware that I will make every effort to give my comments to the effected parcel owners along the creek such that they might get compensation for:

- Legal advice,
- Lender input,
- FEMA insurance input,
- Independent hydrologist review and advice,
- Specialist advice on the proposed flood walls, foundations, structure, waterproofing and related,
- Arborist and landscape advice,
- Any temporary loss of use,
- Any consequent loss of value.

7

In simple terms Raul: if your mother owned one of these homes you would likely advise her of exactly the same rights I list here and the obligations the other party has to make her whole. In that perspective, we probably are on the same side. Actually, I think you’d do more than write just this letter.

This is no fun at all for me. I can’t sit by: I’ve seen too much waste, too many errors, too many valid public comments undocumented and without a reasonable response, poor management processes, and a planning effort that is a trailing appendage instead of a tool to guide success.

This is a highly, highly complex project, but steamrolling the community and parcel owners was certainly never going to be the answer. It’s only made things worse. At this point, parcel owners can only react by defending their rights.

Sincerely,



Ross Asselstine
San Anselmo

3.4.1 Comment Letter C1: Ross Asselstine

- C1-1 This comment summarizes past interactions with the Director of Public Works, to whom the letter is addressed. The commenter states that flood control efforts mistakenly started with an engineering solution before a planning effort was made and that the only significant public input has been through ballot initiatives.

This comment is acknowledged. This is not a comment on the adequacy or accuracy of the EIR. Please see Master Response 1 on Merits of the Project. This comment will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

- C1-2 This comment expresses dismay that program cost has not been compiled for two years.

This comment is acknowledged. This is not a comment on the adequacy or accuracy of the EIR. Please see Master Response 1 on Merits of the Project. This comment will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

- C1-3 This comment expressed dissatisfaction to learn that the project would increase flooding on private properties.

As explained in Draft EIR Section 4.9's discussion of Impact 4.9-4, the project would reduce or eliminate flood risk on several hundred properties and could increase it somewhat on up to 19 properties, all but one of which is in an existing FEMA Special Flood Hazard Area. See also Master Response 6, Changes in Flood Risk and Flood Risk Mitigation.

- C1-4 The commenter states that the Department of Public Works should keep more up to date cost information.

This comment is acknowledged. This comment does not address the adequacy or accuracy of the EIR.

- C1-5 This comment elaborates on the general introductory statement made in comment C1-3 that increasing flood risk on private properties is not desirable. It also discusses the process of individual discussions with certain property owners about the project and its potential effects and mitigation options.

As noted in Response C1-3, the project would increase flood risk on a small number of properties. Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, has been proposed to avoid this significant impact. Those protective measures will be offered to all owners of parcels that would be affected by new or increased inundation during the 25-year event. Please refer also to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation for more information on the changes in the existing flood risk experienced by these parcels.

The comment's points about (1) the Flood Control District staff's meetings or discussions with individual homeowners or groups of homeowners, and (2) previous public actions to express negative opinions about other flood diversion and storage basins do not address the adequacy or accuracy of the EIR. With regard to meetings and other forms of public notification about this Project, note that the Draft EIR and the associated public notices were published and circulated in accordance with CEQA requirements, particularly State CEQA Guidelines Sections 15082, 15083, 15085, 15087, and 15088. Through these processes, public comments were elicited. The Final EIR includes a response to those comments, pursuant to State CEQA Guidelines Section 15088, and any resultant changes to the EIR itself, pursuant to State CEQA Guidelines Section 15089. In addition to those required actions, the Flood Control District has regularly updated its web page to inform the public on project progress and held additional project-related meetings.

- C1-6 The commenter states that increased flooding on private citizens' land is a bad idea, and believes that compiling an EIR requiring a "Statement of Overriding Considerations" that could increase flooding for some is simply wrong.

This comment is acknowledged. This comment does not address the adequacy or accuracy of the EIR. Refer to the discussion of Significant and Unavoidable Impacts and Statement of Overriding Considerations in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for response to this comment.

This comment will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

- C1-7 The commenter states that the letter is to make DPW aware that he will make every effort to ensure parcel owners get compensation for many legal and technical actions.

This comment is acknowledged. This comment does not address the adequacy or accuracy of the EIR. This comment will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

Comments for the PEIR of the Ross Valley Flood District

E Ross Asselstine

My comments below relate to the Basis of Design for the engineering studies of the watershed. Floodwater detention could be significantly off if my review is accurate. As such, the EIR issues that this subject could be applicable are either: 2) Greenhouse Emissions or 5) Energy Resources, as it questions both the validity of the six prior years of design as well as any and all of the future efforts to use detention basins to mitigate flood. Put another way: I think we have wasted a significant amount of engineering fees and that waste is directly tied to an inherent amount of greenhouse gas as well as a waste of energy.

I believe that if the current form of analysis is used going forward the project will create yet again a waste of energy and increase greenhouse gas emissions.

I have previously asked for a completely independent peer review of my concerns and suggest that this be conducted as soon as possible. This new engineer should have a complete copy of the stormwater model, prior calculations, copies of all models that have been run and whatever else is required to independently assess what is the most prudent storm profile for design of the watershed.

My summary comments are:

- 1) The engineers did not perform the common practice of using a range of 100 year rainfall events to confirm the “Critical Storm” for design.
- 2) The historic data on peak flow is very limited and hence is unreliable if using a central line of a Flood Frequency Curve for selection of a 100 year flood event.
- 3) There is a huge range of rainfall intensity and duration data that could be considered for rainfall in our region. What

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was used was from a storm that equates to a 25-30 year 24 hour event. The volume is about 27% less than defined by NOAA. This appears to be neither accurate nor prudent when designing a watershed system that includes detention of water.

4 cont.

4) It appears as if the intensity and duration data used in current studies are both significantly under what would be considered a critical storm.

5) A prudent assessment, or conservative intensity and duration analysis, would mimic a known storm for our region that would have a critical effect on the design of basins: maximum volume and an extended duration. This is essentially the process that is required to select a “Critical Storm”.

6) With a well-defined intensity and duration data for another major storm readily available, slight modifications could adjust either the volume or time to match a 100 year rainfall event. I.e. considering all the information at hand, the 1982 event was exceptionally close to being a 100 year rainfall event. Modifying that data in either variable would be a prudent form of analysis: either trim off the tapering rainfall at the end such that the storm is 24 hrs long and has 11.4” of volume, or decrease the intensity by just 0.1” per hour and retain the 33 hour period.

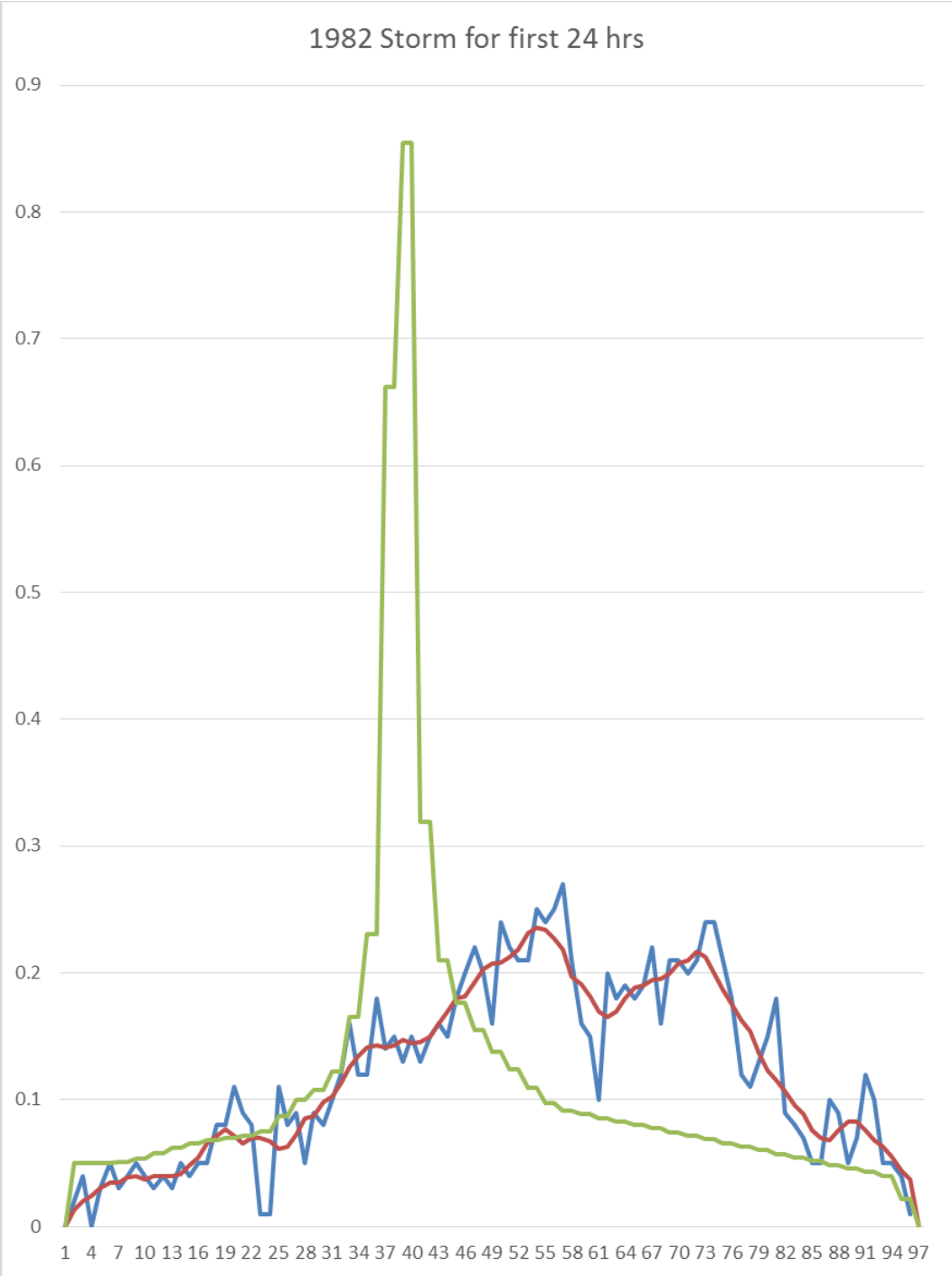
5

The chard attached reflects three things: Green is the synthetic storm used in the recent Stetson report, blue is the data for the 1982 storm with the first 24 hours of the storm equating to about 11.4” of rain in 24 hrs, and red is a smoothed profile of the 1982 first 24 hrs or “conservative synthetic storm”.

In short, I believe that the selection of storms for the basis of design is far too narrow, and a more accurate volume and intensity must be used. Confirmation of the new basis for design and the implications on the current model and representations to the community is essential to success and transparency.

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3.4.2 Comment Letter C2: Ross Asselstine

- C2-1 This introductory comment pertains to the Basis of Design for the engineering studies of the watershed. It expresses that engineering fees have been wasted on an improper design, which is tied to a waste in energy and greenhouse gases. It suggests that another engineering firm peer-review the model for the watershed.

This comment is acknowledged. Many of these points are introductory to the comments that follow and that are addressed below. The points about engineering fees and the request for an independent review do not pertain to the adequacy or accuracy of the EIR.

The point about the greenhouse gas emissions and energy use are not substantiated in this comment letter. The Project construction would generate almost all of its greenhouse gas emissions and energy use, regardless of the basis of design, critical storm, or other design criteria.

Regarding the request for review of the hydraulic modeling done by Stetson Engineering, Mr. John High from the U.S. Army Corps of Engineers (USACE), Sacramento District and Mr. Reuben Sasaki from USACE, Los Angeles District were technical reviewers on the hydrologic analysis and the hydraulic analysis (or existing "current" conditions) performed by Stetson Engineers for the Corte Madera Creek Flood Protection Project. That model includes the Ross Valley as a whole and is the same model and parameterization used in the hydraulic analysis for the San Anselmo Flood Risk Reduction Project. This review and others done by the USACE validated the design hydrograph, the flow frequency curve, and other details of the hydraulic model set up and viewed them as appropriate and acceptable for use here.

This comment will be transmitted to the Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

- C2-2 This comment disagrees with methodology related to determining the "critical storm" and suggests that a range of 100-year rainfalls should be used to inform the design.

This comment appears to suggest that the preliminary designs for this project were done to achieve a 100-year level of flood protection, and that by using a different "critical storm" for those designs than the one in the method suggested by the comment, the project would fail to achieve that target reduction. That is not the case. Rather, several different basin designs were developed, each with a different storage capacity, and then hydraulic modeling was done to evaluate how those basins – in combination with different approaches to increasing downstream flow capacity (see Chapter 6, Alternatives) – would change the extent and depth of flooding in several communities in the Ross Valley.

To address the other specific points in this comment, some clarification is warranted. The terms "100-year-storm" and "100-year flood" are distinct terms that refer to two different

hydrological events. The 100-year storm does not necessarily produce the 100-year flood.¹ The 100-year flood is the peak (instantaneous) volume of water passing a point within the watershed that has a 1-percent chance of occurring in any given year. The 1982 and 2005 storms had very different recurrence intervals but resulted in similar peak stages and discharges at the Ross Gage.

The actual flood of December 31, 2005, which approximates the 1-percent-annual-chance (or 100-year) flood, was used as the “design flood.” The 2005 event was a 100-year flood because it produced a peak discharge (volume of water) of about 6,900 cubic feet per second at the Ross Gage. Selection of the 2005 flood event as the 1-percent-annual-chance discharge was based on the flood frequency analysis of the long-term annual peak flow records at the Ross Gage. The 2005 flood event was not caused by a 100-year storm.

This may be explained by the very different rainfall intensities and time distributions associated with these two storms. The highest 3-hour rainfall during the 1982 storm occurred in the middle of the storm, whereas the highest 3-hour rainfall during the 2005 storm occurred at the end of the storm. This different timing greatly affected peak discharge. The similarity between the two storms in terms of the magnitude of the highest 3-hour rainfall intensity was likely another key factor contributing to the similarity in terms of peak discharge. The time of concentration, or the time needed for runoff to flow from the most remote part in a watershed to the watershed outlet, at Ross gage is about 3 hours.

Given that long-term annual peak flow records are available for the Ross Gage, it is standard engineering practice to use the Log-Pearson III flood frequency analysis method to estimate the peak discharges for different recurrence intervals. This is preferred over use of hydrologic modeling of the rainfall-runoff of synthetic storms to simulate the peak discharges for different recurrence intervals because, as stated previously, a 100-year storm would not necessarily produce a 1-percent-annual-chance flood. Rainfall-runoff modeling methods are normally used only for ungaged streams (where gage measurements are not available), not for gaged streams with a long-term record of annual peak discharges. Rainfall intensity and time distribution are random factors that are particularly difficult to reliably synthesize. However, when other discharge patterns based on different storm intensity assumptions have been used to model flooding in the Ross Valley, they still produce a similar flood volume as the 2005 hydrograph. Please also refer to Response C2-1, which explains the USACE’s review of the details of the modeling that was performed by Stetson Engineering.

C2-3 This comment says that the historic data is unreliable for creating a flood frequency curve.

¹ Several factors can independently influence the cause-and-effect relationship between rainfall and flood water volume. These factors include: soil moisture conditions before the storm (wetter means more runoff); size of the watershed compared to the duration of the storm (streams with large drainage areas require storms of longer duration to produce a significant increase in streamflow); and rainfall intensity and time distribution (different time distributions of rainfall intensity will produce different discharges).

Please see response to the previous comments. As noted there, it is standard engineering practice to use the Log-Pearson III flood frequency analysis method to estimate the peak discharges for different recurrence intervals. This is preferred over use hydrologic modeling of the rainfall-runoff of synthetic storms to simulate the peak discharges for different recurrence intervals because, as stated previously, a 100-year storm would not necessarily produce a 1-percent-annual-chance flood.

- C2-4 This comment says that a smaller volume storm was used than that defined by NOAA for the 25-30 year 24-hour event. It argues that intensity and duration are lower than what is considered a critical storm.

Please see response to Response C2-2. As noted there, rainfall intensity and time distribution are random factors that are particularly difficult to reliably synthesize, and a 100-year storm would not necessarily produce a 1-percent-annual-chance flood.

- C2-5 This comment suggests modifying the volume or time of the 1982 storm event to use as critical storm.

Please see Response C2-4.

- C2-6 This is a summary of previous comments. This comment is acknowledged. Please refer to the responses to previous comments and to Master Response 5, Flood Modeling.

- C2-7 This comment asserts that the suggested revised methodology is essential to project success and transparency.

This comment is acknowledged. As explained in the above responses, the Ross Valley hydraulic model was peer-reviewed and approved by the U.S. Army Corps of Engineers. This comment letter includes a chart of the hydrograph of the first 24 hours of the 1982 storm and some other technical details. However, as the responses to the previous comment indicate, the commenter's interpretation of those details and of the hydraulic model set up and operation are not accurate or correct. The modeling methodology is an industry standard, and the USACE's reviews of the model inputs and set up indicated that it was adequate and appropriate for the intended purposes.

June 29, 2018

Liz Lewis

Planning Manager

3501 Civic Center Drive, Room 304

San Rafael, CA 94903

RE: Comments on the DEIR for the SA FRR Project

It is simply astounding to read a document of over 1,000 pages that represents every fine grain element of specific environmental issues, but has no comprehensive overview as to the overall effect of the project on our environment. Even more so, it is the clear that the intent of the report is to not to look at common sense alternatives to the project.

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We should all recognize that this report does not yet represent a best effort for our environment.

The clear history of flood mitigation is one of shifting from attempting to control nature with civil engineering adventures, to now a movement towards a common sense direction to flood-proof buildings. The absence of even the most basic comparison of a "Non-structural solution" per the USACE normal practice appears to be deliberate and I find it disingenuous to both the citizens of the valley as well as the very environment the document seeks to protect.

3

We quite simply did not vote for flood control or flood reduction, we voted for a reduction of damage from flooding. The distinction is exceptionally important. There are alternatives to flood control and they have simply not been provided in this document. I consider the DEIR fundamentally flawed until that process is completed.

On a macro engineering scale, the project is flawed. Presentations in 2011 by MC DPW staff included the obvious statements that "you increase flow from the bottom up" and "big detention basins are required and located high in the watershed". This project attempts to increase flow in the middle and place a small basin upstream. The result of this is clear: more water is forced downstream into the lower neighborhoods and the basin is only effective in the smallest of storms. It is highly likely this project will be viewed for what it is: A) an inequitable design that pushes more water downstream into neighborhoods that simply do not deserve to be treated this way and B) a project cost and scope suited to a grant, while unrelated to best use of public funds.

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The following pages include items under the heading of: Detailed Comments, There is No Cost Benefit Study, Flood Water Level Maps, CA DWR Grant Risks and finally, an appendix with letters sent to MC DPW / MC CD, CA DWR and USACE.

6

I think we can do better; the concerns are real and significant.



Ross Asselstine

Detailed Comments

Sections of the report include these statements and my comments are below each:

1.6: “In accordance with State CEQA *Guidelines* Section 15126.6, Chapter 6 of the Draft EIR presents a range of reasonable alternatives designed to feasibly attain most of the basic objectives of the Project and avoid or substantially reduce one or more of the Project’s significant environmental effects.

- This has not been conducted in any manner in respect to flood-proofing buildings.

7

2.1: “The primary purpose of the Project is to substantially reduce the frequency and severity of flooding”

- This is simply not true. “...reduce damage due to flooding...” is the stated goal of the fee language and hence the citizens. MC DPW project managers have elected to re-define the “primary purpose” and cannot do so without ignoring the fee language and it’s legal definition of purpose of the associated projects.

8

2.5: (There is no full or defined alternative that flood-proofs buildings.)

- This is the most obvious alternative and ignoring it is ridiculous. USACE processes require this and MC DPW has elected to ignore common (sense) practice.
- To state in the fuzziest possible terms that this option and or state it might be somewhere over the rainbow, is not being diligent nor demonstrating commitment to the implicit environmental protection obligation.

9

2.6: “Construction activities associated with the proposed Project would result in an irretrievable and irreversible commitment of natural resources though direct consumption of fossil fuels and use of materials.”

- I would add to this that all activities associated with the project are in some way associated with “an irretrievable and irreversible commitment of natural resources though direct consumption of fossil fuels and use of materials.”
- Any person doing any form of work on the project has their own carbon footprint, be it by commuting, housing, food, travel etc. It is not reasonably justifiable to isolate consumption of fossil fuels with the visible fuel tanks and tailpipes of construction.
- In macro terms, in regard to any project or alternatives, the simplest comparison of consumption of fossil fuels is by comparing costs and outcomes. This would also be known as a comparison of Cost Benefit Ratios for the project and the alternatives.
- Hence, the absence of an independent Cost Benefit Study for the project is irresponsible, and in addition, the lack of common and effective non-structural alternatives is yet again: environmentally irresponsible.

10

2.7: Areas of Known Controversy

- If this EIR is re-issued, the public comment against it should be detailed and listed for the record.

11

Page 2-28, Impact 4.9-4:

In detailed text, it is suggested that for homeowners that have increased flood water depth, the choice is either: A) let us put up big concrete walls around your property or B) we don't install a big concrete wall in your rear yard and you will experience increased flooding.

- It is more than clear that this is not an accurate representation of the likely outcome: people will ask for and have to be given fair treatment for loss of use, loss of value, disruption etc. To even consider detailing a process to the effect of: "take it or leave it" is terribly naïve if not in effect, confrontational.

12

Page 4.9-56, first paragraph:

"However, because the Flood Control District cannot fully control implementation of the bridge replacement projects, the Project's impact on downstream flooding remains significant."

- I believe this is what the parcel owners downstream will argue: the impact will be significant.

13

There is No Cost Benefit Study

There was a conscious decision to not seek an independent Cost Benefit Study. There are national studies that concluded that analysts that form part of the project team feel pressure to generate a positive outcome. An independent Cost Benefit Study of the project and non-structural alternatives is imperative.

14

It is essential that an independent cost benefit study is both conducted by an entity as well as then presented to the public.

Much of any expenditure of funds can be associated with a carbon footprint. I.e. conserving money is conserving carbon, or spending money can be associated with releasing carbon. At this time, there is on information on if this project makes any sense financially or in terms of release of carbon.

15

My view is that the following items should be included in any analysis:

1. Cost of a design and construction contingency.
2. Cost of accelerated construction work to meet the end of 2020 deadline, as required by the CA DWR grant language.
3. Cost to cover all costs associated with actions or requirements of parcel owners that are in areas of increased flooding depth.
4. Permanent loss of property taxes on properties that will be demolished.
5. Permanent loss of sales taxes from businesses that sold goods and services from those properties.
6. Loss of jobs in local businesses, as the commercial property is permanently reduced.
7. Loss of business downtown while work is being conducted.
8. Cost of the purchased properties, fees and all related time to negotiate sales.
9. Cost of an "option to purchase" properties.
10. Increased costs to pay for mitigation of construction activities such as: bio-fuel, reduced work hours for excavation and hauling, etc etc.
11. Cost to maintain the creek bed, gravel beds, water edge, trees, and related, all as required by the CA DWR grant language.
12. Costs to write yearly reports on maintenance as well as compile information for the report, all as required by the implications of the design and CA DWR grant language.
13. Prevention of losses due to flood-proofing of commercial buildings on the following approximate and reasonable schedule:
 - a. 1/3 protected as of this year
 - b. Another 1/3 protected as of 2020
 - c. The remaining 1/3 protected by 2030.
14. Costs to pay for flood insurance for 90% of the residential properties in the flood plain as well as compensation for all flood losses over the 10 year flood event. (This project does not reduce the obligation to carry flood insurance nor prevent significant flood events).

16

Flood Water Level Maps

As I understand the basis of the hydraulic model, the major tributaries are the main focus of the model, and further, these smaller flows move across land and down streets that is neither modeled nor has been carefully considered. I.e. only the major elements are the focus of the model: bridges, stream sections, detention basins and ponding over general land forms. These issues may have considerable effect:

17

1. The US ACE peer review is not yet complete or been provided to the public. The inundation drawings “Surface Extent and Depth” include a statement that the “Model results and map are subject to change”. It is clearly unacceptable to present this form of uncompleted work, and to request public comment on such an important aspect of the project.

18

2. The note on the “Surface Extent and Depth” drawings carefully states that “Historical data has shown that the actual change in inundation and depth may vary depending upon the characteristics of the rain storm and other factors. I have been making the point for years that my best understanding of the flood modeling process is that the “design storm” must be derived from a process of reviewing the effects of numerous storm events and selection of the storm that has the greatest impact as the design storm. I am very concerned that for a watershed model that includes detention, this model might not be based on the most prudent choice of design storm and the associated hyetograph. It is more than obvious that presentations of mitigation of frequent flooding must be subject to detailed considerations of what design storm best relates to local history of rainfall events, or likely events including of multiple storms. There is the potential for future outrage about future statements such as: “The storm was longer that we planned”, “We used national standards for the model and if they have a hyetograph that is not similar to NorCal storms, that does not mean we are to fault” and “We operated the detention basin gates earlier than optimal, and the first phase of the storm slowly filled the basins and the subsequent peak of the storm could not be mitigated”. What is good USACE and FEMA practice in a flood model?

19

3. A common amount of debris is likely. It is not unusual that small and large items would fall into the creek and hence change the flow volume or pattern. The detention basin diversion weir at Sunnyside appears to be vulnerable to both low level debris as well as debris on the top of the weir. Has the model been built with zero debris and if so, what areas of the model are vulnerable to change the flow and hence mitigation? What is good practice in a flood model?

20

4. As I understand the model, the permanent obstructions of buildings and fences. These are not considered and hence, these obstructions if modeled could develop a different pattern of flooding than that shown to the public. What is good practice in a flood model?

21

5. The Town of Fairfax moved the route of the creek in about 1933 and into the box culvert that goes under the Bolinas Road. In all major storms water from the hills above Park Road up to Tamalpias and Mountain View Roads, rainwater flows down Park and Bolinas on the street, over the box culvert and into downtown. This area of over 35 acres creates flow along the path of the prior stream alignment through downtown.

22

6. Each map provided in the EIR notes that the “model is undergoing a peer review by the USACE”. Further, the “model and map are subject to change”. It is essential that accurate and complete information be presented to the public. It is not acceptable to present un-substantiated information to the parcel owners that are effected nor citizens that use the information for assessing the pros and cons of the project.

23

CA DWR Grant Risks

The risks to the project's financial viability are considerable. The financial risks need to be detailed, investigated, assessed and made public. As noted previously, the cost of the project has inherent fossil fuel consumption and emissions that require diligent environmental consideration.

1. If the construction is not completed by the end of 2020, the disbursement of state grants funds terminates. This would mean that 100% of unbuilt work would be from flood fee funds.
2. If costs for the project increase, the CA DWR will not provide additional funding. This would likely mean that 100% of new cost would be from flood fee funds.
3. I know of no person in the Ross Valley that believes that they flood fee will be renewed by ballot measure in 2027. After that date, there will be no dedicated revenue stream for staffing, design, construction or maintenance.
4. The maintenance requirements of the design, and hence, the grant obligations are considerable: all maintenance for ten years must be performed yearly, including a summary report compiled and sent to the CA DWR. At this time there is no known set-aside of funds to perform these tasks. Without this, prior experience in Marin County and the Ross Valley, suggests that the maintenance requirements will be underfunded, inadequate and infrequent. If a defined budget is not public now, it could be argued that there is an intent to be in default of the grant agreement, post-construction.

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Appendices

June 26, 2018

Raul Rojas

Director of Public Works, Marin County
3501 Civic Center Drive, Suite 304
San Rafael, CA 94903

RE: San Anselmo Flood Risk Reduction Project

Director Rojas,

We met in your office and talked about the Flood Zone 9 projects a few years ago and shared perspectives on what might actually be accomplished as well as what was probably out of reach in the Ross Valley. It's not a simple project by any means, nor is it feasible to prevent major flooding in such a large valley that has such dense and intensive land use.

I think that you are aware that I believe this entire "flood control" project got off on the wrong foot: with engineering teams putting forward "a solution" when what was actually needed first was a concentrated planning effort to consider what the stakeholders in the Ross Valley thought about the significant changes to parks, school grounds, open spaces and similar. In my view, the entire process has been conducted almost exactly backwards and the only significant public input has been singularly possible by ballot initiative, because the Flood Control District did not conduct a planning outreach effort at the outset. Some people in the Ross Valley view myself and others as obstacles to flood control. We see ourselves as contributing valuable and completely justifiable public input. The ballot measures' success to Save Memorial Park and Lefty Gomez Field confirmed the support of the community.

I was greatly disheartened recently to discover two things: A) the costs to date had not been compiled in a yearly report for two years, and flood fee funds are now rapidly running out and B) the SA FRR EIR was issued with scope that included increased flooding on private properties.

In regard to item A): DPW staff is not tracking costs in any form or fashion that I am familiar with. I had to file a request for a PRD to get updated financial information now two years overdue. In my career, project managers tracked both commitments and invoiced amounts, while the accounting departments tracked costs in a completely different format and detail. If I did not report costs frequently I would have been out the door within a few months of lack of reporting. Two years is beyond comprehension or professionalism in my experience. I assume you are working to bring the department processes up to a common standard of practice.

In regard to item B): I have heard of meetings with some parcel owners that only included generic comments about potential effects, requests for support of the project without full disclosures to parcel owners, offers one day to build flood walls followed by discussions about raising a house a few weeks later. For DPW staff to walk into the neighborhood and have undocumented, verbal discussions with parcel owners is highly unusual. The most concerning is hearing of discussions with elderly parcel

owners to seek “support for the project” and to reach “agreement in principle” of something so potentially so significant to their home’s value.

In the circumstances of both the Save Memorial Park and Save Left Gomez efforts, the public rose up when the community facilities were threatened. I was active on both of these efforts. I note that I was personally motivated when I saw MC DPW and the FZ9 Advisory Board ignore the public’s clear sentiment of opposition. I am motivated once again to help push back on what is not right.

A plan to increase flooding on private citizens’ land is astounding crescendo of years of bad ideas. To compile an EIR requiring a “Statement of Overriding Considerations” by the BOS; where Katie Rice has the ability to determine that some parcel owners have to accept increased flooding for the infrequent and small benefit to others....is simply wrong.

This letter is to make you aware that I will make every effort to give my comments to the effected parcel owners along the creek such that they might get compensation for:

- Legal advice,
- Lender input,
- FEMA insurance input,
- Independent hydrologist review and advice,
- Specialist advice on the proposed flood walls, foundations, structure, waterproofing and related,
- Arborist and landscape advice,
- Any temporary loss of use,
- Any consequent loss of value.

In simple terms Raul: if your mother owned one of these homes you would likely advise her of exactly the same rights I list here and the obligations the other party has to make her whole. In that perspective, we probably are on the same side. Actually, I think you’d do more than write just this letter.

This is no fun at all for me. I can’t sit by: I’ve seen too much waste, too many errors, too many valid public comments undocumented and without a reasonable response, poor management processes, and a planning effort that is a trailing appendage instead of a tool to guide success.

This is a highly, highly complex project, but steamrolling the community and parcel owners was certainly never going to be the answer. It’s only made things worse. At this point, parcel owners can only react by defending their rights.

Sincerely,



Ross Asselstine
San Anselmo

CC Brian Crawford, Director of MC CD

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cont.

June 29, 2018

Mr. John High,
Chief, Hydrology Section
USACE Sacramento District
1325 J Street
Sacramento, CA 95814

RE: Ross Valley Watershed Hydrology

Mr. High,

In documents posted on the Ross Valley Flood Protection website, your name is listed in a peer review process as 'Project Hydrology DC+QC conducted by: Mr. John High'. As before, I ask other USACE engineers copied on the distribution email to advise if this issue is under their scope of review.

I write today as two the projects in the Ross Valley are noted as being under USACE review: the USACE Corte Madera Creek Flood Risk Reduction Project and the San Anselmo Flood Risk Reduction Project.

In regard to the San Anselmo Flood Reduction project, I am concerned that the representations could be overstated in regard to the mitigation contribution of a detention basin at the Sunnyside growing grounds.

You are aware of my concerns that the process of selection of the design storm for the 100 year events may not be correct for a watershed that is being modeled with detention basins. I have parallel concerns that the smaller storms in the model are not based on best local information nor an iterative process to properly select the design storms for 10 and 25 year events.

My prior observations were that the hyetographs used for the model were selected as the design storm for the model, simply because one specific storm resulted in a 100 year flow. I believe there is the unfortunate possibility that there has not been enough diligence in selecting the proper design storm and related hyetograph for the modeling of the flood maps now part of the Draft EIR. These maps are a major part of the representation to the public as to what will happen in 10 and 25 year events.

This letter is to request that your department and staff look into this issue when conducting your peer review of the projects in the Ross Valley.

I think as the USACE is performing peer review, this information should be requested from Marin County DPW such that your office can review, assess and advise.

I greatly appreciate your time.

Sincerely

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to read "R. Asselstine".

Ross Asselstine
San Anselmo
415-730-4530

Cc Caleb Conn USACE
Stephen Willis USACE

26
cont.



June 18, 2018

Mr. John High,
Chief, Hydrology Section
USACE Sacramento District
1325 J Street
Sacramento, CA 95814

RE: Ross Valley Watershed Hydrology

Mr. High,

In documents posted on the Ross Valley Flood Protection website, your name is listed in a peer review process as 'Project Hydrology DC+QC conducted by: Mr. John High'. As before, I ask other USACE engineers copied on this email to advise if this issue is under their scope of review.

I write today as two the projects in the Ross Valley are noted as being under USACE review: the USACE Corte Madera Creek Flood Risk Reduction Project and the San Anselmo Flood Risk Reduction Project.

In regard to the San Anselmo Flood Reduction project, I am concerned that the representations are significantly incorrect in the Town of Fairfax and as such, need to be reviewed in detail such that an accurate depiction of floodwater mitigation can be provided to the public.

It is my understanding that the USACE and MC DPW modeling process does not include detailed analysis of minor flows within a watershed. I can only guess that the tools are best suited to studies related to exceptional events such as 50-200 year floods. The current model results are primarily centered on mitigation of flooding from a 10 year event. The 25 year and 100 year events are not considerably different than the current flood flow.

A local resident of 56 years told me that flows down streets in Fairfax are the primary flood path into downtown. Frank Egger was an elected official: Council Member and or Mayor of Fairfax for 40 years. He has driven the streets during and after all flooding since 1962.

I walked the streets of Fairfax in the storms of 2016 and observed what he had told me about: street flows down the main street of town: Bolinas Avenue, move water directly over the main stream flow that is in a box culvert under the street. I.e. the street flows are independent of the creek flow. It amazing actually: a street completely full, curb to curb, while the box culvert below and under the street is not yet at capacity.

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cont.

He and I walked the streets today to move closely understand the "asphalt tributaries" and likely watershed area that is funneled into town. The hillsides to the SW of downtown including the streets: Frustruck, Wreden, Manzanita, Spruce, Mountain View and Tamalpais all feed onto Bolinas Rd and Park Road. These then combine and run down Bolinas Rd into the downtown. I note this last section of flow path is approximately along the original alignment of the creek through downtown before it was re-routed under Bolinas Avenue in 1933.

The "Preliminary General Plan, City of Fairfax, California by Wilsey & Ham Engineers and Planners 1958" includes a clear recognition of this issue. The text on: Drainage, Floods and Slides" includes: "Insufficient drainage facilities of the downtown are partly responsible for the occasional flooding of the downtown area and for the slide problems in the hills".

This issue has been a known problem for decades. I am happy to walk you though this on the phone if necessary.

I ask for your help as I believe the model should be specifically constructed to reflect known and unique conditions. The review of that new model will demonstrate what really occurs in downtown Fairfax in these small rain events and confirm if the forecasted mitigation is real.

In summary, I think as the USACE is performing peer review, this information should be requested from Marin County DPW such that your office can review and assess.

I greatly appreciate your time.

Sincerely



Ross Asselstine
San Anselmo
415-730-4530

Cc Caleb Conn USACE
Stephen Willis USACE

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cont.

May 18, 2018

Mr. John High,
Chief, Hydrology Section
USACE Sacramento District
1325 J Street
Sacramento, CA 95814

RE: Ross Valley Watershed Hydrology

Mr. High,

In documents posted on the Ross Valley Flood Protection website, your name is listed in a peer review process as 'Project Hydrology DC+QC conducted by: Mr. John High'.

I write today as two projects in the Ross Valley are noted as being under USACE review: the USACE Corte Madera Creek Flood Risk Reduction Project and the San Anselmo Flood Risk Reduction Project.

I am concerned that the current engineering basis for assessing a flood event first and then using the related storm are not part of a comprehensive or common basis for design. My understanding is that the process is the reverse: use a range of 100 year storm events to assess which one is to be used as the "design storm" to define the 100 year flood flow.

I have spoken out about this numerous times over the last few years. The innumerable concepts to control floods in the Ross Valley include detention basins. A flood control project of over \$100M was conceived in 2011 and a central element was a series of large detention basins as well as some creek flow enhancements.

I was on the San Anselmo Flood Committee for three years and hence, tasked with reading the numerous reports and advising town council of my view. What I found was that the engineering process appeared to be conducted backwards: selecting a 100 year flow as the basis for design and adopting a single 2005 storm hyetograph of for modeling. This storm was not a 100 year storm event. This inverted process may have not caused an issue in a watershed that did not include detention basins, but as volume and time are inherent qualities tied to detention, a storm with a lower volume would likely result in substantially different results.

Attached are a comments that I have made publically. I would greatly appreciate your time that it might take to skim these. I also include a copy of Tech Memo 6, Hydrologic Design Basis for the CIP Study; this was drafted in response to concerns raised by the public. My perception is that Figure 7 and the associated narrative is defensive if not disingenuous and incorrect.

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In summary, I have three questions:

1. Does the processes dictated by USACE policies suggest that my concerns are valid?
2. Has your office determined or assessed what “design storm” (“critical storm” or other suitable term) and hyetograph is applicable for a 100 year flood event? What is your position?
3. Documents for the Draft EIR of the San Anselmo Flood Risk Reduction Project have been issued and list your office as not having completed the review. When will that be completed?

I note that I have raised similar concerns with CA Department of Water Resources in regard to grant submissions and will be raising the issue with FEMA as it relates to mapping of the flood plain.

I believe that the citizens of the Ross Valley need to know what is actually the right and prudent storm for the watershed modeling.

I greatly appreciate your time.

Sincerely

Ross Asselstine
San Anselmo
415-730-4530

Attach.

John.M.High@usace.army.mil

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cont.

June 14, 2018

Karla Nemeth

Director, Department of Water Resources
The State of California
1416 9th Street, Room 1115
Sacramento, CA 95814

RE: Proposition 1E Stormwater Flood Management Grant Program

Ms. Nemeth,

I've been writing letters to your offices this year, out of concern of the quality of documentation, sincerity of the narrative, and representations that supported grant applications for work in the Ross Valley in Marin County by the Marin County Department of Public Works. I believe that good people are telling only a portion of the truth to your staff.

My prior letters detailed numerous issues of concern. I understand the grant process is advanced, but numerous issues have become significantly more clear as the project has progressed. Please consider these additional concerns:

- 1) The grant language includes an obligation of the local agency to maintain the project for ten years as well as submit reports on the maintenance. I recognize this concern as does the USACE; building most anything requires maintenance to adequately perform over time. A few years ago, I asked a direct question if MC DPW would be setting aside funds for maintenance of the contemplated projects. All budgets were capital works and no future maintenance allowances. The clear answer from MC DPW was that they did not contemplate funding maintenance with project funds. This continues to be a concern and is re-enforced when reading the grant language. In terms of funding this project, you should be aware that we only have a fee income until 2027. After that, there is no funding. Some contemplate that a renewal of the flood fee will pass on the ballot and money will flow again. You should be aware that the flood fee process was highly controversial, the last ten years of waste and expense. In short, MC DPW will be executing a grant agreement with CA DWR knowing they have not identified funds to meet the terms of the contract.

The history of un-funded maintenance for projects is significant. The USACE provided concrete channels and dredging during the 1970's. The maintenance agreements between USACE and MC included frequent dredging. In the decades since that work was completed, there has been inadequate and infrequent dredging. Such is the history of this county. From what I know today, I think MC DPW is being disingenuous with both the citizens and CA DWR. This should be carefully considered and sorted out in detail now if the grant is deemed viable.

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- 2) Our flood fee dollars are running out. As noted above, the fee terminates in 2027. One of the issues in play is that the all but ineffective projects now contemplated may be all that is completed in the long term. The stream capacity currently accommodates a 6 year flood flow. The projects only bump this up to a 10 year flood flow. The mitigation is being touted as something wonderful and significantly beneficial. Considering just eight years ago they were telling citizens we would see a 100 year solution for about \$100 million dollars. At this time, it appears we will burn through about \$70 million to get to a 10 year solution.

Reading about the breadth of water issues across the state, I have to believe that there are numerous projects that have a higher benefit than what is being considered in our valley. Dams in California have a great range of issues that have real public safety issues in play. For that matter, our own Phoenix Lake Dam has a common vulnerability of liquefaction. I would hope that CA DWR has a process to consider when reconsidering where funds are directed. My first instinct is that under almost any review, the grant funds should be directed towards issues at either our local Phoenix Lake Dam or some other significant project in the state. Our project barely moves the needle of mitigation. Fixing a dam has real and immediate mitigation benefit.

- 3) The hydraulic model for the project is being presented as useful and accurate within inches across thousands of small parcels in the flood plain in a small and congested valley floor. My best understanding is that the model does not include the innumerable flow restrictions like most buildings, fences, etc. Observations of flooding suggests that obstructions are highly influential in flood patterns. I simply cannot believe that the representations to the community nor to individual parcel owners should be presented in a finite way. MC DPW has not confirmed the tolerances of the information generated. Consequently, CA DWR has a clear water, unobstructed model as an illustration of something that is unlikely to perform in the same way. I fully understand that some tool has to be used but presenting such a fine grain model without a clear disclaimer on range of accuracy is of great concern when benefits are so limited.
- 4) I have written previously about concerns that the schedule of work appears unreasonably tight. I think that MC DPW is behaving evasive and or indirect about meeting the completion date.

Consider this exchange between a local mayor and MC DPW staff at a recent meeting:
 Mayor: "What risk do you see in terms of completing the work by the grant deadline?"
 MC DPW staff member: "The schedule is a target".

The answer was not direct nor complete. The mayor asked for an assessment of risk to meeting the defined requirements of the grant language. An answer that essentially ignores an informed question is at best unprofessional if not counterproductive. I can only suggest that your staff carefully consider questions and the actual content of answers from MC DPW.

In terms of schedule, one aspect that is a likely future event not allowed for is bids that exceed the current engineer's estimate. As you are well aware, the construction industry is under considerable pressure and estimates are being exceeded frequently. Almost every single portion of this flood project has experienced increases in engineering estimates, let alone bids exceeding estimates. In short, I do not see any schedule allowance to address what is likely to be required to chase sources of additional funds, approve additional expenditure, re-consider scope and award the project. This potential delay appears to be inevitable.

- 5) I have written previously that I believe that the wrong storm was used for the 100 year flood flow and more importantly, hyetograph. A small storm was used to model the 100 year flood flow. Because of what I consider to be a clear mistake when modeling a watershed with detention basins, I am equally concerned that the current project may likely have similar errors. I suggest that your staff consider the detail of the modeling for the 10, 25 and 100 year flood flows as it relates to the associated hyetographs. I.e. are the rainfall events representative of prudent local rainfall events?

As before, I would be more than happy to make the time to come to Sacramento to sit with your staff and review both my comments, intent and their position.

We both know that details can be critical. In this instance, a forthright assessment of what is correct, diligent, and prudent for public presentations needs to be carefully considered. I assume that you would understand that a private citizen, working to try to sift through a great range of reports, can make a mistake. I believe the content of this letter and my prior letters is on the whole largely accurate, but may not be fully informed on a limited number of specific items.

I would hope that your department will seriously consider all of these issue on these grants in accordance with the prescribed obligations of Prop 1E, if not inherent overall responsibility to assure public funds are spent on productive projects. To quote the Prop 1E language: "prudent use of funds".

I thank you for your time on this subject.

Sincerely,



E Ross Asselstine
1365 San Anselmo Ave
San Anselmo CA 94960
415-730-4530

May 31, 2018

Karla Nemeth

Director, Department of Water Resources
The State of California
1416 9th Street, Room 1115
Sacramento, CA 95814

RE: Proposition 1E Stormwater Flood Management Grant Program

Ms. Nemeth,

I last wrote letters to your offices recently, out of concern of the quality of documentation that supported a grant applications for work in the Ross Valley in Marin County by the Marin County Department of Public Works.

I write today as your office should be aware that the San Anselmo Flood Risk Reduction Project appears to be adrift in a self-defined process of discounting rational alternatives to a “big dig” project. I am sure you are aware that the USACE review of projects includes detailed analysis of alternatives including “non-structural” solutions such as: raising, relocating and flood proofing buildings. This discipline of review is fundamental to assess if there is a better way to spend public funds.

Both the San Anselmo Flood Risk Reduction Project and the USACE Corte Madera Creek Flood Risk Management Project are, for all practical purposes, are deliberately avoiding conducting any serious or rigorous review of non-structural solutions.

Any process that includes complex review can be compromised by the smallest amount of bias by the persons conducting the review. This has been documented by a National Research Council paper on the subject of pressure on cost benefit analysts to make questionable assumptions. I believe this type of behavior is visible in the current EIR for the San Anselmo Flood Risk Reduction Project: The EIR list of alternatives does not concisely, nor even outline in any level of detail, what the alternative “non-structural” alternatives would achieve in terms of loss preventing or reduction. This would not pass muster in a USACE process and should not be acceptable to the CA DWR. As I noted above, I think this is a self-defined process, and I think it’s not a demonstration of “equivalent benefit” nor a professional way to assess how to best spend public funds.

In short, they appear to have backed into a low benefit project by trying to figure out how to spend the entire grant. They simply do not care to do the hard work of securing independent financial review nor clear comparisons of known alternatives.

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This is simply wrong. The cost to re-pay the bonds for Prop 1E should not increase because a group of people decided to just cook up a project to get a grant.

I think that MC DPW is also not being forthright in their forecast that the project can be completed by the end of 2020. They are now using phrases like "time is critical" and "time is exceptionally tight". I cannot imagine a scenario where the design is complete, bids are submitted to the current estimates, the project starts on time, finishes on budget and on time as required by the CA DWR deadline. I believe they are being overly optimistic and not telling CA DWR and the local rate payers.

I would be more than happy to make the time to come to Sacramento to sit with your staff and review both my comments, intent and their position.

As before, the details can be critical. In this instance, a forthright assessment of what is correct, diligent, and prudent for public presentations needs to be carefully considered.

I would hope that your department will seriously consider this issue on these grants in accordance with the prescribed obligations of Prop E, if not inherent overall responsibility to assure public funds are spent on productive projects.

Please confirm, or have one of your staff, confirm receipt of this letter and my prior two letters.

I thank you for your time on this subject.

Sincerely,



E Ross Asselstine

1365 San Anselmo Ave
San Anselmo CA 94960
415-730-4530

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cont.

May 8, 2018

Karla Nemeth

Director, Department of Water Resources
The State of California
1416 9th Street, Room 1115
Sacramento, CA 95814

**RE: Proposition 1E Stormwater Flood Management Grant Program
Ross Valley, Marin County**

Director Nemeth,

I last wrote a letter to your offices last month, out of concern of the quality of documentation that supported a grant applications for work in the Ross Valley in Marin County.

My concerns continue after a recent Marin County Supervisor's meeting where I noted my concerns about cost overruns, lack of significant benefits and what appears to be a grant based on poor if not faulty premises.

A Cost Benefit study was included as a part of the original grant applications for both Phoenix Lake and Memorial Park. As I understand it, the "migration" of these grants to actual new agreements for the Corte Madera Risk Management Project and the San Anselmo Risk Reduction Project, did not include Cost Benefit studies. I suggest that the absence of supporting financial analysis bring into question three significant issues:

1. The original grant applications' Cost Benefit studies were representations to both local citizens as well as CA DRW.
 - a. In our case, it was a useful benchmark, even if we had doubts about the validity of each line and feel inaccuracies were present.
 - b. In the case of CA DWR, surely the Cost Benefit studies were part of the ranking of the projects against other grant applications.
2. If there is no supporting Cost Benefit documentation now, how can anyone assess that the new grants provide "equivalent benefit" as required by CA DWR?
 - a. How does CA DWR now assess benefit as required by the language in Prop 1E where it states: "...ensure prudent and cost-effective use of these funds..."
 - b. How does CA DWR establish the effectiveness of the project, relative to the prior grant application?
 - c. I am greatly concerned that new data, if submitted will have biased figures, as the project's flow reduction is so small as to be a shadow of the prior project where the Cost Benefit Ratio was just over 1.

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3. I am exceptionally concerned that our local Supervisor: Katie Rice, has stated that “because of this project, homes will no longer be in the flood plain” (from memory). This statement was made during a vote today to authorize Marin DPW staff to execute the proposed new grant agreement for Corte Madera Risk Management Project.
 - a. I note that MC DPW staff has never stated the flood plain (FEMA Map) will definitely change, as I can guess they know it is not true.
 - b. I append a copy of the Map Showing Change in Water Surface Elevation for the noted project. It is immediately visible to me that the only parcels and structures that are no longer in the flood plain are those that are now behind new floodwalls, and as such, have huge pumps behind them to keep water low. Surely, a pumping system is a mitigation measure that is neither:
 - i. dependable such that it would FEMA to modify its Flood Map, nor:
 - ii. a system not much more than a Band-Aid to fix the design’s vulnerability of new flood walls that create barriers for water to get into the creek.
 - c. It’s as if the project only performs if you first design something that creates more flooding risk, then add an unreliable solution to mitigate the increased risk you just created. The logic of providing benefit is stunning. It is my view that for the Supervisor to state in a grant approval forum that “homes will no longer be in the flood plain”, is very misleading and lead directly to the approval to execute the grant agreement.

http://marinwatersheds.org/sites/default/files/2017-12/Ross_kentfield_C36_C47_100yr.pdf

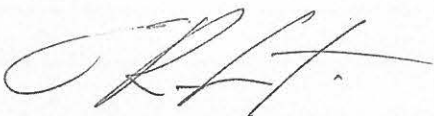
I am not aware of the forum to challenge this grant award. I’m no lawyer nor have the experience to know how to finitely make the case for a more detailed review by CA DWR. All I can do at this time is ask for you and your staff to conduct a review suitable to the public funds involved and a fair process of requesting and review of Cost Benefit.

I would sincerely hope that while the final draft grant agreement may be coming to you executed on behalf of Marin County, it would not be executed by your department until the issues noted above are investigated and re-assessment of the validity of the grant is completed in regard to performance standards, outcome measures and consistency.

Please confirm how you consider is how this might be addressed.

I thank you for your time on this subject.

Sincerely,

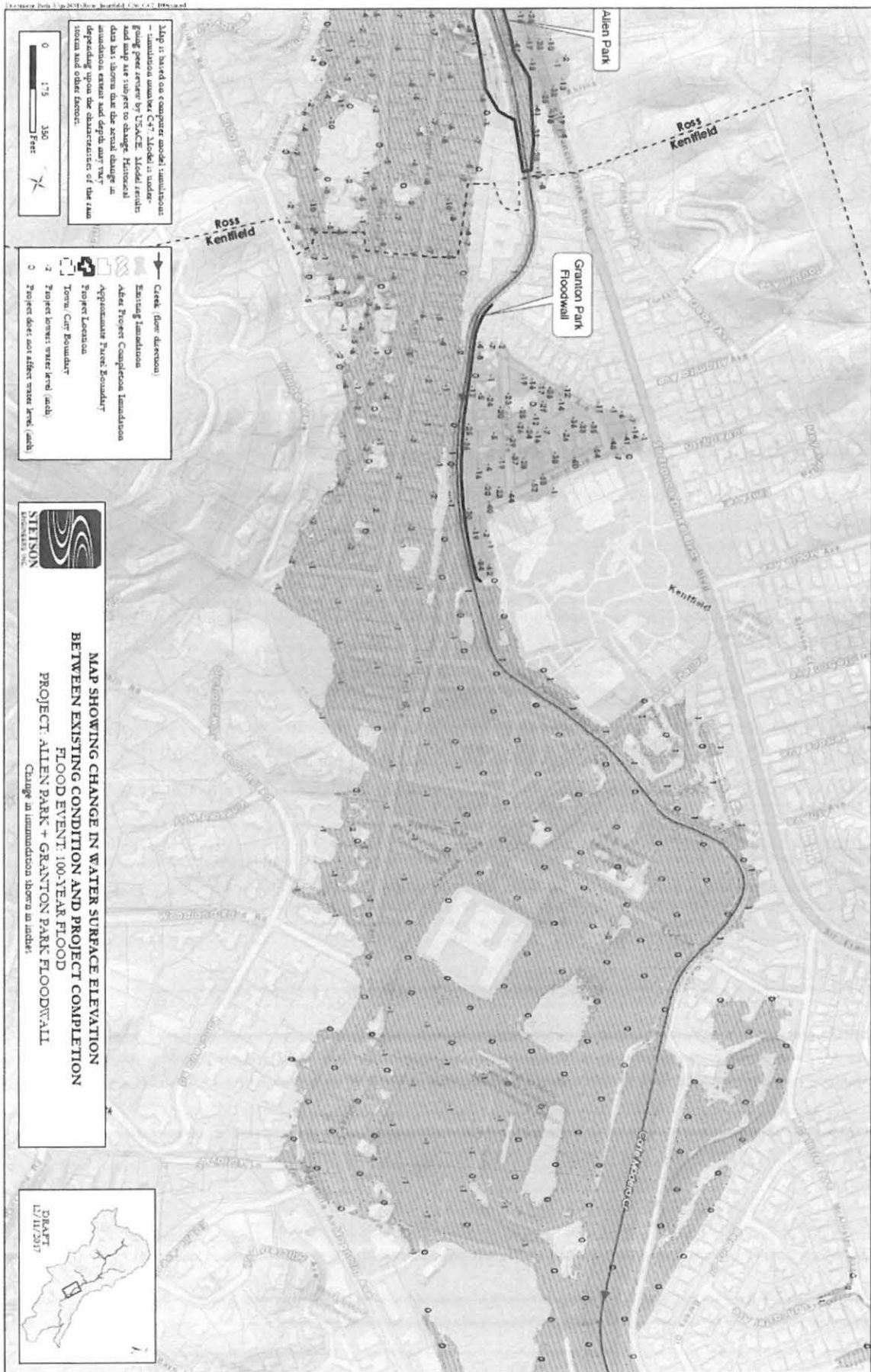


E Ross Asselstine
 1365 San Anselmo Ave
 San Anselmo CA 94960
 415-730-4530

Attch.

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cont.





April 27, 2018

Karla Nemeth

Director
Department of Water Resources
The State of California
1416 9th Street, Room 1115
Sacramento, CA 95814

RE: Proposition 1E Stormwater Flood Management Grant Program

Ms. Nemeth,

I last wrote a letter to your offices in May of 2014, out of concern of the quality of documentation that supported a grant application for work in the Ross Valley in Marin County.

As you may be aware, like many coastal communities, we get exceptional rainfall and significant flooding every twenty years or so.

Our community leaders have pursued civil engineering solutions to fix the problem. Like so many locations across the country, the feasible solution is not massive civil engineering efforts but more conventional solutions to protect property. We have now spent something in the order of \$35,000,000 chasing solutions that could be called "big dig". I will clearly state that I believe that the project is best served by protection of property, as we are running out of flood fee funds while chasing a "big dig" effort.

I write today as I, like many other citizens in our valley, are concerned about the quality of two grants and their current "migration" status. The Phoenix Lake and Memorial Park grants are now being replaced by the Corte Madera Creek Flood Risk Reduction Project, and the San Anselmo Flood Risk Reduction Project. It is my understanding that:

1. Cost Benefit studies were submitted to CA DWR as a part of the original grant applications.
2. Cost Benefit studies are required by USCAE for all projects across the US to ensure public funds are being expended with a rational economic basis.
3. It is not clear to me if either of the two grants noted and the process for "migration" or "re-assignment" by the CA DWR includes a Cost Benefit study.
4. I have been advised that CA DWR may not require a Cost Benefit study.
5. It is in the best interests of the California tax payers, CA DWR, and the Ross Valley tax payers to have a suitable financial analysis to confirm award of CA DWR grant funds.

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I think you can appreciate one further concern: cost benefit studies themselves have their own issues, imperfect tool that they may be. The local community was astounded to read the details of the original Memorial Park grant, where the Cost Benefit study included numerous ambit claims and questionable benefits. We recently found support for these observations by layman, as an on-going issue of national concern. Attached are a few pages of a PHD dissertation by Raymond Wong at the University of California Berkeley. On page four, he clearly references the problems with potential pressure and questionable assumptions. This is all but exactly how our community reviewed the cost benefit studies assembled for the CA DWR grants. I can say that I am pleased to see that this issue has been observed previously to the point of being a subject of a National Research Council report. Independent analysis appears to be essential to attain the rigor suitable to the funds at hand. The specific text is below.

*“The cost benefit analysis is a mechanical method to quantify the benefits and costs in monetary terms. A proposed project is viable only if its projected benefits exceed projected costs. This method is effective to evaluate the project’s financial performance based on its economic impacts and commodity market values, and it imposes discipline on the planning process. **However, it often pressures analysts to make questionable assumptions or to configure a study such that it produces a given cost benefit ratio (NRC 2004).”***

The entire dissertation can be found here:

http://digitalassets.lib.berkeley.edu/etd/ucb/text/Wong_berkeley_0028E_14937.pdf

A great number of people in our valley, once again, intuitively sense that the projects currently contemplated are not cost effective nor prudent use our flood fee funds nor CA tax dollars.

In summary, as stated earlier, I believe it is in the best interests of the California tax payers, CA DWR, and the Ross Valley tax payers to have a suitable financial analysis to confirm award of CA DWR grant funds. I would hope that your department will seriously consider this issue on these grants in accordance with the prescribed obligations of Prop E, if not inherent overall responsibility to assure public funds are spent on productive projects.

I thank you for your time on this subject.

Sincerely,

E Ross Asselstine
1365 San Anselmo Ave
San Anselmo CA 94960
415-730-4530

Attch.

WILL YOUR PROPERTY BE AT INCREASED RISK BECAUSE OF THE MARIN COUNTY "FLOOD CONTROL" PROJECT?

Your house may be subject to more flooding because of the Marin County plans for San Anselmo and Fairfax Creeks.

We recommend that you:

- 1) Ask San Anselmo Mayor John Wright, Fairfax Mayor Peter Lacques, and or Ross Mayor Elisabeth Robbins what is going on and if the plan: the **San Anselmo Floor Risk Reduction Project**, puts your house and property more at risk than it is now. Every one of your Town Council members is aware of this situation.

- 2) **If you are in such an area, you should consider the following:**
 - a. Get a lawyer if your property is going to be compromised.
 - b. Consider getting your lender involved on the subject, as they have interest in this as well.
 - c. Do not accept any verbal descriptions of what might be done. Ask for everything in writing.
 - d. If they offer to "flood proof" your home, ask if they will flood proof any alterations or new structures that you might build in the future. Understand that they have only proposed to modify current structures, not future improvements.
 - e. If they offer to build a "flood wall" on your property, ask how the water will drain from your property if they build a wall. These things can easily dam up water on your property after waters recede.
 - f. Ask who has to pay to maintain the flood proofing or flood wall structure in the future?
 - g. Understand that the increased risk on some properties is identified within the current Environmental Impact Review and The Marin County Board of Supervisors has to issue a "Statement of Overriding Consideration" to in essence, make a final decision that compromising your property is worth benefitting others. Supervisor Katie Rice will in effect, be the only Supervisor to cast the deciding vote about your property.

- 3) **If you are not in such an area, please be aware of the following:**
 - a. The history of the design and performance of flood projects in the valley is very poor. The designs are exceptionally complex, based on limited data with far too many variables. Designs for controlling floods can have numerous unintended consequences. It is likely that assurances given today about the design and impact could be compromised by any number of common or unfortunate issues including: debris in the creek, under-cutting of flood walls and trees by flood waters, height variations and waves that were not anticipated, longer durations of rain, etc. I.e., if your property is close the areas of increased risk, potential flooding back-ups, anomalies or incorrect engineering assumptions may put your property at risk. They may sound confident in what will happen, but the design is too complex to guarantee anything.
 - b. Marin County has a long history of not maintaining flood prevention systems. The County does not have sufficient funds and or underfunds maintenance of flood projects after they are built.
 - c. In all probabilities, everyone that is paying for flood insurance now, will have to pay for flood insurance in the future. That will not change with this "big dig" project that costs over \$17 million dollars. Over the last ten years, around \$30-35 million of our flood fee dollars has been spent chasing "fix the creek" and "dig up public recreational spaces" projects.
 - d. In all probabilities, the businesses that pile up sand bags at their doorways during floods, will have to pile up sand bags in their doorways in the future. That will not change with this "big dig" project that costs over \$17 million dollars.
 - e. Marin County has not asked for an independent cost benefit analysis for this project. These are required on every Army Corps of Engineers project, but Marin County has not performed the most basic of financial discipline on this project. No one knows if this project makes any sense.

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LOST IN TOWN

Please Help Us Find the Common Sense That Was Lost in This Town in the Last Ten Years

Has elected leadership in the Ross Valley lost all common sense?

The "San Anselmo Floor Risk Reduction Project" has been issued in an EIR. It might get approved and the project will go forward unless common sense prevails. That would mean you will have to speak up.

Most elected officials "want to do something", as there has been no progress in ten years. "Doing something" does not translate into "doing something effective". Ask San Anselmo Mayor John Wright, Fairfax Mayor Peter Lacques, and our Ross Mayor Elisabeth Robbins what is going on with plan: the **San Anselmo Floor Risk Reduction Project**. Every one of your Town Council members is aware of this situation.

Consider this:

1. Elected officials want to spend an estimated \$17,400,000 that would do all but nothing to protect or limit damage to our downtown businesses.
2. The businesses that pile up sand bags at their doorways during floods now, will have to pile up sand bags in their doorways in the future. This massive project only mitigates losses the smallest of storms. Lack of protection from damage will not change with this "big dig" project that costs over \$17.4 million dollars. Millions of dollars will be spent and in every future storm business owners and employees will lay awake wondering if the piles of sand bags will do anything to save them.
3. There is no money to simply help businesses to flood-proof their shops. It is proven that businesses can protect their shops by installing flood gates, sealing floors and walls, sealing window trim, vents and similar.
4. In all probabilities, every homeowner that is paying for flood insurance now, will have to pay for flood insurance in the future. This massive project does not mitigate the huge flooding that defines who is in the flood plain.
5. The project actually increases flooding risk to some home owners.
6. The US Army Corps of Engineering all but gave up on "big dig" projects because simple and obvious solutions are more effective: protect buildings, don't consider that "fixing nature" is even feasible. The agency that provides flood insurance: FEMA, offers grants to owners because simple and obvious solutions are more effective: protect buildings, don't consider that "fixing nature" is even feasible.
7. Most construction projects are now receiving bids well over initial estimates. Costs could easily exceed the estimate and State grant money will not pay for over-runs. I.e. 100% of the overrun will come out of our flood fee payments.
8. Marin County has a long history of not maintaining flood prevention systems. The County does not have sufficient funds and or underfunds maintenance of flood projects after they are built. No funding has been identified to maintain this project.
9. Marin County has not asked for an independent cost benefit analysis for this project. These are required on every Army Corps of Engineers project, but Marin County has not performed the most basic of financial discipline on this project. They refuse to get an independent review. No one knows if this project makes any sense.
10. Over the last ten years, around \$30-35 million of our flood fee dollars has been spent. We are rapidly running out of money and we should only be doing projects that are based on common sense and have the greatest benefit.

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cont.

3.4.3 Comment Letter C3: Ross Asselstine

- C3-1 This comment states that the EIR contains no comprehensive overview of project impact on environment.

Draft EIR Chapter 2, Executive Summary, summarizes the impact analysis, significance determinations, and mitigation measures of the Project, as well as the cumulative impacts analysis, alternatives analysis, environmentally superior alternative, and areas of known controversy.

- C3-2 This comment says that the EIR does not look at common sense project alternatives.

Please refer to Chapter 6, Alternatives, which contains a no-project alternative and three action alternatives to the proposed Project. It also includes eight other alternatives that were considered and then removed after an initial screening either because they were infeasible or because they did not meet the most basic of the objectives. This analysis describes a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation, as required in State CEQA *Guidelines* Section 15126.6. Also, as described in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, the actions proposed under Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, include several measures like the flood-proofing one suggested later in this comment letter.

- C3-3 This comment says that the list of alternatives does not include a "non-structural solution" per U.S. Army Corps of Engineers (USACE) and that citizens voted for a reduction in flood damage, not flood control.

The USACE defines non-structural measures as being "permanent or contingent measures applied to a structure and/or its contents that prevent or provide resistance to damage from flooding". Section 6.5 of Chapter 6, Alternatives, describes a "Green Infrastructure and Flood-proofing Actions Alternative" that includes a mix of different non-structural measures. These were evaluated and are described in Table 6-8. This EIR meets the standards of State CEQA *Guidelines* Section 15126.6. Also, as described in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, the actions proposed under Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, include several measures such as the one regarding the flood-proofing suggested in this comment.

- C3-4 The comment says that the Project would force more water downstream into lower neighborhoods.

Please refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, which speaks to this point. The text of Impact 4.9-4 in Section 4.9, Hydrology and Water Quality, also discusses the changes in downstream flood risk. Please see also Master Response 1, Project Merits.

- C3-5 This comment suggests that the project cost and scope are suited to a grant, not to best use of public funds.

This comment is acknowledged. The comment addresses the Project cost, which is not an environmental issue under CEQA, as described in Master Response 2, Socioeconomic Effects. This comment does not address the adequacy or accuracy of the EIR. See also Master Response 1, Project Merits.

- C3-6 This comment is a list of the items included in in topic-specific groups in the rest of this comment letter.

This comment is acknowledged; the specific comments are responded to individually below.

- C3-7 The commenter states that the alternatives considered in the Draft EIR do not include analysis of flood-proof buildings.

Draft EIR Section 6.5.6 discusses an alternative called “Green Infrastructure and Flood-proofing Actions.” As discussed there, these potential solutions can have some effectiveness in reducing flood risk when taken in aggregate in many locations within a watershed. However, even in the aggregate, they would not achieve the most basic project objectives of intended levels of flood risk reduction. Note that Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, includes certain forms of flood-proofing as part of a mitigation measure on the small number of private properties that could potentially be adversely affected by increased flood risk.

- C3-8 This comment says that the stated primary purpose of the project (“substantially reduce flooding”) is at odds with the language of the voter-approved “storm fee” (“reduce damage due to flooding”).

This comment is acknowledged. This is not a comment on the adequacy or accuracy of the EIR. The comment addresses the Project cost, which is not an environmental issue under CEQA, as described in Master Response 2, Socioeconomic Effects. Please see Master Response 1 on Merits of the Project. This comment will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

- C3-9 This comment says that the USACE requires analyzing flood-proofing buildings as alternatives, which the Department of Public Works (DPW) has not done.

Draft EIR Section 6.5.6 discusses an alternative called “Green Infrastructure and Flood-proofing Actions,” which was removed from further consideration in the Draft EIR for the reasons identified in Section 6.5.6 and Response C3-7. Also, as described in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, the actions proposed under Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, include flood-proofing measures.

- C3-10 This comment states that all activities associated with the Project involve the consumptive use of natural resources that should be evaluated. It says that any person involved with the project has a carbon footprint that should be evaluated as part of the project's impacts. It suggests that the simplest comparison of fossil fuel consumption is a Cost Benefit Ratio for project and its alternatives and that the absence of such a study is environmentally and fiscally irresponsible.

In accordance with the California Environmental Quality Act (CEQA), the Draft EIR evaluated the physical environmental effects of the Project. Economic (e.g., financial liability, property values) and social or quality-of-life effects of a project are not considered environmental impacts under CEQA (State CEQA *Guidelines* Section 15131) unless there would be a physical impact on the environment (such as impacts addressed in the Draft EIR in the air quality, traffic, and noise sections) resulting from such effects, or if such effects result in the need for the construction of new or physically altered facilities that would result in significant physical environmental impacts. Thus, CEQA does not require a benefit-cost analysis for a project. This request for such an analysis does not address the adequacy and accuracy of the EIR. Please refer to Master Response 2, Socioeconomic Effects, for more details on this topic.

Draft EIR in Section 4.4, Energy, Mineral, Forest, and Agricultural Resources discusses the Project's energy use. Greenhouse gas emissions from the construction and operational phases of the Project are addressed in Section 4.3, Air Quality and Greenhouse Gases. All of these impacts were found to be either less than significant or less than significant following mitigation. The emissions from the construction phase of the Project, regardless of its design, would constitute the overwhelming majority of total project emissions.

- C3-11 This comment requests that, if the EIR is reissued, the public comments be detailed and list for the record.

All comments received and responses to them are part of the public record. This Responses to Comments document includes all comments received on the Draft EIR.

- C3-12 This comment describes the commenter's perception of Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, of the choice facing homeowners. The commenter believes that this is not an accurate representation of the likely outcome, which is that people will have to be given fair treatment for loss of use, value, etc.

The flood barriers proposed in the Draft EIR as Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, are available to property owners but would not be enforced on them, so there would be a "choice" to be made by individual property owners about whether to accept the proposed mitigation. However, as clarified in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, the actions proposed under Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected

Areas, include several forms of ‘flood barriers’ and not the narrow choice posed in this comment.

- C3-13 This comment says that downstream parcel owners will argue that flooding impact will be significant.

This statement is consistent with the significance determination of Impact 4.9-4, Provide Flood Protection to Substantially Affected Areas, in the EIR. Comment acknowledged.

- C3-14 This comment says it is essential that an independent cost-benefit study is both conducted by an entity as well as then presented to the public.

As noted in Master Response 2, Socioeconomic Effects, the response to comment C3-10, economic impacts such as those evaluated in a benefit-cost analysis are not environmental impacts under CEQA.

- C3-15 This comment says that conserving money is conserving carbon and that the EIR contains no information about the Project’s financial efficiency or carbon-efficiency.

As noted in Master Response 2, Socioeconomic Effects, and the response to comment C3-10, economic impacts such as those evaluated in a benefit-cost analysis are not environmental impacts under CEQA. The response to C3-10 also addresses the dominant contribution to a project’s total greenhouse gas emissions of its construction phase alone. Greenhouse gas emissions from the construction and operational phases of the project are addressed in Section 4.3, Air Quality and Greenhouse Gases. After implementation of Mitigation Measures 4.3-1, BAAQMD Basic Construction Measures, and 4.3-4, Tier 4 Engines for Construction Equipment, all potential impacts would be less than significant.

- C3-16 This comment is a list of the suggested topics to be included in a benefit-cost analysis.

Please see the response to comment C3-10 and Master Response 2, Socioeconomic Effects, for CEQA requirements regarding economic analyses.

- C3-17 This comment summarizes the commenter’s understanding of the hydraulic model used for the analysis of changes in flood risk.

Please refer to Master Response 5, Flood Modeling, for a formal discussion of how the HEC-RAS model runs, what is and is not included in it, and other details.

- C3-18 This comment says that the USACE’s peer review of the modeling is still underway and suggests that it is unacceptable to present work that is subject to change.

All models and model results are subject to change based on updated or refined information. The HEC-RAS model used is a standard and broadly accepted tool for the kind of modeling and analysis that were performed to inform this project’s design and environmental impacts analysis. For use in modeling the hydraulics of the Ross Valley

and assessing changes in flood risk from several different projects that could take place within it, Stetson Engineers used HEC-RAS to develop a model for the Ross Valley watershed. That model set up was calibrated and verified using methods that were reviewed and validated by multiple technical specialists at the USACE. The USACE's technical review model was intended to identify any errors in the modeling set-up or execution. Such review is a standard part of every phase of design work. That review is complete, and it has verified that the model set up and use were appropriate and adequate for the intended purpose. Please refer to Master Response 5, Flood Modeling, for more information on the model and to the response to comment letter C2 (from this same commenter), which contains explanations of several aspects of the model and its inputs.

- C3-19 This comment recommends changes to the flood modeling assumptions regarding design storm.

The concept of a 'design storm' and associated hydrograph and other details of flood modeling were the subject of a separate letter from this commenter (comment letter C2). The content of this comment, C3-19, is a summation of the set of comments made in that letter. Please refer to the response to comment letter C2 and comments C2-01 through C2-07 within it.

- C3-20 This comment asks how the hydraulic model includes debris and what parts of the modeling would change based on those inputs. It also asks what good practice is in a flood model.

Please refer to Master Response 5, Flood Modeling, for a review and explanation of the processes and practices used in this project's modeling and analysis.

The model does not include debris because the amounts, types, and locations of debris are highly variable. The comment is correct that some amount of debris deposition and accumulation is expected in any stream system and that it needs to be managed. The Flood Control District's Stream Maintenance Program and its Stream Maintenance Manual provide details on how this debris removal (and other aspects of stream maintenance) are done in cooperation with landowners and the Towns and Cities in areas where public access is provided to the channel. Please refer to Master Response 7, Erosion, Sedimentation, and Channel Maintenance, for more information on stream maintenance.

- C3-21 This comment states that model does not include buildings and fences and that the results might be different if these were included.

Please see Master Response 5, Flood Modeling, for a discussion of what the flood model includes and why.

- C3-22 This comment describes the commenter's understanding of flooding at Bolinas Road in Fairfax.

This comment is acknowledged; it does not address the adequacy or accuracy of the EIR. The FDS basin included in the proposed Project would reduce the extent of flooding in Fairfax during more frequent flood events.

- C3-23 This comment states that is not acceptable to present information that is still under review or subject to change to the public for its use in assessing the project.

Please see the response to comment C3-18, which addresses this topic.

- C3-24 This comment describes the financial risks associated with the grant from the California Department of Water Resources that would fund much of the Project.

This comment is acknowledged. This comment does not address the adequacy or accuracy of the EIR. Please see Master Response 1, Project Merits, and Master Response 2, Socioeconomic Effects.

- C3-25 This comment is an attachment to this submission. It is a copy of a separate letter from this commenter to the director of Marin County Public Works. That letter and its comments have already been addressed as comment letter C1. Please see Responses C1-1 through C1-7.

- C3-26 This comment is a compilation of several individual letters from this commenter to various state and county agencies about several different aspects of the Ross Valley Flood Protection and Watershed Program, Ross Valley Hydrology, grants and other funding mechanisms, benefit-cost analyses, and other public information materials. None of these letters or materials address the adequacy or accuracy of the EIR for the San Anselmo Flood Risk Reduction Project. These letters are acknowledged; please refer to Master Response 1, Project Merits, and Master Response 2, Socioeconomic Effects, for more information on these topics.

July 2, 2018

Liz Lewis

Planning Manager
3501 Civic Center Drive, Room 304
San Rafael, CA 94903

RE: Comments on the DEIR for the SA FRR Project

I am compelled to add a second letter in addition to my letter dated June 28.

I think we are both more than aware that the greater number of detention basins are not feasible in terms of public sentiment, land use conflicts and local ordinances.

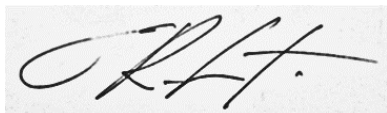
The references to and map that includes the original CIP list of basin sites in **Section 3.1.1: Ross Valley Flood Protection and Watershed Program Summary**, is so outdated as to be disingenuous if not deceptive as part of this EIR.

Accordingly, I strongly suggest that the section be re-written to exclude both Memorial Park, Lefty Gomez, Deer Park and all other sites that are on land designated for education. It is misleading and inaccurate to even consider these sites in the report when the implications of community action and legal disputes would quickly arise from any attempt to compromise those properties with modifications required by even temporary use as a detention basin.

I append a copy of a recent email on this subject to the Marin County Environmental Planning Department and related attachments.

I think we can do better; the concerns are real and significant.

Sincerely,



Ross Asselstine

1

ross asselstine

From: ross asselstine <ross.asselstine@comcast.net>
Sent: Tuesday, June 26, 2018 1:00 PM
To: 'EnvPlanning@marincounty.org'
Cc: 'Redfield, Tonya'
Subject: Ross Valley PEIR
Attachments: RVSD Letter Feb 2017.pdf; MOU RVSD and FZ9.pdf

MC DEP, (Rachel Reid?),

Attached is a letter of mine from last year to the Ross Valley School District in regard to the potential of use of public school grounds as a detention basin. I handed this out at their Board meeting at that time. In simple terms, under the State Department of Education's regulations on Joint Use Agreements, it is not legal to degrade this form of public facility because the priority of use is education and related outdoor physical activity. The authority over the use of the property is guided by simple principles; one can only guess these principles exist specifically because of prior abuse and or degradation of educational land in California.

This State regulation applies to all public school properties in the Ross Valley.

Further, I note the other obvious point that detention basins at both Left Gomez and Deer Park have serious and real objections from the local community, as the recent petition for a Fairfax ballot measure, and consequent adoption of new land use ordinance language, now requires a public vote in regard to use of the land in these locations. Thus, two forms of legal hurdles are presented at each of these school sites.

The concept of including non-viable basins in the PEIR appears to be driven by a need to create the illusion that a 100 year level of flood control is feasible. This illusion might then be displayed as the basis for more grants. It is clear to me and many other people in the Ross Valley that there are very, very few basin sites that are legally and or politically viable. In order for the PEIR to be a viable headline document, it needs to be realistic, not phantasy. Including Left Gomez and Deer Park as detention basins are easily identifiable misconceptions of an overall plan.

In summary, I believe it is not equitable, rational, nor legally realistic to include the following detention basins sites in the upcoming PEIR: Lefty Gomez, Deer Park, Red Hill, Hidden Valley, and Brookside. Legal challenges to one or all of these basins in the PEIR will be viable.

I am aware that the PEIR is being developed now, and would hope that MC DPW and MC DEP seriously and carefully reconsider the inclusion of public educational land as future detention basin sites.

Thank you,

Ross Asselstine
San Anselmo

February 17, 2016

Ross Valley School Board Members

C/o Ross Valley School District

110 Shaw Drive

San Anselmo, CA 94960

RE: Termination of the MOU for a Detention Basin at White Hill Middle School

RVSD Board Member,

It is clear to me that the designs and options that have been developed under the Memorandum of Understanding between the District and Marin County Flood Control District Nine are in direct conflict with the fundamental requirements and responsibilities of the Ross Valley School District.

While the MOU has clauses that allow the agreement to be terminated for numerous reasons, the agreement, at its core, is flawed. Any detention basin on RVSD property will degrade the educational facilities, both in the near term and in the long term.

Some may consider that RVSD land can be used for community / non-educational uses, and in limited cases this is true. I believe that any community use must be weighed against the primary use as an educational facility. In the simplest terms, creating a detention basin is in direct conflict with providing adequate educational facilities and hence, the MOU can be terminated under Clause 12 by simple notification of the other party.

There are numerous drawings of options for detention of stormwater within the Lefty Gomez Field. All of these options significantly reduce the area for playing fields. All of the options reduce the number and quality of ball fields, soccer fields and similar sports; it is clear loss of usable and valuable space.

In recent years there have been many RVSD studies on alternate sites for education: Red Hill, Deer Park etc. These reports include conclusions that White Hill Middle School is the best place to consolidate and provide for the growing student population. Hence, any common sense masterplan for the district would have to include consideration of optimizing the land use at White Hill.

It is more than clear that the two open spaces at WH: Left Gomez Field and the unimproved area above the school, would be the areas for expansion of the school. As the unimproved area is contiguous with the buildings, it makes the most sense that it be saved for future classrooms. In the event of an increase in the student body, the playing fields would have a higher demand than they do now. This higher recreational demand would be true for both school hours and after hours use by the community. More kids, more classrooms, more outdoor activities. Land used now for a detention basin makes things worse: both now and in the future.

The current issue of shared educational facilities is significant. I am very sympathetic to the energy that it will take to bring that to resolution and thank you for your hard work on those tasks. I also believe that a detention basin can be taken off the table now, alleviating one conflict in a long list of difficult issues.

The premise of the MOU was to allow time to study the issue and make informed decisions as more information came forward. I believe the MOU can be terminated with the current information in hand. Land currently being used for education / recreation is being permanently altered and would no longer be usable by the District and its students.

In simple terms, it could be summarized as follows:

- A detention basin significantly reduces the recreational space for students and the community.
- A detention basin reduces the potential for expansion of education at the WH site.
- Approximately 20-30% of the useable flat recreation area is lost.
- Approximately 35% of the WH property is hillside and this would increase to over 55%.
- There is no compensation envisioned to the District for the loss of educational land.
- Increased density of housing as mandated by the State and ABAG will likely increase the local student population.
- There are significant limitations and expenses to develop alternate sites for educational facilities.
- The space required by charter schools is a current illustration of increased demand at White Hill School.
- There is no longer a compelling reason for the District to further consider loss of useable area.

I suggest that the Ross Valley School Board seek guidance from legal counsel on the issues noted. Clause 10.2 of the MOU suggests the Flood District would pay for this type of review. I would be very surprised if loss of playing fields is not in conflict with a well thought out RVSD Master Plan, the fundamental California Department of Education's guidelines for space requirements, equitable use of educational land, the primary responsibilities of the Board, and common sense.

I read the regulations governing Joint Use Agreements (1330.1) and it is clear that any considered use of facilities must be "determined that the joint use of facilities is in the best interests of the district and community". A first resource listed is "Maximizing Opportunities for Physical Activity Through Joint Use of Facilities". I simply cannot find regulations allowing consideration of significant reduction to and modification of recreational facilities. It is more than apparent to me that it is in the interest of all parties that the MOU be terminated sooner than later. This bad location for a basin is quite simply not going to get any better.

I am highly empathetic of the losses due to floods that many people that own property in the flood plain. However, I see that compromising a public school property cannot be considered when looking at the facts we have today.

Finally, you likely aware of the efforts that were made by a great number of people in the community including myself, to prevent the degradation of Memorial Park. I note that Left Gomez is potentially a greater loss to the community than if MP went forward. The concept of most of the basins are conflicted: in terms of equitable use of our limited public facilities, huge financial overruns and an exceptionally limited / infrequent benefit to a few. A simple and justifiable action by the Board would be a proactive measure to prevent a protracted and divisive process to save Lefty Gomez: terminate the MOU.

If you care to sit over coffee and discuss this, I have the time if you do. My cell number is 415-730-4530

Sincerely,

Ross Asselstine

1365 San Anselmo Avenue

Cc Dr. Rick Bagley, Superintendent, RVSD

**MEMORANDUM OF UNDERSTANDING AND RIGHT TO ENTER AGREEMENT BY AND BETWEEN
THE MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
AND
THE ROSS VALLEY SCHOOL DISTRICT
REGARDING THE POTENTIAL USE AND DEVELOPMENT OF THE LEFTY GOMEZ FIELD
AT WHITE HILL MIDDLE SCHOOL AS A FLOOD WATER CONTROL DETENTION BASIN**

This Memorandum of Understanding and Right to Enter Agreement ("MOU") is made and entered into this _____ day of _____ 201__, by and between the Marin County Flood Control and Water Conservation District ("Flood Control District") and Ross Valley School District, a California public school district ("School District"). Flood Control District and School District may be individually referred to herein as a "Party" or collectively referred to as "Parties".

RECITALS

1. This MOU sets forth the preliminary terms for the potential use and development of the Lefty Gomez Field located at the White Hill Middle School ("Field") as a flood water control detention basin ("Project"). The Board of Supervisors of the Flood Control District and the Board of Trustees of School District agree to mutually cooperate with each other to negotiate the Project terms and conditions which shall be memorialized in a future design, construction, operation and maintenance agreement.
2. The Field is owned and operated by School District and is the recreation/physical education/sports field for the White Hill Middle School located at 101 Glen Drive, Fairfax, CA 94930.
3. The development and use of the Field as a flood water control detention basin will significantly reduce flood damages in Flood Zone 9/Ross Valley.
4. The Parties agree that the continued use of the recreational facilities and Field are essential and necessary to School District's mission and fulfillment of its general educational and recreational objectives for School District's students. Accordingly, the Parties agree the Project must be designed and constructed so as not to interfere or prevent School District or authorized community use of the Field for this purpose.
5. The Parties acknowledge that approval of the Project is subject to the results of the Flood Control District's next phase of engineering research and analysis ("Due Diligence") and the negotiation of the final terms of a subsequent agreement between the Parties. The Parties also acknowledge that Project is dependent on the ability to meet the needs and requirements of both the Flood Control District and School District and any applicable regulatory and permitting agencies.
6. To facilitate Flood Control District's Due Diligence, School District will provide Flood Control District and its agents, representatives, and consultants with reasonable access to the Field, subject to the provisions set forth herein.
7. The Parties acknowledge that as part of the Project, the Flood Control District will require ponding rights. The Flood Control District acknowledges that School District must comply with certain statutory requirements, including public notice, hearing, and a vote of School District's Governing Board before School District may dedicate any easement. Subject to the forgoing, School District will endeavor in good faith to consider an easement to Flood Control District consistent with the requirements of Education Code section 17556 et seq.
8. The Parties agree to assign the appropriate staff to all Project related tasks and that said staff will carry out those tasks so as to meet the requirements of the schedule agreed to by School District and the Flood Control District.

9. The Parties recognize that there are constraints of time placed on the Project by the proposed timeline and agree to expedite all tasks in a reasonable, professional and economic way to meet the schedule.

NOW, THEREFORE, it is mutually agreed by and between the Parties as follows:

RESPONSIBILITIES

10. The Flood Control District agrees that it shall:
 - 10.1. Collaborate with School District to develop the scope of work and a schedule for all necessary Due Diligence performed at the Field.
 - 10.2. Fund all costs, fees and other expenses for all consulting and testing contracts required to conduct Due Diligence.
 - 10.3. Coordinate Due Diligence with designated School District facilities management personnel.
 - 10.4. Deliver engineering products from Due Diligence to designated School District staff for review and comment.
 - 10.5. Provide project management services for all Due Diligence activities.
 - 10.6. Draft and provide School District for review and revision an agreement that will allow the Flood Control District to proceed with the Project. The Project shall be designed and constructed to comply with all applicable statutory, regulatory and departmental requirements including, without limitation, the California Department of Education, the Division of the State Architect of the Department of General Services, the Office of Public School Construction, Title 24 of the California Code of Regulations, the Government Code, the Public Contract Code, the Public Resources Code and the Education Code, for the construction of facilities for California public school districts.
 - 10.7. Fund and manage grant applications for the Project in coordination with School District.
 - 10.8. Flood Control District acknowledges the Field is located at an operating school site. Therefore, Flood Control District shall observe any access restrictions or fingerprinting and background verifications required or requested by School District prior to entering the Field or school site for any Due Diligence activities.
11. School District agrees that it shall:
 - 11.1. Facilitate Flood Control District's Due Diligence by providing Flood Control District and its agents, representatives, and consultants with reasonable access to the Field, subject to the following provisions:
 - 11.1.1. Flood Control District shall exercise its best efforts to avoid damage and protect persons or property.
 - 11.1.2. School District assumes no liability for loss or damage to property or injuries to or deaths of agents, contractors, or employees of Flood Control District by reason of the exercise of privileges given in this section.

- 11.1.3. Flood Control District agrees to indemnify and hold harmless School District from any damage or claims of any type caused by Flood Control District's Due Diligence activities. Flood Control District agrees to either reimburse School District for any damage or destruction to its roads and fences, or other property, occurring by reason of the exercise of rights granted herein, or to replace or restore said property to its preexisting condition.
- 11.1.4. Flood Control District shall conduct its Due Diligence in accordance with all applicable laws. All work shall be performed by Flood Control District at its own expense and in a good and workmanlike manner.
- 11.1.5. Flood Control District shall secure and maintain, and shall cause any of its contractors to secure and maintain, in full force and effect, commercial general liability insurance or participation in a self-insurance program, including coverage for owned and non-owned automobiles and other insurance necessary to protect the public, with limits of liability of not less than One Million Dollars (\$1,000,000.00) combined single limit bodily injury and property damage. Flood Control District shall secure and maintain, in full force and effect during the term of this permit, workers' compensation insurance, at statutory minimums, including employers' liability coverage with limits not less than One Million Dollars (\$1,000,000.00) for each accident, One Million Dollars (\$1,000,000.00) as the aggregate policy limit, and One Million Dollars (\$1,000,000.00) as the policy limit for each employee. Policies shall be issued by an insurance company or companies that are rated "A-VII" or higher by A.M. Best's key rating guide, and are approved to do business in the State of California. A certificate evidencing the insurance requirements of this section shall be provided prior to commencing any Due Diligence activities at the Field. The insurance policies shall include, or be endorsed to include "Ross Valley School District" as an additional insured. Flood Control District may satisfy its insurance obligations by a self-insurance program.
- 11.1.6. Flood Control District shall notify School District at least twenty-four (24) hours prior to entry upon the Field or School District property by Flood Control District or its agents, representatives, or consultants. School District has the right to reasonably not allow access if it will interfere with School District or authorized community activities, and School District and Flood Control District shall negotiate in good faith to provide a mutually acceptable time and date for access. Flood Control District shall endeavor to perform activities outside school hours when contact with School District students will be limited. In the event Flood Control District's Due Diligence or access to the Field will occur during school hours or when School District students are present, Flood Control District shall comply with the following Fingerprinting and Criminal Background verification requirements:
 - 11.1.6.1. Fingerprinting and Criminal Background Verification. Unless School District determines that Flood Control District, its employees, agents, subcontractors, invitees, and/or volunteers will have limited and/or no contact with School District students, Flood Control District shall be responsible for ensuring compliance with all applicable fingerprinting and criminal background investigation requirements described in Education Code section 45125.1, which may be met under the fingerprinting provisions of Title 22 of the California Code of Regulations and applicable provisions of the California Health and Safety Code relevant to community care facility licensing (Health & Safety Code, §1500 et seq.). Flood Control District shall provide in writing verification of compliance with the aforementioned fingerprinting and criminal background investigation requirements to School District prior to the commencement of

Flood Control District's Due Diligence activities on the Field, and prior to permitting contact with any School District students.

- 11.1.7. It is understood that the purpose of this Right to Enter is solely to provide access to Flood Control District for its Due Diligence activities necessary to determine the feasibility of the Project. This MOU is not to be construed as approval of the Project, a conveyance of title to Field or any other real property interests.
- 11.1.8. All Due Diligence performed hereunder shall be at Flood Control District's sole discretion and shall be performed in a manner to avoid interference with School District or authorized community use of the Field. School District shall not be liable for the costs or performance of any of the Due Diligence activities.
- 11.1.9. The Flood Control District's right to enter the Field pursuant to this MOU shall commence on the date this MOU is executed by both Parties and, unless terminated earlier, shall continue for twelve (12) months. Flood Control District's right to enter may be renewed upon written notice from Flood Control District to School District requesting such renewal. Any such renewal shall be in School District's sole discretion. The District has the right to terminate this MOU without cause upon three (3) day notice to the Flood Control District.
- 11.2. Provide timely review and comments on reports from the studies, if necessary and feasible, within fourteen (14) calendar days from the date of receipt.
- 11.3. Provide to the Flood Control District and its contractors and employees any rainfall, stream flow, well usage and any and all pertinent data in the possession of School District.
- 11.4. Collaborate on drafting an agreement that will allow Project design and permitting to proceed.

STANDARD PROVISIONS

- 12. Term: Unless terminated earlier by either Party, this MOU shall terminate upon execution of the MOU to construct the project.
- 13. No Grant Of Agency: Except as the Parties may specify in writing, no Party shall have authority, express or implied, to act on behalf of any other Party in any capacity whatsoever as an agent. No Party shall have any authority, express or implied, pursuant to this MOU, to bind any other party to any obligation whatsoever.
- 14. Counterparts: This MOU may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute a one and the same instrument.

IN WITNESS WHEREOF, the Parties hereto have executed this MOU on the day first written above.

Board of Supervisors of the Marin County
Flood Control and Water Conservation
District

Board of Trustees of the Ross Valley School District

President of the Board of Supervisors

Chairman of the Board of Directors

County Counsel as to Form

School District Counsel as to Form

3.4.4 Comment Letter C4: Ross Asselstine

C4-1 This comment says that the map illustrating elements of the Ross Valley Flood Protection and Watershed Program (Figure 3-3) and text describing some of those elements should be revised to exclude Memorial Park, Lefty Gomez, Deer Park, and all other sites on land designated for education.

These comments relate to the Ross Valley Program currently under development. Few specific decisions have been made as to what elements would eventually be constructed as part of the Ross Valley Program. As suggested in this comment, an updated map of the Ross Valley Program has been inserted in place of the previous version of Figure 3-3 in the Final EIR. The revisions to this figure do not result in any changes to the environmental analysis included in the Draft EIR.

The remainder of this comment letter are attachments of letters about various elements of the Ross Valley Program that do not pertain to this project or address the adequacy or accuracy of this EIR. Please also refer to Master Response 4, Program-Project Relationship for more details on the Ross Valley Program.

From: Karl Baeck [<mailto:karlb@pacbell.net>]
Sent: Monday, June 11, 2018 1:52 PM
To: Lewis, Liz <LizLewis@marincounty.org>
Subject: SA Flood Plan

Dear Liz

I received your post card explaining the on-going flood project for the Ross Valley.

Not sure what to say but I hope something comes out of this...It's been
13 years since the last flood..
2005.

Every winter we sit here on pins and needles watching the flood gauge..
It's stressful..
Here pictures of my building surrounded by the flood of 2005

Thanks for the effort..

Karl Baeck
36 Ross Ave, # 9
San Anselmo, CA 94960

415 459-6370

This email has been checked for viruses by Avast antivirus software.

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.avast.com_antivirus&d=DwlCaQ&c=B8hLLxvpkjWR43jQzFdKiDTIWYeIS5FePbXUbd-Ywb4&r=pVK5hNKviogon7IeSFw6OL6WoY2ti1kh1kXhcRaNg1c&m=2YHShdwtCw0Fhug_R-

[O6b7t2-tTV5boqJlKpoXSiCLl&s=xx8XK7weV8L9GSrGTjdnniTLLwT8OX9YV7nVqvIm1lg&e=](#)

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Comment Letter C5



Comment Letter C5

3.4.5 Comment Letter C5: Karl Baeck

C5-1 This comment expresses support for project and shares images of 2005 flooding. This comment is acknowledged. Please see Master Response 1, Project Merits.

From: Elizabeth Brekhus [mailto:elizabethb@brekhus.com]
Sent: Saturday, June 30, 2018 9:51 AM
To: Lewis, Liz <LizLewis@marincounty.org>
Subject: EIR comments

Liz:

These are my comments relating to the draft EIR for the San Anselmo flood project.

I am concerned by the lack of consideration of the impact on the project as it relates to affected residents' properties i.e., retaining walls, crawl space, and other improvements. The report is silent on the impact of the project on these improvements and focuses on finished floor elevation totally ignoring the fact that water in crawl space can be a \$200,000 + problem.

1

I agree with comments made by the Town of Ross (lack of good mapping shown), Doug Ryan (general concern about shifting burdens to other parcels) and John Crane (affected parcels not identified), and incorporate their comments into my comments.

2

We need better mapping and a description of where on a parcel the water will reach to and what improvements it will effect) to understand the impacts, and an idea of what flood walls might look like and an understanding of the maintenance obligations of those. Additionally, we should understand what it means to reduce flooding on other parcels as a benefit of the project. If a residence that floods will continue to flood but see a benefit of a few inches less, than that may or may not not be enough of a benefit to add other parcels to the flood zone. The data on benefit verses burden needs to be better detailed.

3
4

Thanks, Elizabeth

Elizabeth Brekhus, Esq.
Brekhus Law Partners
1000 Drakes Landing Road
Greenbrae, CA 94904
phone: (415) 461-1001
facsimile: (415) 461-7356
elizabethb@brekhus.com

General Civil Litigation in the San Francisco Bay Area

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3.4.6 Comment Letter C6: Elizabeth Brekhus

- C6-1 The commenter is concerned about the EIR’s treatment of portions of properties below the finished first floor elevations. It specifically mentions retaining walls and crawl spaces and relates the concern to the cost of damage in those locations. The comment questions the “habitable structure standard” used in the Draft EIR for what is considered a substantial effect on life or property.”

Refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for a discussion of the selected significance threshold used for flood impacts and mitigation. For purposes of the Draft EIR, the Federal Emergency Management Agency (FEMA) National Flood Insurance Program regulations were used as general guidance to select the appropriate threshold defining where the impacts of increased flood risk would be significant (that is, to identify which types of existing structures should be protected from project-related increased flood risk). Under that program, FEMA does not address or cover damages to hardscape and/or landscape, but only to the livable or habitable structure. More details of this threshold are provided in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation.

Master Response 6 also clarifies what is encompassed by flood barriers under Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas. As stated in updated Mitigation Measure 4.9-4, flood barriers could include several individual measures to protect existing habitable structures on affected parcels from increased or new inundation during the 25-year event and/or the 100-year event, the same performance standard as applied to the flood barriers specified in the Draft EIR.

- C6-2 The commenter agrees with comments made by others, specifically the Town of Ross (asserting a lack of maps showing specific parcel details), Doug Ryan (expressed concern about shifting flooding from some parcels to others), and John Crane (noting that the potentially affected parcels were not identified).

RTC Tables 2-1 and 2-2 in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, list the addresses and the assessor’s parcel numbers of potentially affected parcels. Refer also to responses to Comment Letters A4 (Town of Ross), C9-C12 (John Crane), and C35 (Doug Ryan).

- C6-3 This comment requests better mapping and a description of where on a parcel the water will reach to and what improvements it will affect, and requests an idea of what floodwalls would be like and what maintenance would be needed for them.

RTC Tables 2-1 and 2-2 in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, list the addresses and the assessor’s parcel numbers of potentially affected parcels. Draft EIR Figures 3-13a-c, 3-14a-c, and 3-15a-c illustrate the estimated increased flood elevations.

The Draft EIR analysis relies upon modeled water surface elevations and flood extent, and conservatively assumes that any locations where new inundation or increases in water surface elevation occurred outside the creek channel could experience an increased flood risk. The precision² of the flood model and scale of the Draft EIR maps is sufficient to allow an assessment of potential project impacts, by illustrating where increases in water surface elevation outside of the creek channel could occur. More details about where on each parcel that would be affected by the Project, new inundation may occur are beyond the scope of an EIR to provide because of inherent limits in hydraulic modeling. Additional clarification of that topic is presented in Master Response 5, Flood Modeling, and in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, respectively, which explain the process and limits of the modeling, and the results and implications of the modeling.

The model results included in the Draft EIR (as Table 4.9-2, Table 4.9-3, and Figure 4.9-7, and Appendix D) are sufficient to identify parcels where existing structures could be affected. However, lists of the addresses of properties that would be affected are presented in RTC Tables 2-1 and 2-2 in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation. Refined information regarding which structures on a given parcel may be affected by a particular flood event size is not currently available, but RTC Tables 2-1 and 2-2 do list the parcels with structures that are already in the FEMA Special Flood Hazard Area.

Regarding additional information about the flood risk mitigation measures, please refer to the Flood Risk Mitigation subsection of Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, which describes potential measures that could be used to provide flood protection to substantially affected areas, and Master Response 3, Future Design Details, which discusses the level of design currently available and its relation to environmental impact analysis.

- C6-4 The commenter requests a better and more detailed explanation of flood reduction on certain parcels; i.e., if certain parcels only see a few inches less of water, then that may not be enough of a benefit to add other parcels to the flood zone.

Draft EIR Tables 3-1 and 4.9-3 (in Chapter 3 and Impact 4.9-4, respectively) include tables summarizing the number of parcels on which flooding is eliminated in events of different sizes, the number of parcels on which flooding is reduced but not eliminated in those events, and the number of parcels in which new or increased inundation would occur. Table 4.9-2 shows the changes in inundation depth and extent in the three general areas of the watershed for the 10-year, 25-year, and 100-year events. Draft EIR Figures 3-13, 3-14, and 3-15 illustrate these changes in water surface elevation in bands of different colors and/or striping that represent inundation depth reductions for the 10-, 25-, and 100-year events for the proposed project. Draft EIR Impact 4.9-4 also describes the range of inundation depth reductions during each flood event type. Similar figures in

² See Master Response 5, Flood Modeling, for an explanation of the technical details of the HEC-RAS model and the degree of precision and accuracy of its results.

Appendix D Item D.1, D.2, and D.3 illustrate these changes with different symbology and for the different project alternatives and for the cumulative impacts in the expected future condition.

Holly Burgess

693 S Eliseo Drive

Greenbrae CA

holly.burgess@gmail.com

415.461.9068

Comments on Draft EIR for San Anselmo Flood Risk Reduction Project

05/23/18

Flooding occurs when heavy rains meet high tides

Phoenix Lake needs to be cleaned out

All creeks need to be cleared of debris

Corte Madera creek is so shallow because it has filled up with mud that the water has no place to go.

Corte Madera creek should be dredged and its banks secured.

When Phoenix Lake overflows at spillway and meets high tide that's when it floods.

San Anselmo Project ruining 3 businesses and backyards and only afterwards it is only going to flood a little less.

After high tide and rain, creek banks filled with trash

Who will clean the detention basin when the water drains off and it fills up with trash and debris?

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3.4.7 Comment Letter C7: Holly Burgess

- C7-1 This comment makes several points regarding the existing causes and dynamics regarding flooding. It also says that debris and sediments need to be removed from creeks and Phoenix Lake.

This comment does not address the adequacy and accuracy of this EIR, which was prepared for the San Anselmo Flood Risk Reduction Project. Phoenix Lake and the tidally-influenced portion of Corte Madera Creek are included in the larger Ross Valley Flood Protection and Watershed Program. Please refer to Master Response 4, Program-Project Relationship, for a discussion of the Ross Valley Program.

- C7-2 This comment says that the project will adversely affect businesses and backyards but will only reduce flooding a little less.

This comment about the project's merits does not address the adequacy or accuracy of the EIR. Please refer to Master Response 1, Project Merits, for a discussion of that topic. Please refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for a discussion of properties that may be adversely affected by the project and the associated mitigation for project impacts.

- C7-3 This comment asks about who will clean up debris and trash in detention basin.

Maintenance of the flood diversion and storage basin at the former Sunnyside Nursery site would be the responsibility of the Flood Control District. Please see Master Response 7, Erosion, Sedimentation, and Channel Maintenance, for more details on various aspects of maintenance.

- C7-4 The remainder of this comment letter is several photographs of Corte Madera Creek.

These photographs are acknowledged, but they do not address the adequacy or accuracy of the EIR.



Holly Burgess <holly.burgess@gmail.com>

Ross Valley Flood Fee

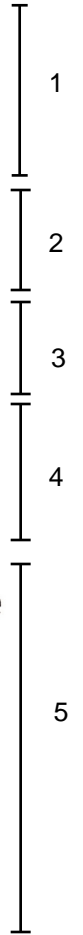
1 message

Holly Burgess <holly.burgess@gmail.com> Wed, Jun 6, 2018 at 5:10 PM

To: johndwright1125@yahoo.com

Dear Mayor Wright,

I attended the EIR hearing on May 22,2018 at the civic center. I disagree with their approach and your editorial. What they purpose to do to prevent a 10 year flood only reduces the amount of flooding by 2 inches. The detention basin creates new hazards on it's own. After the water drains back into the creek who is going to clean up the debris and trash left behind which will attract bugs and vermin? The removal of businesses that bring revenue to the town and a planned silly park will be an insult to the community feeling of San Anselmo. Asking homeowners to raise their houses and install flood gates is also a silly idea for a project that again will only reduce the amount of flood water by a couple of inches. The solution to the problem is maintenance. Maintain Phoenix lake by cleaning it out thus making more room for water storage. Maintain all the creeks by cleaning them out and digging them deeper thus making more room for water storage. Maintain the Corte Madera by dredging it and securing it's banks. The flooding occurs when there is substantial rain combined with high tides.I truly believe this would not occur if we continually maintained are waterways . Sincerely Holly Burgess



3.4.8 Comment Letter C8: Holly Burgess

- C8-1 This comment expresses disagreement with the approach of the Project, and states it would only reduce the amount of flooding by 2 inches during a 10-year flood.

This comment addresses the project's merits and not the adequacy or accuracy of the EIR. Please refer to Master Response 1, Project Merits, for a discussion of that topic. Table 4.9-3 in Section 4.9, Hydrology and Water Quality, of the Draft EIR presents the number of properties that would be removed from the inundation area in flood events of varying sizes as well as those that would experience a reduction in flood inundation depth.

- C8-2 This comment says that the flood diversion and storage (FDS) basin would create new hazards related to debris and pests after it is drained following flood events.

The Draft EIR (page 3-44) describes the planned maintenance activities the Flood Control District would perform on the basin and its associated infrastructure in and around the adjacent portions of Fairfax Creek.

- C8-3 This comment pertains to the relocation of businesses in San Anselmo. It also notes a planned park.

This comment does address the adequacy and accuracy of the EIR. Please refer to Master Response 1, Project Merits, for a discussion of that topic. Please refer to Master Response 2, Socioeconomic Effects, which explains in more detail that economic effects are not an environmental impact under CEQA. The Project does not propose a new park. As noted in Draft EIR Chapter 3, Project Description, several features in the existing Creek Park would be newly reconstructed following building removal, and new sidewalks and railing around the creek would be added.

- C8-4 This comment states that asking homeowners to raise homes and install floodgates is not a good idea given the anticipated amount of flood risk reduction.

Revised Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, (refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation) proposes multiple measures to protect properties that would be potentially impacted by the Project. However, those measures are not the mechanisms by which the Project would achieve the flood risk reduction. Rather, the "flood barriers" (not "floodgates" as the comment text indicates) are proposed as mitigation measures in the Draft EIR. Those measures are designed to avoid a potential significant adverse impact associated with changes in flood risk. Please also refer to Master Response 1, Project Merits.

- C8-5 This comment states that the solution to flooding is maintenance of Phoenix Lake and creeks by dredging and removing debris from Corte Madera Creek and other creeks.

This comment does not address the adequacy and accuracy of this EIR, which was prepared for the San Anselmo Flood Risk Reduction Project. Phoenix Lake and the tidally-influenced portion of Corte Madera Creek are included in the larger Ross Valley Flood Protection and Watershed Program. Please refer to Master Response 4, Program-Project Relationship, for a discussion of the Ross Valley Program.

In Marin County, debris removal in streams, storm drains, and other water management systems is performed in cooperation with landowners by the Flood Control District, Marin County DPW, and the public works departments of the various towns and cities. The Flood Control District's Stream Maintenance Program and its Stream Maintenance Manual provide details on how this debris removal (and other aspects of stream maintenance) are done. Please refer to Master Response 7, Erosion, Sedimentation, and Channel Maintenance, for more information on stream maintenance.

John C. Crane

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

Ms. Lewis -

Thank you for sending the address and attaching the Project Inundation Change Map for the Barber Winship neighborhood in Ross.

I live at 86 Sir Francis Drake Blvd (corner of Winship).

What can you tell me about what, Richard Simontich, Ross Public Works Director, describes as the "potential impacts to some properties in the Town of Ross" and specifically my property?

1

And what specific steps will the San Anselmo Flood Risk Reduction Project take to protect Property Owners from loss such as myself? Per the Draft EIR what will be done to "mitigate the impact with flood barriers" as discussed in 2.8.1 Major EIR Conclusions and 2.8.2 Issues to be Resolved. How will this be implemented?

2

I look forward to your response; and learning more about your project.

Thank you.

John C. Crane
May19, 2018

3.4.9 Comment Letter C9: John C. Crane

- C9-1 This comment requests information about potential impacts to properties in Town of Ross, including property at 86 Sir Francis Drake Blvd (at Winship).

Please refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, which includes tables showing the addresses and assessor's parcel numbers of properties that would experience an increase in flood risk during the 25-year and 100-year event. In the Draft EIR, Figures 3-13c, 3-14c, and 3-15c illustrate and list the magnitudes of the changes in peak water surface elevation in Ross. The increases in those elevations are between Barber Street and the Sir Francis Drake Bridge, where the commenter's address is located.

- C9-2 This comment asks what steps the Flood Control District will take to protect property owners from loss and requests more information about impact mitigation from flood barriers.

Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, in the Draft EIR (page 4.9-56) described the flood protection measures that would be provided to adversely affected homeowners. This mitigation measure has since been clarified to explain that it includes a broader range of protective measures. Please refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for more details. The further development and implementation of those measures are part of the next steps of the Project, as described in Master Response 3, Future Design Details.

Lewis, Liz

From: John Crane <johncranefilms@gmail.com>
Sent: Saturday, May 19, 2018 10:24 AM
To: Lewis, Liz
Subject: Re: San Anselmo Flood Risk Reduction (SAFRR) Project
Attachments: Liz Lewis 5.19.18.docx

Ms. Lewis -

Thank you for sending the address and attaching the Project Inundation Change Map for the Barber Winship neighborhood in Ross.

I live at 86 Sir Francis Drake Blvd (corner of Winship).

What can you tell me about what, Richard Simontich, Ross Public Works Director, describes as the "potential impacts to some properties in the Town of Ross" and specifically my property?

1

And what specific steps will the San Anselmo Flood Risk Reduction Project take to protect Property Owners from loss such as myself? Per the Draft EIR what will be done to "mitigate the impact with flood barriers" as discussed in 2.8.1 Major EIR Conclusions and 2.8.2 Issues to be Resolved. How will this be implemented?

2

I look forward to your response; and learning more about your project.

Thank you.

John C. Crane
May19, 2018

John Crane Films

415.847.5054
website: www.johncranefilms.com
email: johncranefilms@gmail.com



On Fri, May 18, 2018 at 4:49 PM, Lewis, Liz <LizLewis@marincounty.org> wrote:

Hi John,

The District Board of Supervisors meeting is being held at the Marin Civic Center in Room 330 at 3501 Civic Center Drive in San Rafael. Room 330 is on the 3rd floor of the administration wing. The meeting starts at 1:45 pm.

I have attached a copy of a project inundation change map for the Barber tract neighborhood in Ross. This map is on page 4.9-7 in the EIR.

Where is your home located?

Thanks,

Liz

Liz Lewis

Planning Manager

Marin County Public Works

lizlewis@marincounty.org

415.473.7226

www.marinwatersheds.org

From: John Crane [mailto:johncranefilms@gmail.com]
Sent: Friday, May 18, 2018 2:56 PM
To: Lewis, Liz <LizLewis@marincounty.org>
Subject: San Anselmo Flood Risk Reduction (SAFRR) Project

Ms. Lewis -

How can I get information and identify the 30 Parcels + that will be impacted by your Project in the Town of Ross.

Please advise immediately as the May 22, 2018 meeting is rapidly approaching. Also please provide the address for the District Board of Supervisors.

Thank you.

John Crane

John Crane Films

415.847.5054
website: www.johncranefilms.com
email: johncranefilms@gmail.com



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3.4.10 Comment Letter C10: John C. Crane

C10-1 This comment letter is a copy of comment letter C9. The response to comment C10-1 is identical to the response to comment C9-1.

C10-2 This comment letter is a copy of comment letter C9. The response to comment C10-2 is identical to the response to comment C9-2.

John C. Crane

Comment Letter C11
86 Sir Francis Drake Blvd.
San Anselmo, CA 94960
415.847.5054
john@johncranefilms.com

June 29, 2018

Liz Lewis
Marin County
Planning Manager
3501 Civic Center Drive, Suite 304
San Rafael, CA 94903

RE: SAFRR DRAFT EIR

As a resident of Ross Valley, I appreciate the opportunity to respond to the San Anselmo Flood Risk Reduction (SAFRR) DRAFT EIR. I have several questions, which I would like to have answered. Having gone through the 2005 Flood, I welcome a solution to the problems caused by flooding in Ross Valley, but I am not sure that the SAFRR accomplishes that. Especially since it appears to be designed to protect against 25-year flood stages which the 2005 Flood surpassed.

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CEQA standards spell out your duty to explore Project alternatives and cumulative impacts and to inform the public, communities, agencies and decision makers of potential impacts and ways to reduce or mitigate impacts before proceeding. It would appear that this process has been bypassed.

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Finding the Best Solution

I have significant concerns about the SAFRR Draft EIR. My takeaway after reviewing the document is that there are far too many unanswered questions and loose ends, and that many alternatives have not been fully considered including a 100-year flood solution that might have provided a better solution even if costs more money. Why is the 25-year flood standard being used when the 2005 flood (which exceeded the 100-year flood mark) is the event that prompted the call to action? Why aren't some of the more comprehensive solutions being shared with the public?

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Significant Irreversible Environmental Damage

This project will cause significant irreversible environmental damage and cause harm to steelhead, nesting birds, loss of riparian cover and zones, destroy the creek's ecosystem,

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contribute to widespread loss of channel complexity affecting aquatic life and destroy people's property, and even sacrifice some people's homes in order to save others. How will these impacts pass CEQA standards?

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7 cont.

The Impact To Select Homeowners

The county has chosen to keep homeowners and property owners in the dark about SAFRR, which threatens the biggest asset people own – their homes. Destroying the investment people have made in their homes is unconscionable.

When I purchased my home I did my due diligence and researched the history of flooding in the area, and, of course, reviewed the specific history of my parcel with the owners. When I invested in my home, I had no idea that the county would ever implement a project that would alter the flood risk to my property. It is unreasonable to approve a project that provides relief for homeowners who purchased property in known floodplains, and then introduce increased flooding to homeowners like myself.

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Disingenuous & Selective Homeowner Outreach

The public outreach to date has been disingenuous. I am aware of community organizers and Project sponsors surreptitiously meeting with select parcel owners, having verbal discussions of vague promises without full disclosure, offering to construct flood walls, raise houses, add berms & drains to some homeowners' parcels – all undocumented, and all off the record. I have heard of discussions with elderly neighbors who are asked to "agree in principal" without fully understanding the impact to their property improvements or home value. Another elderly couple was told, "that not a single home upstream or downstream will be harmed." Nothing could be further from the truth. It is shameful to torment the elderly by keeping them in the dark— without the required information that directly impacts their homes. I know first hand that they worry excessively about their homes being harmed. Without clear communication, everyone is worried about "what the county is up to."

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Lack of Transparency and Public Outreach

As mentioned above, several owners whose parcels will be most impacted have not been contacted at all. Doesn't the voice of reason demand a more transparent and inclusive public process while direct noticing all properties that are contiguous or adjacent to the Creek? Why haven't property owners – especially those who will be most impacted by the Project - been given direct notices? Doesn't a project this size warrant formal notices?

As a longtime resident who lives in Ross and will be impacted under the current plan, I have not received any written information or communications via mail. I have received just two hand-delivered ones. The first one was hand-delivered by "Anthony" from the Town of Ross who was the first to inform me that "San Anselmo is going make the creek rise 2 inches in places..." Then he handed me an email from Richard Simonitch stating there was a flood meeting on May 10, 2018. It was delivered on May 9th – the day I was headed out of town. After investigating on my own, I then attended the May 22, 2018 BoS meeting. At the meeting, I spoke and raised this issue as well as concerns about SAFRR "pushing 4 inches of water" onto my property. Supervisor Katie Rice instructed Project Manager Liz Lewis to contact me which she did prompting a brief meeting with Hugh Davis, Liz Lewis & Richard Simonitch. Is that the fair process required by CEQA? Does each homeowner need Katie Rice to tell Liz Lewis to inform them that they homes are in danger?

After that meeting, a second hand-delivered missive was sent – a postcard hastily announcing a SARFF meeting at the Town of Ross and a site visit to Winship Bridge. It was stuck on my door. It arrived on a Tuesday announcing a meeting for that Saturday, June 9th – a meeting that hardly anyone attended.

At that June 9th meeting, Project Manger, Liz Lewis said only a limited number of postcards were sent – for reasons that remain unclear to me (although one can speculate) – and incredulously said that they were having trouble getting addresses. It should be noted that I regularly receive my property tax bill every year and routine communications via mail from Town of Ross. Liz said they would post some things on *Next Door*, which is supposed to be a popular app, but should *Next Door* replace traditional forms of communications? Do the people being impacted even use *Next Door*? Does CEQA?

Overlapping Jurisdictions and Unresolved Issues

My concern is that the DRAFT EIR has so many significant unresolved issues that the Project should not proceed until and unless these uncertainties are remedied. A task that is, no doubt, made more complicated and confusing by overlapping jurisdictions between the County, Cities & Towns, the Army Corps of Engineers, Marin County Flood Control District (MCFCD), DPW, Cal Trans, the Board of Supervisors, and who knows what other agencies.

People are concerned that since more water will be dumped downstream to Ross, Kentfield, Greenbrae and the Bay, that The Corte Madera Creek Project has not resolved the capacity issues facing it. How does the SAFRR address Unit 3 and Unit 4 sending more water through the fish ladder and surpassing channel capacity at College Ave Bridge at the College of Marin Bridge? People want to know why has the Army Corps of Engineering has not certified that



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cont.



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Project? Is the real issue that *2.7 Areas of Know Controversy* regarding increased flow causing erosion and impacts to ecosystem and water quality doesn't pass muster? What happens when more water is added to the channel than it can handle? Where does the floodwater go? What steps are being taken to mitigate that?

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James Riley, Stetson Engineers, advocates solving downstream issues before solving upstream issues. Will his recommended approach be adopted? Or any one of the many recommendations that he has set forth as far back as 2008?

11

As a Ross Valley resident, I fear that ultimately SAFRR is only shifting flooding from one location to another – which does not solve the problem. It simply relocates the flooding and creates new problems that will need new solutions. Is that the solution that the public wanted when they rejected two ballot measures? The deliberate intent to push floodwaters on select parcels flies in the face of voters who have voted down flood basins twice, and it is out of step with the County of Marin. Considering prior ballot box results, do you believe Ross Valley residents would vote to turn select homeowners' parcels into to mini-flood basins? The homeowners that I have met with want to maintain the status quo. They do not want to sacrifice other peoples' homes or their own. There is a community expectation that our elected officials will serve and protect us. Why does SAFRR not offer solutions that "park" the excess water out of harm's way, or find another way to control the flow instead of dumping it on to unlucky homeowners?

12

Major Problem of Flooding Not Resolved

In the DRAFT EIR under *2.8.1 Major EIR Concerns* it says: "Although the Project will result in a net reduction in flooding for the 10-year and 25-year storms, the Project would result in some new flooding downstream of the Project area...However, because the Flood Control District cannot fully control implementation of the flood barriers (on private property) and because the cumulative scenario bridge replacement projects are within the responsibility and jurisdiction of other agencies, not the Flood Control District, the Project's impact related to flooding remains significant." Why is the Board of Supervisors doing this if in the final analysis "flooding remains significant?"

13

One Property Owner Can Ruin It For All

Per *2.8.2 Issues to be Resolved*. What happens when a single property owner does not cooperate, and refuses to have flood barriers placed on his property and water spills out over his property and on to public property? How will that be dealt with? And how will that be remedied? What happens when that causes damage to another's property? Who is

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responsible? Who is assuming liability? How can the county mitigate the problem of one property owner endangering the whole effort?

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cont.

And if property owners agree to have floodwalls constructed, or have their houses raised, have berms & drains added, what will they look like? Are architectural renderings going to be presented and made? Who is going to pay for that?

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Ross Valley's Long History of Flooding

Flood severity and frequency happens when natural events combine to overwhelm our creeks, barriers despite our best mitigation efforts. And sometimes our best efforts work against us. The 2015 Hazard Mitigation completed by Stetson Engineers Inc. describes the San Anselmo flooding hazard: "The watershed has been altered from its natural condition and many sections of creeks and streams have been placed in culverts and the natural pattern of runoff has been changed." In other words, man contributed to the flood problem currently facing us in Ross Valley, which is naturally prone to flooding by its location, geologic and geomorphic setting. How SAFRR found a solution that solves the problem or makes it worse?

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Solving one problem can easily create another "different" problem with unintended consequences especially when it involves Mother Nature. So when unfavorable tides, saturated grounds, creek runoffs and prolonged heavy rains conspire against us, a 10-year flood becomes a 25-year flood and a 25-year flood becomes a 100-year flood.

The SARFF is aimed at achieving 25-year flood protection. What happens when we get another flood similar to the infamous 2005 flood that exceeded that level? Does that make these efforts in vain?

Is The Data Flawed?

Since the SAFRR is dependent upon Hydrological Models, what if the calculations are wrong & more home & properties are impacted? Who pays? And what happens if the accuracy of primary Hydrologic Model is off and a major flood occurs during construction, or during mitigation efforts? The Project relies on many assumptions and if they turn out to be wrong, there will be grave consequences and cause widespread damage. Who will pay for catastrophic damages in such an event?

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It was revealed on June 9th review of Home elevations with Liz Lewis at the Town of Ross and Winship Bridge meetings (*Table 2.1*) that the DEIR has flawed measurements of some home elevations (measured without any input from homeowners), and therefore the protection of

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property such as building flood barrier may need to be extended for certain homes downstream of the Bridge which were not included in the DEIR. This calls into question whether the entire baseline. Will the County undertake the huge task of surveying every threatened home again?

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It seems that there is conflicting information between jurisdictions. According to the hydraulic study done for Winship Bridge for the Town of Ross 'assuming no San Anselmo Project or other upstream improvements, "the proposed bridge replacement reduces the upstream water surface elevation and does not change the downstream water surface." That is according to the Town of Ross Staff Report dated June 14, 2018. However, in another section of the minutes, it is stated that the SAFRR DEIR makes it clear there will be a rise in water surface downstream whether or not the bridge is replaced.

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Confusing yes. Acceptable no.

When you read the minutes of the Special Meeting of Ross Town Council (Tuesday, February 9, 2018) regarding Winship Bridge. Brent Lemon, Project Manager Quincy Engineering, said that the "downstream water level and velocity would be the same." A hydrologist has told me that this is NOT true. And this contradictory presentation of opposites is exceptionally confusing to the public who attends the meetings and remain unknown to those who don't. Will SAFRR distinguish between flow, velocity, scouring, sedimentation, etc. so that we understand how the bridge replacement impacts the creek?

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Does the Winship Bridge Project impact downstream homes or not? It can't be both. So which is it? This is a fundamental discrepancy that has major implications for everything downstream. How does SAFRR propose to resolve it?

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What To Do With That Water?

The DRAFT EIR *Section 4.9 Hydrology and Water Quality*, identifies a significant and unavoidable flooding impact on select parcels in unincorporated Marin County which is primarily due to the lack of the proposed Project basin design being approved. Does it make sense to move forward when solving a huge problem has not been successfully achieved?

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The SAFRR as now conceived does not fully solve the problem of where will the water go without destruction to individual properties. Since it is clear that drainage basins would solve a major problem – but the public rejected the specific locations - doesn't it make more sense to find suitable locations for such basins? It may take time, but finding a solution or safe spot to "park" the water, makes far more sense than deliberately and needlessly causing suffering to the property owners who will be impacted. Rather than truly solving the problem, the SAFRR is merely shifting or redirecting the flooding to other parcels and properties. This is inherently

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unfair as it is not feasible to prevent major flooding in such a large valley that has such dense and intensive land use. Why in effect punish homeowners because the Ross Valley Flood

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Protection & Watershed Program has not achieved it goals? Isn't resolving the basin issue and the inherent problem of excess water the logical thing to do?

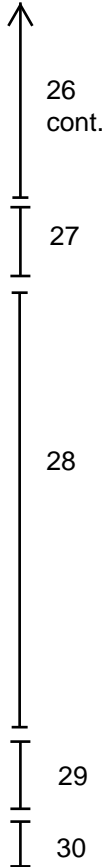
Specific Concerns Imposed On Homeowners

As concerned citizen, I am concerned about the broad implications as well as the implications specific to my home. Here are some of my concerns:

1. How will SARFF and Winship Bridge impact/affect my Flood Insurance? What will happen if my flood insurance is cancelled or if the rate increases? What if I can't get Flood Insurance? Who will pay for rate increases caused by the Project now and into the future? What happens when I am subjected to higher risk?
2. Who is responsible for damage caused by the construction process and mitigation efforts to my home and property, directly and indirectly? What happens if over time damage occurs caused by the Project is found? In 1 year, 5 years, 10 years, 20 years?
3. How will destruction of trees, loss of riparian cover and zones, be replaced, restored and replanted? Who will pay for that?
4. Who will be responsible for overseeing the construction process to ensure that whatever mitigation measures (floodwalls, raising my home, adding piers, or other solutions – this is all unknown as nothing has been presented to me) are done properly and successfully? Who will coordinate moving and reinstalling sewers, electrical, PG&E, water and so forth? Who will pay for that? Who will pay for the ongoing maintenance? For repairs? Will I be given a say in the process – if so, how? Will I be given a clear understanding of proposed work? Will I see architectural renderings of solutions?
5. Where will I live during the Project if mitigation measures and/or construction requires that and who will pay for that? How will that be arranged?
6. How and where will I operate my business and conduct my writing projects during the disruptive and noisy phases of construction and plan implementation? Will I be relocated and if so, where?
7. What about loss of value caused by making my home and property less desirable? What if I have difficulty selling my home due to the changes caused by the project? My home is surrounded by natural beauty, a historic bridge, and lovely natural creek, which are now at risk. If you decrease my property value by destroying fences, decks, mature trees, plants, a historic bridge and the overall ambience that I have created over the last 20-25 years what is the methodology for restoring that value?

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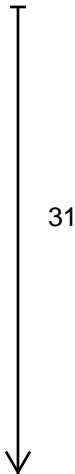
- 8. What about the *loss of livability and peaceful enjoyment* of my property. With so little known about what mitigation efforts will actually be made to my home and needed for the Winship Bridge, what will be done to ensure that I still have livability and peaceful enjoyment of my property at the level that I am accustomed to – or how is that loss offset?
- 9. Who will be the Responsible Agency for all problems caused by the Project now and into the future?
- 10. I have heard Winship Bridge described as a “freeway style bridge that will be dropped into the middle of a charming neighborhood.” Will I have input on what this structure will look like? Will it fit into the neighborhood? Will I see architectural renderings? The reason I ask is that the Town of Ross and Marin County should not introduce aesthetics that compromise the integrity of the Town of Ross and Marin County that we all live in. I would like to know what modifications & compromises have been made to receive that Grant Money. More importantly, what would the Town of Ross have done on their own that had to be modified for Cal Trans? Can you tell me how the design and dimensions have been compromised? What implications does widening the bridge have for the parcels north and south of the bridge? If it were not for “free money,” is that what the Town would have done on its own?
- 11. What will the County do about unforeseen problems, unknowable and unintended consequences caused by Project? Now and into the future?
- 12. How will I access my home during the construction phase?



Too Many Unresolved Issues & Uncertainties

The Draft EIR demonstrates that the cost of the project will be far more than the grant money allows; it does not take into consideration all the anticipated steps to implement the necessary improvements along private properties in and around the creek as a direct result of this Project. Furthermore, who will be responsible for the resulting flood damage that is reasonably anticipated to result in new and different locations? Who will be in charge of maintaining flood mitigation barriers in various forms in the years to come? What happens when property values are diminished as a result of this Project?

With so many significant unresolved issues, I cannot support the Project and hope you will take a stand in demanding that it not proceed until and unless these uncertainties are remedied.



John C. Crane

Comment Letter C11
86 Sir Francis Drake Blvd.
San Anselmo, CA 94960
415.847.5054
john@johncranefilms.com

I urge you to put an end to this lack of transparency and forthrightness. We need a sensible plan that is clearly thought out, and that will be carefully executed. And the public needs to be involved.

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Many thanks for your time and effort in representing the residents of Marin County.

Sincerely,

John Crane
john@johncranefilms.com

3.4.11 Comment Letter C11: John C. Crane

C11-1 This comment expresses the commenter's appreciation for the opportunity to comment and introduces commenter's intent to ask questions in the rest of the letter.

This comment is acknowledged.

C11-2 This comment expresses doubt that the Project will sufficiently address flooding in the Ross Valley as it is designed to protect against the 25-years flood.

This comment is acknowledged, but it does not address the adequacy or accuracy of the EIR and instead speaks to the project's merits. Please see Master Response 1, Project Merits, for a discussion of that topic.

C11-3 This comment summarizes several relevant CEQA processes and requirements to identifying alternatives and impacts to community and decision makers. It says that process has been bypassed.

The Draft EIR is the CEQA document for the Project that includes evaluation of alternatives and cumulative impacts and informs the public and agencies and decision-makers. Chapter 3 describes the Project. Chapter 4 analyzes its individual environmental impacts. Chapter 5 evaluates cumulative impacts. Chapter 6 develops and analyzes the impacts of alternatives. The Draft EIR and the associated public notices were published and circulated in accordance with CEQA requirements, particularly State CEQA *Guidelines* Sections 15082, 15083, 15085, 15087, and 15088. Through these processes, public comments were elicited. The Final EIR includes a response to those comments, pursuant to State CEQA *Guidelines* Section 15088, and any resultant changes to the EIR itself, pursuant to State CEQA *Guidelines* Section 15089.

C11-4 The commenter states that there are too many unanswered questions and too few alternatives considered, especially one that would provide protection from a 100-year flood.

Chapter 6, Alternatives, of the Draft EIR is the alternatives analysis, which develops and fully analyzes several different action alternatives and more briefly discusses eight others that were initially considered and then removed from further consideration. The alternatives analysis was performed in compliance with State CEQA *Guidelines* Section 15126.6.

Regarding the question of a 25-year flood or a 100-year flood event, the Draft EIR evaluated the potential decreases and increases in current flood risk that would result from this Project under the 10-, 25-, and 100-year, but none of those three events were used as a design standard for the Project. More information on this topic is available in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation.

Achieving 100-year flood protection throughout the Ross Valley cannot be done by a single project. Rather, that is the long-term goal of the Ross Valley Flood Protection and Watershed Program, which, as explained in Draft EIR Section 3.1.1, will encompass a range of other individual projects to provide comprehensive flood protection for the Ross Valley as a whole. The San Anselmo Flood Risk Reduction Project is only one project under that larger Ross Valley Program. Please refer to Master Response 4, Program-Project Relationship, for a discussion of this topic.

- C11-5 This comment asks why the 25-year flood was used as the design standard when recent 2005 flood exceeded the 100-year flood mark.

Please refer to the response to the previous comment, which addresses that question.

- C11-6 This comment asks why more comprehensive solutions are not being shared with the public.

Please refer to the response to the previous comment, which addresses that question.

- C11-7 The commenter states that the Project will cause significant environmental damage to ecosystem, species, and people's homes, and questions how these impacts can pass CEQA standards.

An EIR prepared under CEQA is an informational document intended to support a decision-making process. An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision that intelligently takes account of environmental consequences (State CEQA *Guidelines* 15151), but it has no “standards” of its own about the acceptable or unacceptable magnitudes of those impacts, leaving those thresholds to be determined by lead agencies. In compliance with CEQA, the EIR analyzed and presented the Project’s potential impacts on the biological resources listed in the comment (Section 4.5) and on changes in flood risk in the affected areas (Section 4.9). Please note that all potential biological and ecological impacts (discussed in the text on Impacts 4.5-1 through 4.5-10) would be mitigated to less-than-significant levels and that the Project would comply with environmental permitting requirements that may go above and beyond those presented in the EIR. With regard to flood risk, the text about Impact 4.9-4 explains the potential increases in flood risk (a few inches of additional inundation on parcels that are already in a documented flood hazard area) and only if property owners do not accept flood protection mitigation measures that the Flood Control District has proposed. For more information on that topic, please see Master Response 6, Changes in Flood Risk and Flood Risk Mitigation.

- C11-8 This comment says that the County/Flood Control District has not informed property owners about the Project and that it may be decreasing the value of those properties by implementing this Project.

Please refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, which addresses the concerns about changes in flood patterns and the number and locations of properties affected by increased flood risk as well as the mitigation measures that have been developed to address those adverse changes. Master Response 2, Socioeconomic Effects, explains that changes in property values are not generally part of an EIR, except in the special cases noted in that master response.

Please also refer to the response to C11-3, which explains the Project's compliance with the CEQA requirements for public notification. In addition to those required actions, the Flood Control District has regularly updated its web page and taken other steps to inform the public on Project progress and held additional Project-related meetings, as discussed in the response to comment C11-9, below.

- C11-9 This comment summarizes the commenter's experience with the public outreach and coordination efforts made by the Flood Control District and other Marin County public agencies.

This comment does not address the adequacy or accuracy of the EIR or the public notification efforts associated with it. To increase public awareness of both the Project and the larger Ross Valley Program of which it is a part, the Flood Control District has followed CEQA-required processes for public noticing, held public scoping meetings, Flood Zone 9 Advisory Board meetings, offered site tours and other neighborhood meetings and workshops, regularly updated its website with information as it was developed, distributed press releases, notices via Next Door, the Zone 9 subscription list, mailings to landowners and provided fact sheets and other mailings.

- C11-10 This comment expresses concern about overlapping or confusing jurisdictions of public agencies. It also discusses the changes in downstream flood risk, how the San Anselmo Flood Risk Reduction Project affects other downstream flood risk reduction projects and asks what mitigation efforts are being proposed to reduce adverse interactions.

The topic of different agency jurisdictions and roles does not pertain to the adequacy and accuracy of the EIR prepared for this project. This comment also asks about the status of the Corte Madera Creek Project and other downstream projects. Those other projects are part of the Ross Valley Flood Protection and Watershed Program. The cumulative impacts of this Project in combination with the reasonably foreseeable projects under the Program were described in Section 5.4.8 of *Chapter 5, Growth-Inducing and Cumulative Impacts*. More information on the interaction between the Ross Valley Program and the San Anselmo Flood Risk Reduction Project is included in Master Response 4, Program-Project Interaction.

The unresolved issues referenced in this comment are related to the downstream flood risk and whether there is sufficient capacity in the lower portions of the Ross Valley Watershed for the greater amount of water the Project would deliver downstream. While the flood model includes the entire Ross Valley watershed, the Draft EIR discussion of flood model results is limited to areas where Project impacts could occur. As noted on

Draft EIR page 4.9-59, the San Anselmo Creek channel capacity gets much larger immediately downstream of the Sir Francis Drake Bridge, large enough that the Project does not affect water surface elevation downstream of the Sir Francis Drake Bridge during the flood events modeled. The hydraulic modeling performed for this Project does not indicate that the area of potential adverse effect extends past the Sir Francis Drake Bridge. As described in Draft EIR Impact 4.9-4, the adversely affected areas are near the Winship Bridge (between the Barber Street Bridge and the Sir Francis Drake Bridge).

Master Response 6, Changes in Flood Risk, explains these changes in more detail and also explains the expanded Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, which would protect adversely affected properties upstream of the Sir Francis Drake Bridge.

C11-11 This comment asks whether the approach of James Reilly of Stetson Engineers to work from the downstream up will be adopted. This comment is acknowledged; it does not address the adequacy or accuracy of the EIR. James Reilly and others at Stetson Engineers performed the hydraulic modeling for this Project. The recommendation to work from the downstream end of a watershed to its upstream end in a flood protection program is the one generally being followed by the Ross Valley Program. However, discrete projects within a larger program (like this one) must take place at particular locations, and the effects of those projects must be analyzed in accordance with CEQA processes, as this one was.

C11-12 This comment states that the Project is only shifting flooding from one location to another. It asks why Project does not offer solutions that "park" excess water instead of moving it onto homeowner's property.

As described in Chapter 3, Project Description, the flood diversion and storage basin at the former Nursery site would "park" the peak hydrograph of certain large storm events until that water could be safely discharged downstream without increasing flood risk. That change, in combination with the removal of the building at 634-636 San Anselmo Avenue, would reduce flood risk on hundreds of parcels in Fairfax and San Anselmo and increase flood risk in up to 19 parcels. Please refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for more on downstream flood risk. This comment is also about the project merits, a topic addressed in Master Response 1, Project Merits.

C11-13 The commenter asks why the Board of Supervisors is moving forward with Project if the final flooding analysis remains significant.

This comment is acknowledged. This comment does not address the adequacy or accuracy of the EIR. Refer to the discussion of Significant and Unavoidable Impacts and Statement of Overriding Considerations in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for response to this comment.

The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed Project.

C11-14 This comment asks what happens if one or more homeowners do not accept a flood barrier on their properties.

Mitigation Measure 4.9-4 has been clarified to explain that the proposed flood protection measures described as “flood barriers” includes several different measures to achieve the specified level of flood protection. These other measures would function independently of what measures are implemented on other parcels. Please refer to the “Flood Risk Mitigation” section of Master Response 6, Changes in Flood Risk and Flood Risk Mitigation.

This comment also asks about legal and financial liability for flooding. These financial, economic, and legal aspects of both the Project and the proposed mitigation measures are not environmental impacts under CEQA, as more fully explained in Master Response 2, Socioeconomic Effects.

C11-15 This comment requests architectural renderings for flood barriers and also asks who would pay for them.

Designs for the proposed measures in Mitigation Measure 4.9-4, Provide Flood Protection for Substantially Affected Areas, have not yet been developed; please refer to Master Response 3, Future Design Details. For a discussion of funding the proposed mitigation measure, please refer to Master Response 2, Socioeconomic Effects, which explains the Flood Control District’s differing responsibilities for designing, implementing, maintaining, funding, and possibly removing the various individual measures that could be implemented as part of Mitigation Measure 4.9-4. Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, explains the details of that mitigation measure and how it would be developed and implemented on individual properties.

C11-16 This comment asks about past human effects on the watershed have had negative effects and whether the Project solve those problem or make them worse.

These questions do not address the adequacy or accuracy of the EIR. This part of this comment is acknowledged.

The comment also asks if the Project will be in vain if a larger than 25-year flood occurs.

The Project would not eliminate flooding under the 100-year flood event, but the modeling performed indicated that flood risk in a 100-year event could be reduced in up to 480 parcels, as indicated in Draft EIR Table 4.9-3.

C11-17 This comment asks what happens and who will pay if hydrological models are wrong or if a major flood occurs during construction or mitigation efforts. It also asks who will pay for catastrophic flood damages in that case.

Please refer to Master Response 2, Socioeconomic Effects, which explains that financial liability is not an environmental impact for analysis in an EIR. A proper CEQA analysis must focus on physical changes to the environment caused by the project; CEQA does not require a presumption that a project's development or implementation is flawed. Master Response 5, Flood Modeling, and Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, explain the Flood Control District's approach to modeling the flood risk, evaluating it, and mitigating for it.

C11-18 This comment asks if Marin County will undertake resurveying homes due to revelation that the Draft EIR has flawed measurements of some home elevations. It also states that this calls into question whether the entire baseline of the EIR's analysis.

The flood modeling that was performed for this project was performed with recently acquired and technically accurate LiDAR elevation data. This level of detail and technical accuracy in the flood modeling analysis identifies areas where flood risk would decrease or increase over a range of events of differing magnitude, selected to fully capture the potential effects of the Project. Please see Master Response 5, Flood Modeling, for a discussion of the model's input parameters, input data, and resultant spatial precision and accuracy. Please see Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for more detail on the model's results and their interpretation.

The elevations of the front door finished floor thresholds were collected for the potentially impacted parcels by the Flood Control District and its consultants. Following the certification of the Final EIR, the Flood Control District would proceed with Project design. With the landowner's permission, feasible mitigation actions would be developed during the design phase. The design work would include surveying the lowest livable area of the potentially impacted homes and evaluating the most effective type of flood barrier to reduce the flood risk. More detailed and property-specific surveys of the topography and other relevant aspects of the affected properties will be done as part of designing the site-specific implementations of Mitigation Measure 4.9-4, the updated version of which is also available in Master Response 6.

C11-19 This comment states that there is conflicting information between jurisdictions on the Winship Bridge Removal Project and the San Anselmo Flood Risk Reduction Project.

Under CEQA, an EIR prepared for an individual project must evaluate its own environmental impacts. It must also address the cumulative impacts of that project in combination with others that have occurred, are in process, or that are reasonably foreseeable. The Draft EIR presents Project impacts in Chapter 4, Environmental Setting, Impacts and Mitigation Measures and cumulative impacts in Chapter 5, Growth-Inducing and Cumulative Impacts. Depending on the level of detail and exact information for different models or other analytical approaches used in each project's EIR, somewhat different results are expected, but they are substantially consistent

The comment's references are specific to the Winship Bridge Replacement Project and do not pertain to the adequacy or accuracy of the San Anselmo Flood Risk Reduction Project's EIR.

C11-20 This comment asks if the Project will distinguish between flow, velocity, scouring, sedimentation, et cetera, to better understand bridge replacement impacts.

The terms and processes listed by the commenter are defined and described in appropriate sections of Section 4.9, Hydrology and Water Quality, of the Draft EIR. Draft EIR Impact 4.9-3 discusses changes in stream flow, scour/erosion, and sedimentation for the San Anselmo Flood Risk Reduction Project. Master Response 7, Erosion, Sedimentation, and Channel Maintenance, further addresses many details of these topics that were raised by one or more commenters. With implementation of the proposed mitigation measures, all of the potential impacts related to erosion, scour, and sedimentation would be reduced to less-than-significant levels.

C11-21 This comment asks if the Winship Bridge Replacement Project would impact downstream homes or not.

This is not a comment on the adequacy or accuracy of the EIR prepared for the San Anselmo Flood Risk Reduction Project. The San Anselmo Flood Risk Reduction Project's EIR does not and cannot evaluate the individual effects of the Winship Bridge Replacement Project. However, the San Anselmo Project's cumulative impacts analysis does include the removal of the Winship Bridge and shows that the Project's changes in downstream increases in flood risk would be lessened when both projects are implemented than under the San Anselmo Project on its own.

C11-22 The comment states that the Project does not solve problem of where water will go without affecting properties.

Please refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for a discussion of this topic. See also the response to comment C11-13, which addresses the question of advancing a project despite some adverse effects.

C11-23 This comment asks how the Project will affect flood insurance, and who will pay for rate increases, damage caused by construction process, or other Project effects that occur later in time.

Please see Master Response 2, Socioeconomic Effects, which explains that these topics are not environmental impacts for discussion in an EIR.

C11-24 This comment asks about impacts to riparian cover and trees, and who will pay for destruction of trees, riparian cover, et cetera.

Please refer to Master Response 2, Socioeconomic Effects, which explains that the Flood Control District is responsible for all aspects of the Project, including the replanting of

trees and other site restoration activities. The estimates of the number of trees removed are presented in Section 4.5, Biological Resources, in Impact 4.5-10, which also discusses the proposed Mitigation Measure 4.5-10, Mitigation for Removal of Heritage or Protected Trees, to mitigate for that removal. Other effects of tree removal and associated changes in riparian cover and habitat are addressed in several different numbered impacts in that section. Impact 4.5-7 is about effects on sensitive natural communities, Impact 4.5-4 addresses the potential impacts on nesting birds, Impact 4.5-5 addresses potential impacts on Northern spotted owls, and Impact 4.5-6 addresses potential impacts on of those actions on habitat for special-status bats. All of these impacts would be reduced to less-than-significant levels with implementation of the proposed mitigation measures.

C11-25 This comment asks who is responsible for overseeing the construction process, who will coordinate moving and reinstalling utilities, and who will pay for that, who will pay for maintenance; it also asks if homeowners will be given a say in the process and provided a clear understanding of proposed work.

Please refer to Master Response 2, Socioeconomic Effects, which explains that the Flood Control District is responsible for all aspects of the Project implementation, including construction, and coordination with utilities. Section 4.13 of the EIR discusses the coordination with utilities and other plans for keeping impacts to utility services and other forms of public services as less than significant.

C11-26 This comment asks where he will live if he must move during construction, where and if he will be relocated during construction. It asks about loss of home value related to Project and methods to restore the value and about loss of livability and enjoyment of property due to Project.

No residents would be required or requested to relocate during construction. Please refer to Master Response 2, Socioeconomic Effects, which explains that changes in property values are not environmental impacts under CEQA.

C11-27 This comment asks which agency is responsible for problems caused by the Project.

This comment does not address the adequacy and accuracy of the EIR. The Flood Control District is responsible for the Project itself and for the various mitigation measures proposed under it. Master Response 2, Socioeconomic Effects, discusses these and other aspects of the Flood Control District's responsibilities related to the Project.

C11-28 This comment requests information about the Winship Bridge Replacement Project.

This comment and the request for this information will be forwarded to the Flood Control District and other Marin County agencies. The comment does not address the adequacy and accuracy of the EIR.

C11-29 This comment asks what the County will do about unforeseen problems caused by the Project now and in the future.

This comment does not address the adequacy and accuracy of the EIR. The Flood Control District is responsible for the San Anselmo Flood Risk Reduction Project, as described in several previous comments, and the Town of Ross is responsible for the Winship Bridge Replacement Project.

C11-30 This comment asks how commenter will access home during construction.

Access to this particular property is not expected to be affected by the San Anselmo Project. This comment is acknowledged, and does not address the adequacy and accuracy of the EIR.

C11-31 This comment states that Draft EIR demonstrates that Project will be more expensive than grant money allows. It also asks who will be in charge of maintaining flood mitigation barriers, and property values. The commenter states that he cannot support the Project until these uncertainties raised are resolved.

This comment does not address the adequacy and accuracy of the EIR. Please refer to Master Response 1, Project Merits, for a discussion of the Project's merits; Master Response 2, Socioeconomic Effects, for an explanation that changes in property values are not environmental impacts under CEQA; and Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for a discussion of the Flood Control District's responsibility to maintain flood mitigation barriers.

John C. Crane

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

June 29, 2018

Mayor Elizabeth Robbins
Council Member Elizabeth Brekhus
Council Member & Mayor Pro Tempore P. Beach Kuhl
Council Member Julie McMillan
Council Member P. Rupert Russell

Re: Proposed Flood Project

I live at 86 Sir Francis Drake Blvd. in Ross, and I am writing to express significant concern about the SAFRR Draft EIR. My takeaway after reviewing the document is that there are far too many unanswered questions and loose ends. An ambitious project that may have started off with good intentions has now transformed into what feels like a race for “free” money with disregard to the public and certain detriment to specific private property owners.

1

I believe the public outreach to date has been disingenuous. I am aware of community organizers and Project sponsors surreptitiously meeting with select parcel owners, having verbal discussions of vague promises without full disclosure, offering to construct flood walls, raise houses, add berms & drains or other mitigation solutions to a homeowner’s parcel – all undocumented, and all off the record. I have heard of discussions with elderly neighbors who are asked to “agree in principal” without fully understanding the impact to their property improvements or home value. Another elderly couple was told, “that not a single home upstream or downstream will be harmed.” Nothing could be further from the truth.

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Some of the owners of parcels that will be most impacted have not been contacted at all. This is wrong, and I am asking you to be a voice of reason in demanding a more transparent and inclusive public process with direct notification to all properties that are contiguous or adjacent to the Creek. I understand that it comes at a cost to the Town or other responsible agency to properly notify all affected parties. However, it is important that impacted properties be directly notified of hearings, deadlines, and general information on the Project that will result in changes to our town’s beautiful environment.

As it relates to our specific community, the deliberate intent to push floodwaters on select parcels, even though voters have voted down flood basins twice, is out of step with the Town of Ross. Considering prior ballot box results, do you believe our residents would vote to turn select homeowners’ parcels into to mini-flood basins? The homeowners that I have met with want to maintain the status quo. They do not want to sacrifice other peoples’ homes. There is a community expectation that our elected officials will serve and protect us.

3

John C. Crane

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

As a Ross Valley resident, I fear that ultimately SAFRR is only shifting flooding from one location to another – which does not solve the problem. It simply relocates the flooding and creates new problems that will need new solutions. After rejecting this “flood solution” on two separate ballot measures, the public has clearly voiced their opposition to the creation of flood basins.

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cont.

The Draft EIR demonstrates that the cost of the project will be far more than the grant money allows; it does not take into consideration the anticipated steps to implement the necessary flood mitigation barriers along private properties in and around Ross as a direct result of this Project. Who will be in charge of maintaining the barriers in various forms in the years to come? Who will be responsible for the resulting flood damage that is reasonably anticipated to occur in new and different locations? Furthermore, what happens when property values are diminished as a result of this Project?

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With so many significant unresolved issues, I cannot support the Project and hope you will take a stand in demanding that it not proceed until and unless these uncertainties are remedied. A task that is made more complicated and confusing by overlapping jurisdictions between the County, Cities & Towns, the Army Corps of Engineers, Marin County Flood Control District (MCFCD), DPW, Cal Trans, the Board of Supervisors, and who knows what other agencies.

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5

Lastly, I will say that when I purchased my home I did my due diligence and researched the history of flooding in the area, and, of course, reviewed the specific history of my parcel with the owners. When I invested in my home, I had no idea that the county would ever implement a project that would alter the flood risk to my property. It is unreasonable to approve a project that provides relief for homeowners who purchased property in known floodplains, and then introduce increased flooding to homeowners like myself. I urge you to put an end to this lack of transparency and forthrightness. We need a sensible plan that is clearly thought out, and that will be carefully executed. And the public needs to be involved.

↑
6

Many thanks for your time and effort in representing the Town of Ross residents.

Sincerely,

John C. Crane
cc: Joe Chinn, Town Manager
Heidi Scoble, Planning Manager
Rich Simonitch, Public Works Director / Town Engineer

3.4.12 Comment Letter C12: John C. Crane

C12-1 This comment suggests that there are too many unanswered questions and that the Project would be a detriment to certain homeowners.

The preparation of the Draft EIR was consistent with the State CEQA *Guidelines* Section 15151, which describe the standards of adequacy for an EIR. That section says, “An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible”. The Draft EIR complies with those requirements and provides decision-makers at the Flood Control District and its Board of Supervisors with the necessary information. This comment does not otherwise address the adequacy and accuracy of the EIR. Please refer to Master Response 1, Project Merits, for a discussion of that topic.

C12-2 This comment expresses commenter’s belief that the public outreach to date has been disingenuous.

To increase public awareness of both the Project and the larger Ross Valley Program of which it is a part, the Flood Control District has followed CEQA-required processes for public noticing, held public scoping meetings, offered site tours and other neighborhood meetings and workshops, regularly updated its website with information as it was developed, and provided fact sheets and other mailings. The Draft EIR and the associated public notices were published and circulated in accordance with CEQA requirements, particularly State CEQA *Guidelines* Sections 15082, 15083, 15085, 15087, and 15088. Through these processes, public comments were elicited. The Final EIR includes a response to those comments, pursuant to State CEQA *Guidelines* Section 15088, and any resultant changes to the EIR itself, pursuant to State CEQA *Guidelines* Section 15089. Please see also the response to comment C11-8 and to comment C11-9. The other points in this comment do not address the adequacy and accuracy of the EIR. Please refer to Master Response 1, Project Merits.

C12-3 This comment says that the San Anselmo Flood Risk Reduction Project is only shifting flooding from one location to another – which does not solve the problem. It simply relocates the flooding and creates new problems that will need new solutions.

This is largely a comment about the project merits, which are addressed in Master Response 1, Project Merits. However, Master Response 6, Changes in Flood Risk, also addresses the commenter’s concern about the potential for downstream flood risk and the proposed mitigation measures that would avoid it. Table 4.9-3 in the Draft EIR’s Section 4.9, Hydrology and Water Quality, reports the model results regarding the number of parcels that would experience a reduction or an elimination of current flood risk relative to the up to 18 that would receive a potential increase in flood risk that

would be avoided by Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas.

- C12-4 This comment says that the Draft EIR demonstrates that the cost of the Project will be far more than the grant money allows and asks who will be responsible for the resulting flood damage that is reasonably anticipated; who pays for mitigation; what happens when property values are diminished.

The Draft EIR does not address the expected project construction costs or the relative benefits and costs. As explained in Master Response 2, Socioeconomic Effects, economic benefits, benefit-cost analyses, and changes in property values are not environmental impacts under CEQA. That master response also answers the questions about paying for mitigation measure implementation and development.

- C12-5 This comment voices the commenter's lack of support for the Project until the uncertainties are remedied and asks the same of the addressee. It also expresses confusion about the roles of multiple agencies.

This comment is acknowledged; it does not address the accuracy or adequacy of the EIR. Please refer to Master Response 1, Project Merits, for more on this. The response to comment C11-10 (in a separate comment letter submitted by the same commenter) addresses the question of multiple jurisdictions and agencies and their roles in the Project.

- C12-6 This comment says it is unreasonable to approve a project that provides relief for homeowners who purchased property in known floodplains, and then introduce increased flooding to homeowners.

This comment is acknowledged. This comment does not address the adequacy or accuracy of the EIR. Refer to the discussion of Significant and Unavoidable Impacts and Statement of Overriding Considerations in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for response to this comment.

The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

From: Jennifer Dickinson [mailto:jrosedickinson@gmail.com]
Sent: Monday, July 02, 2018 2:42 PM
To: Lewis, Liz <LizLewis@marincounty.org>
Subject: SAFRR Concerns

Hi Liz,

My name is Jenny Dickinson, I am the owner of 82 Sir Francis Drake Blvd. in Ross. We met at the Saturday morning meeting held at the Ross town hall a few weeks back.

After reviewing the information in the SAFRR draft EIR on the website I have a few concerns. The draft doesn't specifically state which properties are going to be negatively affected by the flood reduction project and what is going to be done for the properties in the event the project is approved and does take place.

1

In the Saturday meeting you specifically stated 3 house numbers where water levels would increase due to the project, one of which was my property at 82. You stated walls would be built in the creek to protect these properties, but no where in the proposed plan online did I see any plans for flood walls. This is unsettling to me and gives me the impression these flood walls will not be a priority and potentially would not be built.

2

I am against this project for the reason stated above and because a project that knowingly is going to negatively impact certain properties isn't a fix or an improvement, it will just move the problem to my house. I vote no on this project, unless you can figure out a way for water levels to decrease for all creekside properties.

3

Thank You for your attention,
Jennifer Dickinson

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

3.4.13 Comment Letter C13: Jennifer Dickinson

C13-1 This comment says that the Draft EIR does not specifically state which properties would be negatively affected and what is going to be done for the properties if the Project is approved.

Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, includes tables showing the addresses and assessor's parcel numbers of parcels that would be potentially affected in a 25-year or 100-year event. As discussed in Draft EIR Impact 4.9-4 (page 4.9-56), on parcels where the finished first floor elevation would be surpassed, the Flood Control District would implement Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, to apply flood risk reduction measures at those properties. Master Response 6 includes additional information about Mitigation Measure 4.9-4.

C13-2 This comment says that although Flood Control District staff mentioned that "flood walls" would be built, they are not on design plans, which gives commenter impression the walls will not be a priority and may not be built.

Draft EIR Impact 4.9-4 evaluates project impacts associated with flood risk. The flood barriers mentioned by the commenter are included in Mitigation Measure 4.9-4, which is designed to reduce flood risk impacts of the Project identified in Impact 4.9-4. Pursuant to CEQA, in order to ensure that the mitigation measures and project revisions identified in an EIR are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. Until mitigation measures have been completed, the lead agency (the Flood Control District, in this case) remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.³ No designs have been prepared for the measures because (a) they are mitigation measures (i.e., not part of the design of the project itself), and (b) they will be individually designed for each specific parcel with a willing property owner. Assuming property owner permission is given, the Flood Control District will undertake the mitigation measures on the properties meeting the criteria in Mitigation Measure 4.9-4.

C13-3 This comment expresses opposition to the Project for previously stated reasons and because negatively impacting certain properties moves the problem to commenter's house rather than fix or improve it.

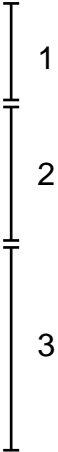
Comment acknowledged. This comment does not address the adequacy or accuracy of the EIR; it addresses project merits. Please see Master Response 1, Project Merits.

³ State CEQA *Guidelines* Section 15097(a)

From: Roger Farrow [mailto:farrow999@yahoo.com]
Sent: Sunday, July 01, 2018 1:19 PM
To: Lewis, Liz <LizLewis@marincounty.org>
Subject: Flood Control

Dear Liz: This is Roger Farrow at 98 Sir Francis Drake Blvd. in Ross. Firstly I should say that I realize how difficult it is to keep everyone happy regarding flood control in the Ross Valley and I appreciate you efforts. However, the people who will most benefit from proposed flood control measures are the merchants and others located in San Anselmo. Yet it was the citizens of San Anselmo who voted down the Memorial Park detention basin which would have been the best solution. (In addition activists were successful in nixing the Lefty Gomez field which also would have been more satisfactory than the current Sunnyside). These people were quite happy to pass their town's problem downstream to others by having the buildings at 634-636 San Anselmo Avenue removed while they sacrificed nothing. As you are fully aware the models show that the current plan to remove the fish ladder in Ross along with the Winship Bridge will solve the problem as far as my particular downstream location is concerned so I am OK with it as long as the Winship bridge is removed as planned. The models clearly show that it impedes the creek flow during a significant rain event and causes flooding up-stream. Therefore it is essential that this bridge is removed before the buildings across the creek in San Anselmo are removed. Sincerely, Roger.

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



3.4.14 Comment Letter C14: Roger Farrow

C14-1 This comment expresses appreciation for Marin County flood control efforts.

This comment is acknowledged.

C14-2 This comment states that merchants of San Anselmo would benefit from this project, but that the citizens in San Anselmo voted down Memorial Park basin location and were successful in stopping the Lefty Gomez Field basin location. The benefits San Anselmo would receive by removing the building at 634-636 San Anselmo Avenue would pass the problem downstream.

This comment does not address the adequacy or accuracy of the EIR. The comment is acknowledged. Please refer to Master Response 1, Project Merits, and Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for more detailed discussion on these topics.

C14-3 This comment states that it is essential that the Winship Bridge is removed before the buildings in San Anselmo are removed.

The comment is acknowledged, and its content along with all comments on the Draft EIR will be forwarded to decision makers at the Flood Control District. The combined effect of the Winship Bridge Replacement Project and the San Anselmo Flood Risk Reduction Project were addressed in Draft EIR Chapter 5, *Growth-Inducing and Cumulative Impacts*. Please refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for more detailed discussion on this topic.

Lewis, Liz

From: Gregory Finch <greg@tinkerologist.com>
Sent: Saturday, May 19, 2018 3:02 PM
To: Lewis, Liz
Cc: Williams, Tony; Davis, Hugh; rsimonitch@townofross.org; Gregory Finch
Subject: Ross property owner: comments on SAFRR Project Draft EIR

Dear Liz Lewis,

I will not be able to attend the public hearing on May 22nd for the San Anselmo Flood Risk Reduction Project - Draft EIR, but would like to provide comments on the project.

I am a property owner in the Town of Ross. My parcel is located at 53 Sir Francis Drake Blvd, Ross. The Corte Madera Creek runs through the back of my parcel at the intersection of Corte Madera Creek and Ross Creek.

I have been attending Zone 9 Flood control meetings over the past several years, and am very excited to see forward momentum on flood mitigation for the Ross Valley.

As I am a property owner downstream of this project, my areas for concern are with statements found in section 2.7 "Areas of Known Controversy" and 2.8.1 "Major EIR Conclusions". Both of these sections highlight - "increased flood risk downstream of the project sites" which would directly impact my property. Additionally, Section 2.8.2 "Issues to be Resolved" states "select parcels in the Town of Ross would have slightly higher peak flood elevation in large flood events (e.g the 25-year event)", which I am assuming my property would be part of the mitigation plan?

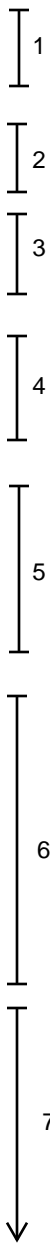
I would like you to understand my current situation and how "any" increase in flow rate or surface elevation will negatively impact my property. I would like the project to clarify the plans to mitigate the adverse effect which would impact downstream properties (e.g. raise buildings, add flood walls, raise creek bank, etc...)

Part of the goals of this project is to keep flood water / increase creek elevation / rain run-off in the Corte Madera Creek, by removing choke points and raising creek bank, upstream of my property. I would like clarity on the plans for the impact of increasing the creek capacity downstream. For my particular situation during a flood event, when water leaves the creek, it lessens the impact on my property. This is not ideal for others, but by forcing this water to stay in the creek, it will increase the flow rate / surface elevation at my property.

Here is some data to highlight why I believe, independent of any creek flow model, my property would be impacted by additional flow rate / increase elevation in the creek.

The base flood elevation at my property is 36.7 feet. The back of my house abuts the creek bank. The level grade at the back of my house is 9 feet below the base flood elevation. And the front of the house is 3.5 feet below. The lowest finished floor is at an elevation of 33.7 feet and the top of the bottom floor with the mechanical (water heater, furnace, etc) is at an elevation of 26.4 feet. All below BFE. As you might guess, my property is a FEMA Severe Repetitive Loss property. There have been four FEMA claims (82/85/86/2005).

As far as flow rates and surface elevation of the Corte Madera Creek at my house - the recent storms of 2016 / 2017 (6 year events) provide an example of why I am concerned that "any" increases in either of these will impact my property. During these storms (12/15/16, 1/10/17, 2/7/17) the peak flow rate and surface elevation were (3500-3800 cfs) and (19.75 - 20.35 feet) as measured at the Ross gauge. The flood water around my house was at an elevation of 29 feet, 3 feet up the side of the wall of the lower level of my house. During the storms, the lower level of my house (where all of the mechanical is located) has two sump-pumps which have to run the entire time to pump the water out of the house.



Without the pumps, the water would flood the water heater and furnace. A couple of additional inches of Creek elevation during these storms would have flooded the existing lower level walls and our pumps would not be able to keep up with the overflow.

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cont.

As a property owner downstream of this project, I would like to reiterate how important it is for this project to have a mitigation plan for any increased impact it will have on my property which is already under duress. I am looking forward this project moving forward after the these issues are addressed.

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Thanks you,

Greg Finch

3.4.15 Comment Letter C15: Greg Finch

C15-1 This is a statement in support of the Project, focusing on the forward momentum of flood mitigation for the Ross Valley.

This comment is acknowledged.

C15-2 This comment expresses concern over the statement regarding increased flood risk downstream of the Project sites that was included in portions of the EIR.

Draft EIR Section 4.9, Hydrology and Water Quality, Impact 4.9-4 discusses how the Project would affect flood risk downstream of the Project sites. As shown on Draft EIR Tables 4.9-2 and 4.9-3, although the Project would result in a substantial reduction in flooding for the 10-year and 25-year storms (530-635 parcels), the Project would result in some increased flood risk on a total of 18 parcels located either upstream of the Sir Francis Drake Bridge and east of Sir Francis Drake Boulevard or upstream of the Nursery Basin site during the 25-year storm event. The purpose of the Project is to reduce the frequency and severity of flooding in portions of Ross Valley. Refer to maps illustrating flooding with the Project in Draft EIR Chapter 3, Project Description (Figures 3-13a-c, 3-14a-c, and 3-15a-c). Refer also to Master Response 3, Future Design Details.

C15-3 The commenter expresses interest in knowing if his property would be part of the mitigation plan.

The hydraulic modeling indicates that flooding at this commenter's property (53 Sir Francis Drake Boulevard in Ross) would not be affected by this project because the channel downstream of Sir Francis Drake Bridge in Ross has capacity to carry additional flows generated during a 100-year flood. Refer also to RTC Tables 2-1 and 2-2 in Master Response 6, Changes in Flood Risk and Flood Mitigation for a list of properties affected during the 25- and 100-year flood events. The Flood Control District would implement flood risk reduction mitigation measures at all properties where existing habitable structures would experience new inundation in a 25-year event in areas upstream and downstream of the Winship Bridge (between Barber Avenue and the Sir Francis Drake Bridge) and where property owners' permission is granted. The inundation changes near Winship Bridge during the 25-year flood event in lower San Anselmo are illustrated in Draft EIR Figure 4.9-7.

C15-4 The commenter would like the Project to clarify the plans to mitigate the potential impacts to downstream properties.

Draft EIR Impact 4.9-4 identifies the slight increase in flood risk on several properties near the Winship Bridge as a significant impact and includes Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, to address these impacts. The flood risk reduction measures in Mitigation Measure 4.9-4 would be implemented at those properties where existing habitable structures would experience new inundation in a 25-year event in areas upstream and downstream of the Winship Bridge (between

Barber Avenue and the Sir Francis Drake Bridge). The list of potential actions to address flood risk has been clarified to more specifically include other measures, such as structure elevation, berms, wet flood proofing, or dry flood proofing, within the “flood barriers” category, as described in subsection “Flood Risk Mitigation” in Master Response 6 Changes in Flood Risk and Flood Risk Mitigation.

- C15-5 The commenter requests additional clarity on the plans for the impact of increasing the creek capacity downstream and also makes the point that keeping water in the creek system upstream of his property benefits others and adversely affects his property.

Draft EIR Impact 4.9-4 discusses the locations and magnitudes of the changes in flood risk that would result from project implementation. Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, and Response C15-2 also provide updated information regarding the impact of the project (which includes increasing creek capacity by removing the building at 634-636 San Anselmo Avenue).

- C15-6 The commenter provides data to highlight why commenter’s property may be impacted by additional flow.

As noted in Response C15-2, flooding at this commenter’s property would not be impacted by this project. The issue of how the Project would alter flooding downstream is discussed in Section 4.9, Hydrology and Water Quality, Impact 4.9-4, and summarized in Response C15-2 above. Refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, and Master Response 3, Future Design Details.

- C15-7 The comment, which provides examples of past flood events at the commenter’s property, is acknowledged.

- C15-8 The commenter reiterates importance of having a mitigation plan for any increased flooding impact on commenter’s property.

As described in Responses C15-2 and C15-3, the Draft EIR includes mitigation whereby the Flood Control District would implement flood risk reduction measures at those properties where existing habitable structures would experience new inundation in a 25-year event in areas upstream and downstream of the Winship Bridge (between Barber Avenue and the Sir Francis Drake Bridge). Refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for additional discussion of flood risk mitigation. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

From: fitzpatrickheat@aol.com [mailto:fitzpatrickheat@aol.com]

Sent: Friday, June 29, 2018 8:53 AM

To: Lewis, Liz <LizLewis@marincounty.org>

Subject: San Anselmo Flood Risk Project

Liz,

I support the flood control project.

Thank you,
John Fitzpatrick

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

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3.4.16 Comment Letter C16: John Fitzpatrick

C16-1 This comment expresses support for the project. This comment is acknowledged. Please refer to Master Response 1, Project Merits.

Ella Foley Gannon

8 Deer Creek Ct, Fairfax, CA 94930 | 415.451.1924 | ellafgannon@comcast.net

July 2, 2018

Ms. Lewis
Environmental Planning Manager
Marin County Community Development Agency
3501 Civic Center Drive, Room 304
San Rafael, CA 94903
LizLewis@marincounty.org

Dear Ms. Lewis:

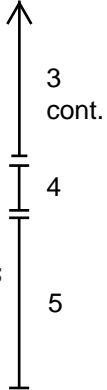
As residents of the Trestle Glenn neighborhood, I and my family are extremely concerned about the potential impacts to our property and our community that could result from the construction of the proposed detention basin at the former Sunnyside Nursery Site. We clearly recognize the need for development of a comprehensive program for addressing the flooding issues in Fairfax and San Anselmo and we support watershed-wide planning effort. We are not opposed to utilizing the Sunnyside Nursery site as part of the San Anselmo Flood Risk Reduction Project but we ask that this Project not move forward until further analysis is done regarding potential impacts to our neighborhood. We are most concerned about the limited analysis that is included in the *Draft San Anselmo Flood Risk Reduction Project Environmental Impact Report (ESA, May 2018)* with regard to the potential for the detention basin to result in flooding of upstream properties. Until this analysis is made available, it is not possible for the public or the County decision-makers to make informed decision regarding the risks and benefits of the proposed Project. We appreciate the opportunity to comment on the draft document and look forward to working with you to ensure that all potentially significant impacts associated with the proposed project are address and mitigated to the extent feasible.

The DEIR concludes that only one parcel in the Tressle Glen neighborhood will be significantly impacted by construction of the proposed detention basin and that the identified impact can be mitigated if the property owner allows for the construction of a flood barrier on the parcel. As explained in the DEIR, Impact 4.9-4, the County only considered whether there would be additional inundation in a 25-year event. Given that the properties upstream of the detention basin site currently do not experience any flooding in even a 100-year event, limiting the analysis to a 25-year event is insufficient. The County needs to analyze the impact on upstream properties in 50 and 100-year events like it does for the downstream areas. If any of the properties located upstream of the Project site would experience flooding in such events, then the County needs to propose measures for mitigating these significant impacts. Without this analysis it is impossible to fully evaluate the impacts of the project.

The DEIR recognizes that the accumulation of sediment at the nursery site could limit the channel capacity and could result in impacts to upstream areas. It further acknowledges that in years where there are large storm events, the County may not have the ability to remove all the accumulated sediment given the 2,100 cubic yard limitation in the Flood Control District's Stream Maintenance Program. While we



appreciate that the County is proposing under Mitigation Measure 4.9-3a to prioritize the nursery basin reach for stream maintenance, we do not understand how this reduces this impact to a less than significant level. What happens when the County is not able to remove all the sediment and the following year there are large storm events. It appears that no analysis has been conducted in relation to such conditions. Also, what will be the impact of prioritizing maintenance at this location vis-à-vis other locations that currently need regular maintenance. The impacts of this program need to be more thoroughly analyzed. Again, we are specifically concerned about the potential for there to be flooding upstream of the basin site if there is accumulated sediment that is not removed. Given that currently, this area does not experience any flooding, such a change would be a significant impact which needs to be mitigated to a less than significant level. We request that this issue be further analyzed and that the analysis be made available for public review and comment.



Thank you for considering and responding to these comments. We look forward to receiving the requested additional analysis.

Best regards,

Ella Foley Gannon

3.4.17 Comment Letter C17: Emma Foley Gannon

C17-1 This comment requests more information and analysis about the potential for flooding related to deposited sediment upstream of the Nursery Basin. The details of this request compose the rest of the comment letter; this introductory comment is acknowledged.

C17-2 This comment summarizes a portion of the results presented in the Draft EIR the about the potential increases in flood risk in the neighborhood upstream of the Nursery basin site. The comment requests that the Flood Control District conduct modeling similar to that presented in the Draft EIR for the 25-year event for the 50- and 100-year events. It says that the Flood Control District would need to mitigate for those impacts and that this analysis is needed to fully evaluate the Project.

Draft EIR Section 4.9, Hydrology and Water Quality, provides a description of the flood model results for three scenarios: the 10-year, 25-year, and 100-year flood events. As explained in Draft EIR Section 3.4.2.3 and Section 4.9.3, the San Anselmo Flood Risk Reduction Project would bring the greatest benefit by reducing the impacts associated with smaller, more frequent events, such as the 10-year flood event. Modeling for a 25-year event shows a mix of meaningful reductions in flood risk with some increases in a few parcels. It is thus a good event size to use to inform the intelligent consideration of the adverse environmental risks of the Project. On the contrary, larger events, such as the 100-year flood event, would overwhelm many of the improvements brought by the Project, and flooding would be severe throughout the Ross Valley in an event that large. For this reason, it is a more conservative choice to use a smaller flood event (such as the 25-year event) to evaluate changes in flood risk. However, results for all three of those events were included in the document.

Draft EIR Impact 4.9-3 (see page 4.9-47) discusses the changes in water surface elevation upstream of the diversion structure in a 25-year event and in a 100-year event, with model results for both event sizes resulting in a peak water surface elevation of 238.5 feet NAVD88 (see RTC Table 3-1 in Response to Comment C21-8). The discussion of Impact 4.9-4 (page 4.9-52) discusses changes in the flood inundation extent and depth upstream of the Nursery basin. It notes that the 100-year flood water surface elevation is between 233 and 238 feet elevation, and that the 25-year elevations are very similar. Along 8 Deer Creek Court during the 25-year flood event with prior sediment deposition, in-channel water surface elevation would increase by up to 1.5 feet at the downstream property line (at the upstream property line the Project would not alter water surface elevation during the 25-year flood event); during the 100-year flood event, in-channel water surface elevation would increase by up to 1.3 feet. The increased water surface elevations would be approximately 3 feet lower than the existing creek banks in the area.

Pursuant to State CEQA *Guidelines* Section 15151, an EIR must include “sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but

the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.” This EIR is compliant with that requirement.

- C17-3 This comment says that deposited sediment could limit channel capacity and that the Flood Control District may not have the ability to remove all the sediment given the 2,100 cubic yard limit for per-site sediment removal in the Flood Control District’s Stream Maintenance Program. Commenter does not understand how Mitigation Measure 4.9-3a, Prioritize Nursery Basin Reach for Stream Maintenance, reduces this to a less than significant level. It asks for more analysis to be done to assess what could happen if not all sediment can be removed before subsequent large storm events occur.

This comment accurately reflects the risks associated with sediment deposition and backwater flooding upstream of the Nursery basin site described in the Draft EIR, with the caveat that, as discussed in Master Response 7, the actual volume of sediment that would deposit falls within a wide range (the Draft EIR conservatively assumed the highest estimate for purposes of analysis). The statistical likelihood of those events occurring is very low⁴, but they are still possible. The 2,100 cubic yard per-location limit for sediment removal in the Stream Maintenance Program can be exceeded under emergency conditions, and this low-probability event would likely qualify for an emergency removal. The next steps in the design process will evaluate scenarios to manage sediment on receding flows, as informed by the gage at Fairfax Town Hall

- C17-4 This comment asks what the impact of prioritizing maintenance at this location instead of other locations would be.

The 2,100 cubic yard limit is a per-site limit. There are larger limits for sediment removal in the watershed as a whole. Most sites (i.e., creek or stream reaches) do not need or receive annual sediment removal, so the situation described in this question already exists in some locations. Refer to Master Response 7, Erosion, Sedimentation, and Channel Maintenance; as noted there, watershed-wide, sediment removal volumes would remain unchanged, as the overall volume of sediment removal allowed under the Stream Maintenance Program would not change. Impacts of the Stream Maintenance Program were identified during environmental review of that program.

- C17-5 The commenter reiterates specific concern about flooding upstream of the basin if accumulated sediment is not removed. Area currently experiences no flooding, and so this would be a significant impact which needs to be mitigated to a less than significant level. Commenter requests that issue be further analyzed and that analysis be provided to the public.

This comment reiterates the points made earlier in this letter. Please refer to those responses. This comment is acknowledged.

⁴ As a numerical example, the probability of a 25-year event occurring in the same season as a 10-year event is 0.4%. The chance of them occurring in such rapid sequence that deposited sediment could not be removed is speculative but is necessarily smaller.

From: Carolyn [<mailto:cdhandelin@sbcglobal.net>]
Sent: Sunday, June 24, 2018 11:38 AM
To: Lewis, Liz <LizLewis@marincounty.org>; Chuck Handelin <original_chuck@sbcglobal.net>
Subject: Sunnyside Water Basin

I have lived in Trestle Glen at 13 Deer Creek Court for twenty-nine years. I was the first homeowner in this neighborhood. My husband and I purposely choose this home because it was adjacent to Sunnyside Nursery growing grounds.

When the county purchased that property, we were not notified that it was for sale. I have attended every meeting regarding the water basin issue. I watched as the county cut down the row of eucalyptus trees that guarded my home from noise, headlights on Sir Francis Drake and ensured our privacy.

I now am looking at a falling down wooden structure, Jim Perry's art studio, and dead landscaping. Every person that visits my home comments on the mess next door and how that has impacted my home value.

Now I am told that you want to remove more trees at the end of Deer Creek Court and open our private road for access into the water basin area. If this is done, which I strongly oppose, we will lose our much needed extra parking spaces, and our privacy.

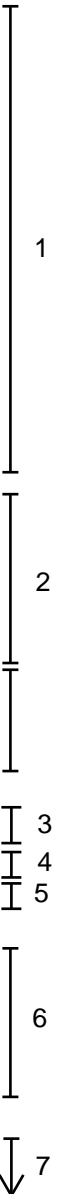
We are currently not in a flood area. The county is forcing us to be part of a flood area and thereby decreasing not only our safety, but our home values. Is the county going to provide flood insurance to each household in this neighborhood?

You cannot assure us that we will not flood, should the 100 year flood event happen. How can you knowingly put us at risk? And why would you want to? Having this one basin area, does NOT alleviate the flooding problems in the Ross Valley or Fairfax! The reports all state that once this basin is completed, it will divert two inches of water from the downtown Fairfax area. Surely spending upwards of 20 million dollars for this project does not make financial or structural sense.

You will need to purchase, or at the very least, acquire permission from the home owners on the creek side. Will the Department of Fish and Game even allow you to tamper with the delicate Eco system of our creek bed? How will you secure the creek from overflowing into the private property of the homes adjacent?

Will you be removing yet more trees to accomplish your goals? I was told trees would be lining the perimeter of my fenced property once the water basin was started. Could this be done before the removal of 150 truckloads of dirt are removed? Do you know the impact that dirt removal will have on our homes? Will you pay for the exterior of our homes to be washed once the dirt removal is finished. How about the seventeen Windows we have in our home. Will those be washed at the end of the project by funds from the county?

And what about safety issues? If you cannot assure us that someone will not be harmed by this impending 100 year flood, how do we protect ourselves? The county is knowingly putting our entire neighborhood at risk with this



project. Might I point out that the retaining wall done above our street on Sir Francis Drake Blvd has already failed at one point. And we have not had a huge storm that would warrant this event. My confidence in your ability to protect us is definitely waning.

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cont.

I realize that you can proceed with your plans and ignore my concerns and the concerns of others. But I will hold you accountable. I have lived in Marin County for 50 plus years, and I have witnessed the massive changes that have taken place, I just never expected them in my backyard. I would like you to understand how this might feel if it were happening to you personally. Not only your property values threatened, but your very safety placed in someone else's hands. It is not a comforting feeling.

↑ 8

Please take these many concerns to heart. I appreciate your time.

Sincerely,
Carolyn Handelin

Sent from my iPad

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

3.4.18 Comment Letter C18: Carolyn Handelin

C18-1 This comment states the homeowner's history with the property and the current status of the adjacent nursery site parcel. It states that removal of trees and opening of private road will impact parking spaces and privacy.

The potential use of Deer Creek Court as an emergency or maintenance access road to the Nursery Basin parcel has been removed from the project design plans. Therefore, the removal of trees and parking spaces at the end of Deer Creek Court mentioned in this comment would not occur. Construction of the basin itself will remove the remaining structures from the parcel's former use as a plant nursery. The remainder of this comment is acknowledged but does not address the adequacy or accuracy of the EIR. Please refer to Master Response 1, Project Merits, for a discussion of how comments on these merits will be handled.

C18-2 This comment addresses the change in local hydrodynamics that would place private properties into a flood zone, affecting safety and home values. It asks if Marin County will pay for flood insurance for these homes.

Please refer to Master Response 2, Socioeconomic Effects, which explains that economic effects such as changes to property values and flood insurance rates are not environmental impacts under CEQA. For a discussion of the extent of the potential backwater flooding upstream of the Nursery basin site, please refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation. That response includes tables listing the potentially affected parcels in the 25-year and 100-year flood event. There is one of those parcels in the neighborhood to the west of the Nursery Basin site. Flood modeling performed by Stetson Engineers projected the peak water surface elevations from the location of the diversion structure upstream to the eastern boundary of 8 Deer Creek Court (approximately stations 10500 to 11400, a distance of 900 feet) in a 25-year and 100-year event for three different cases: the current condition, the project condition including a diversion structure in Fairfax Creek, and the project condition in which a prior flood event has already deposited sediment in the channel. As shown in RTC Table 3-1 in Response to Comment C21-8, the greatest change in water surface elevation would occur with prior sediment deposition during a 25-year flood event. As shown in Item D.5, added to Appendix D to clarify this impact, new flooding could occur on a portion of one parcel in an area of low channel banks upstream of the Sunnyside Bridge.

This comment also questions the Project's benefits downstream of the Nursery basin site in Fairfax and San Anselmo. This is not a comment on the adequacy and accuracy of the EIR. Please refer to Master Response 1, Project Merits, for a discussion of that topic. Please also refer to Table 4.9-3, which shows the number of parcels that modeling indicates would be removed from the flood plain in events of different sizes, as well as those that would receive a reduction in inundation depth.

C18-3 This comment states that the Flood Control District will need permission from homeowners on creek side.

The Flood Control District acknowledges that it would need permission from owners of private property to implement any of the proposed mitigation measures on those properties. See Master Response 6, Changes in Flood Risk and Flood Risk Mitigation for an updated description of Mitigation Measure, 4.9-4, Provide Flood Protection to Substantially Affected Areas, which addresses the mitigation measure itself and provides more information on how it would be developed for each individual property. Please see Master Response 2, Socioeconomic Effects, for more information on the funding responsibilities associated with the measure.

C18-4 This comment asks if the California Department of Fish and Wildlife (CDFW) will allow modification of the Fairfax Creek bed. The Draft EIR indicates in several places – most notably in Section 4.5, Biological Resources, that a Lake and Streambed Alteration Agreement from CDFW will be required during the regulatory/permitting process.

C18-5 This comment asks how the creek will be secured from overflowing onto private properties. Draft EIR Section 4.9, Hydrology and Water Quality, includes Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas. Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, includes a discussion of this proposed mitigation measure as it would be implemented on private properties.

C18-6 This comment asks if more trees are planned to be removed and asks if tree planting could be done before construction removes dirt from the site. It also asks about post-construction removal of dirt removal from homes and windows. Draft EIR Chapter 3, Project Description, discusses tree removal along Sir Francis Drake Boulevard and along the borders of the Nursery basin site. Figure 3-9 illustrates the location of trees to be removed.

The visual and aesthetic considerations associated with the Project are discussed in Draft EIR Section 4.2, Aesthetic and Visual Resources. Views from designated scenic roadways, viewpoints, or other special locations are considered significant adverse impacts under CEQA. Deer Creek Court or views from the street have not been designated as scenic. Visual character is discussed in Draft EIR Impact 4.2-2, which notes that exposed areas would be revegetated and character would remain similar to existing. Since publication of the Draft EIR, the Flood Control District has determined that an emergency access gate at the end of Deer Creek Court is not required as part of the Project. The CEQA standard of practice for aesthetic impacts does not take private views into account. Under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons.⁵ The potential impacts related to visual resources and aesthetics were all found to be less than significant.

⁵ Mira Mar Mobile Community v. City of Oceanside

Finally, note that the project designs include a revegetation plan that will plant new trees along the edges of the Nursery basin property. This new tree planting cannot begin until after the rest of the project construction is complete because the trees would be planted on and adjacent to the constructed project elements. Following implementation of that revegetation plan and associated mitigation measures relating to habitat restoration, compensatory mitigation from various environmental permits, and compliance with other regulation (all as described in Section 4.5, Biological Resources), the biological impacts would be less than significant.

Section 4.3, Air Quality and Greenhouse Gas Emissions discusses dust control and other construction best management practices to reduce fugitive emissions and reduce related impacts. Section 4.3.4.2 (see page 4.3-27) addresses this topic in some detail. Master Response 2, Socioeconomic Effects, discusses the Flood Control District's responsibilities about funding and implementing the various impact reduction measures and mitigation measures of the Project. The Flood Control District has agreed to offer power washing of homes adjacent to the construction site following completion of construction.

C18-7 This comment asks how property owners can protect themselves from 100-year flood if the Flood Control District cannot provide assurances that local homeowners will be protected. It also notes that an existing retaining wall alongside Sir Francis Drake Boulevard has failed, reducing confidence. This comment is acknowledged. It does not address the adequacy or accuracy of the EIR.

C18-8 This comment states that the commenter will hold Marin County accountable for the Project. This comment is acknowledged. It does not address the adequacy or accuracy of the EIR. Please refer to Master Response 1, Project Merits, for a discussion of how comments on these merits will be handled. Please refer to Master Response 2, Socioeconomic Effects, for an explanation that financial and legal responsibilities are not environmental impacts under CEQA.

From: Charles Handelin [mailto:original_chuck@sbcglobal.net]

Sent: Sunday, June 24, 2018 11:32 AM

To: Lewis, Liz <LizLewis@marincounty.org>; Brian Hennessy <hennessydds@comcast.net>; Travis Trotter <travis.w.trotter@gmail.com>; Gordon Wright <gordon@outsidepr.com>; Clay Greene <claygreene@gjttlaw.com>; Sue Pence <sue.pence@cbnorcal.com>; Andy Ramirez <andynamirez@me.com>; Jamie Williams <jawillia@visa.com>; Chris Moshy <cjmoshy@gmail.com>; Ginny Graves <glgraves@comcast.net>; Carolyn Handelin <cdhandelin@sbcglobal.net>

Subject: Flood Risk Reduction, SFD Blvd, M.C.

Liz Lewis.

Re: Retention Center E.I.R.:

Dear Liz Lewis,

I have reviewed the draft copy of the EIR . I am opposed to having you move forward towards building this retention basin based on this E.I.R. Report that we have waited over a year to see.

I find the Following items troublesome and concerning for all of us who are trying to understand what you are proposing will be built on this site. (based on this E.I.R. Report).

I think it will be challenging for you and your staff to even build this retention center based on the things that are brought up within this E.I.R. Report.

The "substantially high flood risk" to neighbors living within this newly created flood zone that "you" will be creating with this new flood zone within 50 to 100 feet of privately owned properties and residences.

This E.I.R. does not address the 100 year flood calculation. It uses a minimal 25 year calculation. What will happen in a 100 year event? Will you address this?

The soils report within this E.I.R. Report points out that this type of soil on this property is granular and sandy with a high water table that will force you to have to do a much smaller retention basin, which will mean that those of us living close to this newly proposed retention basin will be at an even higher risk of flooding.

This E.I.R. Report relies on permission from the department of Fish & Game (C.D.F.W.) to give you permission to properly mediate flooding from waters that back up into the creek areas east and west of the gate.

You will also need permission from neighbors having homes/property that are within 50 to 100 feet of the



creek. They all have a substantially high risk in a 25 year flood situation. What happens in a 100 year event?

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The E.I.R. report also talks about "silt build up" after a flood that will have to be removed from private properties and the creek. Not to mention all of the debris that will be left behind around and possibly in their homes.

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The E.I.R. report talks about "visual impacts" but does not address the visual impacts (you have already done) in removing trees along the property lines exposing a lot more of your property (and you have barely started this project). I live right on the property line with your property and have lived here for 29 years with a fully vegetated natural tree, bush and plant barrier that knocked down the noise from Sir Francis Drake Blvd and the view of the old Sunnyside Nursery. Since you removed all of the mature fully grown trees, plants, bushes, and vines my view has severely been impacted. The E.I.R. report addresses the public in general by saying the views have not and shouldn't be impacted, but I am a member of the public and my view has been severely impacted. Please have this corrected by including me as part of the public that you represent.

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I as part of the neighbors and property owners who live upstream of the Retention Basin, do not currently live in any type of flood zone. This E.I.R. report will be a public record document that will clearly define us as being in the "substantially high risk" should a 25 year flood happen. It does not mention what would happen in a 100 year storm. This is unacceptable to me to have you put me in this situation by creating a flood zone for me to live in when I don't currently live in one. By closing the proposed gate you are basically flooding the creek areas behind it along with the neighbors properties and possibly homes.

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The E.I.R. report does not address the impact of debris as large as full sized trees that will be carried down stream in a 25 year event (or a 100 year event). These very large trees and objects will all end up at the gate and will cause a "dam" effect along with build up from more trees and large debris floating on top of flood waters which could clog and build the gate even higher or prevent the gate from working to hold back water at a controlled height. Hence, higher water levels will back up onto neighbors & properties that are only 2 feet above the gate height. I personally have viewed the creek bed and seen several large logs up to 16 feet long sitting along edges and jammed together across the creek. If these trees aren't cleared out of the creek bed and banks, high flood waters will easily deposit them, move them down stream, & allow to hit the gate. In heavy storms lots of fresh new trees will also fall into the flood waters and make their way downstream. Between big logs, fallen trees, smaller debris, and just debris in general built up over the years are prime material to dam up dangerous and powerful flood waters. This could be a CDFW issue, but it does need to be addressed in this E.I.R. report by someone or some agency. (Mainly you?). I hope this gets addressed.

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This E.I.R. report does not mention what the impact this one retention basin (reduced to half its originally proposed size) will have on lands down stream to help them in an 25 year event. Since the size of this retention basin has been reduced to such a minimal amount it may have "No Impact" at all or be so minuscule that the impact will not help them in a flood. The original idea was to have 5 retention basins upstream from the low lying lands below them. Now that you have this E.I.R. report that is very clear to me will not worth the efforts you are putting into this taxpayer investment on something that may have little to no impact in a 25 year event

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It seems to me that this E.I.R. Report is still incomplete in addressing all of these issues. The end result

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warns you that you are not only placing me and several others at substantially high risk of being flooded in a 25 year event, but you are accepting the possibility of high liabilities you might incur due to this E.I.R. report. Plus several letters from very concerned tax payers/neighbors that will be impacted the most by your great need to move forward with this minimally effective proposed project. Flood events are well known to be unpredictable and dangerous with a high liability "for loss of life". This would be not only a tragedy, but a very high liability (the highest possible) that would fall on you since you are creating it if you do this project.

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cont.

The biggest issue of all is the fact that the E.I.R. report is incomplete and does not seem to recognize me as a part of the public. I am sure that we are going to be dealing with many government agencies as we move along and try to figure out if this is a feasible project to go forward with while making sure everyone is being included and considered as part of this community. I look at all people as being part of my community whether they live where I do or not. They are all people just doing their job the same as you and me. The people downstream need help in the low lying areas that flood and I, as part of this community, truly want to help them. I know that they want me to help. I also hope that they would consider my concerns when I feel I am not being heard when I say, "Why do I have to flood my property to do something that no one can guarantee will help stop them from flooding?". The people in the low lying areas know what it is like to be involved in flooding and I know they would not want me to suffer what they have suffered. The E.I.R. company needs to know "all of the issues" and think about all of the public that will be effected by looking at this retention basin as part of a 5 basin project that will be much different that looking at it as just one very minuscule (maybe 10% of all the retention waters needed to fix this problem) for the people in all of the low lands down stream. Hence, I consider this E.I.R. report to be incomplete at this time and not acceptable until it is revised to cover all of the issues.

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Regards,

Charles T. Handelin
13 Deer Creek Court
Fairfax, Ca. 94930

Chuck Handelin Owner/Builder
[Handelin Inc. dba Original Construction](#)
415-459-4430 Office
415-250-7037 Cell
415-256-9426 Fax
Email Disclaimer: <http://www.marincounty.org/main/disclaimers>

3.4.19 Comment Letter C19: Charles Handelin

C19-1 This comment expresses opposition to the "retention basin," which the commenter finds troublesome and concerning based on the EIR. It states that the Flood Control District will have created a "substantially high flood risk" zone.

This is primarily an introductory comment that prefaces the items in the rest of the letter. It is also a comment about the project merits, which are addressed in Master Response 1, Project Merits. Draft EIR Impact 4.9-4 evaluates project impacts related to flood risk. Note that the EIR contains no text to indicate that the Project would create a "substantially high flood risk zone" (as this comment indicates) or that any properties would be newly placed into a designated Special Flood Hazard Zone.

C19-2 This comment states that the 100-year flood is not addressed and asks what will happen in a 100-year event, and whether it will be addressed.

Flood modeling performed by Stetson Engineers projected the peak water surface elevations from the location of the diversion structure upstream to the eastern boundary of 8 Deer Creek Court (approximately stations 10500 to 11400, a distance of 900 feet) in a 25-year and 100-year event for three different cases: the current condition, the project condition including a diversion structure in Fairfax Creek, and the project condition in which a prior flood event has already deposited sediment in the channel. As shown in RTC Table 3-1 (Response C21-8), the greatest change in water surface elevation would occur with prior sediment deposition during a 25-year flood event. As shown in Item D.5, added to Appendix D to clarify this impact, new flooding could occur on a portion of one parcel in an area of low channel banks upstream of the Sunnyside Bridge.

As explained in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, the Draft EIR did include flood model results for the 100-year event. That master response expands on those results and also includes tables listing the potentially affected parcels in the 25-year and 100-year flood event. Those model results indicate that there is one such parcel with a potentially increased flood risk in the neighborhood to the west of the Nursery Basin site.

C19-3 This comment states that, due to soil conditions at the site, residents living near the retention basin will be at a higher risk of flooding due to the Project.

The soil conditions underlying the flood diversion and storage (FDS) basin at the Nursery site do affect the depth of appropriate basin excavation, but do not change the risk of flooding either upstream or downstream of the basin site. The causes of changes in existing flood risk are addressed in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, and were presented in Section 4.9.3 in the Draft EIR, as referenced in the response to comment C19-2, above. Please also refer to the Draft EIR Section 4.9, Hydrology and Water Quality, for discussion of groundwater at the basin site and overall site hydrology, a topic that is also discussed in Section 4.7, Geology, Seismicity, Soils,

and Paleontological Resources, and in Section 4.8 Hazards and Hazardous Materials. Finally, the responses to comment letter C21 (particularly comments C21-1 and C21-2) address the interaction of groundwater and soil conditions.

- C19-4 This comment states that the EIR relies on permission from CDFW to mediate flood waters and that permission will be needed from neighbors within 50 to 100 feet of the creek.

The Draft EIR indicates in several places – most notably in Section 1.2, Project Approvals, and Section 4.5, Biological Resources – that a Lake and Streambed Alteration Agreement from CDFW will be required during the regulatory/permitting process. The Flood Control District acknowledges that it would need coordination with and permission from owners of private property to implement any of the proposed mitigation measures on those properties. See Master Response 6, Changes in Flood Risk and Flood Risk Mitigation for an updated description of Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, which addresses this topic. The Flood Control District also acknowledges that it would need permission from private land owners to remove sediment or debris from the creek channel.

- C19-5 This comment states that upstream properties have a substantially high risk in a 25-year flood situation and asks what will happen to properties in a 100-year event.

Please refer to Response C21-8, which summarizes the changes in in-channel water surface elevation upstream of the diversion structure during the 25-year and 100-year flood events. There is more detail related to changes in flood risk in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation.

- C19-6 This comment discusses the EIR's treatment of "silt build up" and debris that will have to be removed from private properties and the creek.

The Draft EIR discusses removal of sediment from the Fairfax Creek channel in several places, including in Impact 4.9-3, which includes Mitigation Measures 4.9-3a, Prioritize Nursery Basin Reach for Stream Maintenance, and 4.9-3b, Scour Analysis and Protection Measures, which address this topic. See Master Response 7, Erosion, Sedimentation, and Creek Maintenance, for more on sediment removal details. The impacts related to sediment removal from the creek channel (and the basin itself) would be less than significant with implementation of those mitigation measures.

No flooding (and thus no silt or sediment deposition or debris) is expected in homes on private properties if the proposed Mitigation Measure 4.9-4, is implemented on those properties. If homeowners do not accept mitigation on their properties, there would be small increases in flood risk, which would be a significant impact, as described in the Impact 4.9-4. However, as that section of the EIR also discusses, this potential impact would be avoided by implementation of this mitigation measure, and the change in flood risk would be less than significant. Please see Master Response 6, Changes in Flood Risk and Flood Risk Mitigation for a discussion of this mitigation measure.

C19-7 This comment requests that the EIR assess the visual impacts of removing trees on views from commenter's property. Chapter 3, Project Description, discusses the topic of tree removal along Sir Francis Drake Boulevard and along the borders of the Nursery basin site property. Figure 3-9 illustrates the location of trees to be removed.

The visual and aesthetic considerations associated with the Project are discussed in Draft EIR Section 4.2, Aesthetic and Visual Resources. Views from designated scenic roadways, viewpoints, or other special locations are considered significant adverse impacts under CEQA. Deer Creek Court or views from the street have not been designated as scenic. Visual character is discussed in Draft EIR Impact 4.2-2, which notes that exposed areas would be revegetated and character would remain similar to existing. Since publication of the Draft EIR, the Flood Control District has determined that an emergency access gate at the end of Deer Creek Court is not required as part of the project, and the EIR text has been revised to indicate that. The CEQA standard of practice for aesthetic impacts does not take private views into account. Under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons.⁶ Finally, note that the project designs include a revegetation plan that will plant new trees along the edges of the Nursery basin property. The project's potential impacts on aesthetic and visual resources would be less than significant.

C19-8 This comment states that the EIR will be a public record document that will define him and his neighbors as living in a "substantially high risk" flood zone during the 25-year flood event. It also says that EIR does not discuss what would happen in the 100-year storm.

Please refer to the response to comment C19-1, which addressed this same point. See also Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, which provides more detail on the changes in risk, extent, and depth of changes from the Project.

C19-9 This comment states that being newly placed in a flood zone is unacceptable and that by closing the flood gate, upstream areas will flood.

This characterization of project impacts (related to upstream flooding on parcels other than 16 Deer Creek Court) is not substantiated and is not reflected in flood modeling conducted for the project or in the Draft EIR. Please also see Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, and Response C21-8, which provide more detail on this topic. Refer also to the discussion of Significant and Unavoidable Impacts and Statement of Overriding Considerations in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation.

The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

⁶ Mira Mar Mobile Community v. City of Oceanside.

C19-10 This comment says that the EIR does not address impact of debris such as large trees would have on flood events, particularly their interaction with the diversion structure.

Section 3.5.3.1 in the Project Description of the Draft EIR (page 3-44) explains the role and planned actions of the Flood Control District in removing debris from the Fairfax Creek channel and the basin itself as part of overall maintenance. Master Response 7, Erosion, Sedimentation, and Creek Maintenance, expands upon that discussion in response to several comments received. With proper maintenance and implementation of the planned operations and management actions, there would be timely removal of debris that might otherwise create the kind of dam effect described in this comment. The risk of this form of project failure would be less than significant.

C19-11 This comment states that the EIR does not mention the [beneficial] impact of the one retention basin on downstream lands during the 25-year event.

Draft EIR, Tables 4.9-1 and 4.9-3 present the numbers of parcels that would potentially receive reduced or eliminated inundation during events of different sizes. Draft EIR Figures 3-13, 3-14, and 3-15 illustrate these areas of reduced or eliminated inundation in the 25-year event. The maps of model results from other flood event sizes are included in Appendix D.

This comment also questions the beneficial effect of this one proposed basin on downstream areas and states that original proposal was to have 5 retention basins upstream. The other basins referenced in this comment are still included in the overall Ross Valley Flood Protection and Watershed Program, of which the San Anselmo Flood Risk Reduction Project is only one discrete, but related project. Please see Master Response 4, Program-Project Relationship for more information on the Program and the other basins under consideration. The rest of this comment does not address the adequacy or accuracy of the EIR and instead pertains to the merits of the project, which are addressed in Master Response 1, Project Merits.

C19-12 This comment states that the Flood Control District is accepting the possibility of liability related to adverse outcomes related to the project, and that the EIR is incomplete in addressing the issues related to these risks.

As the response to the previous comments and the master responses indicate, the EIR has analyzed and disclosed the potential changes in flood risk and proposed appropriate flood risk for them. Please see Master Response 6, Changes in Flood Risk and Flood Risk Mitigation. The portion of this comment about liability does not pertain to the adequacy or the accuracy of the EIR.

C19-13 This expresses commenter's sense that the EIR does not recognize him as part of the public and his hopes that people who would benefit from project would consider commenter's concerns about flooding on his property for a project that will not guarantee a stop to flooding.

This comment is acknowledged and will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

C19-14 This comment states that the EIR is incomplete for the reasons in the letter as a whole. This comment also states that this project's FDS basin should be part of a 5-basin project that will address flooding.

Please refer to Master Response 4, Program-Project Relationship, which describes the relationship between this project and the larger Ross Valley Program. As the responses to the comments in this letter and others indicate, the EIR prepared for this project is complete, adequate, and in compliance with CEQA requirements.

The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.



MARTEN LAW

July 2, 2018

By Electronic Delivery

Ms. Rachael Reid, Environmental Planning Manager
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903
EnvPlanning@marincounty.org

Ms. Elizabeth Lewis, Water Resources Planning Manager
Marin County Department of Public Works
3501 Civic Center Drive, Room 304
San Rafael, CA 94903
lizlewis@marincounty.org

Re: May 2018 Draft Environmental Impact Report for the
Proposed San Anselmo Flood Risk Reduction (SAFRR) Project

Dear Ms. Reid and Ms. Lewis:

Thank you for the opportunity to provide comments on the May 2018 Draft Environmental Impact Report (“DEIR”) for the Proposed San Anselmo Flood Risk Reduction (SAFRR) Project (“SAFRR Project” or “Project”). The Draft EIR has been prepared for the Marin County Flood Control and Water Conservation District (“Flood Control District” or “District”), which has been designated as the “lead agency” for the Project for purposes of compliance with the California Environmental Quality Act (“CEQA”), Pub. Resources Code Section 21000 et seq.

I am submitting these comments on behalf of myself and others living in communities located in the Corte Madera Creek Watershed downstream of the proposed Project, which is in the upstream Fairfax Creek and San Anselmo Creek subwatersheds. I am a resident of the City of Larkspur, whose borders encompass the lower reaches of Corte Madera Creek before it discharges into San Francisco Bay near the Town of Corte Madera. I also am a second-term member of the Larkspur City Council, and I served as the City’s Mayor in 2017, although I am not submitting these comments in any official capacity.

In addition, I represent Mr. Charles Goodman, a longtime resident of the Town of Ross. Mr. Goodman owns property adjacent to where Corte Madera Creek is formed by the confluence of San Anselmo Creek and Ross Creek. Mr. Goodman (along with his neighbors) is directly affected by the flood risks that the Project is intended to mitigate. I and

Ms. Rachael Reid, Marin County Community Development Agency
 Ms. Elizabeth Lewis, Marin County Department of Public Works
 July 2, 2018
 Page 2

those I represent have serious concerns over both procedural and substantive aspects of the DEIR. Those concerns are discussed below.

Procedural Concerns: Relationship to the Ross Valley Programmatic Environmental Review

On a procedural level, our concerns relate primarily to the disconnect between the DEIR and the environmental review being conducted at a programmatic level for the Ross Valley Flood Protection and Watershed Program (“Ross Valley Program” or “Program”). See DEIR p. 3-4.

As noted in the DEIR, the Project is intended to be part of a larger effort to reduce flood risks throughout Marin County’s Ross Valley. According to the DEIR, however,

Specific details regarding the exact size, design, location, sequencing, and phasing of Ross Valley Program elements have not been determined yet. Because of this, the Flood Control District is preparing a Program Environmental Impact Report (PEIR) that will analyze the significant environmental effects of implementing Program elements to reduce flooding risk in Ross Valley [sic].... The Flood Control District, its [i.e., the Marin County] Board of Supervisors, Responsible and Trustee agencies, and the public will use that PEIR and the associated public comment processes to inform decision making and help determine which Ross Valley Program elements should be implemented.

1

Id.

The more limited focus on Project-level environmental impacts in the DEIR undermines this acknowledgement of the need to address Ross Valley flood risks initially at a programmatic level.

As stated in the California State CEQA Guidelines (“CEQA Guidelines”), program EIRs (like the proposed PEIR) should be prepared at the outset for any “series of actions that can be considered as one large project and are related ... geographically [or as] logical parts in the chain of contemplated actions ...” CEQA Guidelines Section 15168(a). Moreover, “[s]ubsequent activities in the program must be examined in light of the program EIR” CEQA Guidelines Section 15168(c). The DEIR turns this approach on its head. It seeks to address the environmental impacts of the Project *before* the PEIR has been completed and therefore *before* the environmental setting of the Project within the Ross Valley has been adequately assessed. Instead, common sense and public policy both suggest that the program EIR should be completed first, with subsequent “tiered” reviews prepared for specific projects to take advantage of information developed at the programmatic level.

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As the DEIR notes,

“Tiering” under CEQA “refers to the analysis of general matters contained in a broader EIR with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project” (CEQA Guidelines Section 15152). CEQA encourages agencies to tier environmental analyses as a means to eliminate repetitive discussions of the same issues and focus the later EIR on the actual issues ripe for discussion.

DEIR, at p. 3-7, footnote 2.

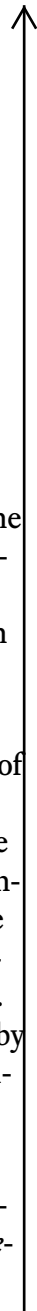
By tiering the DEIR off the PEIR, the District could better achieve the objectives of CEQA by avoiding redundancies and potential conflicts between the two documents. The District has expressly rejected tiering, however, because “the [SAFRR] Project is scheduled for earlier implementation” than the Ross Valley Program. DEIR, at p. 3-7. The DEIR provides no clear explanation of the rationale for this scheduling priority, although it appears to be related primarily to funding considerations.

As described in the DEIR, the SAFRR Project “has funding from a California Department of Water Resources (DWR) grant ... that was “first awarded in 2013 to the Town of San Anselmo,” based on an application submitted for another proposed flood diversion and storage (“FDS”) project located within the Town of San Anselmo and known as the “Memorial Park Detention Basin Project.” DEIR, at p. 3-11. Following “community concerns related to that project,” however, “the town of San Anselmo coordinated with the Flood Control District to reallocate the DWR grant funds to a new project,” and as a result, a “new grant agreement has been authorized by the DWR” for the SAFRR Project. DEIR, at pp. 3-11, 12. In other words, prioritization of the Project has been driven more by the need to access available state grant monies than by any legitimate operational or environmental consideration.

This prioritization undermines the basic policy goals of CEQA, which include ensuring that “the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be *the guiding criterion* in public decisions.” CEQA Section 21001(d) (emphasis added).

Substantive Concerns: Cumulative Significant and Unavoidable SAFRR Project Impacts

The decision not to defer environmental analysis of the SAFRR project until after completion of the Ross Valley PEIR has important substantive consequences. The DEIR acknowledges that the Project will “substantially alter the existing drainage pattern of the [Corte Madera Creek] watershed, altering patterns of flooding onsite and offsite,” and it characterizes this impact as both “*Significant and Unavoidable*”. DEIR, at 4.9-51. It also



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cont.

2

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states that the Project will result in “new flooding downstream of the Project area,” and that this will be a “significant impact.” DEIR, at 4.9-55.

The DEIR dismisses this projected impact as the result of “modeled effects and out-comes of the Project if implemented independently,” and suggests that it will be miti-gated by the “likely” removal and redesign of “flow-constraining bridges” to “allow greater flow volumes to pass downstream into Corte Madera Creek (formed at the conflu-ence of San Anselmo Creek and Ross Creek) . . .” *Id.* As already noted, this receiving point for “greater flow volumes” is precisely where Ross resident Charles Goodman and his neighbors live along Corte Madera Creek in the Town of Ross. That neighborhood has experienced flooding during storm events in the past, and the Project will only increase the risk of flooding for years to come.

The DEIR’s response to this increased risk is set out in Chapter 5 (Growth-Inducing and Cumulative Effects). There again the DEIR cites the Ross Valley Program, along with the related Corte Madera Creek Flood Risk Reduction Project (“Corte Madera Creek Pro-ject”) that is separately proposed to be implemented jointly by the District and the U.S. Army Corps of Engineers (“USACE”). DEIR, at 5-19. The problem here, as already noted, is that key elements of the Ross Valley Program have not yet been determined, and the same is true of the Corte Madera Creek Project.

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cont.

In both cases, the District and the USACE are counting on future environmental review documents to define those elements (in the Program’s case, that review would be pro-vided by the draft PEIR tentatively set to be published in September-October 2018, and in the case of the Corte Madera Creek Project, that it would be provided by a different draft EIR tentatively set to be published in October-November 2018. This strategy makes no sense and is contrary to the requirements of both CEQA and its federal statutory counter-part, the National Environmental Policy Act (“NEPA”), 42 U.S.C. Section 4321 et seq. *See* Letter to Stephen M. Willis, USACE, from Kevin T. Haroff, dated February 29, 2016 (attached).

According to the DEIR, the Ross Valley Program will include several FDS basins “lo-cated in the upper reaches of the watershed to detain peak flows into the creek network during flood events....” DEIR, at 5-20. Whether and to what extent that statement is true is a matter of pure speculation. The use of FDS basins for flood control is highly contro-versial – one of the key basins originally proposed for the Program, the Memorial Park Detention Basin in San Anselmo, was soundly rejected by local voters in November 2015. *See* Richard Halstead, “Search begins for new flood detention basins following Measure D win in San Anselmo,” Marin Independent Journal, November 4, 2015. Whether addi-tional basins will be constructed under the Program is anyone’s guess.

3

Uncertainties over future FDS basins is important because much of the hydrological anal-ysis used to support the SAFRR Project assumes that those basins will in fact be built. *See* DEIR, at 5-20, footnotes 3, 5 (referencing technical analyses contained in, among other

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things, the *Capital Improvement Plan Study for Flood Damage Reduction and Creek Management for Flood Zone 9 Ross* (CIP) (Stetson, 2011) and *Ross Valley Flow Reduction Study Report* (CH2M, 2015). See also *Corte Madera Creek Unit 4 Flood Damage Reduction Project: Final Letter Report* (Stetson, Nov. 5, 2008); *Technical Memorandum No. #3: Critical Reach Analysis* (Geomorph, Jan. 15, 2011).) Based on that analysis, the DEIR acknowledges there are four “critical reaches” in Ross Valley where, “during large floods, floodwaters overflow and escape from the creeks, and flow for extended distances on the historical floodplain,” damaging structures in the floodplain and threatening public safety. DEIR, at 5-20, 21.

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One of those “critical reaches” is the “Corte Madera and Ross Creek critical reach within the Ross Subwatershed,” i.e., precisely the area which the DEIR acknowledges will be subject to *increased flood impacts caused by the SAFRR Project*. DEIR, at 4.9-55, discussed *supra* at page 2. The area of potential impacts extends not only to neighborhoods within the Town of Ross, but also includes the downstream communities of Kentfield and Greenbrae, the City of Larkspur, and the Town of Corte Madera. Ironically, the DEIR goes on to state that since “[i]ncreasing creek capacity in the critical reaches ... is not sufficient ... to reduce flooding to protect life and property in the area, ... the Ross Valley Program must also reduce flows upstream of the critical reaches, an outcome that can be achieved by building FDS basins.” DEIR, at 5-21. Because of doubts over the viability of FDS basins in the Ross Valley, it also is an outcome that may never be realized as a practical matter.

Notwithstanding these uncertainties, the DEIR asserts that the SAFRR Project “has independent utility because ... it substantially reduces the existing levels of flood risk in the affected communities [i.e., the Towns of San Anselmo and Fairfax],” although its benefits would only be realized in those individual communities “if the larger Ross Valley Program were not to be implemented.” DEIR, at p. 3-7. Even if that is true, the localized potential benefits of the Project considered alone are *de minimus* when compared with the significant potential adverse impacts of the Project on downstream communities.

4

Absent a comprehensive strategy for addressing flood risks throughout the Ross Valley, a strategy that the Ross Valley Program has yet to provide, the SAFRR Project cannot be justified.

5

Conclusion

As noted above, the impacts of the SAFRR Project on the Corte Madera Creek watershed, and particularly in areas near and downstream of the confluence of Ross and San Anselmo Creeks, are acknowledged by the DEIR to be significant and unavoidable.

6

This is true even with implementation of mitigation measures recommended in the DEIR, such as the construction of unspecified “flood barriers” designed to protect habitable

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structures likely to experience “new inundation” in a 25-year flood event. *See, e.g.*, Mitigation Measure 4.9-4, at p. 4.9-56. The DEIR speculates that the construction of barriers could mitigate increased flood risks to less than a significant degree; however, it acknowledges that “because the Flood Control District cannot fully control implementation of flood barriers (on private property) and because the cumulative scenario bridge replacement projects are with the responsibility and jurisdiction of other agencies ... the Project’s impact related to flooding remains significant.” DEIR, at p. 2-13.

Under CEQA Guidelines Section 15093, a project cannot be approved by a lead agency in the absence of legal, social, technological or other benefits that outweigh its unavoidable adverse environmental impacts. Under those circumstances, the lead agency must “state in writing the specific reasons to support its action based on the final EIR and/or other information in the record,” and this statement of overriding considerations must be “supported by substantial evidence in the record.” CEQA Guidelines Section 15093(b).

Because the increased flood risks associated with the SAFRR Project are acknowledged to be significant and unavoidable, the DEIR concludes that the Marin County Board of Supervisors, acting as the Flood Control District’s governing board, “will need to consider whether to adopt a statement of overriding considerations, prior to approving the Project, stating the reasons why the benefits of the Project outweigh its significant unavoidable impacts as identified in this EIR and/or adopt feature of one or more of the alternatives that would further reduce this impact.”

The reality, however, is that the DEIR itself identifies no benefits for the SAFRR Project that would warrant the issuance of a statement of overriding considerations under the criteria specified in CEQA Guidelines Section 15093. Given the current state of the administrative record in this matter, it is hard to see how the Project could ever be lawfully approved.

* * * * *

Again, thank you for the opportunity to provide these comments on the SAFRR Project DEIR. We reserve the right to supplement these comments as appropriate in any future public hearing held to consider approval of the DEIR.

Very truly yours,

Kevin T. Haroff

↑
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cont.

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cc: Russ Eberwein, P.E., Senior Civil Engineer
Marin County Flood Control & Water Conservation District
REberwein@marincounty.org

Katie Rice, Supervisor
Marin County Board of Supervisors
KRice@marincounty.org

Dan Hillmer, Mayor of the City of Larkspur and Member of the
Marin County Flood Control Zone 9 (Ross Valley) Advisory Board
dhillmer@cityoflarkspur.org

Elizabeth Robins, Mayor of the Town of Ross, and
Members of the Ross Town Council
towncouncil@townofross.org

**MARTEN LAW**

Attachment

February 29, 2016

By Electronic Delivery

Stephen M. Willis, Environmental Manager
U.S. Army Corps of Engineers, San Francisco District
1455 Market Street, 17th Floor
San Francisco, CA 94103

Re: Notice of Preparation and Intent to Prepare a Joint Environmental Impact Statement and Report for the Proposed Corte Madera Creek Flood Control Project, Marin County, California

Dear Mr. Willis:

Thank you for the opportunity to provide comments to the Marin County Flood Control and Water Conservation District (“District”) and the U.S. Army Corps of Engineers (“Corps”) regarding the scope of a joint environmental impact statement and report (“EIS/R”) for the proposed Corte Madera Creek Flood Control Project (“Project”).

These comments are submitted on behalf of Mr. Charles Goodman, a longtime resident of the Town of Ross. Mr. Goodman owns property on Sylvan Lane, which is within the scoping boundary of Corte Madera Creek “Unit 4.” Mr. Goodman and his neighbors will experience the most direct impacts of any actions that may be proposed by Corps or the County to address the potential for flooding in the vicinity of the Project.

Our principal concern at this point is that the Corps and the County have acted prematurely in starting the environmental review process for the proposed Project. The Notice of Preparation/Intent fails to provide even a simple description of the project, which is among the most basic requirements of both the National Environmental Protection Act (“NEPA”), 42 U.S.C. Section 4321 et seq., and the California Environmental Quality Act (“CEQA”), California Public Resources Code, Section 21000 et seq.

The Council on Environmental Quality (“CEQ”) has adopted specific regulations under NEPA that require a Notice of Intent (“NOI”) to “briefly . . . [d]escribe the proposed action and possible alternatives.”¹ The U.S. Army Corps of Engineers’ (“Corps”) own NEPA regulations likewise require that an NOI “[b]riefly describe the proposed action.”²

¹ 40 C.F.R. §1508.22(a).

² 33 C.F.R. Appendix C to Part 230.

Similarly, a Notice of Preparation (“NOP”) under CEQA must provide “a brief description of the proposed action and its location.”³

The CEQA Guidelines clarify that the NOP must provide “sufficient information describing the project and the potential environmental effects to enable . . . a meaningful response.”⁴ A “description of the project,” the “location of the project,” and the “[p]robable environmental effects of the project” are the very “minimum” requirements of the NOP.⁵ While the project description need not be as extensive as the description in the final environmental impact report, the NOP must still fulfill the purpose of CEQA to alert the public to the proposed project so that interested persons can assess and comment on its potential environmental impacts.⁶

The NOP/NOI provided for the Corte Madera Creek Flood Control Project does not meet these minimum requirements; indeed, it fails to describe the project *at all*. While the document lists a number of Project objectives, it fails to describe possible means of accomplishing those objectives or any actions that the project might entail. Without this information, the public cannot meaningfully provide input on the scope of issues that the Corps and County will need to consider in its environmental review. Under federal regulations, a project cannot go through environmental review until the government “has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated.”⁷

We appreciate that planning is important in agency decision-making.⁸ For this reason, federal agencies are permitted to undertake a scoping process before they issue an NOI.⁹ But a pre-NOI scoping process must still provide enough public notice and enough infor-

³ Cal. Pub. Res. Code § 21092(b)(1).

⁴ 14 C.C.R. §15082(a)(1).

⁵ 14 C.C.R. §15082(a)(1)(A)–(C).

⁶ *Maintain Our Desert Environment v. Town of Apple Valley*, 120 Cal.App.4th 396, 441-42 (2004), *as modified July 2, 2004*.

⁷ 40 C.F.R. § 1508.23.

⁸ See CEQ Memorandum for Heads of Federal Departments and Agencies, “Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act” (Mar. 6, 2012), *available at* https://ceq.doe.gov/current_developments/docs/Improving_NEPA_Efficiencies_06Mar2012.pdf.

⁹ See *id.* (citing CEQ Memorandum to Agencies, “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations” (Mar. 16, 1981), *available at* ceq.hss.doe.gov/nepa/regs/40/11-19.HTM#13 (Question 13 and Answer)).

mation on a project proposal that the public and relevant agencies can effectively participate in the government's planning process.¹⁰ Unless very specific procedures are followed, early scoping cannot be a substitute for the normal scoping process that occurs after the publication of a proper NOI.¹¹

For the reasons discussed above, we do not believe that a proper NOI has yet been issued. Nor have any pre-NOI scoping procedures provided enough information to allow effective public participation. We therefore urge the Corps and County to issue a new NOP/NOI as soon as practicable and give the public the opportunity the law requires to provide effective scoping comments on the Project.

Sincerely,

Kevin T. Haroff

cc: Hugh Davis, P.E.
Associate Civil Engineer
Marin County Flood Control & Water Conservation District,
Department of Public Works
3501 Civic Center Dr # 304, San Rafael, CA 94903

¹⁰ CEQ Memorandum to Agencies, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations" (Mar. 16, 1981), *available at* ceq.hss.doe.gov/nepa/regs/40/11-19.HTM#13 (Question 13 and Answer).

¹¹ CEQ Memorandum to Agencies, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations" (Mar. 16, 1981), *available at* ceq.hss.doe.gov/nepa/regs/40/11-19.HTM#13 (Question 13 and Answer).

3.4.20 Comment Letter C20: Kevin Haroff

C20-1 This comment states that San Anselmo Project EIR should have been prepared subsequent to Program EIR and tiered from the Program EIR.

Tiering a project EIR from a Program EIR is an option, and can be more efficient, but it is never required and would not be possible in this case because the program EIR has not yet been completed. This EIR is a stand-alone document for an individual project that is similar to others being contemplated by the Flood Control District. The project has independent utility and neither relies on other projects being implemented nor requires them to be implemented. If approved, the project would proceed whether or not the program is approved. When a project does not tier from a Program EIR, the project's individual EIR must have a fully adequate and accurate analysis of its own impacts and of cumulative impacts. The Ross Valley Flood Protection and Watershed Program (Ross Valley Program) and other projects within it is therefore included as part of the cumulative impacts analysis in Chapter 5 of the Draft EIR. Please refer to Master Response 4, Program-Project Relationship for more on this topic.

C20-2 This comment states that the cumulative discussion inappropriately relies on future environmental review documents to define projects included in the cumulative scenario (the Ross Valley Program and the U.S. Army Corps project [i.e., the Corte Madera Creek Flood Risk Management Project]) that are not fully defined.

As discussed in Master Response 4, Program-Project Relationship, the Draft EIR accurately describes the Ross Valley Program as it is conceived at the present time. The cumulative impacts discussion in Draft EIR Chapter 5 does not rely on the future projects referenced in the comment letter to mitigate potential significant adverse environmental effects of the San Anselmo Flood Risk Reduction Project. Whether the Program and/or Corte Madera Creek Flood Risk Management Project are implemented does not change the project-specific impacts identified in the Draft EIR. Rather, it considers them as part of the reasonably foreseeable future condition with which the San Anselmo Project would interact. The combined effects of these projects are addressed in Draft EIR Chapter 5.

Regarding the commenter's concern about effects in the vicinity of the confluence of San Anselmo and Ross Creeks, as stated on Draft EIR page 4.9-59, the San Anselmo Creek channel capacity gets much larger immediately downstream of the Sir Francis Drake Bridge, large enough that the project would not affect water surface elevation downstream of the Sir Francis Drake Bridge during the flood events modeled.

C20-3 This comment states that the inclusion of FDS basins in the Ross Valley Program is too speculative to include as part of the Program description in cumulative impacts, and that the hydrological analysis used to support the Project assumes that those basins will be built.

Please refer to Master Response 4, Program-Project Relationship, which defines reasonably foreseeable projects and discusses the rationale for inclusion of the Ross Valley Program as currently conceived.

The project-level impact analysis in Draft EIR Section 4.9 (including the flood modeling or hydraulic analysis used to assess impacts) does not include other FDS basins; the analysis evaluates impacts of the proposed project. Ross Valley Program FDS basins were included in the hydraulic modeling that was performed as part of the cumulative impacts analysis, for the reasons discussed above. Refer also to Draft EIR Section 5.3 (in Chapter 5, starting on page 5-2), which discusses the Draft EIR approach to cumulative impact analysis.

- C20-4 This comment states that the Project does not have independent utility from the Ross Valley Program and suggests that the potential benefits are de minimus compared with the potential adverse impacts on downstream communities.

The San Anselmo Project has independent utility from the Ross Valley Program because it would reduce or eliminate flood risk on several hundred parcels. As a result, it would increase flood elevation by a small amount (up to 4 inches during the 25-year flood event) on 18 parcels upstream of the Sir Francis Drake Bridge (in Ross), which is upstream of the areas referenced in this part of the comment letter, and for which mitigation measures are identified in the EIR. These benefits would be realized whether or not any additional parts of the Ross Valley Program were implemented.

Draft EIR Tables 3-1 and 4.9-3 (in Chapter 3 and Impact 4.9-4, respectively) summarize the number of parcels on which flooding would be eliminated in events of different frequencies of occurrence (10-year, 25-year, and 100-year events), the number of parcels on which flooding would be reduced but not eliminated in those events, and the number of parcels on which new or increased inundation would occur. Table 4.9-2 summarizes the changes in inundation depth and extent in the three general areas of the watershed for the 10-year, 25-year, and 100-year events. Draft EIR Figures 3-13a-c, 3-14a-c, and 3-15a-c illustrate these changes in water surface elevation in bands of different colors and/or striping that represent inundation depth reductions for the 10-, 25-, and 100-year events for the proposed project. Draft EIR Impact 4.9 also describes the range of inundation depth reductions during each flood event type.

- C20-5 This comments states that without a comprehensive strategy for addressing flood risks throughout the Ross Valley, the Project cannot be justified.

As explained in Draft EIR Chapter 3, *Project Description*, the Project would substantially reduce the existing levels of flood risk in affected communities, regardless of whether the Ross Valley Program is implemented. The project-specific analysis of flood risk (starting on Draft EIR page 4.9-51) identifies project impacts and includes Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, to address these impacts.

C20-6 This concluding comment summarizes and integrates some of the points made earlier in the comment letter, and it concludes that there are no benefits of the Project that would warrant the issuance of a statement of overriding considerations.

The first sentence of this comment misidentifies the locations of significant and unavoidable impacts as being in areas near and downstream of the confluence of Ross and San Anselmo Creeks. As described in Draft EIR Impact 4.9-4, the affected areas are near the Winship Bridge (between the Barber Street Bridge and the Sir Francis Drake Bridge). This comment then accurately describes the EIR's statement of the Flood Control District's inability to enforce Mitigation Measure 4.9-4's flood barriers (now clarified to explain that such flood barriers could include a range of structural measures, as described in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation).

Refer to the discussion of Significant and Unavoidable Impacts and Statement of Overriding Considerations in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for response to the remainder of this comment. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed Project.

From: Brian Hennessy [mailto:hennessydds@comcast.net]
Sent: Wednesday, June 13, 2018 4:13 PM
To: Lewis, Liz <LizLewis@marincounty.org>
Cc: Brian Hennessy <hennessydds@comcast.net>
Subject: Draft EIR

Liz: The following are my concerns regarding the project.

Page 4.7-24 and 4.7-26 of the EIR states that operation of the detention basin would not cause substantial adverse effects related to seismic events or soil stability and that the impacts would be less than significant. The EIR refers to the Geotechnical Report as evidence.

The Geotechnical Report lists the uppermost 9-feet of soil (**Zone 1**) at the nursery site as granular and susceptible to liquefaction: "Zone 1 fines contents and Pls indicate that the material will exhibit sand-like behavior as described in Section 3.2.2. However, this zone will be excavated and used as borrow for the proposed embankment. Therefore, this layer was not included in the seepage and stability models as a foundation material" (**Geotechnical Report p.14**).

In other words, because this material is to be excavated, it was not analyzed for liquefaction. However, this material serves as "foundation material" for my house. Furthermore, the Zone 1 material is acknowledged to have a "relatively high hydraulic conductivity" (p.4.9-61 of EIR), enough so that a seepage wall is proposed to reduce underseepage for the eastern levee. The EIR does not address my concern of exposing this hydraulically conductive, liquefaction-prone Zone 1 material to impounded water, immediately adjacent to my eastern and southern property lines.

1

Lastly, the EIR states that the detention basin would "only store water after large rain events, and be emptied shortly afterward, thus reducing the potential for a seismic event to occur at the same time the basin is storing water" (p.4.7-23 of EIR). I disagree. If this project moves forward, then you are increasing the potential for a seismic event to occur at the same time the basin is storing water.

2

In summary, the EIR does not adequately address my concerns regarding settlement or liquefaction hazards affecting my property. The EIR does address my concerns about flooding on my property by confirming that they are "significant" (p.4.9-56 of EIR).

3, 4

Additional concerns are as follows:

Up to 2100 yards of sediment are to be removed from the channel per year. That means a bulldozer, excavator and over a hundred transfer trucks. Noise and dust nuisance is a concern.

5

The design 25-year flood would inundate several properties along the creek upstream of the basin, unless a flood barrier is implemented. Where would the barrier be located and how would it be constructed. Would it prevent water that accumulates on my property from flowing freely to the creek?

6

Visual impact of tree removal for emergency access gate at the end of Deer Creek Court and 6 foot high chain linked security fence. 3/16

7

Numerous times (4.9-4) in EIR are statements regarding increased flooding of upstream properties. How can there be an increase when these properties have never flooded?

8

Trestle Glen/ Baywood Meeting in 2017: Engineered advised that creek height during 100 year flood would be 2 feet below my bank height of 236 feet. What height would the control gate need to be to keep creek level at 234 feet or below on my property?

9

EIR modeling is engineer's educated opinion. What is the margin of error in their numbers?

10

EIR does not adequately address upstream bank erosion due to using creek as part of detention basin.

11

How do you propose to get access to Deer Creek Court storm drain?

12

EIR states remedies to protect structures (4.9-4) from new inundation. It states nothing about property damage ie hardscape/landscape.

13

Mitigation of flooding upstream (4.9) would necessitate installation of flood wall. How can you suggest a remedy when you have no elevation levels of my foundation or any other upstream properties?

14

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

3.4.21 Comment Letter C21: Brian Hennessy

C21-1 The commenter expresses that the EIR does not address the concern of exposing the hydraulically conductive, liquefaction-prone Zone 1 material to impounded water, immediately adjacent to the commenter's eastern and southern property lines.

The potential for liquefaction, lateral spreading, and/or landslides at the former Sunnyside Nursery site is evaluated in Draft EIR Section 4.7, Geology, Seismicity, Soils and Paleontological Resources, Impact 4.7-1. Liquefaction is the rapid loss of shear strength experienced in saturated, predominantly granular soils below the groundwater level during strong earthquake groundshaking and occurs due to an increase in pore water pressure. As described in the geotechnical report prepared for the Nursery Basin site, groundwater exists at the site, at depths of about 9 feet below ground surface between rain events during the winter season. During and after rain events, groundwater elevation increases by several feet due to runoff from the northern hillside and recharge from Fairfax Creek. During summer, groundwater levels drop to about 20 feet below ground surface.

The geotechnical report (CH2M, 2018; page 10) evaluated the effect on groundwater levels of water storage in the Nursery Basin and estimated that the average rise in groundwater across a distance of approximately 525 feet (the distance between the outboard embankment toe and effective seepage exit) would be less than 0.01 foot, indicating that there would be minor to no impact to local groundwater levels caused by basin operations. This minimal change in groundwater elevation depth would not substantially increase the risk of liquefaction hazard on adjacent properties. This is within the existing variability of groundwater levels at the site (noted above as ranging within several feet over the course of a season); therefore, the Project's impact to groundwater would be less than significant, as concluded in the EIR.

A seepage wall on the eastern boundary of the Nursery basin property was included in the designs to prevent seepage-related weakening of the eastern levee. Because of the existing slope at the site, the eastern levee would retain some water during flood events above grade, which necessitates a higher level of protection than the western levee. A similar seepage wall on the western edge is not recommended because all floodwater storage would be below natural grades to the west and would therefore not generate net hydraulic head differentials that would contribute to excess underseepage and/or piping of the foundation soils.

C21-2 This comment expresses concern that the detention basin would increase the potential for a seismic event to occur at the same time the basin is storing water.

The potential impacts from seismic shaking and seismically induced ground failures (e.g., liquefaction, lateral spreading, and/or landslides) at the former Sunnyside Nursery site are evaluated in Draft EIR Section 4.7, Geology, Seismicity, Soils and Paleontological Resources, Impact 4.7-1, which are based on site-specific geological and geotechnical

investigations conducted for the Project. As discussed in the response to comment C21-1, the geotechnical investigation evaluated the relative liquefaction or lateral spreading hazard potential at the former Sunnyside Nursery site and concluded that deeper soil that would remain after basin excavation would be susceptible to some liquefaction. Liquefaction, lateral spreading, and landslides, while possible without seismic shaking, are more commonly triggered by a seismic event.

As explained in the EIR (p.4.7-23), the chance of a seismic event happening at the same time the basin is full is extremely low because the basin would be used infrequently and seismic events large enough to cause liquefaction are extremely rare. As the comment notes, the chance is zero if there is no basin, so the chance of coinciding events would increase with the project implementation. However, as the response to comment C21-1 explains, even a full basin has a very minor effect on groundwater elevation depth and would not substantially increase the risk of liquefaction hazard on adjacent properties.

As discussed in Response C21-1, the change in groundwater elevation is within the existing variability of groundwater levels at the site. The basin would be constructed in accordance with state and federal dam and levee design standards. Although the detention basin does not qualify as a dam under Division of Safety of Dams (DSOD) criteria and the detention basin is not being constructed under the U.S. Army Corps of Engineers (USACE) jurisdiction, the Flood Control District is designing the Basin using USACE, DSOD, FEMA, and United States Society on Dams (USSD) guidance and design documents. The design requirements include specifying fill composition, compaction procedures, and slope limitation requirements for the levees that would reduce the risk of damage or failure to seismic shaking and seismically induced ground failure, including liquefaction. The geotechnical investigation for the Project also provided specific recommendations to increase stability and reduce geologic and soil-related risks. Implementation of these recommendations consistent with state and federal dam and levee design guidance and existing regulatory requirements would reduce the impact due to seismic events, including seismic-related ground failure to a less-than-significant level.

C21-3 This comment expresses that the EIR does not adequately address the commenter's concerns regarding settlement or liquefaction hazards affecting the commenter's property.

The potential impacts from seismic hazards at the former Sunnyside Nursery site are evaluated in Section 4.7, Geology, Seismicity, Soils and Paleontological Resources, and are based on site-specific geological and geotechnical investigations conducted for the Project. The geotechnical investigation of the former Sunnyside Nursery site concluded that the soil materials have a negligible potential for settlement. As discussed in Responses C21-1 and C21-2, the change in groundwater elevation is within the existing variability of groundwater levels at the site and the proposed detention basin would meet all applicable state and federal geotechnical, structural and seismic safety standards.

C21-4 The commenter summarizes previous comments stating that the Draft EIR does not address settlement or liquefaction hazards.

This comment is acknowledged. Refer to Responses C21-1 through C21-3.

C21-5 This comment expresses concern regarding the noise and dust nuisance from the proposed channel maintenance.

As discussed in Section 4.9, Hydrology and Water Quality, 2,100 cubic yards is the existing limit on annual sediment removal from any one location in the watershed. Deposition of this volume of sediment is expected to be rare and would be associated with larger magnitude (and less frequent) storm events, as discussed in greater detail in Master Response 7 Sedimentation, Erosion, and Channel Maintenance. The potential impacts from operational-related noise at the former Sunnyside Nursery site are evaluated in Draft EIR Section 4.11, Noise, Impact 4.11-4. The impact analysis quantified operation-related noise exposure and concludes that sensitive receptors near the Nursery Basin site would not be exposed to noise levels that would exceed the applied Federal Transit Administration adverse community reaction threshold of 90 dBA Leq. The operation and maintenance activities at the Nursery Basin would be similar to the types of operation and maintenance already conducted by the Flood Control District in streams throughout the Ross Valley. Removal of sediment deposited in the Nursery Basin or the Fairfax Creek channel would be removed one or two times per year, using a small bulldozer and backhoe that are similar to those used for construction but which would generally be smaller and quieter. This activity would take place during allowed hours identified in the Marin County code. With these regulatory limits in place, the impacts would be less than significant.

The potential for operational-related air pollutants is discussed in Draft EIR Section 4.3, Air Quality and Greenhouse Gas Emissions, Impact 4.3-3. The impact analysis quantified operation-related fugitive dust emissions and determined that no emissions would exceed the Bay Area Air Quality Management District thresholds; therefore, operational emissions would not result in an air quality standard being exceeded or contribute substantially to an existing or projected air quality violation. With implementation of Mitigation Measures 4.3-1, BAAQMD Basic Construction Measures, and 4.3-4, Tier 4 Engines for Construction Equipment, the impacts would be less than significant.

C21-6 This comment requests additional information regarding where the flood barrier would be located and asks whether it would affect water that moves across the commenter's property.

The flood barrier for this property would likely be in the form of a flood wall and be located near the top of the creek bank near the existing backyard fence line. The flood wall may only be needed across a small portion of the commenter's yard; it may not need to be continuous across the creek to be effective.

Flood walls typically include features designed to address drainage across the barrier, as the barriers are generally needed along streams to which water is already draining. Typical design features include a drain system through which water from the upland side of the flood wall enters an open drain and travels through a pipe to a flap gate on the stream side of the flood wall.

As discussed in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, the Flood Control District has clarified that the flood barriers proposed under Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, may include other individual measures (defined in Master Response 6), depending on the property.

- C21-7 The commenter expresses concern regarding the visual impact of the tree removal for emergency access gate at the end of Deer Creek Court and the proposed six-foot-high chain linked security fence.

The visual and aesthetic considerations associated with the Project are discussed in Draft EIR Section 4.2, Aesthetic and Visual Resources. Views from designated scenic roadways, (public) scenic viewpoints, or other special locations are considered significant adverse impacts under CEQA. Deer Creek Court or views from the street have not been designated as scenic. Visual character is discussed in Draft EIR Impact 4.2-2, which explains that exposed areas would be revegetated and character would remain similar to existing conditions.

Since publication of the Draft EIR, the Flood Control District has determined that an emergency access gate at the end of Deer Creek Court is not required as part of the Project. That portion of the Project has been removed from the design plans. A small, pedestrian gate for maintenance access to the existing storm drain on Deer Creek Court would be added to the existing fence or a similarly designed one.

- C21-8 This comment requests additional information regarding the increased flooding of upstream properties, if these properties have never flooded while the owner has occupied the property.

Response C21-6 and Draft EIR Impact 4.9-4 (begins on page 4.9-51) discuss how the Project could affect flood risk upstream. Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, further clarifies this impact, including figures illustrating the modeled changes in flood water surface elevations within the Fairfax Creek channel. Flood modeling performed by Stetson Engineers projected the peak water surface elevations from the location of the diversion structure upstream to the eastern boundary of 8 Deer Creek Court (approximately stations 10500 to 11400, a distance of 900 feet) in a 25-year and 100-year event for three different cases: the current condition, the project condition including a diversion structure in Fairfax Creek, and the project condition in which a prior flood event has already deposited sediment in the channel.

The modeled existing water surface elevations at 16 Deer Creek Court range from 233.2 to 234.5 feet NAVD88 (downstream to upstream of the property line) during the 25-year

flood event, and from 233.5 to 235 feet NAVD88 (downstream to upstream of the property line) during the 100-year flood event. The existing water surface elevations are shown in Item D.5, added to Appendix D to clarify the Draft EIR discussion. As shown in **RTC Table 3-1**, the greatest change in water surface elevation would occur with prior sediment deposition during a 25-year flood event. As shown in Item D.5, added to Appendix D to clarify this impact, new flooding could occur on a portion of one parcel in an area of low channel banks upstream of the Sunnyside Bridge.

RTC TABLE 3-1
MODELED WATER SURFACE ELEVATIONS IN FAIRFAX CREEK UPSTREAM OF NURSERY BASIN PROPERTY
(ALL ELEVATIONS IN FEET NAVD88)

Condition	25-Year Event (downstream to upstream) ^a	100-year Event (downstream to upstream) ^a	Maximum Change (Relative to Baseline) in In-Channel Water Surface Elevation upstream of Flood Control District Property ^b
Existing / Baseline	228.8-238.5	229.2-238.5	n/a
With Project, No Sediment Deposition	236-238.5	236.2-238.5	25-year flood event: 3 feet (increase elevation from 233.2 to 236.2) at 16 Deer Creek Court ^c 100-year flood event: 3 feet (increase elevation from 233.5 to 236.5) at 16 Deer Creek Court
With Project, Prior Sediment Deposition ^d	236.5-238.5	236.5-238.5	25-year flood event: 3.8 feet (increase elevation from 233.2 to 237) at 16 Deer Creek Court 100-year flood event: 3.6 feet (increase elevation from 233.5 to 237.1) at 16 Deer Creek Court

NOTES:

- ^a Water surface elevation slopes downstream; for this reason, the change in water surface elevation due to the project varies depending on location along the stream. The lowest number (farthest downstream extent) of this range of water surface elevation during a flood event corresponds to the location where the diversion structure would be placed in Fairfax Creek. The highest number (farthest upstream extent) of this range corresponds to the creek channel adjacent to 8 Deer Creek Court, where the change in in-channel water surface elevation decreases to zero in both the 25-year and 100-year flood events modeled. The greatest change in water surface elevation with the project occurs downstream, at the diversion structure, and declines with increasing distance upstream to 8 Deer Creek Court.
- ^b The greatest change in water surface elevation at a location upstream of the Flood Control District property occurs during the 25-year flood event with prior sediment deposition, indicated in **bold**.
- ^c The elevation of the rear door threshold at 16 Deer Creek Court is 239.7 feet NAVD88; the top of creek bank along this parcel ranges from 236.3 (downstream) to 238.5 feet (upstream) NAVD88.
- ^d As discussed in greater detail in Master Response 7, Section 2.2.7.1, the Draft EIR impact analysis conservatively relied upon a high sediment production rate from a nearby watershed (Devils Gulch watershed) for which sediment production rates during a large storm event are known. Sediment production estimates based on measurements from other nearby watersheds, combined with known stream power of Fairfax Creek, result in a much lower production rate than the estimate used for the impact analysis (about 30 cubic yards as compared to 2,900 cubic yards for Devil's Gulch during the 25-year flood event).

SOURCE: Stetson Engineers

Refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for additional discussion of the parcels affected.

C21-9 This comment is about information conveyed during a meeting that took place in 2017 and does not directly address the EIR. However, the request was for additional information regarding what height of the spillway (referred to as a “control gate” in the

comment) would need to be to keep creek level at 234 feet or below the commenter's property. The spillway crest is designed to be at 235 feet elevation to provide the necessary diversion into the basin.

This comment is acknowledged. An EIR need not examine every design change concept of interest to stakeholders, but it does need to fulfill CEQA's requirements to develop and analyze a reasonable range of alternatives to reduce significant adverse impacts. While the particular analysis requested by the commenter has not been conducted, the Draft EIR Chapter 6, *Alternatives*, includes the Passive Basin Alternative, which does not include a diversion structure in the creek channel and thus has no spillway. This would avoid the upstream flooding impact by constructing the basin without a diversion and overflow structure.

C21-10 This comment request additional information regarding the margin of error in the flood modeling.

Please refer to Master Response 5, Flood Modeling, which discusses the accuracy of and assumptions used in the flood modeling. As discussed in Section 2.2.5.3, for all model calibration/verification events, the differences between the model-simulated peak water surface elevations and the observed high water marks (HWMs) were well within the FEMA-required 0.5-foot range for most of the HWMs, particularly at locations where HWMs were considered most reliable.

C21-11 This comment expresses concern that the EIR does not address upstream bank erosion due to use of the creek as part of detention basin.

As discussed in Section 3.4.2.1 (page 3-19), the project design includes installation of scour protection to reduce erosion and scour upstream and downstream of the diversion structure. Draft EIR Section 4.9, Hydrology and Water Quality, Impact 4.9-3 discusses how the Project could alter existing drainage patterns, potentially causing new erosion or siltation. The Project includes installation of scour protection upstream of the diversion structure to reduce erosion in that upstream area (as shown on Figure 3-9). That protection would extend as far upstream in Fairfax Creek as subsequent design analysis indicates that water would be detained.

C21-12 The commenter questions how the Flood Control District would access Deer Creek Court storm drain.

This comment does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project. The project designs include a small gate to be added to the existing fence between Deer Creek Court and the basin property to allow Flood Control District staff to access the storm drain at the end of the court. The Flood Control District will work with the Homeowners Association to address this item during design.

C21-13 This comment expresses concern that the EIR does not address property (hardscape/landscape) damage.

The exposure of structures to a significant risk involving flooding is discussed in Section 4.9, Hydrology and Water Quality. As discussed in Section 4.9.3.1, impacts are considered significant under CEQA if structures or people are exposed to risk of loss, injury or death. Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, discusses selection of the significance threshold for increased flood risk impacts. FEMA standards do not address damages to hardscape and/or landscape, but only the livable or habitable structure(s).

C21-14 The comment expresses concern regarding the installation of floodwalls without elevation levels of the commenter's foundation or any other upstream properties.

As discussed in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation sufficient topographical information was available at the time of Draft EIR publication to assess feasibility of flood wall installation. The text of Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, in the Draft EIR acknowledged that property-specific design and engineering would be performed as the design proceeded. Refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation for additional discussion of the level of detail included in the Draft EIR flood risk analysis.

Related to the elevation of the overflow notch in the diversion structure (i.e., the spillway crest elevation), the following information from topographic surveys of properties on Deer Creek Court is relevant (all elevations in NAVD88; derived from NGS Benchmark JT9518, elevation 225.43 feet):

- 16 Deer Creek Court, rear door threshold elevation is 239.7 feet
- 8 Deer Creek Court, rear door garage threshold elevation is 243.0 feet; rear door building threshold elevation is 244.1 feet
- Drainage inlet at end of Deer Creek Court cul-de-sac, top-center of grate, elevation is 237.87 feet

June 29, 2018

Hon. Katee Rice
Supervisor, District 2
Board of Supervisors
3501 Civic Center Drive, Ste. 329
San Rafael, CA 94903

Dear Ms. Rice:

Serious concerns about the impact of proposed flood control measures on downstream property owners are raised by the attached article (by Garril Page).

Please ensure that the EIR considers the downstream impact of the proposals, and specifically, please work to see that the proposals do not adversely affect your creekside constituents in Tarkspur.

Thank you for considering these comments.
Sincerely,

James W. Holmes
217 Madrone Ave.
Tarkspur, CA 94939

Enc. (1).

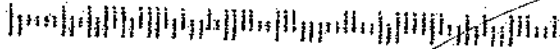
SAN FRANCISCO CA 9410

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Hon. Katie Rice
Supervisor, Dist. 2
Board of Supervisors
3501 Civic Center Drive, Ste. 329
San Rafael, CA 94903

94903-419658



~~Jan - Aug 16~~
~~Jan - Sept 18~~
~~Ret - [unclear]~~

Independent Journal - 6/28/18

Marin Voice

Flaws in county's approach to Ross Valley flood control

By Garril Page

That a water glass fills from the bottom up is an assumption few would argue. It makes sense.

The Ross Valley flood control projects adopt top-down flow patterns for both the process and the projects. This does not make sense.

Why plan projects that expand upstream creek carrying capacity while downstream channels lack capacity to carry those new loads? Why limit public scrutiny and oversight of plans, leaving questions about these discrepancies unanswered?

Answer: Follow the money. The San Anselmo and Ross flood projects are chasing Department of Water Resources grants faster than the brain can follow.

One way to increase channel capacity is to remove friction sources, smoothing and enlarging channels to create faster, more even flows. This

is not a mitigation unless the water is kept in the channel. Higher creek water surface elevations force adjacent properties to build flood walls. Footings for those flood walls result in no trees within 15 feet of such walls. If flood or local drainage water ponds behind these walls, pumps are installed to control that induced flooding on those properties. Who installs, maintains, and replaces these pumps?

3 A second method for flood control is to hold back water by dams or detention basins, releasing the stored water later. The Ross Valley's flood control concept held 641 to 845 acre-feet of water within 10 such basins per the OH2M Hill November 2015 study. The current project has 28 to 31 acre-feet held in one basin and Fairfax Creek. That is not a typographical error: the project holds 3.6 to 4 percent of the original proposal. Better than nothing, but a far cry from what we were told the flood fees would accomplish.

The San Anselmo and Ross flood projects are chasing Department of Water Resources grants faster than the brain can follow.

4 Wait! It was voters' rejection that halted the detention basins. True. Public perception of the way public funds are spent is part of the democratic process.

The county's response was two-fold: When in doubt, fast-track it. The schedule for the San Anselmo Flood Risk Reduction project was six days between publication of the 1,164-page EIR and the one supervisors' hearing for oral testimony. While written comments can be submitted to a county website until July 2, how many affected residents have seen the EIR, read it, or understood the consequences of the planned certification by the Board of Supervisors?

The second county response to the rejected detention ba-

sins was Fred Allen Park Plan in Ross, aka Marin's own Grand Canyon. This concept features: induced flooding that necessitates walls in Granton Park; tearing out the portion of the U.S. Army Corps of Engineers' channel that achieves design flow at supercritical speed; and indefinite postponement of the downstream channel modifications remedying design and construction errors that limit the concrete channel capacity to a six-year storm level.

The Department of Water Resources grants end June 2020; these projects are unlikely to meet the construction deadline. There will be other grants, and there could be more effective projects. While the prospect of federal funding is dim, access to

these funds may improve in future when we may be better able to weigh the fiscal aspect of the county program.

The Department of Public Works' Flood Zone 9 annual reports for 2015-16 and 2016-17 are overdue. Publication of the 2018 report was delayed until after public comment on San Anselmo's grant-funded Flood Reduction Project has closed. This adds lapsed fiscal transparency to perceived administrative failings that spawned voter revolts against Novato's 2017 Measure E and detention basins in public domain or open space in San Anselmo and Fairfax.

I have lived with floods since 1982. To assess project benefits, I use the standard of a committee interviewee: It depends on what assets you are prepared to sacrifice.

Garril Page of San Anselmo is a community activist who has been involved in issues involving Ross Valley flood control.

How to have your say: Confine letters to 250 words. Letters are edited for length, grammar, spelling, clarity, style, libel and civility. We do not publish form letters, "open" letters, petitions, individual consumer complaints or letters published elsewhere. Letters must include the writer's name, address and daytime phone number so we can verify authorship.

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3.4.22 Comment Letter C22: James W. Holmes

C22-1 This comment references the attached article from the Marin Independent Journal and says it raises serious concerns about proposed flood control measures.

This introductory comment is acknowledged. The rest of the letter and the responses to its comments address the substance of this comment.

C22-2 This comment asks Supervisor Rice to ensure that the EIR considers downstream impacts, particularly the creekside constituents in Larkspur.

Draft EIR Section 4.9, Hydrology and Water Quality, page 4.9-59, explains that the project would not affect flood risk downstream of the Sir Francis Drake Bridge. The San Anselmo Creek channel capacity gets much larger immediately downstream of the Sir Francis Drake Bridge, large enough that the project does not affect water surface elevation downstream of the Sir Francis Drake Bridge during the flood events modeled.

C22-3 This comment is a part of the attached newspaper article, the author of which indicates that the project was planned top-down - expanding upstream creek capacity before expanding downstream capacity.

The overall approach of the Ross Valley Flood Protection and Watershed Program is to work from the downstream end of the watershed to its upstream end, as the author of the article suggests. However, discrete projects within a larger program (like this one; see Master Response 4, Program-Project Relationship for more on that topic) must take place at particular locations, and the effects of those projects must be analyzed in accordance with CEQA processes, as this one was.

C22-4 This comment is a part of the attached newspaper article, which asks for more details on the proposed flood barriers and any pumps associated with them.

The Flood Control District would be responsible for the design, installation, maintenance, removal, and funding for the proposed mitigation measures, as described in more detail in Master Response 2, Socioeconomic Effects. Also, Master Response 6, Change in Flood Risk and Flood Risk Mitigation, discusses the level of detail of the proposed mitigation measures and the plans to further develop and define them for each affected parcel.

C22-5 This comment is a part of the attached newspaper article, which says that the proposed project holds 3.6% to 4 % of the amount of water originally proposed and includes one basin instead of 10.

That total volume of water proposed for upstream detention – and the multiple flood diversion and storage basins needed to achieve that storage – are goals for the Ross Valley Program as a whole, not for the San Anselmo Flood Risk Reduction Project on its own. Refer to Master Response 4, Program-Project Relationship, for further discussion of

the differences between the Ross Valley Program and the project. This project would be the first of several that are necessary to achieve that larger, programmatic goal.

The article also points out the public review period and the time between document publication and the public hearing at the Board of Supervisors. All public noticing and other aspects of the public review period were performed and continue to be performed in accordance with requirements specified in State CEQA *Guidelines* Sections 15082, 15083, 15085, 15087, and 15088. Through those processes, public comments were elicited. The Final EIR includes a response to those comments, pursuant to State CEQA *Guidelines* Section 15088, and any resultant changes to the EIR itself, pursuant to State CEQA *Guidelines* Section 15089.

The rest of the article similarly addresses the overall Ross Valley Program or other projects or processes within it. These points are acknowledged but do not pertain to the adequacy or accuracy of this project's EIR.

RE: Public Comments on the Draft EIR Report for the San Anselmo Risk Reduction Project

June 29, 2018

To whom it may concern,

My name is Gypsy Horsted and I own the property at 20 Winship Avenue in Ross. The property is in the Barber Tract, on the San Anselmo/Ross Creek. Not only is my property in the “Dark Green Zone” on the proposed Project map, it is adjacent to the creek and the first house downstream from the Winship Bridge, making my home the most likely to be affected by any changes in water flow. The two flood prevention projects (new Winship Bridge and the San Anselmo Flood Risk Reduction Project) could both have environmental and structural impacts on my property.

At the regular meeting of the Marin County Flood Control and Water Conservation District Board of Supervisors on May 22, 2018, the Ross Public Works Director, Richard Simonitch, spoke about how the San Anselmo Project relates to the Winship Bridge project. He stated,

“The draft EIR is treating the Winship Bridge Project as a mitigation measure for the upstream properties, but doesn’t address the new impacts (scour potential and increased water surface) created by the San Anselmo Project downstream of the Bridge.”

We agree with Mr. Simonitch that the next iteration of the EIR should address the downstream properties, including mine.



Section 2.7 of the draft of EIR describes “Areas of Known Controversy”. I believe the following areas could significantly impact my property:

- 1. *Increased flood risk downstream of project sites*
- 2. *Impacts to creek ecosystem and water quality from the project, including both in-stream structures and increased flows causing erosion*

1. Increased flood risk downstream of project sites

With regard to increased flood risk downstream of project sites, the draft EIR states in section 2.8.1 that, “*The Project would result in some new flooding downstream of the Project area...*” At the meeting on May 22, the Environmental Planning Manager, Rachel Reid, elucidated that there may be a 2”-4” increase in water at several properties downstream from the Winship Bridge.



Planning Manager Liz Lewis told me that the analysis of the potential flood zone has not shown any impact to my property because the measurements were taken at the elevation at my front door. As a result, there are currently no plans to protect my property from flooding at all.

However, this measurement is entirely incorrect. My house slopes on a hill and has three levels. It is true that where the front door is located is the first floor of what the report refers to as “livable” space (i.e. the bedrooms and kitchen). That floor is way above the flood zone. However, that is not where the problems occur. The bottom level is the part of the house that is adjacent to the creek. That floor includes the garage, laundry room, and basement.

The creek overflowed in 1982, 1996, and 2005. When the creek overflowed, it passed through the exterior wall as well as underneath the garage door. The basement was flooded with about 4 feet of water, leaving behind mud and debris which caused significant damage to the walls, floor, garage and laundry room. FEMA was involved and our flood insurance covered the cost of repairing the damage, because they recognized the basement level as part of the entire home. In April 2017 we also came dangerously close to flooding. (See attached photos.) We are already concerned about flooding, and this project would make the flood risk even higher if the water level rises by 2"-4". We insist that measurements be taken from the basement level adjacent to the creek, where the cement foundation begins under the patio, NOT the front door. (See attached photos of where measurements should be taken.)

2
cont.

I am also concerned that EIR did not address how the increased water flow could cause erosion to my creek bank. Since the foundation of the house lies within 20 feet of the creek, any erosion could significantly undermine the stability and foundation of the house.

3

The EIR stated that *"This impact (of downstream flooding) can be mitigated to less than significant with the installation of flood barriers."* Liz Lewis said that there are no plans to build a flood barrier on our property, because they had measured the elevation from the first floor, at our front door. However, in order to protect our lower level from flooding, we believe that our property will absolutely require some type of flood barrier.

How the flood barrier will be built is still unclear. The town of Ross requested that following be included in a revised EIR:

4

"Describe, and not by reference, all proposed creek and stream channel improvements, project alternatives, and mitigation measures, within the Town of Ross. The description of in-channel flood wall and barrier mitigation measures on private properties should include some level of detail including diagrams of a typical deck and top of bank retrofit, including a description of materials. To better understand the aesthetic impacts of the improvements, the Town is also requesting photo simulations."

Given that the elevation was improperly calculated for flooding on my property, and I maintain that some type of flood barrier will be necessary, I request to be included in these discussions and be made privy to these diagrams and details in a timely manner, as they relate to my property.

I met with several times in 2017 with Mr. Simonich and Heidi Scoble (Ross Town Planner) regarding the plans for a new Winship Bridge. The town of Ross has spent considerable time, money, and effort determining the best way to protect my property when the new bridge is constructed. They have also already drawn up architectural plans which include a "wing" off the bridge that will extend out into the creek and redirect water flow away from my creek bank. (See draft plans attached.) Now, as a result of the San Anselmo Project, the water flow and level may change, requiring a re-evaluation of the effectiveness of the Ross plan. Additionally, if the District re-measures the flood plane and determines that a barrier is indeed necessary as a result of the San Anselmo Project, will the District's flood barriers replace or coincide with the flood barriers that Ross already plans to build? As the San Anselmo Project moves forward, it will be important for the Flood District to work together with the town of Ross to determine how to best protect our home.

5

2. Impacts to creek ecosystem and water quality from the project, including both in-stream structures and increased flows causing erosion

In addition to the creek ecosystem, the EIR should also address the impact that any construction would have on the trees at 20 Winship Avenue, specifically 7 old-growth Redwood trees. If a flood barrier is built, it must include information as to where the flood barriers would be located and how the trees would be protected, if the barriers are in the vicinity of the trees.

6

During the initial discussions about the design of the Winship Bridge, I hired arborist Ray Moritz (who has since been hired by the town of Ross as a consultant) to write a report about the effect of Winship Bridge Project on my trees (see attached). In that report, Ray outlined the possible ways to save the Redwood trees. The town of Ross has since agreed that they would make every effort to save the trees and root systems if they build a flood barrier on my property. I would appreciate a similar evaluation and agreement with the Flood District.

Financial concerns

Ross Town Council Member Elizabeth Brekus echoed my concerns about the rise in water level at the meeting on May 22. She was told that the District is looking at what the cost increase would be to raise the floor elevation of the affected homes. Brekus noted (and I agree), that any expenses relating to raising the floor elevation and/or damage done to the property as a result of the increased water flow should be a financial liability of the District, and not the homeowner.

Furthermore, if the both projects are completed, would the town of Ross or the Flood District bear the cost of devaluation of the property caused by problems that may present themselves in the future? For example, structural damage to the house if the creek bank erodes as a result of the increased water flow, or if the Redwood trees die or get sick due to damage of the roots systems?

7

The EIR recognizes that the “...*Flood Control District cannot fully control implementation of the flood barriers (on private property) and because the cumulative scenario bridge replacement projects are within the responsibility and jurisdiction of other agencies, not the Flood Control District, the Project’s impact related to flooding remains significant.*” What agencies, specifically, have control over the implementation of flood barriers on private property?

I believe that the draft EIR is incomplete and inaccurate with regards to analysis of our property. Further discussion needs to happen between our family, the town of Ross, and the Flood District regarding how to protect the house from flooding, what exactly will be built, who holds financial responsibility, and ensuring environmental protection for the creek bank and the trees on our parcel.

8

I can be contacted at 415-246-0756 or gypsyprincessofross@gmail.com. Alternatively, you can contact my daughter Tiffini Banks, at 415-342-8433 or tiffinibanks@comcast.net. I have been staying at my daughter’s house while I recuperate from knee surgery, so please send mail correspondence to the following address: 9955 Calle Refugio, Atascadero, CA 93422.

Sincerely,

Gypsy Horsted

Photos of 20 Winship Ave



Street level elevation - second floor (where incorrect measurement was taken)



View of lower level adjacent to creek, where flood water enters: garage, laundry room, water heater.

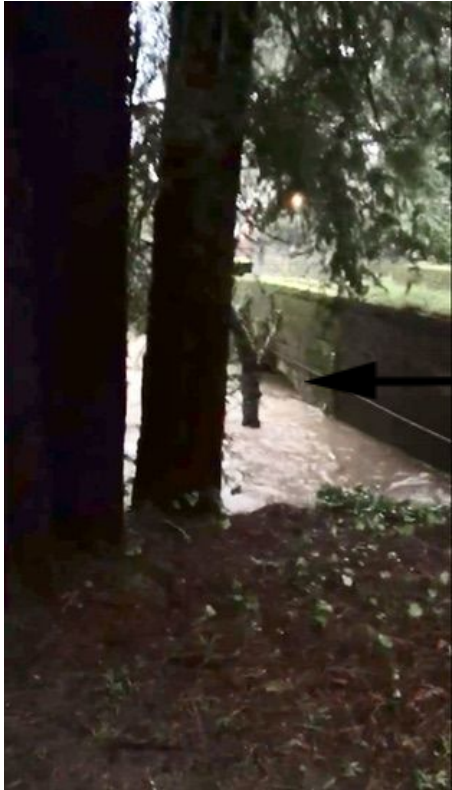


When the bank overflowed in 1982, 1996, and 2015, flood waters passed under the garage doors and through the sides of exterior walls.



Distance from creek bank to foundation = Where the elevation should be measured.

Photos of flood danger due to water rise in April 2017:



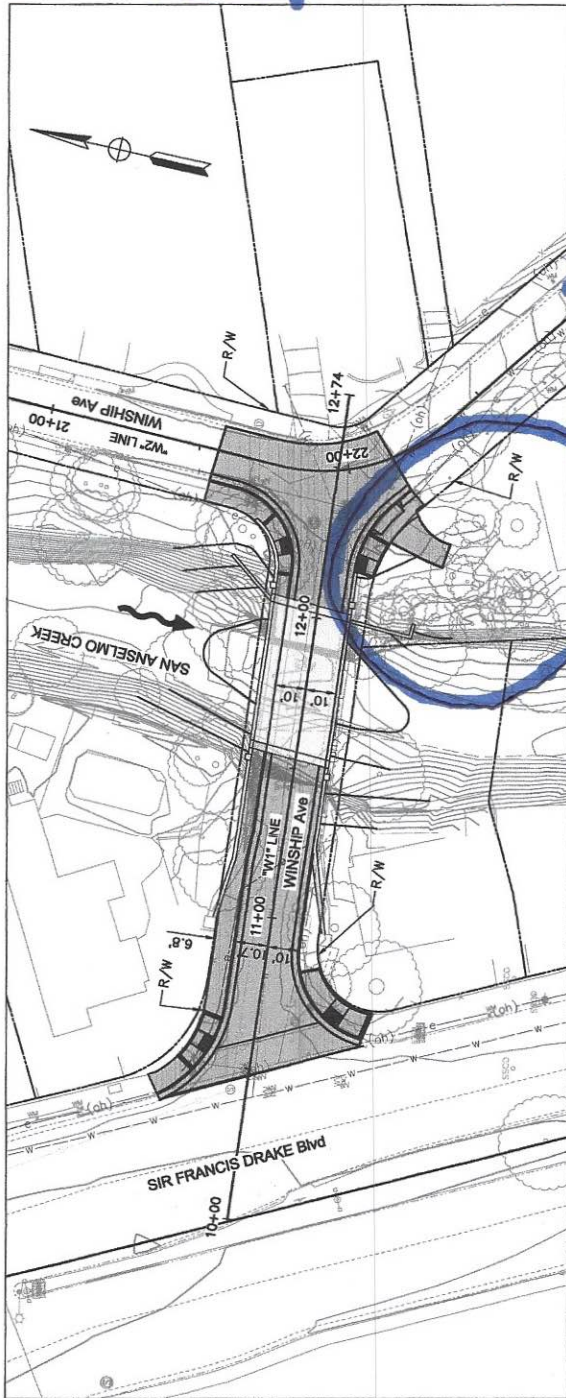
Winship Bridge within 1' of flooding. When the water reaches the top of the dome, our bank overflows into the garage and laundry room.



April 2017: Water rising up the bank within 20 feet of the foundation of the house. San Anselmo sirens were sounded, but the rain stopped just before flooding occurred. **Left photo above** = Looking downstream. **Right photo above** = Looking upstream (towards Winship Bridge). Top of grass = Our foundation. (See also video attached to email.)

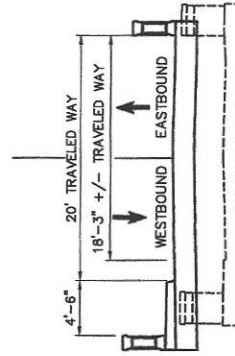


Town of Russ
Proposed "wing"
extended off new
bridge to protect
creek bank at
20 Winship Ave.

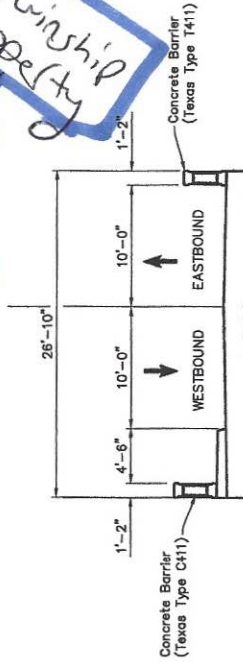


PLAN
1" = 20'

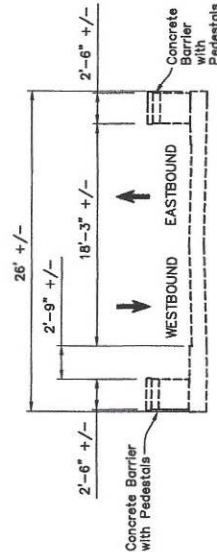
℄ Winship Ave



PROPOSED OVER EXISTING BRIDGE TYPICAL SECTION
1" = 5'



PROPOSED BRIDGE TYPICAL SECTION
1" = 5'



EXISTING BRIDGE TYPICAL SECTION
1" = 5'

DRAFT



WINSHIP AVENUE BRIDGE REPLACEMENT

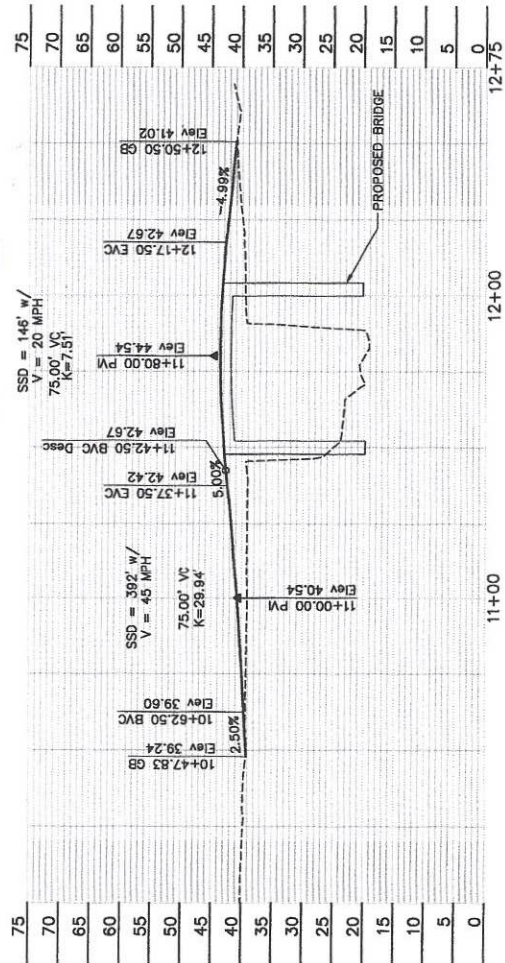


DRAFT

FC3 50yr+2'



PLAN
1" = 20'



PROFILE
1" = 20'



URBAN FORESTRY ASSOCIATES, INC.

8 Willow Street San Rafael, CA 94901
(415) 454-4212 info@urbanforestryassociates.com

ARBORIST REPORT *For Gypsy Horsted* *20 Winship Avenue Ross, CA.*

PURPOSE

Urban Forestry Associates (UFA) was hired by Gypsy Horsted to assess the potential impacts of two Winship Avenue bridge replacement scenarios. I inspected the site and met with the project engineers, hydrologist, environmental consultant, Town Council members and neighbors on October 24th 2016.

SCOPE OF WORK AND LIMITATIONS

Based on discussions with Quincy Engineering engineers and their environmentalist, two scenarios they proposed were assessed.

POTENTIAL IMPACTS ON HEADLIGHT IMPINGEMENT

Design Scenario 1 (Maintains the existing bridge alignment and widens the bridge to the north):

This design follows the existing bridge alignment but expands the bridge width to the north to a 30' total width.

The current and Design Scenario 1 alignments direct the headlights of east bound vehicles toward the lower west side of the 33 Winship Avenue residence (See Figures 1, 2 and 3).



Figure 1 - The building opposite the east end of the bridge is the 33 Winship Avenue home.



Mid-bridge perspective

Figure 2 - Like the current alignment, the alignment of the Design Scenario 1 directs the headlights most directly toward the west side of 33 Winship Avenue windowless first floor.



East end of bridge perspective

Figure 3 – At the east end of the under the current and Scenario 1 lights would be focused directly toward 33 Winship before the vehicle must turn left or right.

The current bridge configuration and the Scenario 1 alignment direct eastbound headlights toward the 33 Winship home. However, there are no windows on the first floor of the west side of the home. On the second floor there is a small window directly opposite eastbound traffic but above the direct intensity center of the beam of headlights. The south window on the west wall second floor is screened by solid fence and planter box vegetation and a tree. The base of the 33 Winship house is approximately 4 feet higher than the elevation of the east bridge and Winship Avenue (See above photograph).

Scenario 2 (shifts the south side of the bridge 15 feet north at the east end away from 20 Winship):

The second design conforms with the existing bridge alignment at the west end but shifts the east end of the bridge north about 15 feet and expands the bridge width to 30 feet on the north side.

It is my understanding that the residents of 33 Winship Avenue are concerned about headlights shining in their windows. The current alignment and therefore scenario 1 direct vehicle headlights directly toward the west-facing wall of the 33 Winship Avenue house. This wall contains two small windows and the doorway.

The Design Scenario 2 would shift the east bound traffic north about 15 feet as it approaches the east end of the bridge shifting the headlight beams north toward the 33 Winship garage and the north 31 Winship Avenue out building / side yard.

HEADLIGHT IMPACT CONCLUSIONS

1. There has been a claim that Winship bridge alignment Scenario 2 would increase vehicle headlight impingement on the 33 Winship Avenue home versus the existing alignment or Design Scenario 1. This assertion is clearly mistaken (See Figure 4).
 - The current alignment directs the headlights of eastbound vehicles toward the west wall of 33 Winship, and Scenario 1 would have the same effect (see Google Ground Photos on pages 1 and 2 above). Under Scenario 1 east bound vehicle headlights would continue the existing alignment impingement.
 - Second, the base of the 33 Winship home is approximately 4 feet higher in elevation than the bridge and Winship Avenue and the first floor of the 33 Winship home has no windows on the garage level floor.
 - Third, the north window on the second floor is small and has a shade. The south window and door are screened by the front yard tree, the solid porch fence and planter box (See below).



Figure 4 – The fact that there are no windows on the garage level floor and the south windows of the second floor are screened by the front yard tree (when in leaf) and by the porch fence and the planter boxes the impact of vehicle lights would be minimal. Also the house elevation is higher than the road.

- Fourth, the major windows in this home are turned 90 degrees away from the bridge to the south. The picture windows in the house would not be significantly impacted by east-bound traffic headlights (See Figure 5 below).

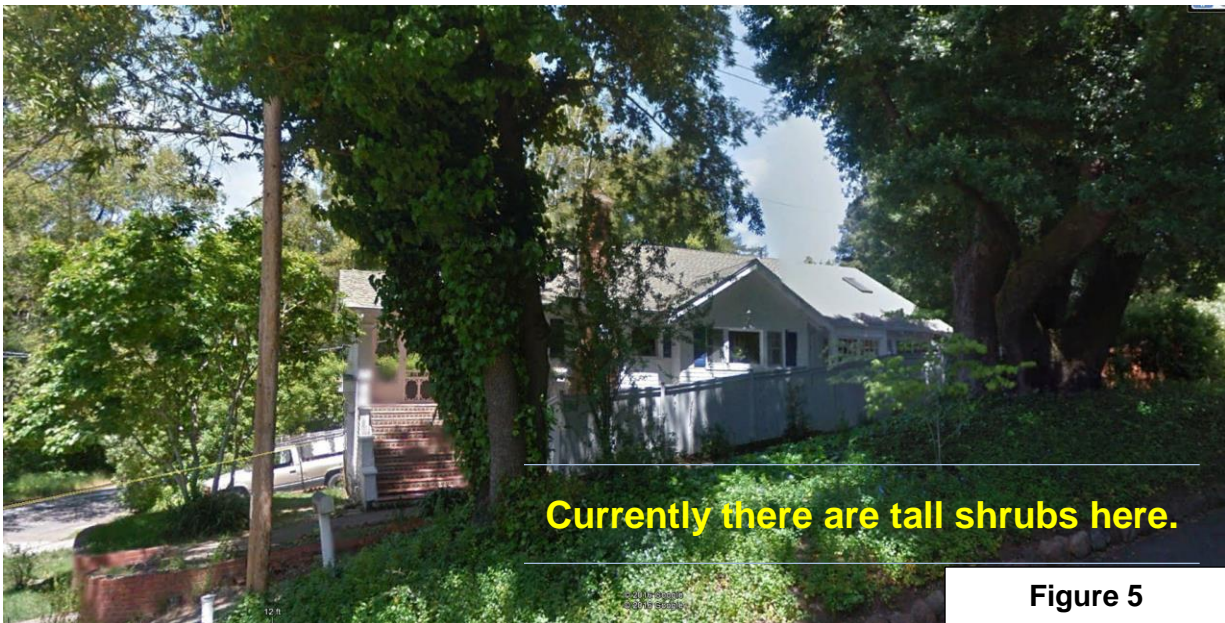
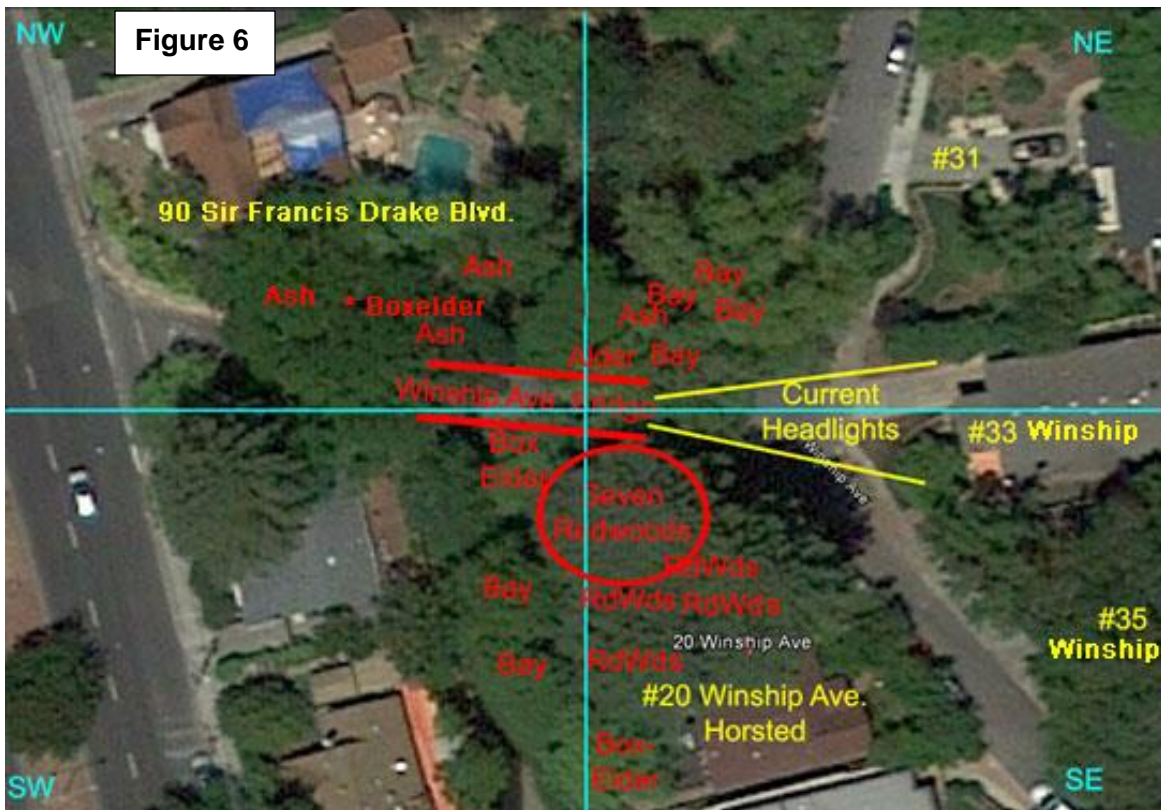


Figure 5

The major windows of 33 Winship would not be affected by the current alignment or the alignment of Scenarios 1 & 2 because they face the 20 Winship Horsted property not the bridge. In fact Scenario 2 would reduce headlight impingement on the west wall of the home at 33 Winship Avenue by shifting the bridge 15 ft. north.

BRIDGE DESIGN SCENARIOS' EFFECTS ON TREES



Scenarios 1 and 2 - Expected Impacts to the 90 Sir Francis Drake Trees

Both of the Design Scenarios described to me will have impacts on trees. 90 Sir Francis Drake Blvd. is immediately north of the west end of the bridge (See Figure 6 aerial map above). I am told that this property extends across the creek to Winship Avenue in which case it includes the trees north of the east end of the bridge.

Trees requiring removal for bridge replacement under either Scenario 1 or 2: Three Oregon ash trees (*Fraxinus latifolia*) and one Boxelder (*Acer negundo*) located on the west side of the creek and north of the existing bridge would have to be removed.

Two mature ash trees, one alder and four bay laurels, plus some minor trees and shrubs, east of the creek and north of the existing bridge would also have to be removed under either Scenario 1 or Scenario 2.

Conclusion: The expansion of the bridge north to a 30 foot wide span would require the removal of eleven (11) mature trees, plus some minor trees and shrubs on the 90 Sir Francis Drake Blvd. property. Some of the trees are over-mature and have an unacceptable risk of failure. Therefore their removals should not be attributed to the project. Note: The structural stability and health of the vine covered trees are unknown.

While the decayed and leaning bay clump offers wildlife habitat, the cavities and decay columns inside the trees along with the severe leans also compromise the structural stability of Trees 1, 2 & 4. Therefore, the value of these trees, if determined to be hazardous, could be negative (equal to the cost of removal) (See Figure 7 below).



Figure 7 - Three of the four bays target the road or bridge and appear to have major structural defects. A full ISA Level 3 tree risk assessment should be done on these trees.

Scenario 1 - Expected Impacts to The 20 Winship Horsted Property trees

More likely than not, Design Scenario 1 would require the removal of a boxelder tree, two bays and all seven redwoods on the 20 Winship Horsted property (10 trees total – See Figure 8). The retaining wall for Scenario 1 would extend directly through the “fairy ring” of seven trees. The removal of the stream side redwoods would disrupt the grafted root matrix conductivity from the stream side trees to the more easterly trees on either side of the 20 Winship Avenue driveway. This would likely have a negative impact on the remaining redwoods.

The stumps and major roots would also have to be removed and the site back-filled and compacted. These operations would damage the adjacent two bay trees to the immediate south that lean out over and shade the creek, cooling the creek and improving fish habitat.

On the south side of the bridge this design scenario would require the removal of a 20 Winship boxelder located mid-span.

The loss of the seven redwood trees would be a major habitat and aesthetic loss to the Ross and San Anselmo communities (See Background Appendix section below).

The seven redwoods have also armored the Horsted creek bank against erosion and support the level area of the Horsted property west of the driveway (See Figure 9 below).

Trees Have Value: The removal of the seven trees, stump grinding, root removal, and backfill would cost in excess of \$30,000.00. The combined engineering, habitat, energy conservation and aesthetic loss to the Horsted property would be \$120,000.00 (See appraisal in the Appendix).

Scenario 2 - Expected Impacts to The 20 Winship Horsted Property trees

This design will preserve most, if not all, of the redwoods, and bays in the grove located south of the east end of the bridge on the Horsted 20 Winship Avenue property. As discussed below in the Background and Observations section below, the preservation of the Horsted would amount to a significant loss to the Horsted property and to the community as a whole. The Boxelder would likely be removed under either scenario.



APPENDIX: Background and Observations:

The subject historic bridge is more than 100 years old. The bridge area trees are native second growth redwoods and other riparian species in their native habitat. As of October 25, 2016 the Town of Ross was considering two alternative bridge replacement design scenarios. Additional design alternatives may be considered in the future. The current Horsted redwoods are estimated to be between 100 and 150 years old.

The seven redwoods in the “fairy ring” are a circle of second growth trunks surrounding a “mother stump”, from which they sprouted following timber harvest, but which in this case the mother stump is no longer evident.

The Ross tree ordinance defines five of the seven redwoods as “Native”, “Protected”, “Significant”, “a legacy to future generations” and they are of such significant size and maturity that they “perform these functions for all persons living in their vicinity”.



Figure 8 – The existing 7 redwoods have retained the stream bank against erosion since the logging period at or before 1920. The first growth “mother tree” retained the bank long before the timber harvest period and could well have been present 200 years ago..

- | | |
|--------------------------------------|---------------------------------------|
| Tree # 1 – Coast redwood – 26.4” DBH | Tree # 6 – Coast redwood – 11.1” DBH |
| Tree # 2 – Coast redwood – 11.6” DBH | Tree # 7 – Coast redwood – 36.0” DBH |
| Tree # 3 – Coast redwood – 35.0” DBH | Tree # 8 – California Bay – 16.8” DBH |
| Tree # 4 – Coast redwood – 41.4” DBH | Tree # 9 – California Bay – 16.4” DBH |
| Tree # 5 – Coast redwood – 31.2” DBH | Tree #10– Boxelder Tree – 12.0” DBH |

All of these trees meet the definition of a “Protected Tree” (Chapter 12.24, Section 12.24.020):

(8) “Protected tree,” means any tree located within twenty-five feet (25’) of the front or side yard property line or within forty feet (40’) of the rear yard property line of any parcel, with such tree having a diameter greater than eight inches (8”). 12.24.070 (1) “No protected or significant tree shall be altered or removed without a permit.”

The Town tree ordinance recognizes the many values of trees in Section 12.24.010 of the Town Code:

“The Town of Ross recognizes the importance of trees to the community’s health, safety, welfare, and tranquility. Ross is acclaimed widely for the beauty and grandeur of its urban forest, and much of the town’s admired and valued ambiance derives from its arboreal canopy. In addition, trees offer windbreaks, provide erosion control, reduce runoff, act as filters for airborne pollutants, reduce noise, provide privacy, release oxygen, and prevent landslides through their extensive root systems. All trees provide these functions for the property on which they are growing. Trees of significant size and maturity and areas with extensive tree cover perform these functions for all persons living in their vicinity. These resources must be prudently protected and managed.”

While trees of this stature have wildlife value and value to the community as a whole, trees are property and have value to the property on which they stand. The subject trees are an amenity to the Horsted property. The services they provide include: visual aesthetics, stream bank stabilization, erosion control, privacy, vehicle light and noise attenuation, screening from Sir Francis Drake Blvd., wildlife habitat, microclimate amelioration (shade from the intense western sun and windbreak), energy conservation and psychological comfort and the sense of living in a forested environment.

The redwood trunk #1 is only 11.3 feet from the existing bridge and the furthest in the group of seven stems is 19 feet from the existing bridge. Any work within the root zone of the redwoods would have some level of impact on the trees. Demolition alone could have a significant impact if not conducted with care.



Figure 9 - The Horsted redwoods and their first growth “mother tree” have armored the stream bank and Horsted soil for over 150 years. There is no evidence of disturbance of the structural root systems of the seven trunks in spite of a series of “100 year” storm flows from the 1950s to the present.

Tree Appraisal

This appraisal employs the Trunk Formula Method, the most commonly used method for large tree appraisal, described in the International Society of Arboriculture's Guide for Plant Appraisal, 9th edition, written by the Council of Tree and Landscape Appraisers ("Guide for Plant Appraisal") and endorsed by all the major landscape, arboriculture, forestry, nursery and horticultural organizations and industries..

APPRAISAL ELEMENTS

Trunk Formula Method appraisals take into consideration three main elements of tree value: the condition of the tree prior to the event of failure or damage, the species value (using the Western Chapter of the International Society of Arboriculture's guide to Species Classification and Group Assignment as a guide), and the location and role of the tree in the landscape. See Appendix A for a calculation worksheet.

Species Rating

The ISA Western Chapter, Species classification and Group Assignment recommends a 90 percent rating for redwood within its natural range, plus or minus 10 percent depending on site specific circumstances, The locating adjacent to a valley bottom stream indicates a 90 to 100 % rating. All the subject species were appraised using the WCISA recommended percent rating.

- Redwood Species Factor = 90%
- Bay Laurel Species Factor = 70%
- Boxelder Species Factor = 30%

Tree Condition

The condition rating was assessed relative to the particular tree's current health and structural condition.

Tree Location

The location rating has three elements within the overall value factor: site, placement and contribution. The site - as it relates to the quality of the subject property and its landscaping. Placement - how effective it is in providing the functional and aesthetic attributes of which it is capable, and the contribution or significance of the plant considering its functions in the overall landscape (See Appendix A for individual tree ratings).

Site

The Horsted property is located within a high quality, suburban neighborhood. It is a wealthy community with mostly well landscaped and maintained properties. Therefore the site rating of 95% percent was assessed for all trees except the Boxelder that was given a 30% rating due to its location where it might obstruct storm flow.

Contribution

Each tree was assessed for its contribution to the various functions in the overall landscape described above.


Placement

The location of the trees in the landscape and how that affects their ability to perform the functions described above.

APPRAISED VALUE - Total appraised value of the subject trees based on all functions is: **\$120,000.00***

* The above figure would be the casualty loss to the Horsted property if the trees were to be removed.

Tree Removal The removal of the subject 10 trees would be in the range of **\$30,000.00**



Ray Moritz, Urban Forester SAF Cert #241
ISA Qualified Tree Risk Assessor

Chapter 12.24

PLANTING, ALTERATION, REMOVAL, OR MAINTENANCE OF TREES*

Sections:

- 12.24.010 Introduction and purpose.
- 12.24.020 Definitions.
- 12.24.030 Liability.
- 12.24.040 Pruning, maintenance, and removal of trees on town property.
- 12.24.050 Line-clearing work.
- 12.24.060 Alteration or removal of trees on unimproved parcels.
- 12.24.070 Alteration or removal of trees on improved parcels.
- 12.24.080 Permits and appeals.
- 12.24.083 Permit to be posted.
- 12.24.085 Denial of incomplete or inactive applications.
- 12.24.090 Expiration.
- 12.24.100 Tree protection plan.
- 12.24.110 Funding.
- 12.24.120 Permit fee.
- 12.24.130 Violation- Penalties.

* Prior ordinance history: Ords. 462 and 522.

12.24.010 Introduction and purpose. The Town of Ross recognizes the importance of trees to the community's health, safety, welfare, and tranquility. Ross is acclaimed widely for the beauty and grandeur of its urban forest, and much of the town's admired and valued ambiance derives from its arboreal canopy. In addition, trees offer windbreaks, provide erosion control, reduce runoff, act as filters for airborne pollutants, reduce noise, provide privacy, release oxygen, and prevent landslides through their extensive root systems. All trees provide these functions for the property on which they are growing. Trees of significant size and maturity and areas with extensive tree cover perform these functions for all persons living in their vicinity. These resources must be prudently protected and managed.

This chapter is adopted to accomplish the following purposes:

- (1) To maintain trees in the community in a healthy and safe condition through good arboricultural practices;
- (2) To provide reasonable regulations for the maintenance and removal of trees on town-owned property;
- (3) To provide reasonable regulations for the alteration or removal of trees on privately owned parcels;
- (4) To establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest;
- (5) To promote and maintain the aesthetic values of the community in general for the benefit of those who currently reside in Ross and as a legacy to future residents. (Ord. 568(part), 2002).

12.24.020 Definitions. For the purpose of this chapter, the following definitions apply:

(1) "Alter," means to take an action that diminishes the health and vigor of a tree. "Alter" includes, but is not limited to, excessive or improper pruning of a tree, grade changes around or near a tree, excessive irrigation of a tree, trenching in the root zone of a tree, and excessive use of herbicides, insecticides, or fungicides. "Alter" does not include: periodic trimming, shaping, thinning, or pruning of a tree to preserve or protect its health, growth, or appearance, in accordance with accepted arboricultural standards and practices and involving a removal of no more than 25% of an individual tree's crown consistent with the Approved American National Standard (ANSI) Pruning, Repairing, Maintaining, and Removing Trees and Cutting Brush – Safety Requirements and Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning).

(2) "Certified arborist," means a person who has been tested by, and is currently certified as, an "arborist" by the International Society of Arboriculture, or who is a member or registered member of the American Society of Consulting Arborists.

(3) "Diameter," means the average diameter of the trunk of a tree measured at four feet and six inches (4'-6") above the average ground level immediately surrounding the trunk of the tree.

(4) "Improved parcel," means any parcel in Ross which has a structure on it suitable for human habitation.

(5) "Native tree," means a tree native to those lands that now constitute the town of Ross.

(6) "Non-intrusion zone," means the area of ground surrounding the trunk of a tree within which certain activities may be restricted or prohibited in order to protect the tree. The table below shall serve as a general guideline for determining non-intrusion zones; the precise non-intrusion zone shall be determined by the project arborist and shall reflect individual site conditions.

Trunk Diameter (inches) Protected Distance (radius in feet)

4"	6'
6"	10'
12"	12'
18"	16'
24"	18'
30"	20'
36"	24'
42"	28'
> 48"	32'

(7) "Project arborist," means a certified arborist retained by the applicant to report on and oversee the protection of trees on a site subject to a tree protection plan.

(8) "Protected tree," means any tree located within twenty-five feet (25') of the front or side yard property line or within forty feet (40') of the rear yard property line of any parcel, with such tree having a diameter greater than eight inches (8").

(9) "Remove," means the cutting down of a tree or the relocation of a tree in a manner not in accordance with accepted arboricultural practices.

(10) “Replacement tree list,” means the advisory document that lists tree species which are suitable for new planting on town property or for replacing existing town trees.

(11) “Significant tree,” means any tree having a single trunk diameter greater than twelve inches (12”), or any tree designated to be preserved on plans approved by the town council, or as a condition of approval of a project approved by the town council.

(12) “Specifications for tree work,” means those town standards maintained by the director of public works in consultation with the town arborist which both public and private parties must observe when spraying, pruning, or removing trees from town property.

(13) “Tree,” means a perennial plant having a permanent, woody, self-supporting main stem or trunk ordinarily growing to a considerable height. As defined herein, a “tree” may include a shrub as well as a tree.

(14) “Tree planting specifications,” means the town’s standards maintained by the director of public works in consultation with the town arborist which must be followed when planting trees on town property.

(15) “Unimproved parcel,” means any parcel in Ross which does not have a structure on it suitable for human habitation. (Ord. 591 §§1, 2. 2005; Ord. 568 (Part), 2002).

12.24.030 Liability. Nothing in this chapter shall be deemed to impose any liability for damages or a duty of care and maintenance upon the town or upon any of its officers or employees. The person in possession of public property or the owner of any private property shall have a duty to keep the trees upon the property and under their control in a safe, healthy condition. Any person who feels a tree located on property possessed, owned, or controlled by them is a danger to the safety of themselves, others, or structural improvements on site or off-site shall have an obligation to secure the area around the tree or support the tree, as appropriate, to safeguard both persons and property from harm. (Ord. 568 (part), 2002).

12.24.040 Pruning, maintenance, and removal of trees on town property. The pruning, maintenance, and removal of all trees on town property shall be subject to the following provisions:

(1) All work performed on public trees, by either public staff or private contractor, shall be done in conformance with the Approved American National Standard A300 pruning standards and Z133.1 safety standards.

(2) Tree service contractors working on public trees must have on their staff a certified arborist or other qualified person approved by the director of public works. The arborist or other qualified person must certify that all work is performed in accordance with ANSI A300 pruning standards and Z133.1 safety standards.

(3) No public tree shall be altered or removed without a permit issued pursuant to Section 12.24.080.

(4) Any party violating these provisions shall be subject to the penalties in Section 12.24.130.

(5) In the event of an emergency, when such tree poses an imminent threat to life or property, the director of public safety or his designee may issue an on-the-spot tree removal permit in the absence of the director of public works.

(6) In the event of noncompliance with subsection (2) of this section, the director of public works may hire at the applicant’s expense a certified arborist or other qualified person to oversee tree work.

12.24.050 Line-clearing work. The following provisions are designed to aid in line clearing to protect the trees from unwarranted damage by poor pruning practices.

- (1) The director of public works shall be notified at least three working days before any line-clearing commences. The only allowed exception to this requirement is in the event of an emergency.
- (2) The utility or its contractor must have on it staff a certified arborist, or other qualified person approved by the director of public works, to ensure professional arboricultural practices consistent with ANSI A300 and Z133.1 safety standards and to observe and certify that the line-clearing work done meets the town's specifications.
- (3) No tree shall be altered or removed without a permit issued pursuant to Section

12.24.080.

- (4) Violation of these provisions shall subject the offender to those penalties provided in Section 12.24.130.
- (5) In the event of noncompliance with subsection (2) of this section, the director of public works may hire at the applicant's expense a certified arborist or other qualified person to oversee the tree work. (Ord. 568 (part), 2002).

12.24.060 Alteration or removal of trees on unimproved parcels. The following provisions apply to the alteration or removal of trees on unimproved parcels:

- (1) It is unlawful for any person to alter or remove, or cause to be altered or removed, any tree on an unimproved parcel in Ross without first obtaining a permit from the town planner.
- (2) Any person desiring to alter or remove a tree on an unimproved parcel must file for a permit following the application procedure as described in Section 12.24.080.
- (3) In the event of an emergency, when such tree poses an imminent threat to life or property, the director of public safety or their designee may issue an on-the-spot tree alteration or removal permit in the absence of the town planner.
- (4) Any person who alters or removes a tree, or causes a tree to be altered or removed in violation of the above restrictions shall be subject to those penalties provided in Section 12.24.130. (Ord. 568 (part), 2002).

12.24.070 Alteration or removal of trees on improved parcels. The following provisions apply to the alteration or removal of trees on improved parcels:

- (1) No protected or significant tree shall be altered or removed without a permit.
- (2) Any person desiring a tree alteration or removal permit must file for approval following the procedure as required by Section 12.24.080.
- (3) In the event of an emergency, when such tree poses an imminent threat to life or property, the director of public safety or their designee may issue an on-the-spot tree alteration or removal permit in the absence of the town planner.

(4) Any person who alters or removes a tree, or causes a tree to be altered or removed, in violation of the above restrictions shall be subject to those penalties provided in Section 12.24.130. (Ord. 568(part), 2002).

12.24.080 Permits and appeals. Requests for tree alteration or removal permits made pursuant to Sections 12.24.040 and 12.24.050, 12.24.060 and 12.24.070 shall be made to the town planner.

(a) Application Content. Applications that propose tree alteration or removal shall include the following:

- (1) The address of the property on which trees are proposed to be removed;
- (2) The name and mailing address of the legal owner of the property;
- (3) The species and diameter of each tree proposed to be removed;
- (4) Justification for the removal of each tree proposed to be removed;
- (5) Proposed replacement trees and their locations;
- (6) A scaled plan showing parcel property lines, exact locations of the trees proposed to be removed keyed to the application form, the proposed locations of any replacement trees, and any additional information deemed necessary by the town planner. Each tree proposed to be altered or removed must also be physically marked on site;
- (7) The name of the contractor designated to do the tree work and their Town of Ross business license expiration date;
- (8) The signature of the legal owner of the parcel;
- (9) Payment of tree permit application fees as enacted by the town council.

(b) Criteria for approval. A permit may be issued only if one or more of the following considerations are met:

- (1) The alteration or removal is necessary due to disease, danger of falling, proximity to existing structures, or interference with utility services;
- (2) The alteration or removal is necessary to allow the economic enjoyment of the property;
- (3) The alteration or removal will not adversely impact the subject property or neighboring properties; nor result in significant erosion or the diversion of increased flows of surface water;
- (4) The alteration or removal is necessary due to fire hazards;
- (5) The alteration or removal represents good forestry practices;
- (6) The applicant proposes suitable replacement trees at a ratio equal to or greater than that recommended in section 12.24.080 (d);

(c) Additional criteria. Criteria for approval of a permit will be weighed against:

- (1) The number, species, age, size, and location of existing trees in the area;
- (2) The effect of the requested alteration or removal on shade areas;
- (3) The effect of the requested alteration or removal on historic value;
- (4) The effect of the requested alteration or removal on scenic beauty;
- (5) The effect of the requested alteration or removal on the general welfare of the town as a whole.

(d) Replacement tree. Where feasible, replacement trees shall be of a species native to those lands that now constitute the town of Ross. The town recommends replacement trees at the following ratios:

- (1) One new tree for every tree proposed to be removed on parcels zoned R-1, R-1:B-6, R-1:B-7.5, R-1:B-10, R-1:B-15, C-L, C-C, and C-D;
- (2) Three new trees for every tree proposed to be removed on parcels zoned R-1:B-20, R-1:B-A, R-1:B-5A, and R-1:B-10A.

(e) In lieu fees. Where on-site replacement trees are not feasible, the applicant may instead make an in lieu payment to the town for provision of off-site trees at the ratio recommended in section 12.24.080 (d).

(f) Appeal. Any staff decision on a tree removal permit may be appealed to the town council pursuant to the procedures set forth in Chapter 18.60. The filing of a notice of appeal shall automatically stay the issuance of any permit until determination by the council. (Ord. 591 §§3, 4, 2005; Ord. 568 (part), 2002).

12.24.083 Permit to be posted. During the full course of any activity associated with tree removal, relocation, or alteration requiring a tree permit, the property owner and tree contractor shall ensure that a copy of the town tree permit is posted on the subject property. The permit shall be posted adjacent to the main entry drive and must be clearly visible from the right-of-way. Failure to post a copy of the tree permit as required herein may result in the issuance of a stop work order pursuant to the Building Code. (Ord. 591 §5, 2005).

12.24.085 Denial of incomplete or inactive applications. Consistent with state law, the town planner may administratively deny without prejudice any application which remains incomplete or inactive for a period of greater than ninety days, or is continued at the applicant's request for more than sixty days. (Ord. 584 §1, 2004).

12.24.090 Expiration. Failure to complete tree alteration or removal within six months from the date of approval will cause permit approval to expire without further notice. (Ord. 568 (part), 2002).

12.24.100 Tree protection plan. In order to protect trees during construction of a project and thereafter, and to maximize the chances of their subsequent survival, a tree protection plan shall be required. The tree protection plan shall include an arborist's report on existing conditions as well as a plan for tree protection during construction.

(a) When a Tree Protection Plan is Required. A tree protection plan shall be required as part of the materials submitted with applications for hillside lot review and hazard zone use permits. Tree protection plans may be required for subdivision, variances, demolition permits, design review, and/or building permit reviews at the discretion of the Planning Director.

(b) Submittal Requirements.

(1) An arborist's report shall provide the necessary information to determine the appropriate extent of tree preservation or protection and tree replacement requirements. The arborist's report shall clearly describe and evaluate in writing all significant trees on the property and all trees on neighboring properties that might be negatively impacted by the development. The report shall indicate the genus and species, shape, and trunk diameter of each tree, as well as its non-intrusion zone. The arborist's report shall indicate those trees that are proposed to be altered or removed and the reasons therefor.

(2). Tree delineations by trunk location keyed to the arborist's report, as well as an accurate outline of each tree's non-intrusion zone, must be shown on the project site plan or tentative map. Tree locations keyed to the arborist's report must also be included on every page of the development or improvement plans where any work is proposed within or near the nonintrusion zone of any protected or significant tree.

(c) Responsibility for tree protection during application review. The property owner and the person in control of the proposed development shall protect and preserve each tree situated within the site of the proposed development during the period the application for the proposed development is being considered by the town. Any person who alters or removes a tree, or causes a tree to be altered or removed without a tree removal permit shall be subject to those penalties provided in Section 12.24.130.

(d) Significant and protected trees. At the discretion of the town council, approved projects shall be subject to project design and construction requirements including, but not limited to, sub-sections (1) through (10), below. All applicable project design and construction requirements related to the protection of trees shall be

implemented in accordance with International Society of Arboriculture guidelines, unless modified or waived by the town planner in consultation with the town arborist.

- (1) Before the start of any clearing, excavation, construction, or other work on the site, or the issuance of a building or demolition permit, every significant and/or protected tree shall be securely fenced-off at the non-intrusion zone, or other limit as may be delineated in approved plans. Such fences shall remain continuously in place for the duration of the work undertaken in connection with the development.
 - (2) If the proposed development, including any site work, will encroach upon the non-intrusion zone of a significant and/or protected tree, special measures shall be utilized, as approved by the project arborist, to allow the roots to obtain necessary oxygen, water, and nutrients.
 - (3) Underground trenching shall avoid the major support and absorbing tree roots of significant and/or protected trees. If avoidance is impractical, hand excavation undertaken under the supervision of the project arborist may be required. Trenches shall be consolidated to service as many units as possible.
 - (4) Concrete or asphalt paving shall not be placed over the root zones of significant and/or protected trees, unless otherwise permitted by the project arborist.
 - (5) Artificial irrigation shall not occur within the root zone of oaks, unless deemed appropriate on a temporary basis by the project arborist to improve tree vigor or mitigate root loss.
 - (6) Compaction of the soil within the non-intrusion zone of significant and/or protected trees shall be avoided.
 - (7) Any excavation, cutting, or filling of the existing ground surface within the non-intrusion zone shall be minimized and subject to such conditions as the project arborist may impose. Retaining walls shall likewise be designed, sited, and constructed so as to minimize their impact on significant and/or protected trees.
 - (8) Burning or use of equipment with an open flame near or within the non intrusion zone shall be avoided. All brush, earth, and other debris shall be removed in a manner that prevents injury to the significant tree.
 - (9) Oil, gas, chemicals, or other substances that may be harmful to trees shall not be stored or dumped within the non-intrusion zone of any significant and/or protected tree, or at any other location on the site from which such substances might enter the non-intrusion zone of a significant and/or protected tree.
 - (10) Construction materials shall not be stored within the non-intrusion zone of a significant or protected tree.
- (e) Authority of the town council to impose conditions. The town council, under its authority to approve, conditionally approve, or deny a project application, may, based on the certified arborist's report and the comments of the town arborist, modify the project site plan of a development, adopt conditions of approval, or take any other relevant action deemed necessary to preserve, protect, or replace existing trees on or adjacent to the site of a development. Failure to comply with requirements or conditions of approval established by the council shall be considered a violation of the provisions of this chapter and shall be cause for the denial of a building permit or project final, and/or the application of those penalties provided in Section 12.24.130. (Ord. 591 §§6—8, 2005; Ord. 568 (part), 2002).

12.24.110 Funding. The town council, at its discretion, shall budget annually funds for the purpose of maintaining and improving the trees of the town and otherwise implementing the provisions of this chapter. (Ord. 568 (part), 2002).

12.24.120 Permit Fee. An application for a tree permit shall be accompanied by an application fee as shall be established by the town council by resolution. (Ord. 568 (part), 2002).

12.24.130 Violation- Penalties.

(A) Violation Constitutes a Nuisance. It is declared that any violation of the provisions of this chapter shall, in addition to any other remedy, constitute a public nuisance, and such nuisance may be abated as provided by law.

(b) Civil Penalties. Any person who alters or removes a tree in the town, causes a tree to be altered or removed, or fails to observe approved tree protection conditions in violation of the provisions of this chapter shall be held liable for compensation to the town in the amount of one thousand dollars (\$1,000) per day for each day the violation occurs. Such person shall include, but not be limited to, the property owner and the contractor removing the tree. A maximum civil penalty of one hundred thousand dollars (\$100,000) exclusive of administrative costs, attorney's fees and arborist fees, shall be assessed per incident lasting 100 days or more from the initial date of the violation until it is corrected. Any alteration or tree removal which results in a permanent tree loss, which therefore result in a violation exceeding 100 days in duration, shall be subject to the \$100,000 (one hundred thousand dollars) maximum penalty.

Any person violating this ordinance shall be notified in writing that the town council will hold a public hearing to establish the amount of the civil penalty. The council may accept the replanting of a comparable size and number of replacement trees, as determined appropriate by the town arborist, as correcting the violation. In such a case, the maximum civil penalty would be based on the number of days from date of the violation until the replanting date.

Unpaid compensation due to the town by a property-owner as a result of violation of the provisions of this chapter shall become a lien against the property on which the work is performed, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment. Any person violating this ordinance shall also be responsible for reimbursement to the town for its administrative, legal and arborist costs associated with the violation.

(c) Forfeiture of Business License. In addition to those penalties described in section 12.24.120 (b), any contractor who removes, relocates, or alters a tree in violation of the provisions of this chapter shall forfeit his or her Town business license for a period of two years from the date of the violation. (Ord. 568(part), 2002).

3.4.23 Comment Letter C23: Gypsy Horsted

C23-1 This comment expresses agreement with the comments made by Town of Ross Public Works Director at the Public Hearing that this Draft EIR did not address how project could affect water surface elevation and erosion along properties downstream of the Winship Bridge. It quoted him as saying that the Draft EIR treated the Winship Bridge Replacement Project as a mitigation measure for the downstream flooding associated with project implementation.

Draft EIR Impacts 4.9-3 (page 4.9-46) and 4.9-4 (page 4.9-51) evaluate project impacts related to changes in erosion and water surface elevation, respectively, including in the vicinity of the Winship Bridge, both upstream and downstream. Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, and Master Response 7, Erosion, Sedimentation, and Channel Maintenance, also discuss erosion and flood risk.

The text of the Draft EIR does not treat the removal of the Winship Bridge as a mitigation measure for the San Anselmo Flood Risk Reduction Project. Rather, because it is an independent project being planned and designed at the present time, it is part of the expected future condition that is assessed in Draft EIR *Chapter 5, Growth-Inducing and Cumulative Impacts* (Section 5.4). The mitigation for the remaining increases in water surface elevations/flood risk would be the same as that for the proposed Project, as described in Draft EIR Impact 4.9-4; refer also to revised Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, which was revised to clarify that the “flood barriers” category includes several individual structural and nonstructural mitigation measures, in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation

C23-2 This comment summarizes several discussions with the Flood Control District about the potential need for a flood barrier on the property. It also discusses damage to the basement and other parts of the structure below the finished first floor elevation. It states that Flood Control District survey elevation for property is not correct.

Please see Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, which includes a sub-section on the selection of the flood risk significance threshold. That master response also reflects a clarification of Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, noting that the proposed mitigation measure includes a range of flood barriers such as elevating structures, moving utilities and other service features from basements to higher parts of the property or structure, and wet-flood proofing.

C23-3 This comment expresses a concern that the EIR did not address how the increased water flow could cause erosion to the creek bank on the commenter’s property.

Draft EIR Impact 4.9-3 discusses the potential for increased flow velocity in San Anselmo Creek to contribute to scour or erosion of the channel bed or bank. A subsection of

Draft EIR Impact 4.9-3 (on page 4.9-49 through 4.9-50) discusses the area from Barber Avenue to the Sir Francis Drake Bridge. As stated in the Draft EIR, the anticipated increases in flow velocities are small, and are within the range of variability in the existing conditions. The slight increases in maximum flow velocities and potential increases in scour and erosion that could arise from Project implementation also would occur only for brief periods in large and infrequent flood events. For these reasons, the Draft EIR analysis concluded that project impacts related to scour or erosion would be less than significant in areas downstream of the building at 634-636 San Anselmo Avenue.

- C23-4 This comment restates the request for a reevaluation of elevations on the property and the potential need for mitigation there. It also reiterates a request made in a comment by the Town of Ross Public Works Director for more specific details on the flood barriers.

Please refer to the response to comment C23-1, above, as well as to the response to comment A4-2, which was prepared in response to the same comment in a letter from the Town of Ross. Finally, Master Response 3, Project Design Details, addresses the level of detail required for purposes of CEQA impact analysis.

- C23-5 This comment describes aspects of the Winship Bridge Replacement Project and asks how the flood barrier proposed under the San Anselmo Flood Risk Reduction Project's Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, would be implemented along with that project.

The Draft EIR contains multiple discussions of the complicated dynamic. Draft EIR Impact 4.9-4 presents a brief discussion of increased flood risk from these two projects implemented in combination. Draft EIR *Chapter 5, Growth-Inducing and Cumulative Effects*, includes a more complete discussion of the hydraulic interactions between the Project and the Winship Bridge Replacement Project.

The proposed mitigation features need to be developed specifically for each individual property and in coordination with the property owners. They would necessarily be tailored to the elevation, slope, and other physical constraints of each property and are beyond the scope of analysis required in an EIR. Finally, note that Mitigation Measure 4.9-4 has been clarified to explain that flood barriers include several types of individual measures to address the same potential increases in flood risk. Master Response 6, Changes in Flood Risk and Flood Risk Mitigation includes the clarified text of Mitigation Measure 4.9-4.

- C23-6 This comment states that the impact of construction of flood barrier on trees at the property needs to be evaluated.

As stated on Draft EIR page 4.9-59, Mitigation Measure 4.9-4 would have direct and indirect effects on the physical environment similar to those identified for the Project. Tree removal is identified as a potentially significant impact of the project in Draft EIR Impact 4.5-10 (page 4.5-55), which can be reduced to less than significant with implementation of Mitigation Measure 4.5-10, Mitigation for Removal of Heritage or

Protected Trees. Please refer also to the previous comment, which clarifies that Mitigation Measure 4.9-4 includes measures other than flood walls or berms and also the need to develop parcel-specific designs for each measure as the project proceeds.

- C23-7 This comment asks who will pay for damages on property caused by the project, and which agencies have control over implementation of flood barriers on private property.

Please refer to Master Response 2, Socioeconomic Effects, which discusses in more detail that the Flood Control District will be responsible for funding the design and implementation of mitigation measures for the Project, as suggested in the comment. It also explains that changes in the value of a property are not environmental impacts under CEQA.

Regarding the question about implementation of flood barriers or other mitigation measures on private property, each project's CEQA lead agency has that responsibility for funding, designing, implementing, maintaining, and removing them (i.e., the Flood Control District for the San Anselmo Flood Risk Reduction Project; the Town of Ross for the Winship Bridge Replacement Project). Master Response 2, Socioeconomic Effects, and Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, both explain those responsibilities in more detail. But the "control" in terms of being able to accept or reject a measure remains with the owner of each parcel of private property.

- C23-8 This comment expresses the commenter's opinion that the Draft EIR analysis is incomplete and inaccurate with regard to property at 20 Winship; it says that further discussion is needed between parties involved.

Please refer to the responses to the previous comments in this letter and to the master responses and other responses referenced. This comment is acknowledged. The comments will be transmitted to decision-makers at the Flood Control District for consideration in their deliberations on whether to approve the proposed Project.

From: William Lukach [mailto:wjlukach@gmail.com]
Sent: Monday, July 02, 2018 4:28 PM
To: Lewis, Liz <LizLewis@marincounty.org>
Subject: Comments re: the flood basin west of Fairfax

Dear Liz Lewis --

As a twenty-five year neighbor of Brian Hennessy on Deer Creek Ct., I want to add my voice regarding every specific concerns he has raised regarding your flood basin project. His concerns are my concerns. If there is any question regarding his concerns, please find them copied below. Thank you for your consideration of this vital information.

William Lukach
6 Deer Creek Ct
Fairfax, CA 94930

Liz: The following are my concerns regarding the project.

Page 4.7-24 and 4.7-26 of the EIR states that operation of the detention basin would not cause substantial adverse effects related to seismic events or soil stability and that the impacts would be less than significant. The EIR refers to the Geotechnical Report as evidence.

The Geotechnical Report lists the uppermost 9-feet of soil (**Zone 1**) at the nursery site as granular and susceptible to liquefaction: "Zone 1 fines contents and PIs indicate that the material will exhibit sand-like behavior as described in Section 3.2.2. However, this zone will be excavated and used as borrow for the proposed embankment. Therefore, this layer was not included in the seepage and stability models as a foundation material" (Geotechnical Report p.14).

In other words, because this material is to be excavated, it was not analyzed for liquefaction. However, this material serves as "foundation material" for my house. Furthermore, the Zone 1 material is acknowledged to have a "relatively high hydraulic conductivity" (p.4.9-61 of EIR), enough so that a seepage wall is proposed to reduce underseepage for the eastern levee. The EIR does not address my concern of exposing this hydraulically conductive, liquefaction-prone Zone 1 material to impounded water, immediately adjacent to my eastern and southern property lines.

Lastly, the EIR states that the detention basin would "only store water after large rain events, and be emptied shortly afterward, thus reducing the potential for a seismic event to occur at the same time the basin is storing water" (p.4.7-23 of EIR). I disagree. If this project moves forward, then you are increasing the potential for a seismic event to occur at the same time the basin is storing water.

In summary, the EIR does not adequately address my concerns regarding settlement or liquefaction hazards affecting my property. The EIR does address my concerns about flooding on my property by confirming that they are "significant" (p.4.9-56 of EIR).

Additional concerns are as follows:

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Up to 2100 yards of sediment are to be removed from the channel per year. That means a bulldozer, excavator and over a hundred transfer trucks. Noise and dust nuisance is a concern.

The design 25-year flood would inundate several properties along the creek upstream of the basin, unless a flood barrier is implemented. Where would the barrier be located and how would it be constructed. Would it prevent water that accumulates on my property from flowing freely to the creek?

Visual impact of tree removal for emergency access gate at the end of Deer Creek Court and 6 foot high chain linked security fence. 3/16

Numerous times (4.9-4) in EIR are statements regarding increased flooding of upstream properties. How can there be an increase when these properties have never flooded?

Trestle Glen/ Baywood Meeting in 2017: Engineered advised that creek height during 100 year flood would be 2 feet below my bank height of 236 feet. What height would the control gate need to be to keep creek level at 234 feet or below on my property?

EIR modeling is engineer's educated opinion. What is the margin of error in their numbers?

EIR does not adequately address upstream bank erosion due to using creek as part of detention basin.

How do you propose to get access to Deer Creek Court storm drain?

EIR states remedies to protect structures (4.9-4) from new inundation. It states nothing about property damage ie hardscape/landscape.

Mitigation of flooding upstream (4.9) would necessitate installation of flood wall. How can you suggest a remedy when you have no elevation levels of my foundation or any other upstream properties?



1
cont.

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3.4.24 Comment Letter C24: William Lukach

C24-1 This comment letter supports and reiterates the concerns and questions expressed in the email and letter submitted by Brian Hennessy, which are copied in his email.

Please refer to the responses to Comment Letter C-21 for responses to these comments. The comments will be transmitted to decision-makers at the Flood Control District for consideration in their deliberations on whether to approve the proposed project.

From: peter maguire <peteramaguire@yahoo.com>

Sent: Monday, July 02, 2018 2:36 PM

To: EnvPlanning <EnvPlanning@marincounty.org>

Subject: San Anselmo Flood Risk Reduction Project / Frederick Allen Park Flood Control Project Concerns

- Hi Rachel,

I am the owner of a commercial building in the downtown area of Ross at 23 Ross common, down stream from the Lagunitas bridge / the Post office and the Carpark. A short distance away runs the Corte Madera Creek directly behind my property and between the creek and my property lies Fredrick Allen Park.

While the work that is being proposed for Fredrick Allen Park is not really addressed in this EIR I have been advised this is the time and place to ask questions and voice any concerns I have about both projects.

After reviewing the EIR for the San Anselmo Flood Risk Reduction Project I have a better appreciation and understanding of how complex this project will be. While I am mostly in support of the project and grateful that the different agencies are coming together to address the flooding in this part of Marin County I also have many questions and concerns:

Safety being one of them around the FDS basin, when the construction people have left who will be responsible for maintaining and monitoring the FDS and who will be present / on hand when the perfect storm rolls into this part of Marin County during the rain / flood season?

Who will be making the decision that it is time to activate the FDS or is it on autopilot?

Meaning, when the creek reaches a certain height does the FDS start to fill up?

Also there is the question of public safety around the FDS especially during the rain/flood season.

Who will be monitoring the FDS to make sure people are keeping a safe distance?

When all this work is completed and there is still substantial flooding after the next perfect storm has passed over, which we all know will eventually come, will we come to the realization that another FDS may be needed, is their potential to add one?

1 cont.

Concerns about moving Corte Madera Creek flood waters at Frederick Allen Park closer to the property:

Here are some of my concerns with the Frederick Allen Park Flood Control Project which the US Army Corps of Engineers are working on.

1. As I said above the Corte Madera Creek at present is a short distance from the back of my property when this project is completed the flood waters will be a few feet away from the back of the property especially during the rain / flood season. In fact, it will be so close it will be possible for me to look out the windows on the back of the building and see the water rush by when the creek is at its highest. The flood water will be at eye level or higher as the ground floor of the property is at a much lower elevation to the proposed top of the berm. (this is a scary / frightening thought)

2

2. One of my biggest concerns is: will directly behind the property become the new overflow point where the creek jumps its banks? This would mean the flood waters would rush into the back of the building rendering the flood gates that I have put in place useless.

When the berm is being built behind the building is it possible to raise the height a little, in this area?

3. Also at the moment most of the storm water that comes off the roof of the property does so at the back of the building, this has caused some challenges as the land / park at the back of the building is much higher. I can't run the storm water from the back of the building out to the street at the front of the building as the elevation at the back is lower.

I am not sure if it has always being this way or after the Corps of Engineers did the last work on the creek they never put any provisions in place for storm water coming from the buildings that backed up onto the creek. I would imagine other property owners along the creek have similar problems with storm water.

Was the elevation of the Park raised when the last work was done or at some other time?

Will this new work to the Park improve this situation or make it more challenging?

4. The increase in the volume of water being stored at Fredrick Allen Park is basically turning the park into a FDS during rain / flood season and will increase the saturation of the soil and this in turn will increase the risk / pertental for liquid faction of the soils around this area / the building.

Concern during construction:

1. Vibrations from machinery eg. trucks, bulldozers, compactors, concrete removal and drilling equipment, etc.

2. Noise and dust will also be of concern especially for the occupants / businesses in the building, hence this becomes my problem.

6. At the upstream corner of the back of the building there is a large Oak tree that is already leaning over and at the moment it is lying against the building, it is eventually going to cause a lot of damage.

With all this construction it is more likely than not that it may not survive.

Is it possible to have this removed before it does some real damage?

Tenants concerned:

1. Disturbance to the tenants businesses.

Some tenants have voiced concerns about the disturbance of their business & loss of income during construction from noise, vibrations, dust and access to the park.

Loss of Tenants / Income:

1. What if tenants look to move out because of the construction?

At the moment I have a space that will be coming up for lease at the rear of the building. Some people have voiced concerns about the disturbance from the construction.

Access to the creek:

I would like to finish by saying that the idea of the public having more access to the creek is appealing.

2 cont.

I hope you can understand my concerns as a property owner next to this project.

Thank you for giving me the opportunity to voice my concerns and taking the time to review them.

I look forward to your response.

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cont.

Peter Maguire.

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3.4.25 Comment Letter C25: Peter Maguire

C25-1 This comment generally supports the project but also asks who will be responsible for maintaining and monitoring the FDS basin and who will be present on site to operate the basin during large events. It asks who will be making the decision that it is time to activate the FDS basin and who will be monitoring the basin to make sure people are keeping a safe distance. It also asks whether another FDS basin might be needed and whether there is potential to add one.

The Flood Control District will be responsible for maintaining and operating the basin, as described in Draft EIR Section 3.5.3.1 (starting on page 3-41). The design of the basin and its components (the diversion structure, side-weir, overflow section, etc.) are such that the system would largely operate on its own once the opening(s) in the diversion structure in Fairfax Creek is/are partially closed. Partial closure of the diversion structure gate would detain water in the creek channel which would eventually overflow into the basin. The Flood Control District staff would open the outflow gate after the peak flow has passed.

Regarding public safety, both of the entrances into the property from Sir Francis Drake Boulevard would be gated and locked, and a fence would run along much of the southern border of the site. Existing “No Trespassing” signage at the basin indicates that the parcel is owned and maintained by the Flood Control District and that it is not open for public access. Similar signage would be installed following construction. The basin site would be actively monitored during operational use per its operations plan.

Finally, there are other FDS basins planned as part of the Ross Valley Flood Protection and Watershed Program, of which this San Anselmo Flood Risk Reduction Project is a part. Those basins and other flood protection project elements will be necessary for the full achievement of the goal of 100-year flood protection in Ross Valley. Please refer to Master Response 4, Program-Project Relationship, for more information on that topic.

C25-2 These comments discuss aspects of the U.S. Army Corps of Engineers Corte Madera Creek Flood Protection Project.

This is a separate project with a different lead agency. It does not address the adequacy and accuracy of the EIR for this project. Please refer to Master Response 4, Program-Project Relationship, for more information on that topic. More information on the Corte Madera Creek Project is available on the Flood Control District’s website. These comments will be transmitted to decision-makers at the Flood Control District for consideration in their deliberations on whether to approve the proposed project.

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

From: Frank Malin [mailto:frmalin@aol.com]
Sent: Monday, June 11, 2018 7:51 PM
To: Lewis, Liz <LizLewis@marincounty.org>
Subject: Eir for San Anselmo flood risk reduction

I am strongly in favor of this project
Frank Malin, 6 Fernhill Ave, Ross

Sent from my iPad

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

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3.4.26 Comment Letter C26: Frank Malin

C26-1 This comment expresses support for project. This comment is acknowledged and the comments will be transmitted to decision-makers for consideration in their deliberations on whether to approve the proposed project. Please refer to Master Response 1, Project Merits, for more on this topic.

From: Julie McMillan [mailto:juliemcmillan@comcast.net]
Sent: Thursday, June 14, 2018 8:48 AM
To: Lewis, Liz <LizLewis@marincounty.org>
Cc: Joe Chinn - Town Manager <jchinn@townofross.org>; rsimonitch@townofross.org
Subject: Comments re draft EIR for San Anselmo Flood Risk Reduction Project

Dear Liz,
These written comments supplement the oral comments I made as a citizen on May 22 at the Board of Supervisors' hearing regarding the draft EIR for the San Anselmo Flood Risk Reduction Project.

Regarding the flood walls proposed to mitigate increased flooding for the 20 homes in Winship/Barber Avenues as a result of this project, and as more fully described in the draft EIR (pp. 4.9-56), please provide details on these structures, including but not limited to:

- ~ when will they be built?
- ~ how high will they be?
- ~ if they don't work, what is the recourse for property owners?
- ~ if there's damage to landscaping, who pays for that?
- ~ who constructs these walls?
- ~ who determines where they are built?
- ~after the Winship Bridge is constructed, will the walls be removed, and if so, who pays for any such removal?

1
2

Thank you in advance for elaborating on these concerns.

~ Julie McMillan
juliemcmillan@comcast.net
h: 415/459-7108; c: 415/971-8819
Email Disclaimer: <http://www.marincounty.org/main/disclaimers>

3.4.27 Comment Letter C27: Julie McMillan

C27-1 This comment requests details related to the proposed mitigation measure's flood barriers, including when they will be built and their height. The comment asks about the recourse for property owners if the flood barriers do not work. It asks about who pays for flood barrier implementation and any damage to landscaping. The comment asks who constructs the flood barriers and who determines where they are built. It also asks whether the flood barriers will be removed when the Winship Bridge Replacement Project is implemented.

Please refer to Master Response 2, Socioeconomic Effects, which explains the Flood Control District's responsibilities for funding the design, placement, and other details of these mitigation measures. Although the Flood Control District is responsible for the flood risk mitigation measures, their implementation would require permission from property owners. Please refer to Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, which details the measures that are included in the category of "flood barriers" that could be implemented to address the Project's downstream flood risk impact. The "Future Design Details – Flood Mitigation" subsection of Master Response 6 explains that the details of those measures would be developed specifically for properties where existing habitable structures would experience new inundation in a 25-year event.

C27-2 This comment requests information about the new Winship Bridge and whether its walls will be removed and who would pay for it.

This comment is acknowledged; it is made in reference to another project for which the Town of Ross is the CEQA lead agency. It does not address the adequacy and accuracy of the EIR for this project. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

June 30, 2018

Liz Lewis, Planning Manager

3501 Civic Center Drive, Room 304

San Rafael, CA 94903

Re: EIR Comments Re: Sunnyside Detention Basin

1. We believe the 10-day circulation period for EIR response to comments should be changed to 30 days. This is a ridiculously short time for Fairfax citizens to study the issues and have any input, especially during the summer months when so many may be on vacation. 1
2. Soil & Water Toxicity. As we know from so many toxic sites throughout California and the U.S., including the recent discovery and raised concerns at Hunters Point which, although supposedly cleaned up, may still have toxic chemicals and be unsafe, removing toxic chemicals can take years. We do not feel that all necessary measures have been taken to ensure our safety and health in such a short amount of time. 2
3. We are very concerned about mosquito breeding in the basin and Fairfax Creek. What are you prepared to do to eliminate this? This needs to be done continually as long as the detention basin is in force. Who will do this and how will it be done? 3
4. We are not in a flood basin and are not required to purchase flood insurance. However our liability insurance policy specifically states that we are not covered in the event of a flood **if we are near a detention basin**. Who will pay for the flood insurance we are now required to purchase? 4
5. Who will pay for damages to the Shadow Creek property and our private properties if damaged because of failure of the basin or any detention basin structures to operate properly? We need to ensure the County will be fully responsible for all repairs and remediation. 5
6. When the detention basin is in use during possible flood stage, how soon after the danger has passed will it be drained and cleaned and by whom? Again, mosquito breeding is a real concern as well. 6
7. What measures will be taken to ensure traffic along the busy Sir Francis Drake corridor will not become more congested during this project? 7

Glenn & Laura Miwa

2 Maiden Lane, Fairfax, CA 94930

3.4.28 Comment Letter C28: Glenn and Laura Miwa

C28-1 This comment states that the 10-day circulation period for Response to Comments should be changed to 30 days.

The Draft EIR public comment period lasted 45 days. That duration is the minimum required under California law, and it is also Marin County's policy. Marin County also has a policy of circulating the Final EIR for 10 days before the Board of Supervisors can take up the question of whether to approve the EIR. The Flood Control District is complying with these requirements.

C28-2 This comment pertains to the potential for soil and water toxicity; the commenter states that not all necessary measures have been taken to ensure safety and health.

Draft EIR Section 4.8, Hazards and Hazardous Materials, described each project location's site history, the background research and testing that was done, and the known hazardous materials conditions. As described in Section 4.8.1.1, soil testing at the Nursery basin site showed no exceedances of environmental screening levels. Neither site is on a list of hazardous materials sites. Draft EIR Section 4.8.3.3 evaluates project impacts related to hazards and hazardous materials and includes plans to manage and control hazardous building materials such as asbestos or lead-based paint. As stated on Draft EIR page 4.8-23, implementation of Mitigation Measures 4.8-2a, Check 700/750 Sir Francis Drake Boulevard investigation status, 4.8-2b, Health and Safety Plan, and 4.8-2c, Soil Management Plan, would reduce impacts associated with encountering potentially contaminated soil or groundwater to less than significant levels by controlling contact with and release of these materials into the environment. Methods of control include soil testing, stopping work should these materials be encountered, and use of a qualified contractor to dispose of contaminated materials in accordance with regulatory requirements.

Draft EIR Section 4.3, Air Quality and Greenhouse Gases, discusses the risk of toxic air contaminants (TACs) that could be dispersed from project construction or operation and thus pose a health hazard. Please refer to Draft EIR Impact 4.3-4 for a discussion of TACs and the measures to comply with various regulations and guidelines to minimize them. Draft EIR Impact 4.3-4 also discusses the screening-level Health Risk Assessment that was performed for the project (starting on page 4.3-41).

Following implementation of these mitigation measures and complying with applicable regulations, all potential impacts related to toxicity of soil, air, or water would be reduced to less than significant levels.

C28-3 This comment expresses concern about mosquito breeding in the Nursery basin and in Fairfax Creek and asks who will perform necessary mosquito control.

As described in Draft EIR Chapter 3, Project Description (page 3-41), the basin design includes a slope to the outlet pipe at the southeast; no ponding or pooling of water in the

basin is expected. The outlet pipe will remain open at all times to allow continuous flow-through and drainage of seasonal precipitation inputs and groundwater. Both the basin and the in-channel storage area within Fairfax Creek would only store water for brief periods during high-flow events. The overall effect is expected to be a negligible change in the potential for mosquito breeding. The Marin-Sonoma Mosquito and Vector Control District will perform its usual activities to control mosquito populations.

C28-4 This comment asks who will pay for flood insurance if is required of the property owner.

Please refer to Master Response 2, Socioeconomic Effects, for a discussion of the Flood Control District's responsibilities regarding the Project and an explanation that changes in property value or insurance premiums or requirements are not environmental impacts under CEQA.

C28-5 This comment asks who will pay for damage if the basin fails or does not operate properly.

Please refer to Master Response 2, Socioeconomic Effects, for an explanation that financial liability related to project failure is not an environmental impact under CEQA.

C28-6 The commenter requests information on how soon the basin will be drained and cleaned after use and by whom.

Draft EIR Section 3.5.3.1 (page 3-44) lists the maintenance activities to be conducted at the Nursery Basin by the Flood Control District. After the basin has been filled and emptied, the Flood Control District would remove foreign materials and excessive woody debris, and sediments if deemed excessive or passing threshold for hydraulic performance or if in conflict with vegetation restoration. The Flood Control District would also remove any foreign debris from the natural channel through the basin, and monitor the new channel through the basin for sedimentation and bank erosion. The basin is designed to drain in approximately 8 hours once the outlet gate is opened, which would be done after the peak of each outflow event has passed the basin site. The exact timing of these steps is dependent on the individual rainfall event. Regarding the mosquito breeding potential please refer to Response C28-3 above.

C28-7 This comment asks about traffic safety and congestion along Sir Francis Drake Boulevard.

Draft EIR Section 4.15 evaluates project impacts on traffic safety and congestion. Mitigation Measure 4.15-1 requires the development and implementation of a Traffic Management Plan to manage the potential congestion problems, address safety concerns, and other related issues. Pursuant to CEQA, mitigation measures must be fully enforceable. If an agency approves a project for which an EIR has been certified which identifies one or more significant environmental effects of the project, the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen

significant environmental effects on transportation and circulation to levels that would be less than significant.⁷ Should the Flood Control District approve the project, Mitigation Measure 4.15-1, Traffic Management Plan, would be included in the mitigation monitoring and reporting program.

⁷ State CEQA *Guidelines* Section 15091(a),(d).

RECEIVED

JUL 02 2018

Marin County
Department of Public Works

25 Malibu Court
San Anselmo
Ca 94960

25 JUNE 2018

TO: LIZ LEWIS, PLANNING MANAGER
MARIN COUNTY PUBLIC WORKS DEPT

San Anselmo
DRAFT REPORT
PUBLIC COMMENT
PERIOD

Re: Ross Valley Flood Zone 9

I am concerned about the way the funds have been "whittled away" over the last 10 years on studies (mostly to outside contractors) with little or no improvements to really prevent damage from flooding in the Ross Valley.

With 10 years to go on the flood fees collected from property owners by the County, I implore the County to take a more practical approach to the flooding problems and consider spending what is left in the budget on keeping water out of properties rather than trying to re-design where the storm waters flow - (the storms will keep coming & probably get bigger & more damaging in the future)

Seems like climate change & sea level rise are here to stay. We must live with this fact & adjust to what is really going on.

Sincerely,

Marry Donald (San Anselmo resident since 1971)

3.4.29 Comment Letter C29: Nancy Oswald

C29-1 This comment states that Marin County should take a more practical approach and consider spending to keep water out of properties rather than trying to reassign where the storm waters flow. The commenter also states that need to adjust to climate change and sea level rise.

This comment is acknowledged; it does not address the adequacy or accuracy of the EIR. Please refer to Master Response 1, Project Merits, for a discussion of how comments on the project merits will be addressed. This comment will be forwarded to decision-makers at the Flood Control District for their consideration in whether to approve the Project.



From: nancy oswald [mailto:neoswald@hotmail.com]
Sent: Wednesday, June 27, 2018 2:07 PM
To: Lewis, Liz <LizLewis@marincounty.org>
Subject: This is my public comment on San Anselmo Draft of Flood Zone 9 Ross Valley

Hello Liz Lewis

I am concerned about the way funds have been wasted over the last 10 years on studies (to outside contractors) with little or no improvements that will

really prevent damage from flooding in the Ross Valley.

With 10 years to go on the flood fees collected from property owners by the county, I implore the county to take a more practical approach to the flooding

problems and consider spending what is left in the budget on KEEPING WATER OUT OF PROPERTIES rather than trying to redesign where the storm waters flow.

THE STORMS WILL KEEP ON COMING AND PROBABLY GET BIGGER AND MORE DAMAGING IN THE FUTURE.

Climate change and sea level rise are here to stay.

We must live with this fact and adjust to what is really going on.

It's that simple.

Sincerely

Nancy Oswald

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(San Anselmo resident since 1971. I have witnessed the disasters and near disasters in the Ross Valley for decades.)

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

3.4.30 Comment Letter C30: Nancy Oswald

C30-1 This comment expresses concern about use of funds over past 10 years with no improvements to flooding.

This comment is acknowledged; it does not address the adequacy or accuracy of the EIR. Please refer to Master Response 1, Project Merits, for a discussion of how comments on the project merits will be addressed. This comment will be forwarded to decision-makers at the Flood Control District for their consideration in whether to approve the Project.

C30-2 The commenter urges Marin County to take a more practical approach, focusing on keeping water out of properties (flood proofing properties) rather than redesigning where stormwater flows. It states that we must adjust to climate change and sea level rise.

This comment is acknowledged; it does not address the adequacy or accuracy of the EIR. Please refer to Master Response 1, Project Merits, for a discussion of how comments on the project merits will be addressed. Please also note that, for those properties that could potentially have increased flood risk as an impact of the Project, the proposed Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, includes several aspects of flood-proofing properties such as those suggested in this comment.

From: Garril Page [mailto:obility@comcast.net]
Sent: Monday, July 02, 2018 3:05 PM
To: Lewis, Liz <LizLewis@marincounty.org>; EnvPlanning <EnvPlanning@marincounty.org>
Cc: Rice, Katie <KRice@marincounty.org>; Sears, Kathrin <KSears@marincounty.org>; Connolly, Damon <DConnolly@marincounty.org>; Rodoni, Dennis <DRodoni@marincounty.org>; Arnold, Judy <JArnold@marincounty.org>
Subject: Comment on SAFRR

Liz, and Rachel,

For your reading pleasure. Happy Fourth!

Garril

July 2, 2018

Summary Response to Sections:

- 2.2 Summary of Impacts and Mitigation Measures
- 2.3 Summary of Significant Unavoidable, Growth-Inducing, and Cumulative Impacts
- 2.5 Summary of Alternatives to the Project
- 2.6 Significant Irreversible Environmental Changes
- 2.7 Areas of Known Controversy
- 2.8 Major Conclusions and Issues to Be Resolved
- 2.10 Other Social and Economic Impacts Not Found to Be Significant
- 3.1.1 Ross Valley Flood Protection and Watershed Program Summary

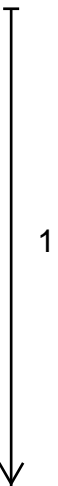
When the EIR omits aspects of the proposal that weigh against the selected proposal, the document is as flawed as the development process. Where incorrect data and irrelevant assumptions remain embedded in computer programs, models mislead.

When admittedly, this EIR is “tiered” because data to support specific elements remains undiscovered, it is impossible for the public to provide either substantive Comment or meaningful support for these proposals.

The proposed project and the alternatives (except Do-Nothing) share the same challenges:

- induced flooding;
- constricting floodplain characteristics, bedrock, sediment and sinuosity;
- use of private properties.

Each of these challenges is substantial with impacts that must be considered significant. If possible mitigations were sought, negative consequences of each mitigation may well exceed public perception of benefits gained.



The haste and manner of County tactics used to keep the development process ‘in-house’ to evade public scrutiny and to limit participation have weakened confidence in the trustworthiness of County representations.

For example, confusion is created when the EIR gives specific instruction to address Comment to Rachel Reid whereas the County Notice advising careful attention to how to submit Comment gives a different process, name, and email. Such discrepancies are counter-productive to public participation and support.

Using the CEQA process to inhibit consideration of fiscal impacts and cost effectiveness is short-sighted and unwise.

Grant-chasing has been costly. \$8M is inconsequential when contrasted with the longterm effects of this County enterprise.

Without the utmost transparency in preparation of the FEIR and any decision on certification, I see continuation of the challenges and controversy that have prevented meaningful flood damage reduction for so many years.

It is no accident that this response may read as an indictment.

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Specific Comments:

2.5.2 Morningside/Passive Basin Alternative:

Dismissing this Alternative raises the question of why one area is deemed more worthy of protection than another? The heavily congested area from Morningside, along the evacuation route of Sir Francis Drake Boulevard, and through Drake High School contains multiple constrictions and potential slope failures. Continuing downstream, under existing conditions, flood waters escape overbank from Nokomis Ave and Madrone Ave in the reach between Madrone Ave and Sycamore Ave and from Sycamore Ave and Bridge Street bridges. These areas are among the most naturally flood-prone and most relatively confined reaches in the watershed, located in an upstream reach that carries an estimated ten percent less flow than the steeper reach below the Creek Park bedrock outcrop. For these areas lying upstream of the controlling Creek Park bedrock outcrop, in-channel capacity increases may lead to an increase in downtown flooding from a backwater with resultant increased water surface elevation (WSE). Removing #634-636 San Anselmo Avenue accelerates this cascading effect for which a 26-31.5 AF basin located miles upstream appears an unrealistic mitigation measure. The EIR lists of impacts and mitigations does not include these potential effects and is, therefore, insufficient.

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The Passive Nursery basin design’s attributes of less fill, construction and maintenance are important considerations in a County where DPW has demonstrated an inability to accomplish longterm, vital operation and maintenance (O&M) operations.

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The absence of a diversion structure resulting in less sediment is important because of County and Fairfax’s limited budget and public works capabilities leading to longterm O&M considerations.

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The absence of a diversion structure resulting in less sediment should be weighed more positively because decreased potential flooding to surrounding private properties may increase public support and lessen litigation.

2.5.3 Raised Building Alternative

Task E of the County contract awarded January 30, 2018, provides for the consultant to : “ ... consult with Town of San Anselmo officials, geotechnical and structural engineers and architects and commercial real estate developers re. the general feasibility of removing BB2 and constructing a full or partial footprint replacement version BB2 that is entirely above the existing and/or future FEMA BFE and in a manner

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likely to be permitted by the regulatory agencies as a self-mitigating or off-site replacement facility...”.

The DEIR mentions preservation of #634-636 San Anselmo Avenue (a.k.a. BB2) but contains no mention of a full or partial replacement FEMA compliant structure, focusing instead on the difficulties of raising the existing building. The EIR presentation restricting this Alternative to preservation of the existing structure and omitting any replacement building considerations is incomplete.

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2.5.4 Increased Capacity Basin Alternative:

The EIR discussion of increased risks and impacts associated with the increased capacity suggest awareness of the severity of problems attending selection of this Alternative which is not the “Environmentally Superior Alternative”. To the EIR text I would add: the Increased Capacity Nursery basin assumes a complex communications, wiring, and power supply infrastructure upon which the successful operation of the flow gates, diversion and overflow structures, and Fairfax Creek flow conditions depend for protection of surrounding private properties and roads. Assuming any communication or operation from a distant Flood Control District is unrealistically optimistic in light of the County’s history of computer ineptitude, and SCADA failures.

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3.5.3 Project Operation and Maintenance:

3.5.3.1 Nursery Basin: With any FDS basin, redundancies and physical access for manual backup must be maintained to ensure safe performance. The proposed flap gate and 24-inch storm drain must be inspected and maintained to assure proper function. The statement that anticipated sediment deposition requires one week of a bulldozer and excavator to remove 1600 cu yd suggests an assumption of emergency maintenance may be unrealistic, especially if the sediment to be removed tops 2100 cu yd. The EIR contains inadequate assessment of impact and remediation for potential emergency response.

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The FDS basin’s 36-inch riser pipe used to “minimize” debris-clogging dysfunction depends on access and maintenance that may be impossible in emergency conditions. The potential for blockage and failure remains. An added concern, planned Oaks and Bay trees are notable leaf debris producers. Introducing them to a closed system dependent conduits and gates to drain may be unrealistic.

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The Nursery Basin is in a somewhat remote, not readily apparent area where vegetative screening and proposed elevation changes may further limit visibility resulting in delays of corrective O&M measures. A more rigorous inspection process than that outlined in the EIR would assure better function and greater safety.

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Failure to fully assess all effects potentially jeopardizing basin function increases risks from the project, these could be hazardous to the general public, private landowners and traffic on SFD Boulevard. Who is accountable? Does the County bear full responsibility for losses arising from all aspects of O&M failure?

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3.5.3.2 Downtown San Anselmo Portion

This is so vague, it is laughable. The EIR is peppered with references to increases in flooding that are a consequence of project proposals. The upstream reaches are among the highest sediment producers in North America, yet no attention is given to the subjects of sediment removal, damages from sediment transported in increased flows created by in-channel capacity increases, intensified scour and consequent bank collapses, new vegetation demands, potential need for pumps (supply, installation, O&M, and eventual replacement). This is a serious deficiency in the DEIR. If the project creates such environmental impacts, these must be addressed.

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If the intent is to arrive at a publicly supported Project, better to be both accountable and transparent.

Impacts and Mitigation Measures:

4.3-1.1, 4.3-1.3 Twice daily watering of exposed surfaces and use of wet-vac sweepers over 4-8 month period of 12-hour days in downtown and 9-hour days at the Nursery Basin site requires substantial water use. In the year construction is to take place, drought conditions may be exacerbated. Use of site water from dewatering processes may lessen water use, but could lead to increased creek turbidity. These are substantive impacts. No mitigation is provided. 11

4.3-1.6 Allowing maximum idling time of five minutes for exhaust emissions from an unknown number of the 28-different types of vehicles proposed for 12-hour construction days for 4 months is a major air quality impact on downtown San Anselmo. No mitigation is provided. 12

4.5-4 Disturbance will be so substantial that abandonment of the area is likely for the numerous birds inhabiting the downtown and Nursery sites. Not removing trees with nests during Feb 1-Aug 31, does little to ensure the non-nesting birds will return after months of construction. 13

4.5-6 Bats, especially special-status species, enjoying the insect-rich areas above the creeks' surfaces certainly will be disturbed whether or not their deeply-secreted roosts are found. Eviction is an inhumane mitigation, but with no L'Appart and construction disruption, people may avoid gathering downtown and not need these useful mosquito catchers. 14

4.5-7b. Habitat Restoration and Monitoring. The revegetated area in downtown is highly visible and an essential part of bank stabilization. The Nursery site must be stabilized to prevent damage to Fairfax creek's water quality or to the mechanisms by which the basin functions. What is planted and tended by whom and at what cost needs clear definition. Local riparian plant material may not be appropriately decorative for enhancement of the proposed downtown site, yet may required by the permitting entity in charge of annual monitoring for five years. 15

4.7-1.5, 4.7-3 County Liquefaction Susceptibility Hazard maps place the Nursery Basin site in a HIGH Level of Liquefaction Susceptibility. Therefore, claiming excavation and construction from the project would encounter no adverse effects related to landslides, lateral spreading or other slope instability appears unsupportable and mitigation is required. 16

4.8-3 The potential of the Nursery Basin to impair or interfere with emergency response and emergency evacuation by impacting SFD Boulevard needs more study. Safe operation of the basin depends on physical access for operations and maintenance, reliable communications, consistent power source, control wiring and other support resources. Emergency conditions may result in infrastructure and access losses which cause failure of the flow gates to operate, failure in the flow diversion and overflow structures with attendant risk to the access ramp to SFD Boulevard. First responders traveling from Woodacre to the lower Ross Valley may be affected as well as public use of SFD as an emergency and evacuation route. Clear traffic flow on this roadway must be safeguarded. The EIR fails to include consideration of such essential measures. 17

Section 4.9, Hydrology and Hydraulic modeling Considerations

I was gratified to read acceptance of the reality that gauge readings from the 1982 storms were largely unknown due to the gauges being overwhelmed. Subsequent high water marks and readings are the basis for estimating the discharge of 1982 and therefore, the discharge remains an estimate. Adoption of the 7200 cfs discharge definition is due to consensus, not proven fact. 18

I would be gratified to read acknowledgement that the 100 year storm also is an estimate and subject to change and redefinition: an admission that the 2005 storm has been adopted by consensus. The 100 year storm is not a factual reality, but a term of convenience that does not define the true nature of any storm system.

This is a matter of critical importance since flood events from 1982 to the present are more severe during serial rain events. The dissipation rate and amount of soil saturation are important contributing factors, but it is the repeat downpours that have caused Ross Valley's worst floods. Whether storms will be serial or allow recovery between events is impossible to predict with certainty. Therefore, the assumptions used in defining design storm and project response are estimates.

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Similarly, bedload and its attendant sediment deposition, transport and aggradation are based on estimates: estimates upon which friction and resulting turbulence are assumed. Using the wrong Manning's *n* value causes unreliable, misleading results that are subject to change. For many years, wrongful Manning's *n* and subsequent reformulation and recalculation has been plagued the Corps' assessment of Corte Madera Creek projects. The Corps projects now have morphed into the Ross Vally watershed wide Program. When I see a Mannings *n* causing unexpectedly low sediment assumptions, I suspect the resulting models are inaccurate due to calculations with an erroneous coefficient of roughness.

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It is all very well to cite lessened aggradation as a sign the watershed is stabilizing, but several important considerations are omitted when such assumptions are made: unknown tributaries and old creek beds unexpectedly spring to life carrying new and unanticipated bedloads into the creeks and channel. I experienced this in 1982 and 1986: flooding on my property in 1986 was far more severe than in 1982 because of the resurgence of a formerly quiescent and unidentified creek.

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Our creeks are defined by resistant bedrock bases and ever-constricted sides; they swerve and curve according to manmade courses; old water courses reactivate. These things will not change. The creeks are unlikely to widen and the sediment is unlikely to meaningfully decrease.

The EIR is most seriously and distressingly flawed by seeming awareness yet inability to apply relevant knowledge. To hope for broader, more stable creeks is optimistic. To build entire projects on such beliefs is dangerous. I am strongly of the opinion that erroneous data is embedded in models upon which the County is relying and grossly misleading the public. I believe this will be revealed in coming flood events when we will see the sad saga of Units 2, 3, and 4 repeated and exacerbated by the SAFRR.

Maximizing in-channel capacity carries the inherent danger of higher water surface elevations (WSE) with faster, deeper flood flows that overtop creeks creating more, not less, overland flows. Failure to consider increased WSE as a cumulative impact is a defect of the EIR.

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Citing planned bridge replacements as mitigation measures for the SAFRR is wrongful and misleading. For example, presumption of a replacement Winship Bridge is not based on reality. Further, Winship bridge backwaters will continue regardless of bridge replacement. Should Winship WSE be exacerbated by the SAFRR, construction, possibly of a temporary nature may be necessary. This may be followed by removal of the temporary construction, followed by even more construction. And the downstream backwater-controlling factors will remain in place. Therefore, the neighborhood will have suffered the rigors of new constructions for naught. This experience, including the noise and vibration of drilling steel casements into bedrock, is one they may long remember.

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Correction of the Winship backwater might be possible: were the County to seek new grants to remove the controlling downstream bedrock, tear out the Sir Francis Drake Bridge and realign the creek channel into Ross. I would not count on public support for such proposals.

Conclusion:

That the SAFRR creates flooding on properties *that do not currently flood* is a fatal flaw the EIR openly admits. That private property owners cannot be coerced into accepting County-proposed flood remedies also is made clear. What is unclear is what happens should the County proceed, and induced flooding result? I doubt many taxpayers will approve

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using flood fees to fight this in the courts, nor would most support the taking of those private properties. That County staff has made certain representations to these private owners, and the exact nature of these representations will receive full public scrutiny through discovery process. Also relevant may be the January 30, 2018, County contract that specifies as Task 10 that the consultant: " will work with Town of Ross and Town of San Anselmo to prepare and submit a letter to FEMA requesting a waiver to CFR or other requirements considering the unavoidable minor flood water surface elevation rise in the regulatory floodway resulting in increasing flood protection for the broad floodplain areas and emergency service operations and facilities, etc ". It seems quite clear the County was aware induced flooding was a consequence of SAFRR months ago.

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The SAFRR might have merit as the culmination of a series of projects extending from the Bay upstream to San Anselmo. However, as a first, and potentially a stand-alone project, it is folly.

Certification of this EIR requires spending unknown millions of dollars of our flood fees in order to capture an \$8M state grant. The process more nearly resembles Marin County politics in action than a quest for substantive protection from flooding.

Garril Page
San Anselmo CA

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

3.4.31 Comment Letter C31: Garril Page

C31-1 The commenter states that the EIR and the development process are flawed and that it is impossible for the public to provide substantive comment or meaningful support for the proposals. The commenter states that models mislead due to use of incorrect data and irrelevant assumptions. The commenter states that the proposed Project and alternatives (except the No Project alternative) share the same challenges of induced flooding, constricting floodplain characteristics, and use of private properties. The commenter states that each of these challenges is substantial with impacts that must be considered significant. The commenter states that if possible mitigations were sought, negative consequences of each mitigation may exceed public perception of benefits gained. The commenter states that the development process has weakened confidence in the trustworthiness of County representations, citing that the instructions for commenting on the EIR were inconsistent with instructions on the County Notice. The commenter states that using the California Environmental Quality Act (CEQA) process to inhibit consideration of fiscal impacts and cost-effectiveness is unwise. The commenter states that without transparency during the remainder of the EIR process, challenges and controversy that have prevented meaningful flood damage reduction will continue.

The Draft EIR was prepared consistent with requirements in California Public Resources Code Division 13, Environmental Quality, Section 21000 et seq. The impacts of the proposed Project are evaluated in Chapters 4 and 5 of the Draft EIR; Chapter 6 evaluates and compares project impacts with impacts of the project alternatives and the No Project alternative.

Master Response 5, Flood Modeling, discusses the data and assumptions used in flood modeling conducted for the Project.

As discussed further in Master Response 2, Socioeconomic Effects, in accordance with the CEQA, the Draft EIR evaluated the potentially significant environmental effects of the Project. Economic (e.g., financial liability, property values) and social or quality-of-life effects of a project are not considered environmental impacts under CEQA (*Guidelines* Section 15131) unless there is a chain of effect from the economic or social effect to a physical change in the environment (such as impacts addressed in the Draft EIR in the air quality, traffic, and noise sections).

The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

C31-2 This comment states that dismissing the Morningside/Passive Basin Alternative raises the question of why one area is deemed more worthy of protection than another. It says that the Morningside/Passive Basin Alternative may increase downstream flooding and that the EIR does not list impacts and mitigations for those effects and is therefore insufficient.

EIRs are required to include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with a proposed project. Matrices may be used to display the major characteristics and the environmental effects of each alternative. If an alternative would cause one or more significant effects that would not result from the project as proposed, the significant effects of the alternative must be discussed, but in less detail than the significant effects of the project.⁸ As discussed on Draft EIR page 6-5, the selection of alternatives for the EIR focused on identifying alternatives capable of avoiding or reducing significant environmental impacts that would otherwise be attributable to the Project. Draft EIR Section 6.3.2 analyzes impacts of the Morningside/Passive Basin Alternative at the level of detail required under CEQA. The results of the analysis are presented in Draft EIR Sections 6.3.2.2 and 6.3.2.3 and in Tables 6-5 and 6-6. As noted for Impact 4.9-4 in Table 6-5 (page 6-23), the impact analysis of Alternative 2: Passive Basin included in Table 6-5 considers both the FDS basin and the creek capacity elements acting together. Refer also to Appendix D item D-2, *Report on Hydraulic Analysis of the Morningside Alternative*, for further detail regarding flood risk impacts of this alternative.

As Section 6.4.2 explains, the Morningside/Passive Basin Alternative was not dismissed; it is identified as the environmentally superior in terms of avoiding or reducing project impacts. However, because of the relatively small benefits from reduced flood risk and the greater area of and depth of added flooding a “modified alternative” is also identified as environmentally superior. This comment also describes the upstream Nursery site flood diversion and storage basin as a mitigation measure for increased downstream flooding. The FDS basin is part of the Project, and is not a mitigation measure. As stated on Draft EIR page 6-1, the selection of alternatives is focused on identifying those alternatives that would avoid or substantially lessen any of the significant effects of the Project as proposed, are feasible, and would attain most of the basic objectives of the Project.

C31-3 This comment states the passive basin’s attributes of less fill, construction, and maintenance are important considerations.

This comment is acknowledged. These aspects of the passive basin were described in 6.3.2 of the Draft EIR and in Section 6.4.2.3, which described the Environmentally Superior Alternative.

C31-4 This comment states that the absence of a diversion structure resulting in less sediment is important due to local agency limited budgets and should be weighed more positively because the decreased potential for flooding to surrounding private properties may increase public support.

⁸ State CEQA *Guidelines* Section 15126.6(d),

Draft EIR Section 6.4.2.3, Environmentally Superior Alternative, discusses this effect and lists it as the primary reason an alternative that includes the passive basin component is environmentally superior to the basin design in the proposed Project.

- C31-5 This comment says that the Draft EIR mentions preservation (through raising, as described in Alternative 3, the Raised Building Alternative) of 634-636 San Anselmo Avenue but contains no mention of a full or partial replacement with a FEMA-compliant structure and that this alternative is therefore incomplete. It references a Flood Control District contract with a consultant to assess the feasibility of removal and replacement of that building.

As discussed on Draft EIR page 6-3, through its planning efforts, the Flood Control District considered numerous alternatives before ultimately determining that the San Anselmo Flood Risk Reduction Project would meet the Flood Control District's Project goals for reducing flood risk and severity, satisfy the State's grant criteria, and help achieve the long-term objectives and flow-improvement targets in the Ross Valley Flood Protection and Watershed Program. Alternatives considered during this process are listed on Draft EIR page 6-4. As discussed on Draft EIR page 6-5, the selection of alternatives for the EIR focused on identifying alternatives capable of avoiding or reducing significant environmental impacts that would otherwise be attributable to the Project. The Raised Building Alternative would have preserved the "bridge building" and the associated visual and community character values it brings, while still bringing about flood risk reduction benefits. A replacement building would not have brought those potential reductions in visual or community impacts. In addition, full replacement was not considered economically viable. For those reasons, the EIR alternative included raising the existing building rather than replacing it with a new structure.

- C31-6 This comment says that the description of the increased capacity basin alternative was incomplete because it did not explicitly state that it would have needed power and other infrastructure.

Section 6.3.4 describes Alternative 4, the Increased Capacity Basin Alternative, as drawing its power from the electrical grid for pump operation. That grid-base power supply is already in place for the residential structure that is on the property.

The comment makes other statements about the ability of Flood Control District staff to operate gates and other systems. These statements do not address the adequacy or accuracy of the EIR. This portion of this comment is acknowledged.

- C31-7 This comment makes several points relating to the EIR's assessment of impact and "remediation" of potential emergency operation of the FDS basin. It specifically mentions the statement about bulldozer removal and about access to the riser pipe. It also notes that the planned planted oak and bay trees may clog the outlet pipe.

Draft EIR Section 3.5.3.1 describes the planned operation of the basin before, during, and after a high-flow event. That section and others in the Project Description explain how

staff would access the system that would partially close the openings in the diversion structure. The outlet pipe would be opened after the peak of the high-flow event has passed. Debris would be cleared from the basin and outlet pipe after the basin is empty. Sediment would be removed from the Fairfax Creek channel after large events that could deposit sediment in the channel. Finally, as described in Chapter 3, Project Description, the basin and diversion structure would be designed to allow overflow should the water surface elevation reach 236 feet. The fundamental purpose of the Flood Control District is to reduce the risk of flooding for the protection of life and property while utilizing sustainable practices. Draft EIR Impact 4.9-3 discusses changes to sedimentation patterns in Fairfax Creek associated with basin operations.

- C31-8 This comment says that the remote location and limited visibility of the site may impair assessments of operational needs and requests a more rigorous inspection process than that described in the EIR.

Draft EIR Section 3.5.3.1 describes the routine maintenance of the basin and its associated features (including inspections, cleaning, debris removal, and repairs as necessary), as well as how it would be operated during events. These activities would be conducted in accordance with state and federal safety standards.

- C31-9 This comment asks who is accountable for losses arising from failure of operations and maintenance.

A proper CEQA analysis must focus on physical changes to the environment caused by the project; CEQA does not require a presumption that a project's development or implementation is flawed. Please also refer to Master Response 2, Socioeconomic Effects, which explains that financial liability is not an environmental impact under CEQA. Refer also to Response C31-7, which discusses basin operations and maintenance and how they were analyzed in the EIR.

- C31-10 This comment says that no attention is given to downstream flooding, sediment removal, and other related impacts at the downtown San Anselmo project site. It makes a point about the high sediment production of the upper watersheds in this part of Marin County. It says these impacts must be addressed.

Draft EIR Section 4.9, Hydrology and Water Quality (Impacts 4.9-3 and 4.9-4 and the mitigation measures in each) address changes in sedimentation and flood risk at both project locations. Refer also to Master Response 6, Change in Flood Risk and Flood Risk Mitigation, and Master Response 7, Erosion, Sedimentation, and Channel Maintenance.

- C31-11 This comment says that the daily watering of exposed surfaces during construction is substantial water use and that no mitigation is provided for impacts associated with that use.

Draft EIR Section 4.13, Public Services, evaluates impacts related to water supply. Draft EIR Section 4.9, which discusses water use in compliance with the Construction General

Permit for Stormwater Discharges. Construction typically involves water trucks bringing water to the site for use in dust control. These truck trips are included in the traffic counts and analyzed as part of those impacts. Section 4.15, Transportation and Circulation, addresses these impacts. Water use at the site, which is proposed as part of standard construction best management practices, is not an adverse environmental impact.

C31-12 This comment says that exhaust emissions from idling vehicles is a major air quality impact.

These emissions are included in the modeling and analysis of air quality criteria pollutants and greenhouse gas emissions. Draft EIR Section 4.3, Air Quality and Greenhouse Gases, presents the results of the modeling, and impacts were found to be less than significant following compliance with regulations and the implementation of measures such as Mitigation Measure 4.3.1, BAAQMD Basic Construction Measures, and Mitigation Measure 4.3 4, Tier 4 Engines for Construction Equipment.

C31-13 This comment concerns project effects on bird populations and suggests that even avoiding nesting bird season may permanently change local populations.

Draft EIR Section 4.5, Biological Resources, evaluates project effects on wildlife, including birds, and Impact 4.5-4 is specific to nesting birds. Once project construction is complete, the improved creek channel in downtown San Anselmo would likely be an improvement to wildlife habitat. Long-term effects on wildlife species, including birds, during the Project's post-construction/operational phase would be less than significant with implementation of Mitigation Measure 4.5-4, Relocation of Special-Status Fish.

C31-14 This comment concerns bats and suggests that their use of the downtown San Anselmo project site may be disturbed.

Draft EIR Impact 4.5-6 evaluates project impacts on bats; as discussed there, the impacts of the project would be less than significant with mitigation in the construction phase, and would be less than significant during the operational phase.

C31-15 This comment asserts that restoration plantings and maintenance at the sites, as well as cost, needs clearer definition. It says that local riparian plants may not be appropriately decorative at the downtown site, but may be required by permitting entity.

The development of site restoration plans, revegetation plans, and compensatory mitigation for tree removal and other impacts are discussed as part of the resource-specific impact discussions in Section 4.5, Biological Resources. The baseline performance standards for those plans is presented along with each measure along with a commitment to comply with any more stringent measures required by resource agencies as part of the permitting process, as this comment notes. As discussed in Master Response 2, Socioeconomic Effects, cost is not an environmental impact under CEQA.

C31-16 This comment says that liquefaction maps designate Nursery Basin as "HIGH" susceptibility to liquefaction and suggests that the determination that the Project would have no significant adverse impacts related to landslides, lateral spreading, or other slope instability is unsupported and mitigation is required.

The EIR does not evaluate the impacts of the existing conditions, but only the changes to that existing conditions that would occur as a result of the project. These topics are addressed in detail in the responses to Comment Letter C21. Please refer to the Responses C21-1, C21-2, and C21-3 for a discussion of the project's potential to affect groundwater depths and the associated changes in risks of liquefaction or other hazards related to soils or ground failures. As described in Draft EIR Impact 4.7-1 and Responses C21-1, C21-2, and C21-3, based on site-specific geological and geotechnical investigations conducted for the Project, potential impacts from seismic shaking and seismically induced ground failures at the former Sunnyside Nursery site would be less than significant.

C31-17 This comment suggests that emergency conditions may result in reduced utility functioning and limited site access which would lead to the project's operational failure. The comment also says that public use of Sir Francis Drake Boulevard for emergency use could be at risk from the basin operation.

Draft EIR Impact 4.15-2 (page 4.15-8) evaluates project impacts on access to local streets or adjacent uses, including access for emergency vehicles. As described in Section 3.5.3.1 of Chapter 3, Project Description, the project would need no electricity or other functioning utilities to operate effectively. The closures in the diversion structure would be designed so that they could be operated manually. The only access required is through Sir Francis Drake Boulevard, which is a major roadway (as the comment notes) and would be among the ones prioritized to be kept open or cleared.

C31-18 This comment addresses the estimated discharge and requests an acknowledgement that 100-year storm is also an estimate.

While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can (State CEQA *Guidelines* Section 15144). For a discussion of the assumptions used in flood modeling conducted for the Project, and flood modeling generally, please refer to Master Response 5, Flood Modeling. For a discussion of the differences between the 100-year storm and the 100-year flood, and the rationale for selection of the 100-year flood events used in developing the flood model, please refer to the responses to Comment Letter C2.

C31-19 This comment makes several points about model inputs and assumptions, including Manning's n values, reactivation of unknown tributaries and old creek beds that carry unanticipated bedloads, and others. It says the EIR is based on a flawed assumption that broader, more stable creeks will develop. The commenter states that erroneous data is embedded in models upon which the County is relying and grossly misleading the public.

Please refer to Master Response 5, Flood Modeling, for responses to these comments. More technical detail on the hydraulic modeling is also available in Appendix D.

C31-20 This comment states that failure to consider increased water surface elevation as a cumulative impact of the Project is a defect of the EIR.

Draft EIR Chapter 5, Growth-Inducing and Cumulative Effects, addresses the combined effect of the San Anselmo Flood Risk Reduction Project with other past, present, and reasonably foreseeable projects. With regard to changes in water surface elevation, Section 5.4.8 addresses them and finds that the more projects under the Ross Valley Flood Protection and Watershed Program that are implemented, the more peak water surface elevations in large flood events decrease. More specifically, hydraulic modeling was conducted for the proposed Project along with the bridge replacement projects (at Winship Avenue, Azalea Avenue, Nokomis Avenue, Madrone Avenue, and Center Blvd-Sycamore Avenue), which are included in the near-term expected future conditions due to their funding status and construction schedule (construction planned to occur between 2019 and 2022). The model results are presented in several series of map figures and tables in reports provided in Draft EIR Appendix D. These results indicate that in the near-term expected future cumulative scenario, the floodplain extent and inundation depths would generally be reduced compared to existing conditions.

C31-21 This comment says that using planned bridge replacements as mitigation measures for the SAFRR is wrongful and misleading. It says that Winship Bridge backwaters will continue regardless of bridge replacement and that correction of the Winship backwater may be possible by removing bedrock, but public support is unlikely.

The Draft EIR does not treat the removal of the Winship Bridge as a mitigation measure for the San Anselmo Flood Risk Reduction Project. Rather, because it is an independent project being planned and designed at the present time, it is part of the expected future condition that is assessed in Draft EIR Chapter 5, Growth-Inducing and *Cumulative Impacts* (Section 5.4.8). That project has funding, preliminary designs, and is in the process of undergoing its environmental review. If the Winship Bridge replacement does not have foundations in the creek channel, the flow constraint there would be reduced, which would alleviate backwater flooding.

C31-22 This comment suggests that it is a fatal flaw of the project to create flooding on properties that do not currently flood. It also makes statements about possible loss of taxpayer support, a request for a FEMA waiver, and the project's possible merit as part of a series of projects, but not as a stand-alone project.

Responses regarding changes in flood risk are discussed in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation. The relationship of the San Anselmo Flood Risk Reduction Project to the Ross Valley Flood Protection and Watershed Program is discussed in Master Response 4, Program-Project Relationship. Refer also to Master Response 2, Socioeconomic Effects, regarding consideration of socioeconomic effects under CEQA. The other parts of this comment do not pertain to the adequacy and

accuracy of the EIR but instead reflect on the project's merits. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

From: Martha Richter Smith <martharichtersmith@gmail.com>
Sent: Monday, July 02, 2018 10:59 AM
To: EnvPlanning <EnvPlanning@marincounty.org>
Subject: San Anselmo Flood Risk Reduction Project – Environmental Impact Report - Comments

Martha Richter Smith
37 Madrone Avenue
San Anselmo, CA 94960

July 2nd, 2018

RE: San Anselmo Flood Risk Reduction Project – Environmental Impact Report

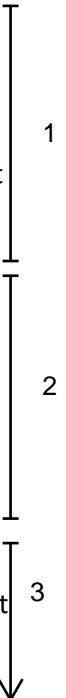
For the purposes of my comments, I am focusing on Building Bridge 2.

I am all for the building of retention basins. We need to focus our attention of finding additional suitable locations for retention basins and constructing them as soon as possible. In addition to serving as mitigating flood issues, they could also serve as “reservoirs” to capture water during droughts. Also, rather than adding water into the creek which flows to the Bay, it could help to reduce the level rise in the Bay due to global warming. May not be an issue immediately, but water level rise will be in the future.

My concerns are with two of your stated goals: Goal 1 to reduce flooding and Goal 4 to maintain quality of neighborhood.

Goal 1 is to reduce flooding. It is not possible to predict rain flow, saturation levels, population growth, and what the unintended consequences are of your flood mitigation plan. One can build models and input data but there will be no guarantee that with the removal of Building Bridge 2, the you will reduce flooding. Removing a building will only put pressure by allowing water to move freely to the next choke point.

Goal 4 is to maintain the quality of the neighborhood. Town character as well as business environment will suffer with the proposed removal of Building Bridge 2. To create a sense of downtown, shops need to be on both sides of the street so that foot traffic is encouraged. At the far end of San Anselmo, between Ross and Bolinas, San Anselmo Avenue is bordered by Sir Francis Drake Boulevard. With only one side of the street available for shops, there is minimal foot



traffic and sense of a lively thriving downtown. To put a gap where Building Bridge 2 is, will hurt the quality of the neighborhood. It will also adversely affect the economic climate of the town as there will be fewer places for shops to go and potentially smaller tax base.

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My preference is to focus on building retention basins rather than removing buildings. Barring that, I support raising Building Bridge 2. That seems a reasonable solution to maintain the quality of the neighborhood.

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This may not be the venue...but I find it very difficult to get behind a project that removes a building with successful businesses before building the retention basins to see what impact they will have in real life, not on a model. This is a costly endeavor and when I look at the results, I don't see that we are getting value for our tax dollars.

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Thank you,

Martha Richter Smith

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

3.4.32 Comment Letter C32: Martha Richter Smith

C32-1 This comment supports building flood diversion and storage basins and states a need to focus attention on finding additional suitable locations for retention basins and constructing them soon. It also posits potential uses of these basins as reservoirs.

This comment is acknowledged. Please refer to Master Response 1, Project Merits, for a discussion of how comments expressing support or opposition to the project or one or more of its elements will be treated.

C32-2 This comment expresses concerns related to Goal 1, reducing flooding, and states it is not possible to predict rain flow, saturation levels, population growth, and what the unintended consequences are of a flood mitigation plan. It says that removing Building Bridge 2 will only put pressure by allowing water to move freely to the next choke point.

While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that is reasonably can. However, if after thorough investigation a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate the discussion of the impact (State CEQA *Guidelines* Sections 15144 and 15145). The modeling and analysis work performed for this EIR meets the standards set by those sections.

Section 4.9, Hydrology and Water Quality, includes a description and analyses of the potential downstream flood impacts in Impact 4.9-4. As noted on Draft EIR page 4.9-59, the San Anselmo Creek channel capacity gets much larger immediately downstream of the Sir Francis Drake Bridge, large enough that the project does not affect water surface elevation downstream of the Sir Francis Drake Bridge during the flood events modeled. The hydraulic modeling performed for this project does not indicate that the area of potential adverse effect extends past the Sir Francis Drake Bridge. As described in Draft EIR Impact 4.9-4, the adversely affected areas are near the Winship Bridge (between the Barber Street Bridge and the Sir Francis Drake Bridge). Please refer to Master Response 5, Flood Modeling, and Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for additional discussion of these aspects of project design and analysis of downstream flooding.

Pursuant to State CEQA *Guidelines* Section 15151, an EIR must include “sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.” This EIR is compliant with that requirement.

C32-3 This comment pertains to Goal 4, maintain the character and quality of the neighborhood. It says that the town character and business environment will suffer with the proposed removal of Building Bridge 2. The comment states that to create a sense of downtown,

shops need to be on both sides of the street so that foot traffic is encouraged. To put a gap where Building Bridge 2 is, will hurt the quality of the neighborhood. It will also adversely affect the economic climate of the town.

Impact 4.10-3 in Section 4.10, Land Use and Planning, addresses the question of a project's potential to substantially alter the character or functioning of an area or community. The removal of a single building and the resultant changes in the community's function and character would not be substantial. Implementation of the Project would improve the functioning of the community by reducing the potential for flooding.

The potential changes in the local economy are not an environmental impact under CEQA. This

- C32-4 This comment expresses a preference for focusing on retention basins and raising Building Bridge 2 instead of removing it.

The Ross Valley Flood Protection and Watershed Program includes plans for several more flood diversion and storage basins as part of individual projects being considered and developed under that program. Please refer to Master Response 4, Program-Project Relationship, for more on this topic. The raising of the bridge building at 634-636 San Anselmo Avenue (Building Bridge 2) was considered and analyzed in Chapter 6, Alternatives, as an alternative to the proposed project. As the discussion in Section 6.3.3, Alternative 3, Raised Building Alternative, explains, there are no additional flood risk reductions to be realized from raising this building, but the amount of stream channel enhancements and public access improvements that could be made would be reduced relative to that described for the proposed Project. There would also be increased risks and costs relating to project implementation and damage to the building during its elevation. The comments will be transmitted to decision-makers for consideration in their deliberations on whether to approve the proposed project.

- C32-5 This comment expresses the commenter's lack of support for project that removes a building with successful businesses before building the retention basins to see what impact they will have in real life, not on a model.

This comment does not address the accuracy or adequacy of the EIR. Please refer to Master Response 1, Project Merits, for a discussion of how comments on the project's merits are be addressed. This comment will be forwarded to decision-makers at the Flood Control District for their consideration in whether to approve the Project.

June 28, 2018

Liz Lewis
Marin County Water
3501 Civic Center Drive
San Rafael, CA 94903

Ms. Lewis,

I am writing regarding the draft EIR for the floodwater project San Anselmo Flood Risk Reduction Project (SAFFRP) contemplated for the Ross Valley.

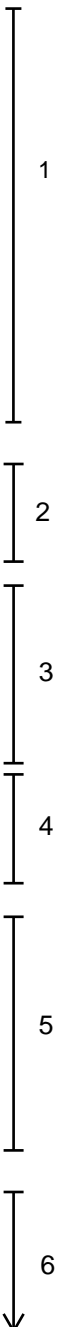
I wanted to make sure my concerns were communicated.

My home is at 74 Sir Francis Drake Blvd, Ross CA 94957. We purchased the home in August 2004 and endured the flood of December 31, 2005. My house is between the Winship Bridge and the Sir Francis Drake Bridge. I am concerned that the flood control work being contemplated (including but not limited to the demolition of the building currently housing Lappart restaurant in San Anselmo and the replacement of the Winship bridge on the San Anselmo/Ross border) will adversely impact my property.

The EIR states there will be properties affected downstream of the Winship bridge from one and/or both projects. Strangely, the EIR does not call out the addresses. If the addresses are known, the EIR should call out the addresses so those who are known to be negatively affected can be aware. My understanding from talking with you and your staff is my property is one of those properties which will be negatively affected, and the water level is expected to increase measurably (2 – 4 inches are the estimates I recall) in a water event. That additional water is catastrophic to my property and my expectation is the project will include specific physical changes (a flood wall, perhaps) around the perimeter of my property to provide protection from the anticipated water level increase as a result of actions taken upstream by the Flood Control Authority. It would seem to me the simplest method would be to dredge the creek from its beginning to its eventual exit into San Francisco Bay. That seems like it would be the least intrusive on the surrounding community.

Additionally, when the sidewalks were re-done on our block one or two years ago, the road was re-graded so that the angle slopes more sharply towards the storm drain at my house. This has the effect of having water bypass a storm drain further down the street and overwhelm the storm drain in front of my house. Again, because this is a result of an action taken by the government, I will not accept that additional water coming onto my property is an unanticipated result that I must tolerate, and expect remediation to occur, whatever that might involve.

My understanding from discussion with your staff is, although the EIR mentions that remediation will be performed for those properties affected (again, the EIR does not specifically identify those properties), until the EIR is accepted there won't be any steps laid out to protect those whose property is expected



to be negatively impacted by the project. I do not understand how an EIR can be accepted without that critical information being specified.

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I request that before the draft EIR is accepted, those properties known to be adversely affected are identified and specified in the project, and the threat specific to each property is identified.

My overall expectation and requirement is that, when the flood control project is complete, my property is not at any more risk of any water level increase compared to pre-project levels. To the extent that it is, I intend to hold the appropriate governmental entities responsible in the event my property suffers either a catastrophic water event or a decline in value due to these actions taken by the Flood Control District. I do not think it is legal or, perhaps more importantly, fair and just, to reduce flood risk for some citizens while knowingly increasing danger and risk to others.

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Please feel free to contact me directly if you have any questions, comments, or concerns.

Regards,

Doug Ryan
74 Sir Francis Drake Blvd
PO Box 1151 (mailing address)
Ross CA 94957
415.297.8402
Dougryan999@gmail.com

cc: Elizabeth Robbins, Mayor, Town of Ross
Joe Chinn, Town Manager, Town of Ross

3.4.33 Comment Letter C33: Doug Ryan

C33-1 The commenter is concerned that the project will adversely impact his property.

This comment is acknowledged; however, it is introductory to the rest of the comments in the letter and does not raise any specific concerns about the adequacy or accuracy of the EIR that can be addressed in a response. More specific responses are in the following comments.

The comment also lists the Winship Bridge as being part of the San Anselmo Flood Risk Reduction Project. It is not. Rather, it is another separate project being planned by the Town of Ross in partnership with the Ross Valley Flood Protection and Watershed Program. Master Response 4, Program-Project Relationship, addresses this topic. Removal of the Winship Bridge is included only as part of the cumulative impacts analysis in the EIR for this project.

C33-2 This comment requests that the EIR call out addresses that will be affected so those who are known to be negatively affected can be aware.

Draft EIR Figure 4.9-7 illustrates the change in water surface elevation from existing during the 25-year flood event in lower San Anselmo, including parcel boundaries and buildings, and Draft EIR Figures 3-13a-c, 3-14a-c, 3-15a-c illustrate changes in flood water surface elevation in Fairfax, upper San Anselmo, and lower San Anselmo during multiple flood event types. Tables listing the addresses and the assessor's parcel numbers of potentially affected parcels are presented in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, to provide additional detail regarding the affected properties.

C33-3 This comment states that additional water of even 2-4 inches is catastrophic to his property. He requests and expects specific physical changes that provide protection from water levels be incorporated into project.

As described in Draft EIR Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, to mitigate for adversely affected properties, the Flood Control District would provide protection similar to that described in this comment. A flood barrier is a category of option, representing a variety of measures that could be implemented to reduce this impact, described in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation. The measures would protect existing habitable structures on any properties upstream of the Sir Francis Drake Bridge from new inundation during the 25-year event.

C33-4 This comment asserts that the simplest (and least intrusive) method would be dredge the creek from its beginning to its eventual exit into San Francisco Bay.

This comment is acknowledged. This comment does not address the adequacy and accuracy of the EIR. Refer to Channel Maintenance in the Ross Valley Watershed in

Master Response 7, Erosion, Sedimentation, and Channel Maintenance for additional information regarding dredging in Ross Valley watershed.

- C33-5 This comment is about a previous roadwork project that caused problems with stormwater drainage at commenter's property. It requests remediation (mitigation) for any additional water entering his property as part of this project.

This comment is acknowledged. This comment is largely about another project performed by a different lead agency; it does not pertain to the adequacy or accuracy of the EIR for this project. The requested mitigation for adverse effects related to flood risk described in Mitigation Measure 4.9-4 would be implemented on this property if the flood modeling indicates it is subject to that increased flood risk.

- C33-6 The commenter does not understand how an EIR can be accepted without clear steps laid out for how to protect property of those negatively impacted by project, and requests that properties that are adversely affected be identified and specified in the project.

As noted in Response C33-2, the potentially affected parcels have been indicated in RTC Tables 2-1 and 2-2 in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation. Pursuant to CEQA, mitigation measures must be fully enforceable. If an agency approves a project for which an EIR has been certified, which identifies one or more significant environmental effects of the project, the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects.⁹ As described in State CEQA *Guidelines* Section 15126.4(a)(1)(B), while formulation of mitigation measures should not be deferred until some future time, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way. The details of a mitigation measure may be left to later design or engineering work if mitigation that can meet a specified performance standard is known to be available.¹⁰ Given the mandate of the Flood Control District and the ubiquity of flood protection methods with demonstrated flood protection performance, Mitigation Measure 4.9-4 could reasonably achieve the specified performance standard (to ensure existing habitable structures would not be newly inundated by the 25-year flood event) by adding flood walls or berms, wet flood proofing or dry flood proofing structures, modifying structures to move utilities or service equipment from a basement to a higher level, or other measures described in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation.

- C33-7 The commenter expects that when project is complete, property won't be at any more risk than currently. Commenter will hold government responsible if catastrophic water event or decline in value takes place.

⁹ State CEQA *Guidelines* Section 15091(a),(d).

¹⁰ *Dry Creek Citizens Coalition v County of Tulare* (1999) 70 CA4th 20, 25.

This comment is acknowledged. It does not address the adequacy or accuracy of the EIR. Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, addresses broader issues relating to increased flood risk on some parcels. Master Response 2, Socioeconomic Effects, explains that changes in property values are not an environmental impact under CEQA.

Rifkind Law Group

100B Drake’s Landing Road, Suite 260, Greenbrae, CA 94904
Telephone: (415) 785-7988 * Facsimile: (415) 785-7976
www.rifkindlawgroup.com

Christopher A. Skelton
chris@rifkindlawgroup.com

June 29, 2018

Delivered Via Email Only
envplanning@marincounty.org

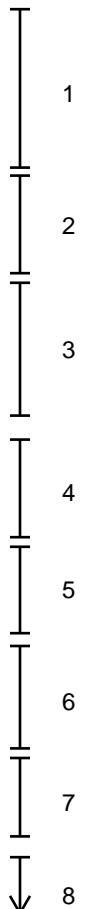
Rachel Reid, Environmental Planning Manager
County of Marin, CDA
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

RE: San Anselmo Flood Risk Reduction Project – Draft EIR Comment

Dear Ms. Reid:

Our office represents a coalition of concerned citizens regarding the San Anselmo Flood Risk Reduction Project (the “Project”). This public comment letter is submitted to identify issues in the Draft Environmental Impact Report document (“DEIR”) so that the lead agency may respond and provide the necessary supplemental information to afford a well-informed decision-making process. At over 1,000 pages of detailed and technical information, the length of the DEIR is a deterrent to public participation and an informed decision-making process. Despite the volume of information, as presented, the DEIR is insufficient and Project decisions rendered from a similarly drafted FEIR may be subject to challenge.

The concept of a statement of overriding consideration for the significant and unavoidable impact of externalizing the half-baked conceptual impacts onto private properties is disingenuous and unsupportable. A Project alternative should be identified which avoids adversely impacting new communities, even if that alternative reduces the effectiveness of the existing flood risks the Project seeks to address. It is inequitable and inappropriate to sacrifice the use and enjoyment of numerous, yet to be ascertained and documented, private properties in and around the Winship community for the benefit of upstream users. The adversely impacted private property owners are not only limited to the strict boundary of the Winship neighborhood but includes all Creekside neighbors extending downstream to the Lagunitas Bridge and beyond. These owners have investment backed expectations and this Project inverts those



expectations: the Project proposes relief for parties that purchased property with known flooding impacts; meanwhile, the Project will result in introducing new flooding impacts onto owners that purchased their property without the reasonable expectation of flooding as prescribed in the DEIR. This is not reasonable or rational.

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The following bullet points itemize some of the concerns about the DEIR:

- 2.3.1: the DEIR improperly identifies and incorporates by reference other projects and/or mitigation measures to this Project as part of the project description. This potentially taints the environmental baseline for evaluating reasonably foreseeable impacts as a result of the Project. I do note the single sentence that reads, "implementation cannot be assumed, and the impact remains significant and unavoidable."
- 2.5.5: Why was the "more environmentally superior alternative" analysis not developed? It is suggested that this alternative was not developed because the modeling of all the combinations of different design elements was not completed when the analysis began. However, the modeling was developed and this alternative is allegedly superior, so it should be included as a point of consideration for the general public and decision-makers.
- 2.5.5: The alternative analysis identifies that locations surrounded by residences are more sensitive to construction phase disturbances. How do you reconcile this statement with the proposed impacts and resulting construction that will have to take place in and around the Winship neighborhood?
- 2.8.1/2.8.2: The DEIR states that the impact can be mitigated to less than significant with the installation of flood barriers but in the next paragraph shares that "the Flood Control District cannot enforce those measures on private property owners without their permission." Has the creek and surrounding properties in the Winship neighborhood been surveyed and topography and boundaries ascertained? Could the District enforce the flood barrier measures through use of eminent domain?
- Table 2-1 (impact 4.9.4):
 - Are flood protection measures part of the Project design? As written, the mitigation measure is contingent on third party cooperation/participation that is qualified as beyond the agency's control. If that is the case, then this cannot be couched as a feasible mitigation measure.
 - What are the specific flood barriers the District would "develop, fund, and implement"? Who would be responsible for future maintenance of these flood barriers? Where would the flood barriers be located?
 - How will the District determine which properties are suitable for mitigation measures and which ones do not qualify for District developed, funded, and implemented protection?

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SAFRRP DEIR Comment Ltr.

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- The survey data for evaluating potentially impacted private properties is fundamentally flawed and needs to be reassessed, especially in the Winship community and downstream properties.
 - It was revealed that that the survey tiered off of the front steps elevation for at least one property designated as not being impacted by the Project, which disregards the lower conditioned space for that home. This calls into question the baseline for evaluating the number of impacted properties as a result of the Project.
- 3.3.1: How are the Project objectives satisfied if the Project creates a significant and unavoidable environmental impact of introducing new flooding onto private properties in the Winship neighborhood. Specifically, objectives 1 (reduce the risk related to both frequency and severity of flooding), 4 (maintain the quality of adjoining neighborhoods), and 7 (protect the public’s health and safety).
- There is inadequate discussion of constraints downstream from the Winship bridge that will be exacerbated by the increase in creek flow/volume as a result of the San Anselmo portion of the Project. It is reasonably foreseeable that the Project will increase sedimentation and corresponding downstream flooding by expanding upstream capacity.

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Conclusion

The DEIR is inadequate and fatally flawed to provide the decision-makers necessary information to make a fully informed intelligent decision on the merits of the project. The absence of detailed and accurate property survey information, coupled with potentially flawed assumptions in establishing baseline information, renders the DEIR deficient for purposes of preparing the FEIR. I encourage the lead agency to prepare more focused information related to the significant and unavoidable impact(s) before proceeding with preparation of the FEIR.

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Respectfully,

Rifkind Law Group
 By: Christopher A. Skelton

cc: Liz Lewis (lizlewis@marincounty.org)

3.4.34 Comment Letter C34: Christopher A. Skelton, Rifkind Law Group

C34-1 The commenter (a law office) explains that it represents a coalition of citizens.

This comment is acknowledged.

C34-2 Comment says that the length of EIR is a deterrent to public participation and informed decision-making.

This comment is acknowledged. An EIR must be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which takes account of environmental consequences. Draft EIR Chapter 2, *Executive Summary*, summarizes the content of the Draft EIR. This is a complex project with two elements in different locations and complicated hydraulic interactions. The length of the document is a necessary consequence of presenting and explaining the detailed technical information

C34-3 Comment states that the Draft EIR is insufficient and that a similar Final EIR may be subject to challenge.

This comment is acknowledged as an introductory statement to the remainder of the comments in the letter, which present the reasons the commenter holds this position.

C34-4 This comment says that a Statement of Overriding Considerations related to impacts on private properties is "disingenuous and unsupportable".

This comment is acknowledged. Refer to the discussion of Significant and Unavoidable Impacts and Statement of Overriding Considerations in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for response to this comment.

The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed Project.

C34-5 This comment states that a project alternative should be identified which avoids adverse impacts to new communities, even if that reduces the effectiveness of the proposed flood control measures.

The discussion of Impact 4.9-4 in Section 4.9, Hydrology and Water Quality, of the Draft EIR explains that the only "new community" that would experience flooding as a result of the proposed Project is one parcel in the Deer Creek neighborhood, just west (upstream) of the Nursery Basin site, which could be affected by backwater flooding if sediment deposited in the Fairfax Creek channel is not removed prior to successive large events.

Draft EIR Chapter 6, *Alternatives*, describes and analyzes a passive basin (i.e., one without the diversion structure in Fairfax Creek), which is included in Alternative 2, Morningside/Passive Basin Alternative (composed of the passive basin + removal of Morningside bridges) as well as in a “modified alternative” (composed of the passive basin + removal of building bridge at 634-636 San Anselmo Avenue), which was identified as the environmentally superior alternative. The EIR thus satisfied the requirement of State CEQA *Guidelines* Section 15126.6 to develop and analyze alternatives that would “feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.”

Two alternatives that would avoid downstream flooding impacts were considered but rejected for further analysis in Draft EIR Chapter 6 (starting on page 6-54). The Accelerated Implementation of Winship Bridge Alternative would seek to accelerate implementation of the Winship Bridge Replacement Project to ensure that the Winship Bridge replacement project is complete prior to or concurrent with completion of the proposed Project. The Phased Implementation/Temporary Flow-Constraining Alternative would include the same elements as the proposed Project, except that following the removal of the building foundation and implementation of all of the other creek channel improvements, a temporary system of flow-constraining components would be installed to retain water in the same way that the building foundation does in the existing condition. Those components could include an inflatable weir, flow baffles, or some other temporary and manageable system of flow constraints. The discussion of those alternatives and a statement of why they were not fully developed and analyzed is in Section 6.5 of the EIR.

C34-6 The commenter states that it is inequitable and inappropriate to sacrifice the use of private properties for the benefit of upstream users.

This is a comment about the merits of the project and not a comment on the adequacy and accuracy of the EIR. Refer also to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for additional information about properties where flood risk would be affected by the Project.

C34-7 The commenter states that the adversely impacted private property owners are not only those in the Winship neighborhood, but that property owners all the way to the Lagunitas Bridge and beyond would be adversely affected.

While the flood model includes the entire Ross Valley watershed,¹¹ the Draft EIR discussion of flood model results is limited to areas where project impacts could occur. As noted on Draft EIR page 4.9-59, the San Anselmo Creek channel capacity gets much larger immediately downstream of the Sir Francis Drake Bridge, large enough that the Project does not affect water surface elevation outside of the channel downstream of the

¹¹ Refer to Master Response 5, Flood Modeling, for additional description of the flood model extent and construction.

Sir Francis Drake Bridge during the flood events modeled¹². The hydraulic modeling performed for this project does not indicate that the area of potential adverse effect extends past the Sir Francis Drake Bridge. The comment offers no evidence for its assertion that the adverse changes in flood risk from the Project extend to the Lagunitas Bridge or beyond.

- C34-8 The commenter states that the Project inverts expectations by introducing new flooding impacts onto owners that purchased property without reasonable expectation of flooding.

As discussed starting on Draft EIR page 4.9-52, Project operation would reduce flood risk in Fairfax, San Anselmo, and Ross on between 480 and 635 parcels (depending on the magnitude of the flood event), and would increase downstream flood risk on up to 18 parcels between Barber Avenue and the Sir Francis Drake Bridge. As shown in RTC Tables 2-1 and 2-2 (in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation), all of the downstream parcels affected by the 25-year flood event and the 100-year flood event are within the existing FEMA 100-year floodplain. Refer to Response C34-5 regarding areas of “new flooding impacts”, a topic that is also addressed in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation. In response to the “investment backed expectations” portion of this comment, please refer to Master Response 2, Socioeconomic Effects, which explains that changes in property values are not environmental impacts under CEQA.

- C34-9 This comment states that the summary of the Project in Section 2.3.1 of the Draft EIR improperly identifies and incorporates by reference other projects and/or mitigation measures to this Project as part of the project description and that the environmental baseline for analysis is therefore improper.

The referenced text in Section 2.3.1 is part of the Draft EIR Executive Summary and does not contain the full context for the statement in question. This comment refers to a statement of the expected future condition and its assumption that several other planned bridge removal projects will proceed. The bridge removal projects referenced in Section 2.3.1 are not considered or described as part of the environmental baseline of the Project, nor are they proposed as a mitigation measure for it. Rather, they are part of the cumulative impacts analysis, which must include an analysis of a project’s effects in combination with probable future projects, such as the bridge removal projects.

- C34-10 This comment asks why the “more environmentally superior alternative” analysis was not developed.

The “more environmentally superior alternative” (a combination of the Morningside/Passive Basin Alternative and the proposed Project) is a combination of alternative components that were evaluated in detail in Draft EIR Chapter 6, in

¹² The channel downstream of Sir Francis Drake Bridge has capacity for the additional 146 cfs that would be in the channel during the 25-year flood event (Stetson Engineers, personal communication with Liz Lewis, Flood Control District, May 7, 2018).

Section 6.4.2.3. As summarized in Draft EIR Chapter 2 (page 2-11) and fully detailed in Section 6.4, there were three action alternatives to the proposed Project, consistent with the State CEQA *Guidelines* Section 15126.6 requirement to consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. Each of the action alternatives includes a flood diversion and storage basin element at the Nursery Basin site and a downstream creek capacity element. Most of the downstream elements would be located on San Anselmo Creek in downtown San Anselmo, but one alternative (the Morningside/Passive Basin alternative) includes implementing creek improvements (i.e., bridge removals) along the nearby Sleepy Hollow Creek instead. The different options for those elements were combined to form the three numbered action alternatives. Draft EIR Chapter 6 evaluates the impacts of the alternatives, and compares them to the proposed Project. The hydraulic modeling and the results of changes in flooding in the 10-, 25-, and 100-year events are summarized in named sections for each action alternative in Sections 6.2, 6.3, and 6.4 and are presented in full in Draft EIR Appendix D.

The text then identifies the Morningside/Passive Basin Alternative as environmentally superior from among *those three* alternatives and the proposed Project.¹³ But the Draft EIR also notes that a different combination of the elements than any of those proposed in the numbered alternatives would be more superior still. Specifically, combining the passive basin design for the Nursery Basin site with the full removal of the bridge building at 634-636 San Anselmo Avenue (the “modified alternative”) would reduce adverse environmental impacts more than any other alternative or the proposed Project. It would, however, not provide as much flood risk reduction as the proposed Project.

This comment suggests that this modified alternative, which was composed of different fully-analyzed elements of the other alternatives, was not developed and not included as a point of consideration for the public and decision makers. The hydraulic modeling and flood results of that alternative are presented in Draft EIR Appendix D, Item D.1 (Option 7). The significance determinations for all other potential are presented separately for each of the different project elements and locations in Tables 6-5 and 6-6. This is presented in Draft EIR Section 6.4.2.3.

C34-11 This comment asks how the Flood Control District reconciles that locations surrounded by residences are more sensitive to construction phase disturbances with the proposed impacts and resulting construction that will have to take place in and around the Winship neighborhood.

The comment appears to be referring to construction phase impacts in the Morningside neighborhood on Sleepy Hollow Creek, which were evaluated in the analysis of the Morningside/Passive Basin Alternative (Draft EIR Section 6.3.2). The construction phase impacts of that project alternative would have involved demolition, removal, and

¹³ The Draft EIR also analyzes the No Project Alternative (Section 6.3.1). Pursuant to CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the no project alternative, then the EIR shall also identify an environmentally superior alternative from among the other alternatives.

subsequent reconstruction of two bridges. In comparison, the Project does not propose construction activities in and around the “Winship neighborhood” referred to in the comment. Only mitigation measures, such as installing flood barriers, would take place there. Each of those activities would be smaller, briefer, and less disruptive than construction of the Project creek capacity elements, or floodwalls proposed as part of the Morningside/Passive Basin Alternative.

C34-12 The commenter asks whether the creek and surrounding properties in the Winship neighborhood been surveyed and topography and boundaries ascertained.

The boundaries of each parcel are available from the County Assessor’s office and have been included in the modeling and mapping of changes in flood risk. Please refer to Master Response 5, Flood Modeling, for more details on topographic information used in the modeling. Detailed topographic surveys of the properties in the Winship neighborhood have not been completed. These detailed results are not necessary for an analysis of environmental impacts, as described in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, and in Master Response 3, Future Design Details. Detailed topographic surveys of the potentially affected properties will be used to develop the details of the flood barriers proposed as part of Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, (see Master Response 6, Changes in Flood Risk and Flood Risk Mitigation for revised text of this measure).

C34-13 This comment asks whether the Flood Control District could enforce the flood barrier measures through use of eminent domain.

The Flood Control District does not intend to require implementation of flood barriers on private property through an eminent domain procedure.

C34-14 This comment states that Mitigation Measure 4.9-4 is contingent on third party cooperation/participation that is qualified as beyond the agency’s control. If that is the case, then this cannot be couched as a feasible mitigation measure.

The EIR acknowledges that implementation of Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, requires the cooperation of property owners. Because that cooperation cannot be controlled by the Flood Control District, the document assumes that at least some parcels would not allow the proposed mitigation measure to be implemented on their properties and that some increase in flood risk would occur, which would be a significant and unavoidable impact, as described in the EIR. However, for those property owners that would accept them, the proposed mitigation actions – especially as broadened in the revised Mitigation Measure 4.9-4 presented in the Final EIR – are technically and financially feasible, would be effective in reducing the adverse changes in flood risk to a less-than-significant level, and are thus valid mitigation measures.

The flood protection measures proposed in Mitigation Measure 4.9-4 are not part of the basic project design.

C34-15 This comment asks for details on the flood barriers the Flood Control District would “develop, fund, and implement”.

The specific details of the flood barriers that were included in Mitigation Measure 4.9-4 of the Draft EIR have not yet been developed. Refer to Master Response 6, Changes in Flood Risk and Flood Risk mitigation, and Master Response 3, Future Design Details, which provide additional information about the flood protection measures and discuss the level of design detail included in the Draft EIR, respectively.

C34-16 This comment asks who would be responsible for future maintenance of these flood barriers.

The Flood Control District would be responsible for maintenance of flood barriers, as described in the text on Mitigation Measure 4.9-4 (beginning on page 4.9-56 of the Draft EIR). See also Master Response 2, Socioeconomic Effects, for discussion of Flood Control District responsibilities related to this proposed mitigation.

C34-17 This comment asks where would the flood barriers be located.

The specific locations of the flood barriers on affected properties have not yet been fully developed. Please refer to Master Response 3, Future Design Details, for information on the appropriate level of design detail for inclusion in an EIR and to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for more details on Mitigation Measure 4.9-4.

C34-18 This comment asks how the Flood Control District would determine which properties are suitable for mitigation measures and which ones do not qualify for Flood Control District developed, funded, and implemented protection?

As described in the text of Mitigation Measure 4.9-4, the Flood Control District would provide flood protection to substantially affected areas, which are defined as those properties with existing habitable structures that the HEC-RAS modeling conducted for this project shows would be affected by new inundation during the 25-year event. See Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, and Master Response 5, Flood Modeling, for additional discussion of this topic.

C34-19 This comment states that the survey data used for impacted properties were flawed and need to be re-assessed.

Please refer to Master Response 5, Flood Modeling, for more details on topographic information used in the modeling. Detailed topographic surveys of the potentially affected properties will be used to develop the details of the flood barrier measures proposed as part of Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas (see Master Response 6, Changes in Flood Risk and Flood Risk Mitigation for revised text of this measure). That level of detail is not necessary for the CEQA-level analysis. Please see response C34-12.

The flood modeling analysis conducted for the Draft EIR identifies areas where flood risk would decrease or increase over a range of events of differing magnitude, selected to fully capture the potential effects of the Project. The Draft EIR discusses these effects in Impact 4.9-4 and in Chapter 5 (identifying the project-specific and cumulative impacts, respectively). Draft EIR Table 4.9-3 summarizes the changes in flood risk for the range of flood events, and Draft EIR Figures 3-13a through 3-15c illustrate these changes.

Regarding the question of the “front steps elevation” portion of the comment, refer to Master Response 6, which explains the selected impact significance threshold used in Draft EIR Impact 4.9-4.

C34-20 This comment asks how project objectives are satisfied if Project creates an environmental impact of new flooding onto private properties.

The project objectives would be satisfied for several hundred properties, which would have the risk of flooding reduced or eliminated in the 10-year flood event. Twenty properties, in a 25-year event, could have a small amount of new or increased flooding until such time as other projects under the Ross Valley Flood Protection and Water Program are implemented. This would provide a large net overall reduction in flood risk and neighborhood quality, as in Objective 1 and Objective 4, and it would not increase risks to public health or safety, as in Objective 7, because the increased flooding is only several inches of new or increased inundation in areas that are already in a known flood hazard area. The other alternatives would provide similar or reduced flood risk reduction benefit, as discussed in Draft EIR Tables 6-5 and 6-6.

The Flood Control District could therefore determine in a Statement of Overriding Considerations that those undesirable and potentially adverse impacts are worth the benefits of the implemented project.

C34-21 This comment states that the Draft EIR includes an inadequate discussion of constraints downstream of the Winship Bridge that will be exacerbated by increased downstream flow.

The text of Section 4.9 addresses changes in hydraulics, flooding, erosion/scour, and sedimentation in the portion of San Anselmo Creek between the Winship Bridge and the Sir Francis Drake Bridge (the next bridge downstream) in several locations. The text of Impact 4.9-3 (Draft EIR page 4.9-49) discusses scour and erosion, and a few pages later (page 4.9-54) the EIR discusses changes in flood risk in these locations. Substantial adverse changes are not expected downstream of the Sir Francis Drake Bridge.

C34-22 This comment states that the Draft EIR includes an inadequate discussion of sedimentation and associated flooding downstream of Winship Bridge.

Please see Response C34-21, which addresses this question.

C34-23 This is a summary comment that compiles the reasons the commenter believes the Draft EIR is inadequate to provide necessary information. It also encourages lead agency to prepare more focused information related to the significant and unavoidable impacts.

This comment is acknowledged, and summarizes other comments responded to in Responses C34-1 through C34-22.

From: William Solomon [mailto:wbsolomon@gmail.com]
Sent: Saturday, June 30, 2018 2:39 PM
To: Lewis, Liz <LizLewis@marincounty.org>
Cc: publicworks@townofRoss
Subject: Flood control project and Winship Avenue Bridge replacement

We have lived at 10 Winship Avenue in Ross for approximately forty years, are in the flood plain, and have been flooded in the past, our house and landscaping damaged, our carport destroyed. It seems the timing of the new flood work is critical to the safety of our home. Should the work in San Anselmo be done prior to the replacement of the Winship Avenue Bridge the increased water flow will augment potentials for our being flooded..... particularly since the rear of our home is only 39.9 feet or slightly lower as referenced from the North American Vertical Datum (as per Felix Meneau report). We therefore expect the Ross bridge will be rebuilt prior to the San Anselmo work or at least that the projects will be done simultaneously.

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We also are concerned that any work done on the opposite bank behind our property not shunting increased amounts of water to our side to our detriment. In addition, there is a low concrete weir placed across the bed of the creek that should be rectified. Thank you for your help and consideration.

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Sincerely,

Marcia and Wiliam Solomon
P.O.Box 162, Ross, Ca 94957
10 Winship Avenue, Ross, CA
415 -459-2675

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

3.4.35 Comment Letter C35: Marcia and William Solomon

C35-1 The commenter has lived in Winship area for 40 years and experienced flooding, and states that the timing of new flood work is critical to safety of their home. The commenter states that Winship Bridge should be replaced prior to San Anselmo work, or at least done simultaneously.

This comment is acknowledged. The comment does not address the adequacy or accuracy of the EIR. The Winship Bridge Replacement Project is funded jointly by the California Department of Transportation, the Town of Ross (which is also the CEQA lead agency), and by the Flood Control District. It is likely to occur concurrent with construction of the proposed Project (i.e., it is expected to be completed between 2019 and 2020). The comment will be transmitted to decision-makers at the Flood Control District for consideration in their deliberations on whether to approve the proposed Project.

C35-2 The commenter expresses concern about work done on opposite bank shunting water to commenter's side of bank. There is a low concrete weir placed across the creek bed that should be rectified.

This comment is acknowledged. It will be shared with decision-makers at the Flood Control District. Draft EIR Impact 4.9-4 includes a discussion of the impacts of Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, on page 4.9-59. Refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for additional clarification of the impacts of Mitigation Measure 4.9-4 and how those would be reduced to less than significant by the various mitigation measures for the Project as a whole.

Travis and Stephanie Trotter
14 Deer Creek Court
Fairfax, CA 94930
(415) 250-1672

Elizabeth Lewis
3501 Civic Center Dr.
San Rafael CA 94903
(415) 473-7226

Response to San Anselmo Flood Risk Reduction Project Environmental Impact Report

Summary

We oppose the Sunnyside Nursery Detention Basin project on principle. We believe it will have minimal positive impact on downstream flooding and will pose an unreasonable and unprecedented flood risk to our property. Additionally, we oppose the project for the following reasons listed below and request a detailed response and alternatives to existing plans. We object to all areas in the document that refer to "Trestle Glen", "Deer Creek Court", parcel number for 14 Deer Creek Ct, the creek that passes through our parcel, and the "Sunnyside Nursery" location itself.

1

Mitigation Measures

It is unreasonable that the mitigation measures that are being proposed to reduce a 25 year flood risk caused by the basin to my property assume or are contingent on access, modification, or construction on my land. Furthermore, there is a lack of specific designs being presented as to what these changes would be, if it were to be permitted. It should be noted that there has been no risk to flooding (to include a 100 year event) prior to this project.

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Risk to Life and Property

This project poses an increased risk, due to flooding, to my family's lives, poses a great health risk, and endangers our property, land, and our tangible and intangible assets. This is unacceptable because my land was used in the design, by essentially making the creek a holding basin for the flood water until released into the water detention basin. There is a reasonable risk that the models used were not capable of forecasting the future threat and that equipment failure, personnel response and future succession of responsibility will add increased risk.

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Environmental Impact

The impact on the creek will not just negatively impact the land itself and will have costly environmental impact due, not only to flood risk, but due to impact of the increased water

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volume of the creek being included in the overall basin design. The increased water will impact the soil, vegetation, redwood grove, ornamental landscaping, and cause increased insect populations, and displacement of other wildlife, etc.

↑
6 cont.

Construction Impact

The construction of the basin will cause an unreasonable disruption to traffic flow and significant noise pollution and will inevitably take longer than the proposed timeline. The location of the basin will impact the only route for commuting to work and school and our access to the town of Fairfax and communities beyond. It will also pose increased risk to pedestrians, cyclists, and children in the area.

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New Flood Zone

This project will ultimately require a new designated flood zone which will encompass my property and thereby will require the additional cost of flood insurance

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Real Estate Value

The construction of the basin, increased risk of flood, impact to land, aesthetics, and requirement for increased insurance will negatively impact the real estate value of the property and its overall desirability and marketability.

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Access to Private Property

It is presumptuous of the county that access would be authorized to my property to modify, build, remove existing vegetation, change overall appearance of land or the existing creek or surrounding area and should not be considered in the plans. Furthermore, all flood mitigation measures should be located off of private property and contained within the public land dedicated to the project site.

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Sincerely,

Travis and Stephanie Trotter

3.4.36 Comment Letter C36: Travis and Stephanie Trotter

C36-1 This comment states the commenters' opposition to the project. It states the commenters belief that project will have minimal impact on downstream flooding and pose a flood risk to commenter's property (14 Deer Creek Ct.). It requests a response and alternative to existing plans. It objects to areas in document that refer to "Trestle Glen" "Deer Creek Court" parcel number 14 Deer Creek Court, the creek, and the "Sunnyside Nursery" location itself.

This introductory comment is acknowledged. It expresses an opinion on the project merits, which do not address the adequacy and accuracy of the EIR. Please refer to Master Response 1, Project Merits, for a discussion of that topic. As the response to subsequent comments explains, the hydraulic modeling performed for this Project does not indicate that the referenced parcel would be affected by an increased flood risk, regardless of flood event magnitude. This document is the response to the request in this comment. Finally, Chapter 6, Alternatives, considers several alternatives to the proposed Project.

C36-2 Comment states that it is unreasonable that mitigation measures are contingent on access, modification, or construction on commenter's property. This comment is acknowledged. The EIR's Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, (discussed in Section 4.9 and also in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation) is proposed for implementation on potentially affected private properties to protect them from possible adverse effects of the proposed project. There is no requirement that owners accept those measures. Please see Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, for more on this topic.

C36-3 This comment says that there is a lack of specific designs for the proposed mitigation measures and that the property had no risk of flooding prior to project.

The design details for Mitigation measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, are not available at the present time. Please refer to Master Response 3, Future Design Details, for information on the degree of detail required for an adequate EIR. These mitigation features need to be developed specifically for each individual property and in coordination with the property owners. They would necessarily be tailored to the elevation, slope, and other physical constraints of each property and are beyond the scope of analysis required in an EIR. This approach is compliant with the requirements of State CEQA *Guidelines* Section 15151, which say that and EIR must contain a "sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences" and with State CEQA Guidelines Section 15151, which says that mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way."

Finally, note that Mitigation Measure 4.9-4 has been clarified to explain that the flood barriers proposed under that mitigation measure include several other measures. Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, includes the text of Revised Mitigation Measure 4.9-4.

- C36-4 This comment states that the project poses a risk to life and property for commenters because the land adjacent to the creek was used in design by essentially making the creek a holding basin for the flood water until released into the water detention basin.

The hydraulic modeling performed for this project does not indicate that the parcel at 14 Deer Creek Court would be affected by increased flood risk. On the only potentially affected parcel in the area upstream of the Nursery basin, the inundation depth would up to 6 inches of backwater flooding, which is not a threat to life or health. That increased flood risk is avoidable with implementation of the proposed mitigation measure.

- C36-5 This comment expresses that equipment failure, personnel response, and future succession of responsibility could add increased flood risk and that the commenters' property was used in the design.

With one exception, the project designs include only the former Nursery Basin parcel. The exception is the proposed slope protection that would be placed along a small section of Fairfax Creek on the immediately adjacent parcel. The proposed flood barriers and other proposed mitigation measures (discussed in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation) associated with Mitigation Measure 4.9-4 would be offered to owners of properties that could be adversely affected by increased flood risk. The property at 14 Deer Creek Court is not one of those so affected.

The other points in this comment relate to the chance of error in the modeling, design, construction, or other stages that may lead to project failure and an increased risk to this property. A proper CEQA analysis must focus on physical changes to the environment caused by the project; CEQA does not require a presumption that a project's development or implementation is flawed.

- C36-6 This comment says that the modifications to Fairfax Creek would adversely impact soil, vegetation, redwood grove, ornamental landscaping, and cause increased insect populations and displacement of other wildlife.

The Project's potential impacts on biological resources were analyzed and discussed in Section 4.5, Biological Resources. Specifically, impacts to trees were addressed in Impact 4.5-10, and impacts to riparian areas and other sensitive natural communities were addressed in Impact 4.5-7. These potential impacts would be less than significant after implementation of the proposed mitigation measures. The project's potential impacts on soils were analyzed and discussed in Section 4.7, Geology, Seismicity, Soils, and Paleontological Resources. Potential impacts to soils were addressed in Impact 4.7-2. These potential impacts would be less than significant after implementation of the

proposed mitigation measures. This comment does not raise other specific questions or offer evidence as to how the possible impacts expressed in this comment might occur.

- C36-7 This comment states that the traffic disruption associated with the proposed project's construction is unreasonable, that the construction noise will be significant, and that construction will also take longer than the proposed timeline. It states the location of basin will impact route to work and to the Town of Fairfax and bring an increased risk to pedestrians, cyclists, and children.

The project's effects on transportation, including traffic delays and changes in safety along public roads, as well as the proposed mitigation measures to avoid them, are discussed in Section 4.15, most notably in the discussion of Impact 4.15-1 and Mitigation Measure 4.15-1, Traffic Management Plan. The estimates for the amount of construction traffic were derived based on a conservative "worst-case" scenario for how fast excavation at the Nursery basin site could proceed. If construction is slower and takes longer, the daily impacts on traffic congestion would decrease.

To address possible congestion from construction traffic, that mitigation measure includes coordination with the towns along the haul routes to adjust the hauling schedule for less busy periods as needed to maintain an acceptable level of service. To address the safety issues raised in the comment, that mitigation measure includes advance public notice, increased signage, flaggers and other means of traffic control, and other measures.

Construction noise was analyzed in Section 4.11, Noise. By complying with County ordinances regarding noise limits, hours of construction, and others, the construction noise impacts would be less than significant.

- C36-8 This comment says that the project will require a designation of a new flood zone which will encompass property of commenter and affect insurance rates. Under CEQA, economic effects such as changes in insurance rates are not adverse environmental impacts. This comment does not pertain to the adequacy or accuracy of the EIR. Please refer to Master Response 2, Socioeconomic Effects, for a further discussion of this topic.

- C36-9 This comment states that the project will negatively impact real estate value of property. Please refer to Master Response 2, Socioeconomic Effects, which explains that economic effects such as changes in property values are not adverse environmental impacts under CEQA. This comment does not pertain to the adequacy or accuracy of the EIR, but it will be forwarded to the decision-makers at the Flood Control District for consideration in their deliberations on whether to approve the Project.

- C36-10 This comment states that the County/District is presumptuous in planning to access and modify commenter's property and this should not be considered in the plans. It recommends that all flood mitigation measures be located on public land, not private property. The EIR's Mitigation Measure 4.9-4 (discussed in Section 4.9 and also in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation) is proposed for implementation on potentially affected private properties to protect them from possible

adverse effects of the proposed Project. There is no presumption that such permission will be granted by the owners of private properties, which is why the EIR finds a potentially significant impact related to increased flood risk on those properties.

June 29, 2018

TO: Liz Lewis, Planning Manager
 3501 Civic Center Drive, Room 304
 San Rafael, CA 94903

FROM: Michael Van Metre
 28 Shadow Creek Court
 Fairfax, CA 94930

RE: **EIR comments regarding Sunnyside Detention Basin**

1. **Change EIR Response to Comments from a 10-day circulation period to 30 days-** It is unfair to have such a short time span for concerned citizens research issues on such an important matter. 1

2. **Soil toxicity-** There are very elevated levels of arsenic, chromium and nickel found in the soil samples from the Sunnyside Nursery site. Although the EIR proclaims these elevated levels to be safe, they are above limits and we request that the California Department of Toxic Substance Control run a Human Heath Risk Assessment on both soil and water. Soil and water toxicity has been an ongoing concern largely due to the fact that high winds blow through this narrow section of the valley during the summer months when construction will take place. Our residence borders the construction site and we are directly downwind. We will be breathing large amounts of dust and particulates during construction and want to be assured that it is safe. 2

3. **Water toxicity-** Has the water been tested for toxic levels at the Sunnyside site? If not, can it be tested? There is also a water storage tank that is currently holding water, which should be tested as well. The nursery used a system to pump well water and contain it in holding tanks. I would suspect that on a nursery site of its age, (78 years), there could be some toxic levels. It would be good to know this as there could be further issues with stored water during detention. 3

4. **Mitigation of wind blown dust and particulates-**The EIR states that best practices will be used to mitigate dust but as referenced above, this site is a high wind area and is adjacent to housing developments. The homes on the east border of the Sunnyside site request bi-monthly power washing and window washing of homes, out buildings and vehicles in addition to multiple, daily water truck passes on the construction site. 4

5. **Downstream scouring-** Please provide more detailed information on avoiding scouring downstream at the site of the discharge site. 5

6. **Hydrology-** When storing this mass body of water (~32 acre feet) even for a short duration can have major effects in hydrostatic pressure (capillary action, plumes, seepage) on the surrounding earthen berms and housing lots. If there is failure or a breach in any of the berm/dam structures or if any private property has earth movement, water infiltration or flooding, who is liable? I demand a written statement addressing that the County (et al) bare full responsibility for repair and remediation. 6

7. **Fencing-**the EIR states that a cyclone fence shall surround the Sunnyside property. Since this project is full view of our backyard, the homeowners of the Shadow Creek Homeowners Association in addition to the Trestle Glen HOA can have input on deciding the color and style of the protective fencing. 7

8. **Sediment removal-** The EIR states that the current basin design will require on-going sediment removal and maintenance. Who is specifically responsible for this maintenance and where does funding come from? 8

9. **Dewatering/mosquitoes:** The likelihood of hitting ground water during excavation is very high, requiring the need to dewater (pump water out of the basin during construction). This will create a mosquito breeding environment both in the basin and in Fairfax Creek which runs through our neighborhood. How will this be monitored and treated? 9

10. **Dewatering/depletion of aquifer:** Under the same scenario, the continued need to pump water out of the basin could potentially deplete the aquifer that Shadow Creek relies on for irrigation to homes and common area. Who covers our water expense when we have to switch to city water supply? 10

11. **Hydrology:** When storing this mass body of water (55 acre feet, equaling 18,247,656 gallons of water) even for a short duration can have major effects in hydrostatic pressure (capillary action, plumes, seepage) on the surrounding earthen berms and housing lots. If there is failure or a breach in any of the berm/dam structures or if any private property has earth movement, water infiltration or flooding, who is liable? I demand a written statement addressing that the County (et al) bares full responsibility for repair and remediation. 11

12. **Traffic-** The Sunnyside project will involve a high volume of large truck trips potentially on Sir Francis Drake Blvd., a main thoroughfare that is already highly congested. We request to have trucking routed west of the Sunnyside site, over White Hill via West Marin. 12

3.4.37 Comment Letter C37: Michael Van Metre

C37-1 The commenter requests the circulation period be changed from 10 days to 30 days.

This comment is acknowledged. The Draft EIR was circulated for 45 days, consistent with State CEQA *Guidelines* Section 15105. Pursuant to State CEQA *Guidelines* Section 15088, a lead agency must provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.

C37-2 The commenter states that elevated levels of arsenic, chromium, and nickel are above limits and requests that DTSC run a Human Health Risk Assessment on soil and water. The commenters' residence borders the Nursery Basin site and they are downwind and have concerns about large amounts of dust and particulates during construction.

Draft EIR Section 4.8, Hazards and Hazardous Materials, summarizes soil testing conducted at the Nursery Basin site and evaluates potential impacts related to accidental release of hazardous materials. As stated on Draft EIR page 4.8-1, the use as a nursery is assumed to have included fertilizers, pesticides, and herbicides. The Franciscan Formation, the predominant geologic material in the area, includes serpentinite and other ultramafic rocks that are known to contain relatively higher concentrations of certain metals, including arsenic, chromium, and nickel. Arsenic concentrations in Bay Area soils typically exceed risk-based screening levels by one or more orders of magnitude. These metals are common to the region and typical of background values (GEI, 2017). In many situations, this is due to naturally-occurring background concentrations; regional studies have identified naturally-occurring background arsenic concentrations of 11 mg/kg and 15.3 mg/kg. The detected total chromium at the site is expected to mostly consist of Chromium III, for which the Tier 1 ESL is 120,000 mg/kg. Similar to arsenic, chromium can be present in regional soils exceeding the ESLs; regional studies have identified ambient background chromium concentrations of 112 mg/kg. Nickel can also be present in regional soils at background levels exceeding the ESLs; regional studies have identified ambient background nickel concentrations of 112 mg/kg.

Based on information such as the above, the analysis in Section 4.8.3.3 (beginning on page 4.8-19), discusses two potential impacts (Impacts 4.8-1 and 4.8-2.8-3) related to hazardous materials and their possible release into the environment. All of those impacts would be less than significant or would be reduced to levels that would be less than significant following implementation of Mitigation Measures 4.8-2a, Check 700/750 Sir Francis Drake Boulevard investigation status, 4.8-2b, Health and Safety Plan, and 4.8-2c, Soil Management Plan.

The Draft EIR discusses how sediment mobilization would be minimized during project construction. Draft EIR Impact 4.3-1 discusses impacts of the project on air quality, including generation of fugitive dust. Mitigation Measure 4.3-1, BAAQMD Basic Construction Measures, would reduce impacts associated with fugitive dust emissions to

a less than significant level. As discussed in Draft EIR Impact 4.9-1, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared by a Qualified SWPPP Developer and submitted to the San Francisco Bay RWQCB prior to Project implementation, and would specify established best management practices to be used to control stormwater run-on/runoff and sediment (such as use of check dams and fiber rolls for reducing erosion on slopes and retaining sediment in stormwater) that would be implemented during construction. Following implementation of SWPPP requirements and Mitigation Measure 4.9-1: Implement Dewatering BMPs for In-Water Work, the potential impacts on sediment mobilization and related effects on water quality would be reduced to less than significant.

- C37-3 The commenter asks whether water at the Sunnyside site been tested for toxic levels and if not, can it be tested, and states there is a water storage tank on site which should also be tested.

While past land use at the site could have resulted in the release of hazardous materials, given the soil test results, discussed in Response C37-2 and Draft EIR Section 4.8, groundwater at the Nursery Basin site is not anticipated to contain contaminants at toxic levels. The water storage tank and cistern has already been drained and would be demolished and removed as part of the Project, following the same construction BMPs and mitigation measures described in the response to the comments above.

- C37-4 This comment states that high wind in the area may make additional dust mitigation necessary. The homes on the east border of construction site request bi-monthly power washings.

The Draft EIR evaluates impacts to regional and local air quality that may result from the construction and long-term operations of the Project. As discussed in Draft EIR Section 4.3.4.2, projects that would result in criteria pollutant emissions below the significance thresholds identified by the Bay Area Air Quality Management District (BAAQMD) and summarized in Draft EIR Table 4.3-5 would not violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin.

As stated starting on Draft EIR page 4.3-27, studies have shown that the application of best management practices (BMPs) at construction sites significantly controls fugitive dust (Western Regional Air Partnership, 2006), and individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent (BAAQMD, 2010). The BAAQMD has identified eight Basic Construction Mitigation Measures to control fugitive dust emissions from construction activities for all projects, and 13 Additional Construction Mitigation Measures for all projects where construction-related emissions would exceed one or more of the BAAQMD's significance thresholds (BAAQMD, 2017). The impacts on air quality emissions would be less than significant following implementation of Mitigation Measure 4.3-1, BAAQMD Basic Construction Mitigation Measures, and 4.3-4, Tier 4 Engines for Construction Equipment.

In response to this request from multiple property owners near the Project construction sites, the Flood Control District will offer power-washing of homes following the completion of construction.

- C37-5 The commenter requests more detailed information on avoiding scouring downstream of the Nursery Basin site.

As stated in Draft EIR Section 3.4.2.1 (page 3-19) and Impact 4.9-3 (page 4.9-48), the Project includes installation of scour protection on Flood Control District property to reduce erosion of the existing bed downstream of the diversion structure and downstream of the basin outlet pipe. Scour protection may include rock riprap or other bank stabilization techniques. With inclusion of those design elements, and following implementation of Mitigation Measure 4.9-3, Scour Analysis and Protection Measures Upstream of the Downtown San Anselmo Site, the impacts associated with scour would be less than significant.

- C37-6 The commenter demands a written statement addressing that the County bear full responsibility for repair and remediation if there is a failure or breach in any of the berm/dam structures or if any private property has earth movement, water infiltration or flooding.

The engineering and design of the basin have been informed by analysis of subsurface geological and geotechnical conditions, groundwater flows, soil composition, and other technical fields. A seepage wall was included in the designs for the eastern side of the basin property to address and avoid the type of concern expressed in this comment. As discussed in Draft EIR Section 4.7, the basin would be constructed in accordance with state and federal dam and levee design standards. CEQA does not require that an EIR analyze Project failure as an environmental impact or assume that such failure would take place. Refer to Responses C21-1, C21-2, and C21-3 for further discussion of geotechnical conditions at the basin site, and design standards to be implemented for the basin. Master Response 2, Socioeconomic Effects, explains that financial liability is not an environmental impact under CEQA. The rest of this comment does not address the adequacy or accuracy of the EIR. The comment will be transmitted to the Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

- C37-7 This comment states that homeowners of Shadow Creek Homeowners Association and Trestle Glen HOA request input on color and style of protective fencing.

This comment is acknowledged. The comment does not address the adequacy or accuracy of the EIR. The comments will be transmitted to decision-makers for consideration in their deliberations on whether to approve the proposed project. Note that the text of the Project Description has been modified to more accurately reflect the extent of the proposed new fencing at the Nursery Basin; it would be present only along portions of the site's southern and western border and would not enclose the property as initially described.

- C37-8 The commenter asks who is responsible for sediment removal and maintenance, and where funding would come from.

Draft EIR Section 3.5.3.1 (starting on page 3-41) describes operations and maintenance activities at the Nursery Basin site, including routine and periodic activities. One routine, annual sediment removal would occur in the dry season to reduce effects on water quality and aquatic species. The amount of sediment removed in that routine maintenance action would vary depending on storm events and sediment moving into the creek each year. During especially wet years, a second sediment removal action may be necessary. Sediment removals would be conducted by the Flood Control District. In addition, after the basin has been used (i.e., filled and emptied), the Flood Control District would remove foreign materials and excessive woody debris, and sediments if deemed excessive or passing threshold for hydraulic performance or if in conflict with vegetation restoration. The Flood Control District would also remove any foreign debris from the natural channel through the basin, and monitor the new channel through the basin for sedimentation and bank erosion.

The commenter's question about funding does not address the adequacy or accuracy of the EIR analysis, and will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

- C37-9 The commenter asks how mosquito breeding environments from groundwater dewatering will be monitored and treated.

As discussed in Draft EIR Impact 4.9-2 (page 4.9-41), dewatered groundwater during the construction phase would be held in settlement tanks and properly treated. Dewatering of groundwater from excavations during construction typically would involve pumping water out of the excavated area into settlement tanks and, following appropriate on-site treatment, discharging the water over land or into municipal separate sewer systems and/or the creek. No ponded water associated with construction activities would be allowed to remain on the construction site for sufficient time to allow mosquito breeding. No dewatering is planned for the operational phase.

- C37-10 The commenter states that Shadow Creek relies on irrigation from groundwater basin, which will be dewatered during project, and asks who will cover water expense when commenter switches to city water supply.

Draft EIR Impact 4.9-2, which addressed changes in groundwater supplies, (starting on page 4.9-44) evaluates potential physical effects of the project on groundwater at the Nursery Basin site during project construction and operations. During the operational phase, as described in the geotechnical reports prepared for the Nursery Basin site, groundwater exists at the site, at depths of about 9 feet below ground surface between rain events during the winter season. During and after rain events, groundwater elevation increases by several feet due to runoff from the northern hillside and recharge from Fairfax Creek. During summer, groundwater levels drop to about 20 feet below ground surface. Regarding impacts to groundwater during construction, as stated on Draft EIR

page 4.9-45, the affected groundwater for Project excavations would be from the shallow aquifer, which is not used as a source of municipal drinking water. Such dewatering activities would be limited to as-needed pumping, would be temporary in nature, and would only affect unconfined groundwater, and thus would not substantially affect local groundwater levels such that there would be a net deficit in aquifer volume or lowering of the local groundwater table.

Additionally, any impact to groundwater during construction would be confined to the vicinity of the excavation. Groundwater levels would return to pre-Project conditions once construction is completed. The geotechnical report evaluated the effect on groundwater levels of water storage in the Nursery Basin and estimated that the average rise in groundwater across a distance of 525.8 feet would be less than 0.01 foot, indicating that there would be minor to no impact to local groundwater levels caused by basin operations. This is within the existing variability of groundwater levels at the site (noted above as ranging within several feet over the course of a season); therefore, the project's impact to groundwater would be less than significant, as concluded in the EIR's text on Impact 4.9-2.

C37-11 This comment asks who is liable for flooding when the mass body of water causes berm failure. The commenter demands a written statement that the County (Flood Control District) bears responsibility for repair and remediation

This comment is acknowledged. The comment does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project. Refer also to Master Response 2, Socioeconomic Effects, which explains that financial liability is not an environmental impact for analysis in an EIR.

C37-12 The commenter requests that trucking is routed west of Sunnyside site, over White Hill via West Marin.

This comment is acknowledged. The comment does not address the adequacy or accuracy of the EIR. The comments will be transmitted to decision-makers for consideration in their deliberations on whether to approve the proposed project.

Lewis, Liz

From: Linn Walsh <linn.walsh2010@gmail.com>
Sent: Thursday, May 17, 2018 9:21 AM
To: Lewis, Liz
Subject: Public Comment on the EIR for the San Anselmo Flood Risk Reduction Project

Hi Liz,
I support the proposed project as it looks like it will reduce flooding in my neighborhood.

1

Thank you,

Linn Walsh
Dominga Avenue
Fairfax, CA

3.4.38 Comment Letter C38: Linn Walsh

C38-1 The commenter expresses support for the project due to flood reduction benefits in the commenter's neighborhood.

This comment, expressing support for the project, is acknowledged. The comment does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

Lewis, Liz

From: Gordon Wright <gordon@outsidepr.com>
Sent: Sunday, May 20, 2018 12:44 PM
To: Lewis, Liz
Subject: SAFRRP/EIR Comment

Liz, as I predicted nearly a year ago, this is an unsafe, totally ill-advised project.

My exact words were, "You're just moving the flooding from one area to another," and the EIR clearly states that this is correct as it pertains to Baywood Canyon.

For a small abatement of flooding downstream, you're pushing the flood upstream, where sediment from the containment lot at Sunnyside Nursery will flood our land, our houses, and the land and houses of our neighbors.

That is unconscionable, and unacceptable. The language is stark and unmitigated: Baywood flooding is inevitable, and "a significant impact."

Summary Though the Project would result in a net reduction in flooding for the 10-year and 25-year storms, the Project would result in some new flooding downstream of the Project area, upstream of the Sir Francis Drake Bridge and east of Sir Francis Drake Boulevard, and upstream of the Nursery Basin site, during the 25-year storm event. This would be a significant impact.

Note, too, that mitigation efforts (dredging) is limited by law.

I see two possible remedies here:

1. The County buys zero-deductible flood insurance policies for Baywood Canyon residences in perpetuity
2. Or, we stop this idea entirely.

I'd love to hear back from you on this
g

--
Gordon Wright
President
415.887.9325
www.outsidepr.com

Representing: HOKA, Red Bull, Halo Neuroscience, Backcountry, Decathlon Sports, Craft Sportswear, Cotopaxi, DownTek, Buff, Inc., Injinji, Icebreaker, Epson, King Oscar, Rocky Mountain Underground, Lorpen, CamelBak Pursuit Series, Woolmark, Swany and Sparta Science

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3.4.39 Comment Letter C39: Gordon Wright

C39-1 The commenter states that the project is moving flooding from one area to another, and states that sediment from the detention basin will flood the Baywood neighborhood. The commenter then summarizes conclusions of Draft EIR Section 4.9, Hydrology and Water Quality.

Please refer to the discussion of Changes in Flood Risk in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, which includes additional clarification regarding potential changes in flooding upstream of the diversion structure. As stated in Draft EIR Impact 4.9-4 (on page 4.9-56), upstream of the Nursery Basin site, during the 25-year event, after sufficient sediment deposition behind the diversion structure, new inundation would occur on a small portion of one parcel, a significant impact. As stated on Draft EIR page 4.9-59, Mitigation Measure 4.9-4, Provide Flood Protection on Substantially Affected Areas, would be implemented to avoid the potentially adverse effects of flooding resulting from changes to drainage patterns by installing flood barriers to contain the flows within the existing channel such that existing structures on affected parcels would not be flooded during the 25-year event.

C39-2 The commenter notes that mitigation via dredging would be limited by law.

This comment is acknowledged. Limitations on dredging are discussed in Draft EIR Chapter 3, *Project Description*, and in Section 4.9 (starting on page 4.9-23). The comment does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

C39-3 This comment suggests the County should pay for flood insurance for Baywood Canyon residences or the project should be stopped.

This comment is acknowledged. The comment does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

Lewis, Liz

From: John Wright <johndwright1125@gmail.com>
Sent: Monday, May 21, 2018 11:17 AM
To: Lewis, Liz
Subject: EIR comments

Marin County Board of Supervisors
Marin County Flood Control and Water Conservation District
c/o Liz Lewis, Planning Manager, Department of Public Works

Re: San Anselmo Flood Risk Reduction Project – Draft Environmental Impact Report

Ladies and Gentlemen:

I urge the Board to adopt project alternative 4, the increased capacity detention basin (41 acre-feet), described in Section 6 of the EIR. 1

As shown in Tables 2 and 3 to the January 31, 2018 Stetson Engineers report in Appendix D-1 of the EIR, this alternative would reduce inundation depth in a 10-year flood event by more than one-third in both Fairfax and downtown San Anselmo, as compared to the proposed project with a 31.6 acre-foot capacity in the detention basin. Coupled with the removal of the building at 634-636 San Anselmo Avenue, the increased flood protection benefit of this alternative is particularly significant for downtown San Anselmo. 2

Importantly, given the vocal opposition to detention basin projects in the upper Ross Valley, and the loss of Phoenix Lake as a detention basin site, the former nursery site may be the only opportunity for a detention basin for the foreseeable future, and possibly forever. Detention has always been a critical element to the overall initial project goal of 100-year flood protection, which now seems impossible to achieve. Nevertheless, the benefits to the reduction of flooding during less intense, but likely more frequent rain events continue to justify the building of detention basins as part of the overall project. 3

Having made it this far in securing and analyzing the nursery site, I urge the Board to take advantage of this opportunity to create as much detention capacity as possible at that location. It may be the only chance. 4

I am submitting this comment in my individual capacity.

Sincerely,
John D. Wright
55 Avenue del Norte
San Anselmo

3.4.40 Comment Letter C40: John D. Wright

C40-1 This comment urges Board to adopt Alternative 4, the Increased Capacity Basin.

This comment is acknowledged. Draft EIR Section 6.3.4 describes and evaluates environmental impacts of Alternative 4: Increased Capacity Basin. The comment expresses support for a project alternative, and does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

C40-2 This comment highlights the increased flood protection benefit for downtown San Anselmo.

This comment is acknowledged. The comment emphasizes project benefits, and does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

C40-3 The commenter supports detention basins despite local opposition.

This comment is acknowledged. The comment expresses support for the project, and does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

C40-4 The commenter urges the Board to create a detention basin as the site may be the only chance the County has.

This comment is acknowledged. The comment expresses support for the project, and does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed project.

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3.5 Public Hearing

Public Testimony Summary

- 1) Elizabeth Brekhus, councilmember, Town of Ross
 - What is the level of protection for this project? Does it apply to finished floor elevations and crawlspace. PH-1
 - My understanding is that the DEIR doesn't consider crawlspaces.
 - The flood change maps are hard to read. The landowners need assistance to understand their risk PH-2
 - She questioned the purple reduction area during the 25-year flood event.

- 2) Dan Hilmer, Mayor, City of Larkspur
 - Requested that the public comment period be extended. Timeline and notice prior to this hearing was insufficient PH-3
 - Larkspur wants to ensure the Ross Valley Program delivers projects to their residents PH-4
 - What are the impacts to Greenbrae with the sediment in Corte Madera Creek PH-5

- 3) John Crane, Town of Ross
 - Wants to know how mitigations for increased flood risk will be provided? PH-6

- 4) Linda Gridley, Caldwell Banker (634 San Anselmo Avenue)
 - Concerned with impacts of construction on nearby businesses. The project addresses flooding from the 10 year flood event, property owners will still need flood insurance. PH-7
 - PH-8

- 5) Richard Simonitch, Public Works Director, Town of Ross
 - Draft EIR doesn't discuss the hydraulic impacts from flood barrier mitigations and any increased velocities from the project. PH-9

- 6) Sandy Guldman, Friends of Corte Madera Creek Watershed
 - Any new storm drains in downtown San Anselmo should include full trash capture devices. PH-10
 - Sediment transport is described in extensive detail. Recommends moving forward expeditiously. PH-11

- 7) Ross Asselstine, San Anselmo resident
 - DEIR lacks a cost benefit study PH-12
 - Recommends water proofing buildings and installing gates in door jambs to prevent flooding PH-13
 - Planners bolted to back end of the this project, listen to the carpenters. PH-14

- 8) Julie McMillan, councilmember, Town of Ross
Not enough time between release of DEIR and this public hearing. When will flood barriers be built? Who owns the liability if they don't work? If temporary flood walls are installed who pays for their removal? PH-15, PH-16 PH-17
- 9) Olivier , owner, l'Appart resto
Wants Board to make a decision so he can move forward. Received tenant relocation plan yesterday. Needs a space with a patio in San Anselmo. PH-18
- 10) Bruce Ackerman, councilmember, Town of Fairfax
Found the DEIR to be clear and understandable PH-19

3.5.1 Comment Letter PH: San Anselmo Flood Risk Reduction Project Draft EIR Hearing, Public Testimony Summary

PH-1 The commenter asks whether the level of protection for the Project applies to finished floor elevations and crawlspaces.

Please refer to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, which discusses the flood impact threshold and Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas.

PH-2 The commenter states that the flood change maps are hard to read, states that landowners need assistance to understand their risk, and questions the purple reduction area during the 25-year event.

Draft EIR Figures 3-13a-c, 3-14a-c, and 3-15a-c have been revised in response to this comment. The revisions to these figures do not result in any changes to the environmental analysis in the Draft EIR. Refer also to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, which present the addresses and assessor's parcel numbers of the potentially affected properties and whether those effects would be new inundation or increased inundation under the 25- and 100-year events.

PH-3 The commenter requests an extension of the public comment hearing, stating that notice prior to this hearing was insufficient.

This comment is acknowledged. The Flood Control District provided public notice of the Draft EIR consistent with State CEQA *Guidelines* Section 15087. The public circulation and comment period was 45 days, pursuant to CEQA *Guidelines* Section 15105.

PH-4 The commenter states that Larkspur wants to ensure the Ross Valley Program delivers projects to their residents.

This comment is acknowledged. The comment expresses interest in a different project, the Ross Valley Program, and does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed Project.

PH-5 The commenter asks about impacts to Greenbrae with the sediment in Corte Madera Creek.

Draft EIR Section 4.9, Hydrology and Water Quality, includes discussion of the project's impacts on sedimentation issues as well as erosion. Refer also to Master Response 7, Erosion, Sedimentation, and Channel Maintenance for additional discussion of project impacts on erosion and sedimentation in Corte Madera Creek.

PH-6 The commenter asks how mitigations for increased flood risk will be provided.

Please refer to the discussion of Flood Risk Mitigation in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation.

PH-7 The commenter expresses concern about impacts of construction on nearby businesses.

Draft EIR Chapters 4 and 5 evaluate direct, indirect, and cumulative impacts of the project on the physical environment, including impacts associated with construction.

PH-8 The commenter states that the Project addresses flooding from the 10-year event, so property owners will still need flood insurance.

This comment is acknowledged. The comment does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed Project.

PH-9 The commenter states that the Draft EIR does not discuss the hydraulic impacts from flood barrier mitigations and any increased velocities from the project.

Potential impacts associated with Mitigation Measure 4.9-4 (Provide Flood Protection to Substantially Affected Areas) are identified on Draft EIR page 4.9-59. Draft EIR Impact 4.9-3 (starting on page 4.9-46) evaluates project impacts on erosion and sedimentation. Refer also to Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, which clarifies the impacts and mitigation measures associated with Mitigation Measure 4.9-4.

PH-10 The commenter states that any new storm drains in downtown San Anselmo should include full trash capture devices.

This comment is acknowledged. The comment does not address the adequacy or accuracy of the EIR. The comment will be transmitted to the Flood Control District for its use in developing the next stages of design; it will also go to the Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed Project. Compliance with the Regional Water Quality Control Board's Municipal Separate Storm Sewer System "MS4" General Permit would include provisions designed to protect water quality, such as trash capture.

PH-11 The commenter states that sediment transport is described in extensive detail, and recommends moving forward expeditiously.

This comment is acknowledged. Draft EIR Impact 4.9-3 (starting on page 4.9-46) evaluates project impacts on sediment transport and erosion.

PH-12 The commenter states that the Draft EIR lacks a cost benefit study.

As discussed in Master Response 2, Socioeconomic Effects, in accordance with the California Environmental Quality Act (CEQA), the Draft EIR evaluated the physical environmental effects of the Project. Economic (e.g., financial liability, property values)

and social or quality-of-life effects of a project are not considered environmental impacts under CEQA (Guidelines Section 15131) unless there would be a physical impact on the environment (such as impacts addressed in the Draft EIR in the air quality, traffic, and noise sections) resulting from such effects, or if such effects result in the need for the construction of new or physically altered facilities that would result in significant physical environmental impacts. Thus CEQA does not require a benefit-cost analysis for a project. This request for one does not address the adequacy and accuracy of the EIR.

PH-13 The commenter recommends water proofing buildings and installing gates in door jambs to prevent flooding.

This comment is acknowledged. As discussed in regards to Flood Impact Mitigation in Master Response 6, Changes in Flood Risk and Flood Risk Mitigation, the Draft EIR uses the term “flood barrier” as a general, categorical term for a broader range measures to reduce flooding or flood-related impacts on relatively small areas, such as an individual structure or parcel of land. This approach is used by FEMA¹ and the U.S. Army Corps of Engineers², which treat measures such as berms, flood walls, raising individual structures, wet-proofing or dry-proofing of structures, and others are part of a broad category of flood mitigation measures that in this EIR are referred to as “flood barriers.”

PH-14 The commenter states that planners are bolted to back end of this project, listen to the carpenters.

This comment is acknowledged. The comment does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed Project.

PH-15 The commenter states that there was not enough time between release of the Draft EIR and this hearing.

The Flood Control District provided public notice of the Draft EIR consistent with State CEQA *Guidelines* Section 15087. The public circulation and comment period was 45 days, per CEQA *Guidelines* Section 15105; as required, the public hearing occurred within that 45-day period.

PH-16 The commenter asks when the flood barriers would be built.

As stated in Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas, the mitigation measure would be implemented prior to or during construction of the Project.

¹ FEMA, Chapter 3, An Overview of the Retrofitting Methods, in *FEMA P-312, Homeowner's Guide to Retrofitting*, Third Edition, 2014. Available online at <https://www.fema.gov/media-library/assets/documents/480>, accessed August 17, 2018.

² U.S. Army Corps of Engineers Nonstructural Flood Proofing Committee and Association of State Floodplain Managers, Nonstructural Flood Risk Management, undated.

PH-17 The commenter wonders who owns the liability if the flood barriers do not work, and asks who pays for removal if temporary flood walls are installed.

Response to this comment, regarding flood barrier liability and mitigation costs, is included in Master Response 2, Socioeconomic Effects.

PH-18 The commenter wants the Board to make a decision so he can move forward. The commenter states that he received a tenant relocation plan yesterday, and needs a space with a patio in San Anselmo.

This comment is acknowledged. The comment does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed Project.

PH-19 The commenter found the Draft EIR to be clear and understandable.

This comment is acknowledged. The comment does not address the adequacy or accuracy of the EIR. The comments will be transmitted to Flood Control District decision-makers for consideration in their deliberations on whether to approve the proposed Project.

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CHAPTER 4

Draft EIR Text Revisions

4.1 Introduction

This chapter presents revisions to the San Anselmo Flood Risk Reduction Project (project) Draft Environmental Impact Report (Draft EIR) that was published on May 18, 2018. These revisions include both (1) changes made to text, tables, or figures in response to comments on the Draft EIR as discussed and presented in Chapters 2 and 3, as well as (2) staff-initiated text changes to correct minor inconsistencies, to add minor information or clarification related to the project, and to provide updated information where applicable. None of the revisions or corrections in this chapter substantially change the analysis and conclusions presented in the Draft EIR.

The chapter includes all revisions by reproducing the relevant excerpt of the Draft EIR in the sequential order by the chapter, section, and page that it appears in the document. Preceding each revision is a brief explanation for the text change, either identifying the corresponding response codes, such as Response A1-1, where the issue is discussed in Chapter 2 or 3, or indicating the reason for a staff-initiated change. Deletions in text and tables are shown in strikethrough (~~strikethrough~~) and new text is shown in underline (underline).

4.2 Changes to the Draft EIR

4.2.1 Cover, Table of Contents, Acronyms, Abbreviations, and Glossary

No revisions were made to these sections.

4.2.2 Chapter 1: Introduction

No revisions were made to this chapter.

4.2.3 Chapter 2: Summary

In response to multiple comments, Mitigation Measure 4.9-4 in Table 2-1 on Draft EIR pages 2-28 and 2-29 has been revised to read:

Mitigation Measure 4.9-4: Provide Flood Protection to Substantially Affected Areas

For areas upstream and downstream of the Winship Bridge (between Barber Avenue and the Sir Francis Drake Bridge): ~~If the Winship Bridge Replacement Project is not~~

~~completed prior to construction of the Project, t~~ The Flood Control District shall develop, fund, and implement flood barriers on properties where existing habitable structures would experience new inundation in a 25-year event. The flood barriers shall be designed based on hydraulic modeling demonstrating that the flood barriers would protect existing habitable structures on any properties upstream of the Sir Francis Drake Bridge from new inundation during the 25-year event; or to any higher degree of protection required for that particular type of measure by applicable building codes. Flood barriers include but are not limited to the following measures:

- Elevation of structures above the 100-year flood elevations
- Basement removal and construction of an addition to contain utilities removed from the basement
- Wet flood proofing of structures, in which, with use of water resistant materials, floodwaters are allowed to enter a structure during a flood event
- Dry flood proofing of structures
- Berms or flood walls

For areas immediately upstream of the Nursery Basin site: The Flood Control District shall develop, fund, and implement flood barriers on properties where existing habitable structures would experience new inundation in a 25-year event.

For both of those locations: The flood barriers would ensure that existing habitable structures would not be inundated by the 25-year event. Upon confirmation of permission by the property owners, the Flood Control District shall implement this measure, including implementing any measures identified in permits required from the California Department of Fish and Wildlife, Regional Water Quality Control Board, or other regulatory agencies. However, the potentially adversely affected parcels are privately owned, and the Flood Control District ~~cannot necessarily~~ is not proposing to require the installation or implementation of flood barriers ~~because~~ without the consent of the property owner(s), who may specifically request that such measures not be implemented. In that case, this Mitigation Measure ~~shall~~ would not be implemented, and the affected parcels may experience an increased level of flood inundation in a 25-year event or larger.

The degree of flood protection provided to an individual property will vary depending on the specifics of the flood barrier selected. For most of the flood barriers, the Flood Control District shall provide protection from the 25-year event. However, pursuant to Marin County building code and associated permitting requirements, any increase in structure elevation must be to an elevation sufficient to raise the finished first floor above the elevation of the 100-year flood event. Therefore, property owners who accept that form of flood barrier would receive assistance to implement 100-year protection.

Funding and Implementation Responsibility (Both Locations): For flood walls or berms at the top-of-bank of San Anselmo Creek or Fairfax Creek on privately owned parcels and with the property owners' permission, the Flood Control District shall fund, design, build, and maintain all aspects of those measures, including their possible future removal if implementation of other flood risk reduction projects renders these flood walls or

berms unnecessary as determined by the Flood Control District. For a flood barrier that involves improvements or modifications to privately owned habitable structures covered by Mitigation Measure 4.9-4 (structure elevation, wet proofing, dry proofing, basement removal and construction of an addition to house water heaters, furnaces, and similar home appliances, etc.), the Flood Control District shall fully fund the design and provide funding to the property owner for implementation –that is proportional to the increased flood depth with the project. The funding would be provided to the property owner to implement these modifications or improvements. The property owner would be responsible for construction, implementation, and future maintenance of the structure and any associated flood mitigation measures or improvements.

4.2.4 Chapter 3: Project Description

In response to Comment C4-1, Draft EIR Figure 3-3 (page 3-5) has been revised, as shown on the following page.

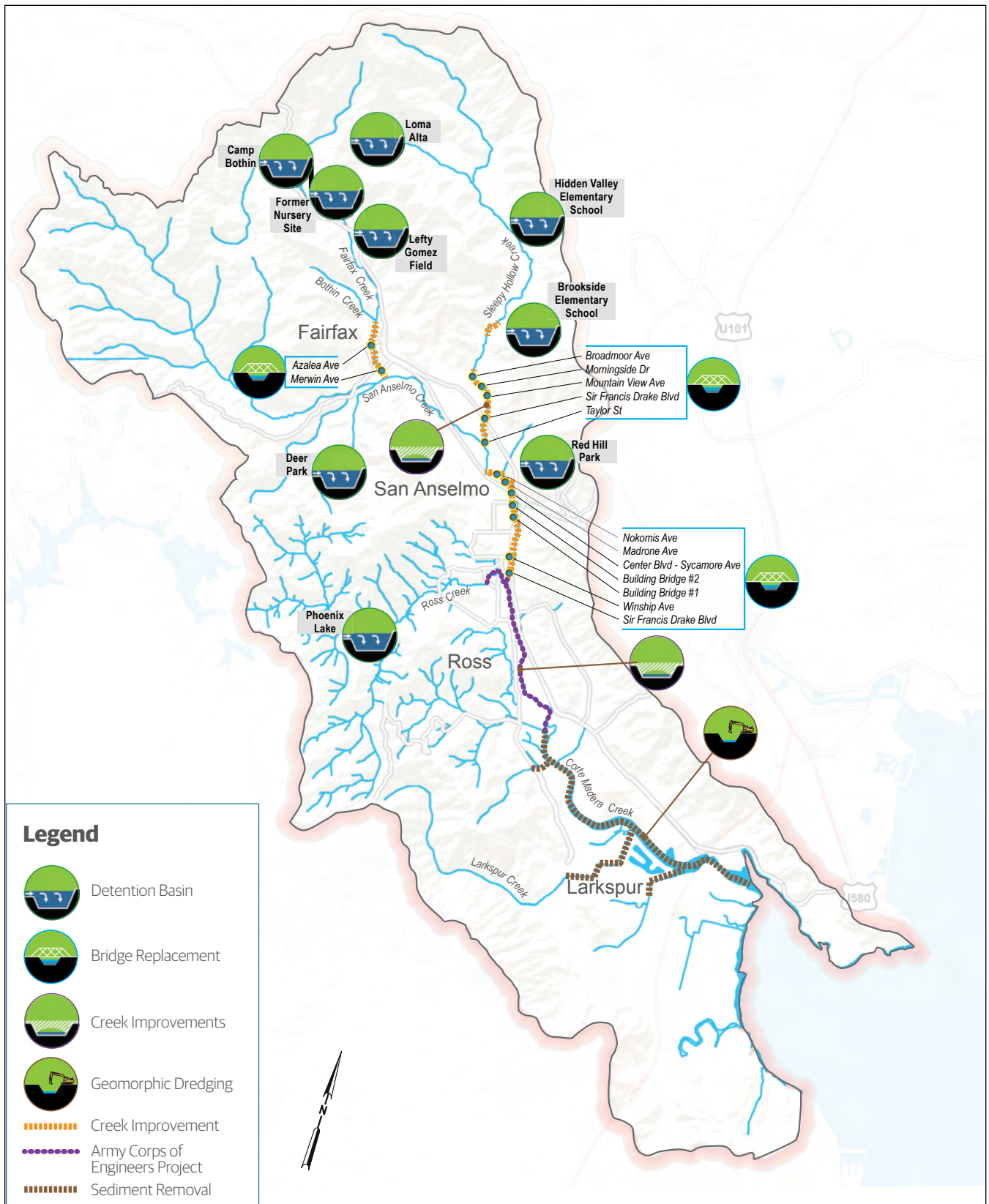
In response to Comment A2-2, Draft EIR page 3-16 has been revised as follows:

Elevations at the eastern side of property currently range between 230 feet and 238 feet NAVD88, and the land naturally slopes from higher ground at the northwest corner down to the southeast corner. The proposed design would make use of this existing condition by maintaining the general drainage pattern and adding a culverted exit at the southeast corner that would drain into Fairfax Creek at approximate elevation 224 feet (NAVD88). The basin bottom would slope approximately 0.5%, from northwest to southeast. A channel would be constructed within the basin's interior to carry seasonal flows from the northwest corner to the southeast corner. There would be an outlet structure in the lower southeast corner of the basin to allow gravity drainage of the basin. This structure includes a ~~riser pipe~~ sloped trash rack to minimize clogging by debris and still allow fish to pass over it to reach the outlet pipe. ~~There would also be and~~ a gate to manage outflow from the basin. The structure would be connected to a 36-inch by 200-foot long pipe that would drain into Fairfax Creek downstream of the basin. The outlet pipe would be constructed within the former Sunnyside Nursery site parcel and discharge to Fairfax Creek downstream of the basin.

In response to Comment B3-5, the following revisions have been made in the second paragraph on Draft EIR page 3-16:

A six-~~Six~~-foot high chain link security fencing and gates would be installed along portions of the southern edge ~~around the perimeter of~~ the basin.

Draft EIR Figure 3-9 (page 3-17) has been revised to more precisely illustrate the anticipated security fence location at the Nursery Basin site, as shown below.



SOURCE: CH2M, 2018 San Anselmo Flood Management Project . D211432.07

Figure 3-3
Ross Valley Flood Protection and Watershed Program



A.	Flow Diversion and Overflow Structure. Dam-type diversion structure with open and gated culverts and spillway-access road.
B.	Spillway. The 235-foot elevation spillway passes the 1,000-year flood with maximum basin water surface elevation at 236.5 feet.
C.	Gated Opening. Gate closed to reduce Fairfax Creek flows when overbank flooding is imminent in downstream vulnerable areas.
D.	Ungated Opening. Always open for normal creek flows, sediment transport, and fish and wildlife movement.
E.	East Levee. 238-foot elevation levee is 1.5 feet higher than maximum basin water surface elevation.
F.	Side-weir. Fairfax Creek flows into basin over 228-foot elevation weir segment in perimeter road.
G.	Basin Floor. Slopes from 226.0 feet at northwest corner to 223.8 at southwest corner.
H.	Basin Drain. Open 223.8-foot inlet in southeast corner of basin draining to outlet at Fairfax Creek.
I.	Operations and Maintenance Vehicle Access. Existing or improved driveway bridge and diversion structure.
J.	Perimeter Road. 15-foot-wide and 1.5 feet above the maximum water surface elevation.
K.	West Levee. 238-foot fill levee top elevation contains temporary peak volume storage under detention operations.
L.	West Gate. Locked vehicle access gate through fence.
M.	Deer Creek Court Stormwater Drains and Rip Rap Energy Dissipation Structure. Ensures gravity drainage from Deer Creek Ct cul-de-sac under potential maximum basin water surface elevation.
N.	Floodwall/Road Barrier. Floodwall prevent overflow onto roadway.
O.	Security Fencing. Security fencing.
P.	Setback – East. 50 feet from toe of levee.
Q.	Setback – West. 50 feet from top of basin cut slope.
R.	Rip-Rap Bank Protection. Vegetated rip-rap and other biotechnical bank erosion protection and stabilization both banks Fairfax Creek for protecting habitat and facilities from hydraulic and sediment transport and deposition dynamics during operations.

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In response to Comment A2-2, the description of the diversion structure during operations on Draft EIR page 3-19 has been revised as follows:

During design flood (flooding imminent in downtown Fairfax) high rainfall events, the partial closure of the opening ~~and in~~ the diversion structure would sufficiently impede the downstream flows in Fairfax Creek to cause ponding in the Fairfax Creek channel between the floodwall along Sir Francis Drake Boulevard and a lower armored side-weir that would allow water to spill into the basin, filling it. The impeded flows would not be complete; a base flow of approximately 400 cfs would still pass through the opening(s) in the diversion structure, allowing fish passage similar to that currently experienced in winter flows.

Staff-initiated text changes have been made to Draft EIR Table 3-1 on Draft EIR page 3-24, to revise the number of parcels with new inundated area or increase in inundation depth as follows:

**TABLE 3-1
MODELED PROJECT OUTCOMES ON PARCELS AFFECTED BY FLOODING**

Flood Risk Change by Number of Parcels	10-year event	25-year event	100-year event
Removed from Inundated Area	300	20	10
Decreased Inundation Depth	230	615	470
<i>Added to Inundated Area or Increase in Depth</i>	<i>0</i>	<i>1820</i>	<i>1920</i>
Total with Reduced Flood Risk	530	635	480
Total with Increased Flood Risk	0	1820	1920

SOURCE: Stetson Engineers, San Anselmo Flood Risk Reduction Project CEQA Support Conceptual Designs and Supplemental Modeling of Option 2A for Different Layouts of Sunnyside Detention Basin, January 31, 2018; Stetson Engineers, Water Depth Change point GIS data for D30, D31, D33, December 12, 2017

In response to Comments B1-5 and PH-2, the legend descriptions associated with purple areas of Draft EIR Figures 3-13a-c, 3-14a-c, and 3-15a-c (Draft EIR pages 3-25 through 3-33) have been revised to read:

After Project ~~Inundation Reduction Area~~ – Area No Longer Inundated

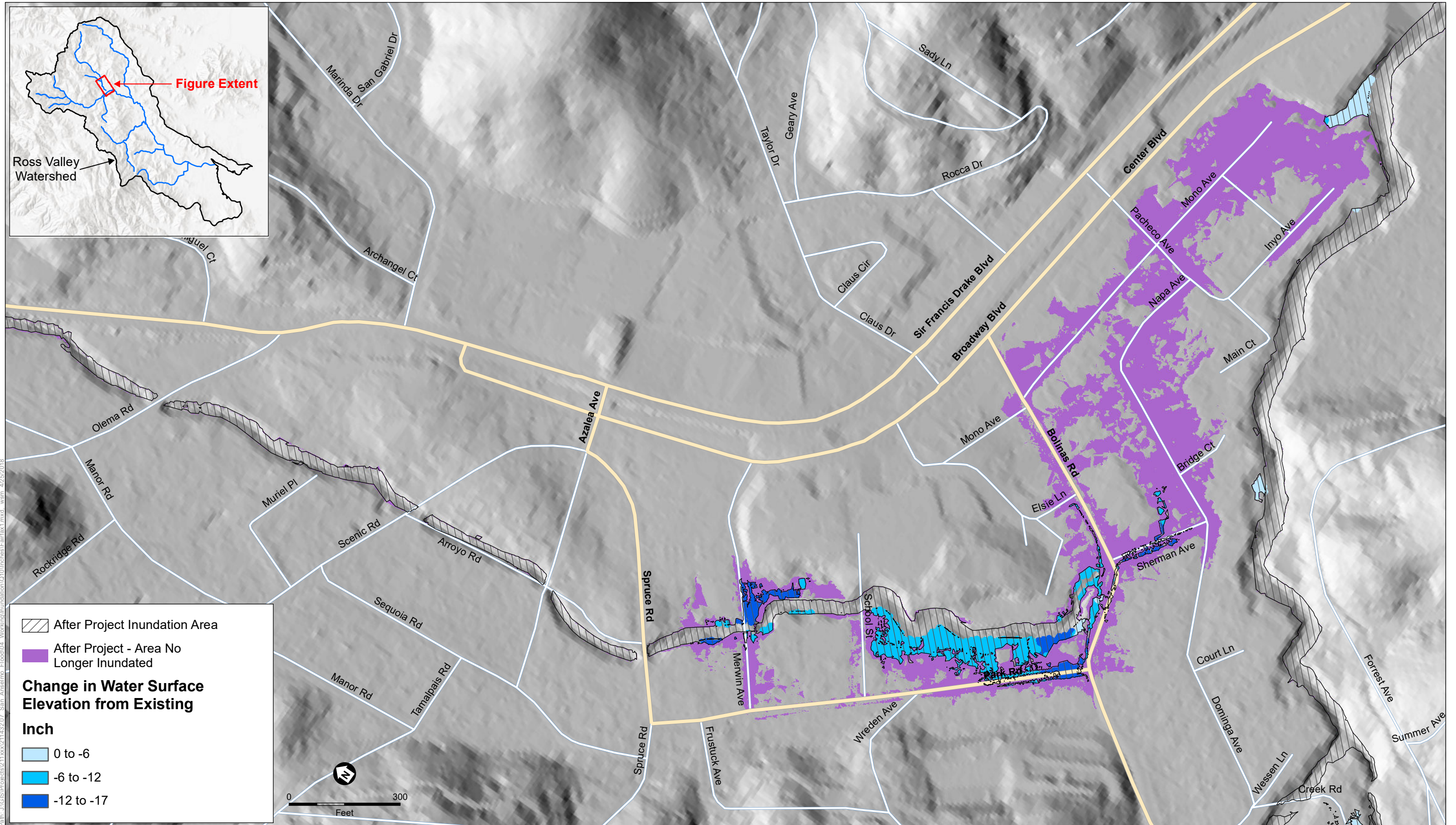
In response to Comment B3-5, the description of the Nursery Basin security fence is revised as follows in Table 3-4 on Draft EIR page 3-38:

Contractor installs permanent fencing along part of the southern edge of the basin, metal beam guardrail along Sir Francis Drake Boulevard and permanent signage. Control gate is tested and all appurtenances completed.

In response to Comment B3-5, the description of the Nursery Basin security fence is revised as follows on Draft EIR page 3-39:

A chain link fence would be installed along part of the southern edge ~~around the perimeter~~ of the basin, and all construction equipment and materials would be removed.

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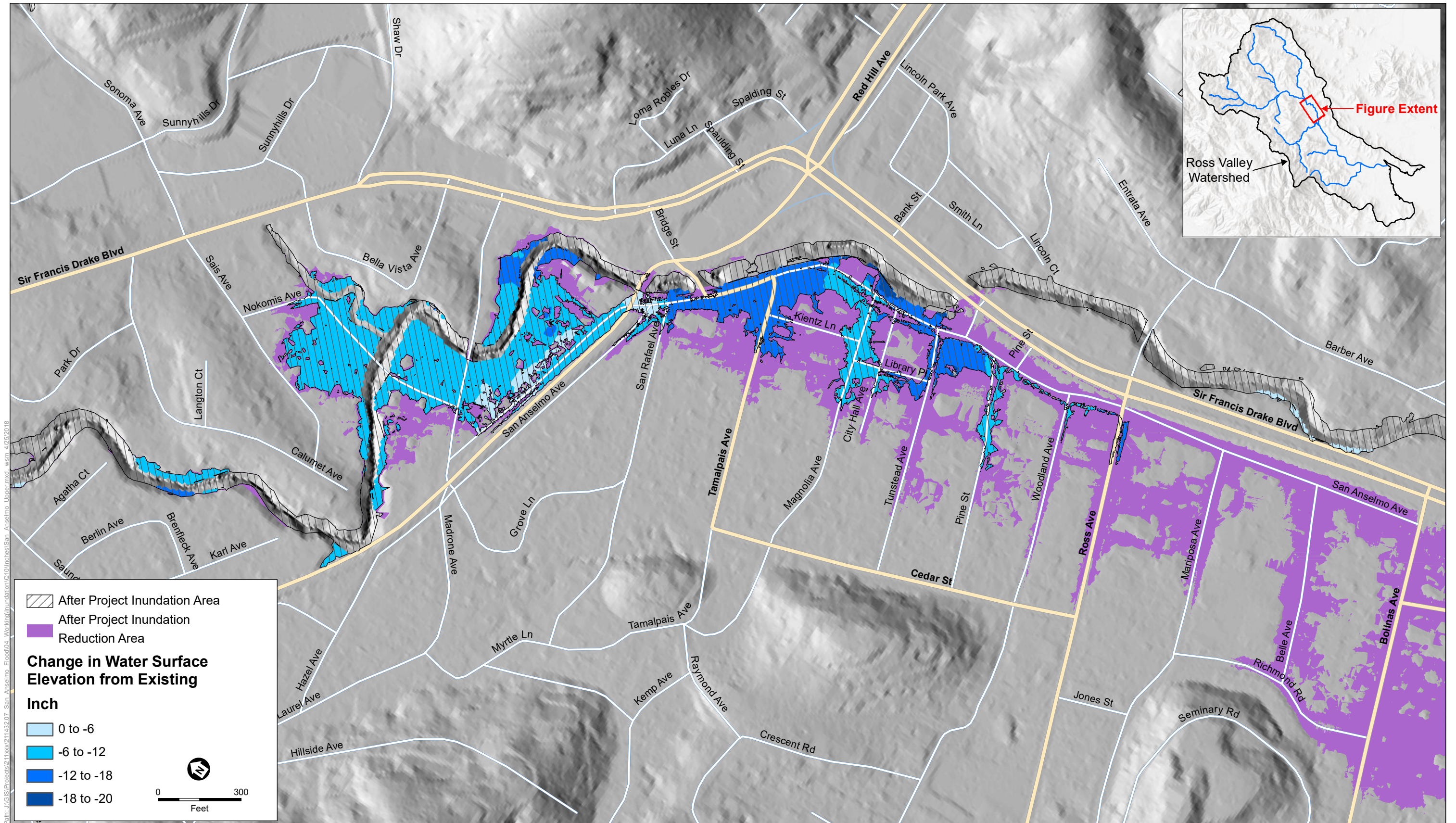


SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-13a
Water Surface Elevation Change With Project
10 - Year Flood Event: Fairfax Area



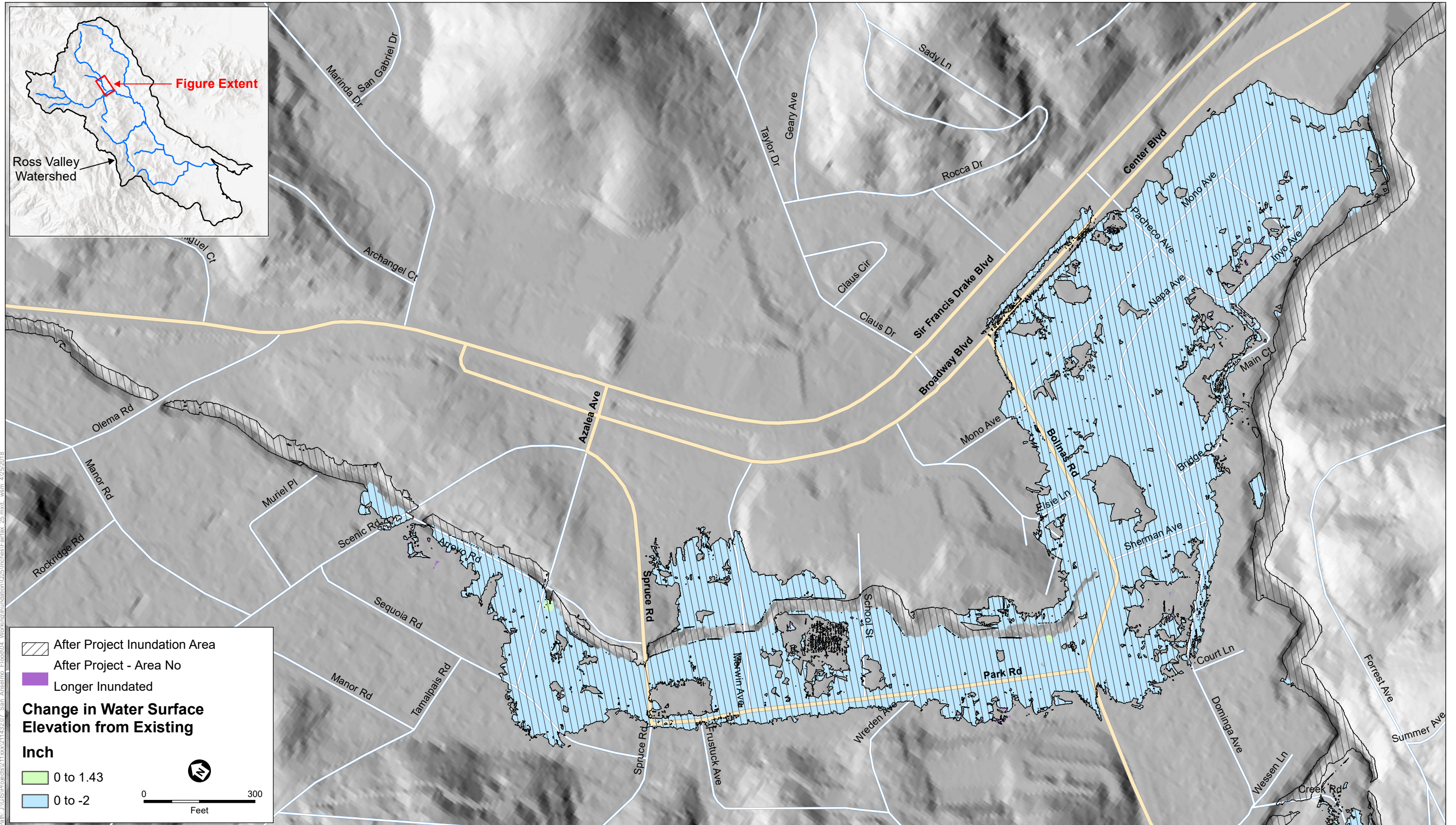
SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-13b
Water Surface Elevation Change With Project
10 - Year Flood Event: Upper San Anselmo





Path: J:\GIS\Projects\211432\07_San_Anselmo_Flood\04_Working\Inundation\025\Inches\Fairfax_25.mxd, wcm_4/25/2018

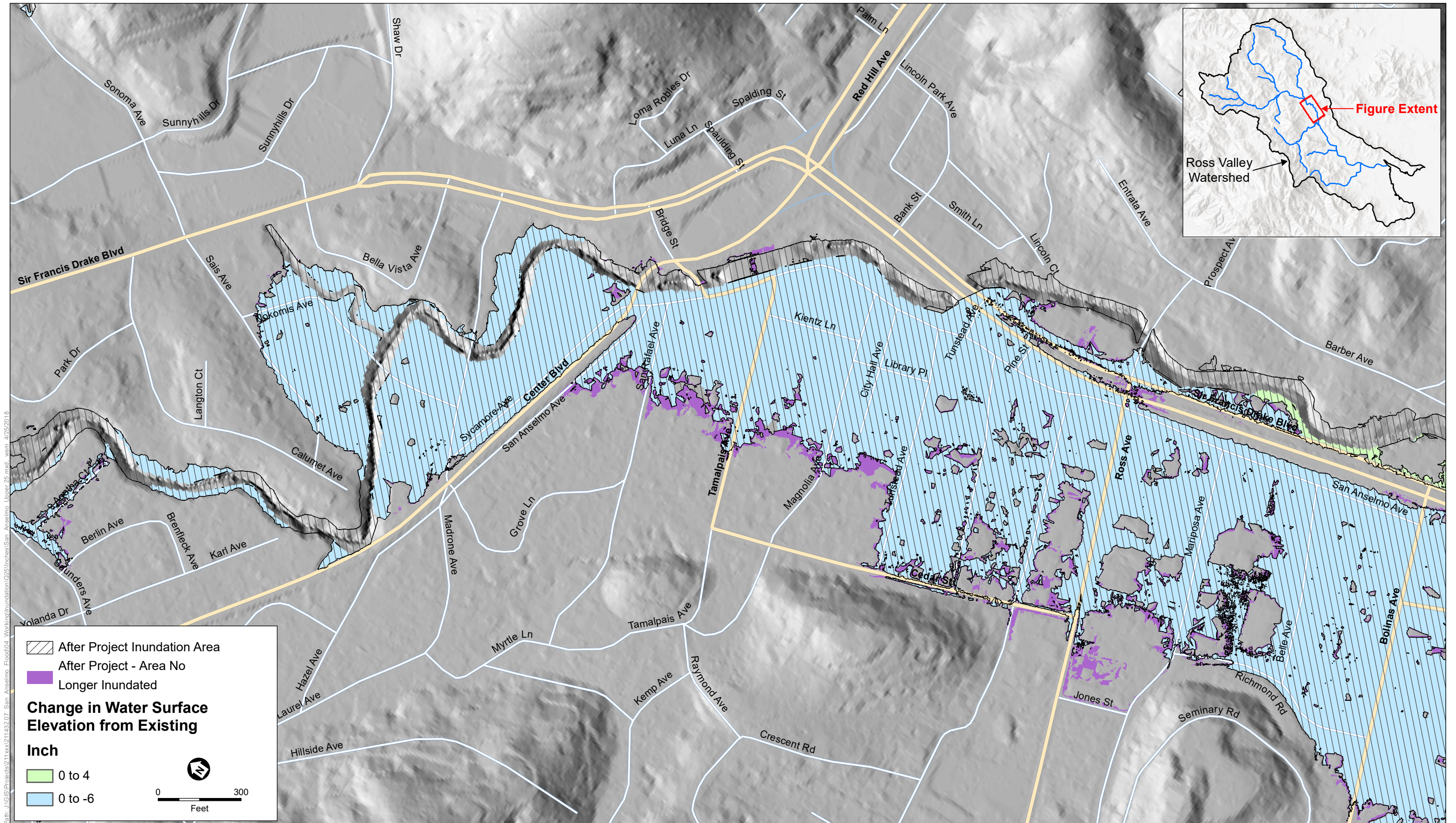
SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-14a
 Water Surface Elevation Change With Project
 25 - Year Flood Event: Fairfax Area



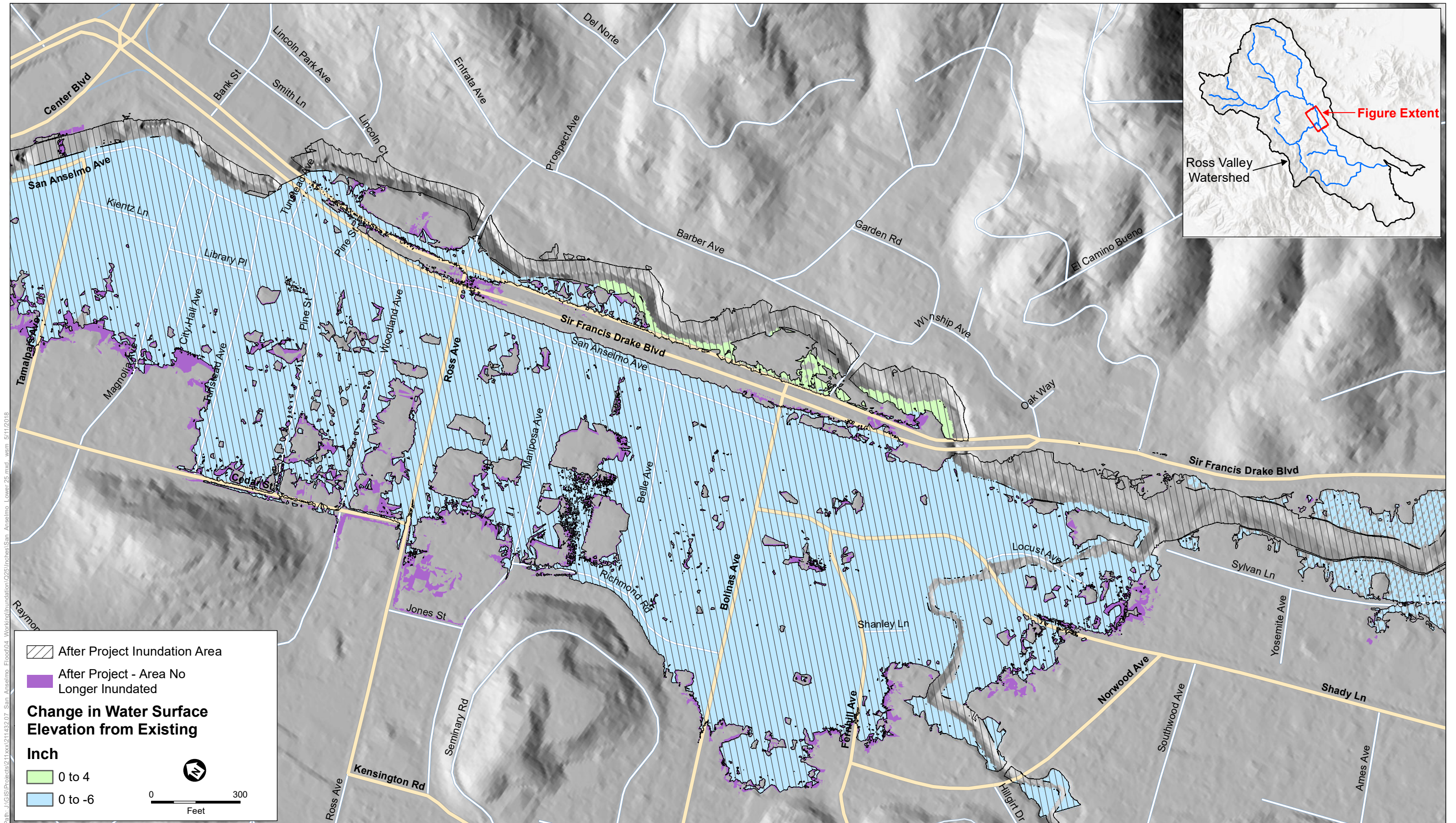


SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-14b
Water Surface Elevation Change With Project
25 - Year Flood Event: Upper San Anselmo



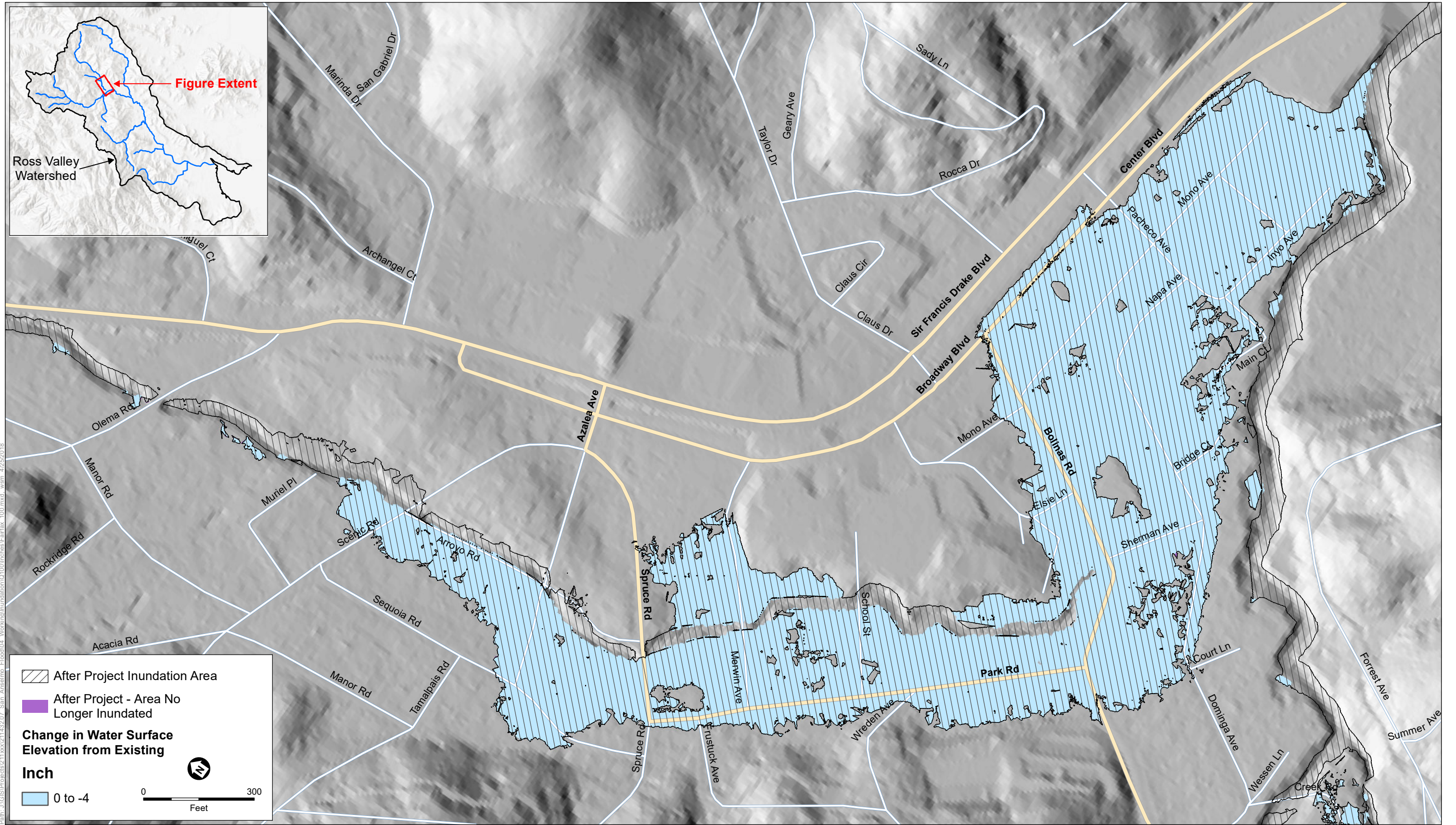
SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-14c
 Water Surface Elevation Change With Project
 25 - Year Flood Event: Lower San Anselmo





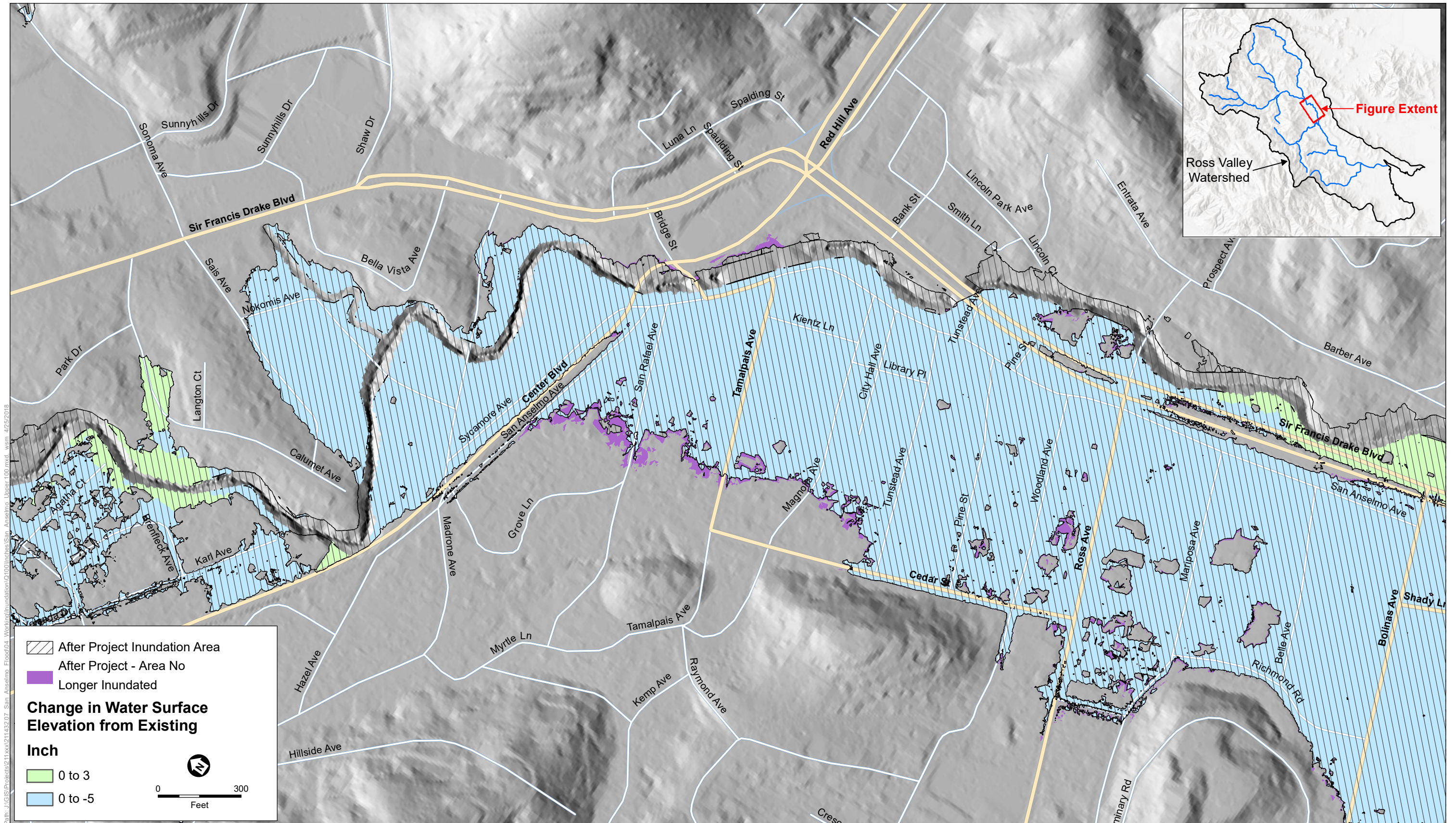
SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-15a
Water Surface Elevation Change With Project
100 - Year Flood Event: Fairfax Area





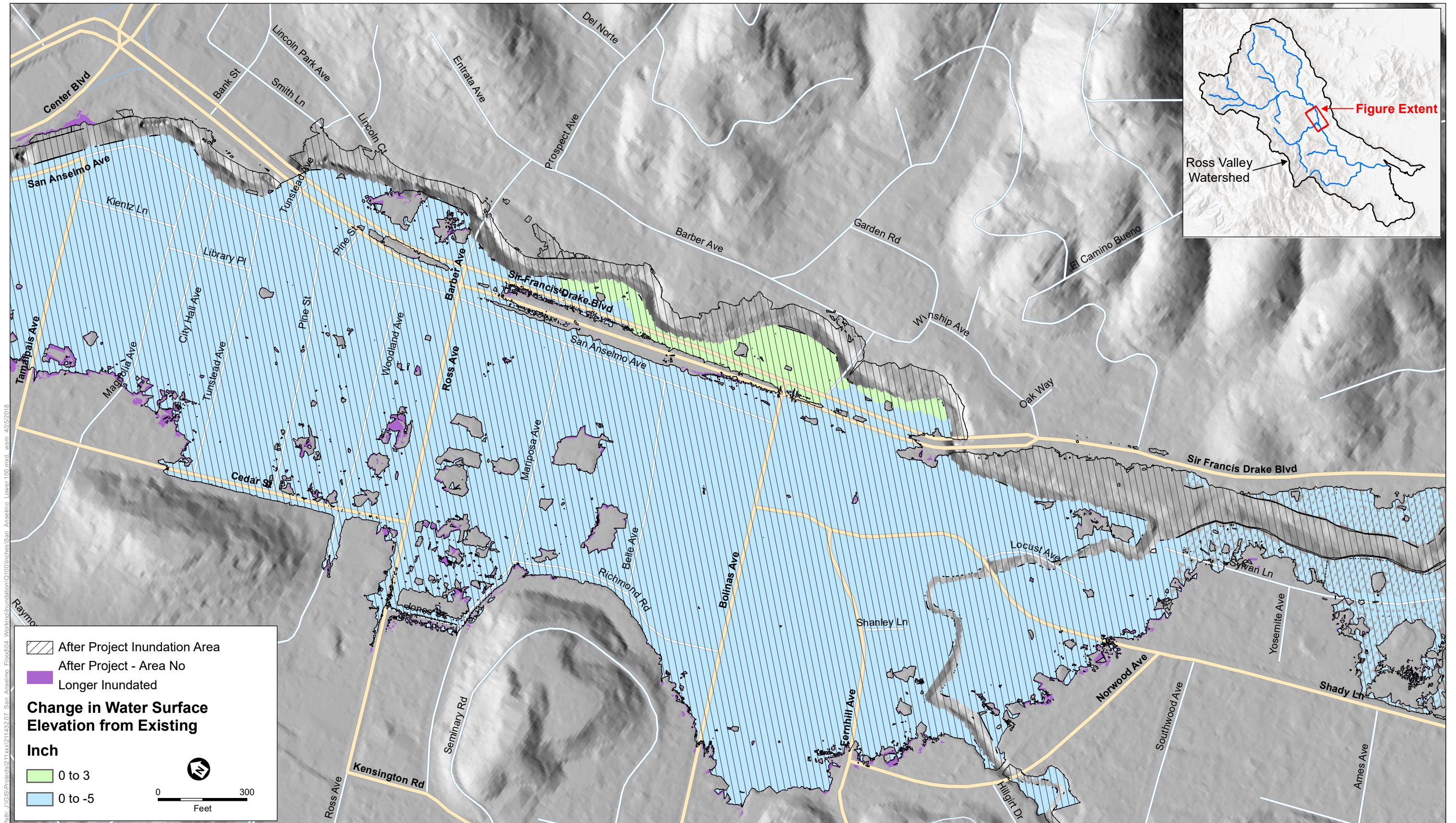
SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-15b
Water Surface Elevation Change With Project
100 - Year Flood Event: Upper San Anselmo





SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-15c
Water Surface Elevation Change With Project
100 - Year Flood Event: Lower San Anselmo



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In response to Comment A2-2, Draft EIR page 3-41 has been revised as follows:

During most of the year, the only water entering the basin would be incidental rainfall into the basin itself, storm water flows from the adjacent Trestle Glen neighborhood (Deer Creek Court) that would flow through the storm drain system into the basin, and emergent groundwater. Together, these inflows would result in a seasonal wetland channel running diagonally through the basin. Water would passively drain from the basin to Fairfax Creek through the 36-inch ~~riser~~ outlet pipe, which would be open.

In response to Comment A2-2, Draft EIR page 3-42 has been revised as follows:

Once high flows have passed, water collected in the Nursery Basin would exit the basin through the ~~gated~~ 36-inch ~~riser~~ outlet pipe. It would take about eight hours for that pipe to fully drain the basin.

A staff-initiated text change has been made to item 3 under Section 3.6, Next Steps in the Project Review Process, on Draft EIR page 3-45 as follows:

3. The Final EIR, consisting of all comments received on the Draft EIR together with responses to those comments and any changes to the EIR text will be circulated for ten days~~two weeks~~.

4.2.5 Section 4.1: Introduction

No revisions were made to this section.

4.2.6 Section 4.2, Aesthetics and Visual Resources

No revisions were made to this section.

4.2.7 Section 4.3, Air Quality and Greenhouse Gas Emissions

In response to Comment A7-1, the following text has been added to Draft EIR page 4.3-23:

Town of San Anselmo Municipal Code

Section 9-20.05 of the San Anselmo Municipal Code specifies diversion requirements for Projects subject to the Town's jurisdiction. Diversion requirements for a Project and for a Certified C&D Recovery Facility shall be a minimum of seventy (70%) percent on or after the effective date of this chapter, and shall increase to eighty (80%) percent by December 31, 2012, to eighty-five (85%) percent by December 31, 2015, to ninety (90%) percent by December 31, 2018, and to ninety-four (94%) percent by December 31, 2025.

4.2.8 Section 4.4, Energy, Mineral, Forest and Agricultural Resources

No revisions were made to this section.

4.2.9 Section 4.5, Biological Resources

In response to Comment A2-2, the text has been revised and a paragraph added to Draft EIR pages 4.5-39 as follows:

With implementation of these mitigation measures, potential mortality or injury to special-status aquatic species during the construction phase would be less than significant.

During the operational phase of the project, heavy flows in Fairfax Creek would be diverted into the Nursery basin for some period of time before the basin is opened to allow it to drain back into Fairfax Creek. It is possible that fish could enter the basin during this use. Fish entry in the Nursery Basin is expected to be infrequent, because operation of the diversion into it would only happen in large events. Also, because there are existing downstream barriers to anadromy, there is currently no potential for special-status fish species to reach the project site itself. However, there are populations of fish in this upper portion of Fairfax Creek. As described in Sections 3.4.2.1 and 3.5.3.1 of the project description, the basin designs include a sloped trash rack to allow fish to pass over it, reach the outlet pipe, and leave the basin along with the diverted water as it flows back into Fairfax Creek. The slope of the basin floor down to the outlet pipe will avoid fish stranding in the basin. Additional design-level modifications to the outlet end of the pipe will be developed in collaboration with the California Department of Fish and Wildlife and/or the National Marine Fisheries Service as part of the permitting processes, which is consistent with State CEQA Guidelines Section 15126.4. The effects on fish and other aquatic wildlife would be less than significant.

A staff-initiated text change has been made to the first paragraph under Impact 4.5-9 on Draft EIR page 4.5-54 as follows:

Riparian corridors are important for wildlife movement because they allow for cover, foraging, nesting, and shelter relatively protected from human disturbance and concealed from predators. In densely developed neighborhoods of Fairfax and San Anselmo, the creek banks and creek bed (in the dry season) provide critical movement corridors for special-status and general fish and wildlife (discussed throughout this section) that retain populations in this area.

In response to Comment A2-2, text has been added to the second paragraph of Impact 4.5-9 on Draft EIR page 4.5-54 as follows:

The Nursery Basin site is adjacent to open space that provides valuable wildlife habitat. Approximately 0.21 acre of annual grassland upland habitat would be restored at the Nursery Basin, which would benefit terrestrial species. The Project would also place a diversion structure across the Fairfax Creek channel. However, the design for this structure include permanently open section(s) to enable movements of fish and wildlife within the creek channel and its surrounding riparian corridor. The project designs also include features to allow any fish that enter the basin during its use in flood water

diversion to exit the basin along with detained water as it re-enters into Fairfax Creek (as described in the project description).

In response to Comment B1-6, the portrayal of Tamalpais Creek on Draft EIR Figure 4.5-5 (page 4.5-21) has been revised, as shown below.

4.2.10 Section 4.6, Cultural Resources

In response to Comment B1-8, the first sentence of the third paragraph on Draft EIR page 4.6-9 has been revised as follows:

The parcel is at the foot of White Hill ~~is~~ adjacent to the Town of Fairfax and west of the Oak Manor neighborhood, which was developed as a residential subdivision in the early 1950s.

4.2.11 Section 4.7, Geology, Seismicity, Soils, and Paleontological Resources

No revisions were made to this section.

4.2.12 Section 4.8, Hazards and Hazardous Materials

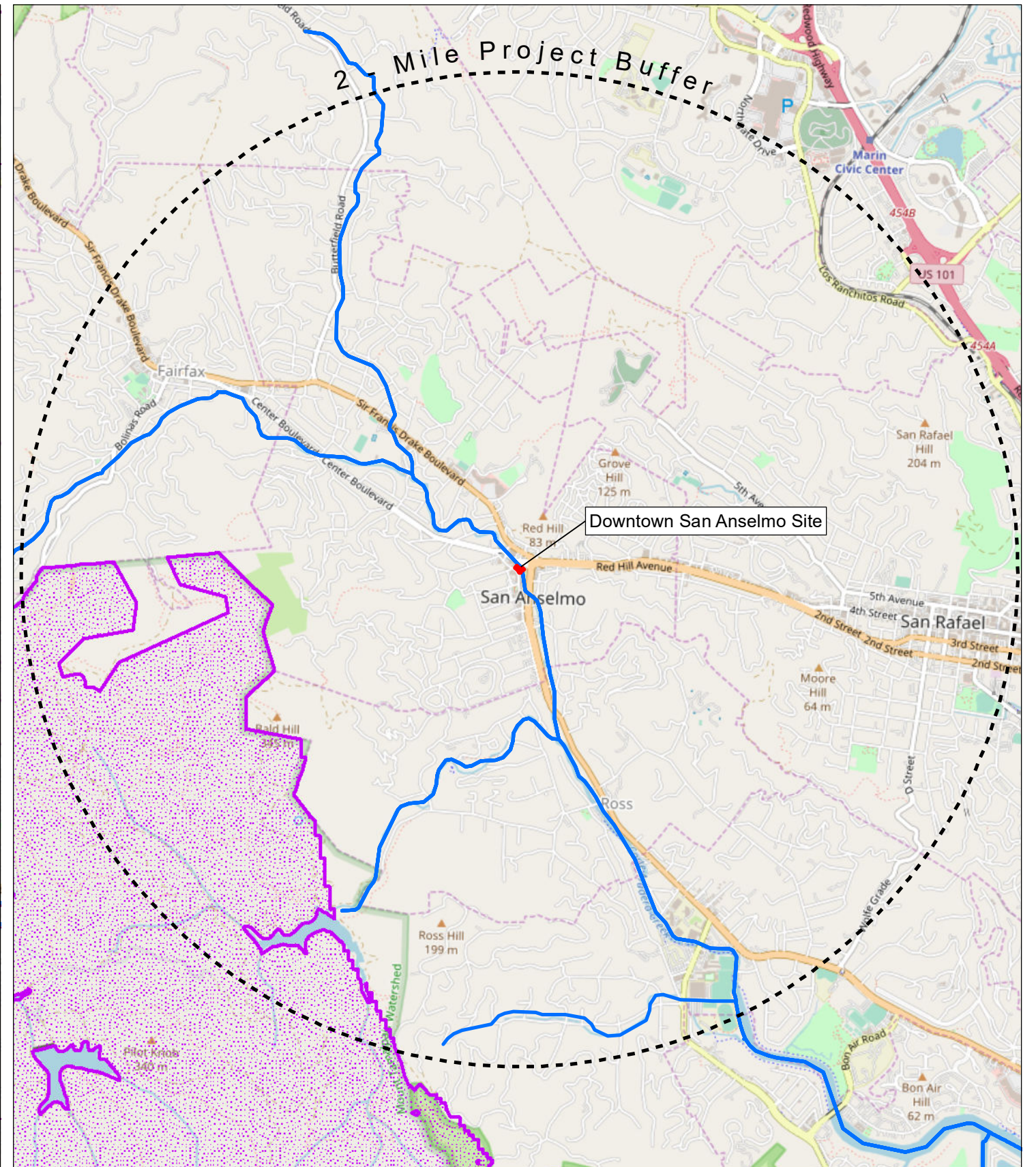
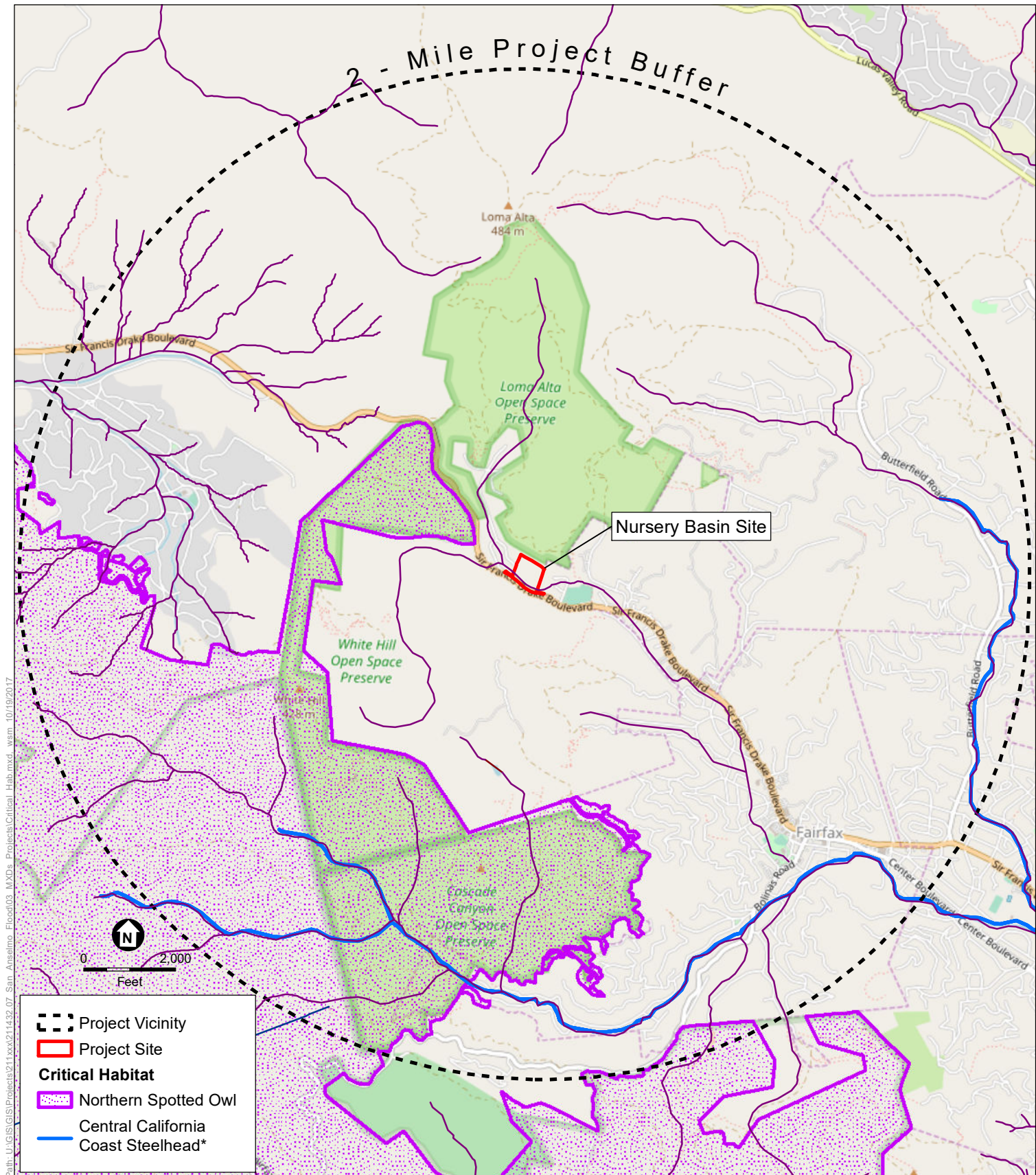
No revisions were made to this section.

4.2.13 Section 4.9, Hydrology and Water Quality

A staff-initiated text change has been made to the second full paragraph on Draft EIR page 4.9-47 as follows:

During operations, sediment deposition would be limited primarily within the Fairfax Creek channel (upstream of the diversion structure); some finer sediments could deposit in the lower southeast corner of the basin. Coarse sediments could be deposited in the Nursery Basin if Fairfax Creek's low flow channel is filled with sediment to 228 feet (CH2M, 2018a). Aspects of the basin operations would also be designed to manage collected debris. Sediment would first be screened from re-entering the creek by a ~~riser pipe inlet and a gate~~sloped trash rack to manage outflow from the basin, which are devices used to protect the drains from clogging. Access roads would be retained and added to facilitate cleaning and maintenance of the basin, the seasonal stream, and the basin drain. Maintenance would be completed by the Flood Control District. A more detailed description is included in Section 3.6 of the Project Description.

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SOURCE: USFWS, 2017

Note: Critical habitat corrected to reflect current stream conditions.

San Anselmo Flood Risk Reduction Project

Figure 4.5-5
Critical Habitat in the Vicinity of the Project Sites



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Staff-initiated text changes have been made to Draft EIR Table 4.9-3 on Draft EIR page 4.9-54, to revise the number of parcels with new inundated area or increase in inundation depth as follows:

**TABLE 4.9-3
MODELED PROJECT OUTCOMES ON PARCELS AFFECTED BY FLOODING**

Flood Risk Change by Number of Parcels	10-year event	25-year event	100-year event
Removed from Inundated Area	300	20	10
Decreased Inundation Depth	230	615	470
<i>Parcels with New Inundated Area or Increase in Depth</i>	<i>0</i>	<i><u>1820</u></i>	<i><u>1920</u></i>
Total with Reduced Flood Risk	530	635	480
<i>Total with Increased Flood Risk</i>	<i>0</i>	<i><u>1820</u></i>	<i><u>1920</u></i>

SOURCE: Stetson Engineers, San Anselmo Flood Risk Reduction Project CEQA Support Conceptual Designs and Supplemental Modeling of Option 2A for Different Layouts of Sunnyside Detention Basin, January 31, 2018; Stetson Engineers, Water Depth Change point GIS data for D30, D31, D33, December 12, 2017

In response to multiple comments, Mitigation Measure 4.9-4 on Draft EIR pages 4.9-56 and 4.9-59 has been revised to read:

Mitigation Measure 4.9-4: Provide Flood Protection to Substantially Affected Areas

For areas upstream and downstream of the Winship Bridge (between Barber Avenue and the Sir Francis Drake Bridge): ~~If the Winship Bridge Replacement Project is not completed prior to construction of the Project, t~~The Flood Control District shall develop, ~~fund,~~ and implement flood barriers on properties where existing habitable structures would experience new inundation in a 25-year event. The flood barriers shall be designed based on hydraulic modeling demonstrating that the flood barriers would protect existing habitable structures on any properties upstream of the Sir Francis Drake Bridge from new inundation during the 25-year event; or to any higher degree of protection required for that particular type of measure by applicable building codes. Flood barriers include but are not limited to the following measures:

- Elevation of structures above the 100-year flood elevations
- Basement removal and construction of an addition to contain utilities removed from the basement
- Wet flood proofing of structures, in which, with use of water resistant materials, floodwaters are allowed to enter a structure during a flood event
- Dry flood proofing of structures
- Berms or flood walls

For areas immediately upstream of the Nursery Basin site: The Flood Control District shall develop, ~~fund,~~ and implement flood barriers on properties where existing habitable structures would experience new inundation in a 25-year event.

For both of those locations: The flood barriers would ensure that existing habitable structures would not be inundated by the 25-year event. Upon confirmation of permission by the property owners, the Flood Control District shall implement this measure, including implementing any measures identified in permits required from the California Department of Fish and Wildlife, Regional Water Quality Control Board, or other regulatory agencies. However, the potentially adversely affected parcels are privately owned, and the Flood Control District ~~cannot necessarily~~ is not proposing to require the installation or implementation of flood barriers ~~because~~ without the consent of the property owner(s), who may specifically request that such measures not be implemented. In that case, this Mitigation Measure ~~shall~~ would not be implemented, and the affected parcels may experience an increased level of flood inundation in a 25-year event or larger.

The degree of flood protection provided to an individual property will vary depending on the specifics of the flood barrier selected. For most of the flood barriers, the Flood Control District shall provide protection from the 25-year event. However, pursuant to Marin County building code and associated permitting requirements, any increase in structure elevation must be to an elevation sufficient to raise the finished first floor above the elevation of the 100-year flood event. Therefore, property owners who accept that form of flood barrier would receive assistance to implement 100-year protection.

Funding and Implementation Responsibility (Both Locations): For flood walls or berms at the top-of-bank of San Anselmo Creek or Fairfax Creek on privately owned parcels and with the property owners' permission, the Flood Control District shall fund, design, build, and maintain all aspects of those measures, including their possible future removal if implementation of other flood risk reduction projects renders these flood walls or berms unnecessary as determined by the Flood Control District. For a flood barrier that involves improvements or modifications to privately owned habitable structures covered by Mitigation Measure 4.9-4 (structure elevation, wet proofing, dry proofing, basement removal and construction of an addition to house water heaters, furnaces, and similar home appliances, etc.), the Flood Control District shall fully fund the design and provide funding to the property owner for implementation –that is proportional to the increased flood depth with the project. The funding would be provided to the property owner to implement these modifications or improvements. The property owner would be responsible for construction, implementation, and future maintenance of the structure and any associated flood mitigation measures or improvements.

4.2.14 Section 4.10, Land Use and Planning

No revisions were made to this section.

4.2.15 Section 4.11, Noise

No revisions were made to this section.

4.2.16 Section 4.12, Population and Housing

No revisions were made to this section.

4.2.17 Section 4.13, Public Services and Utilities

No revisions were made to this section.

4.2.18 Section 4.14, Parks and Recreation

No revisions were made to this section.

4.2.19 Section 4.15, Transportation and Circulation

No revisions were made to this section.

4.2.20 Chapter 5, Growth-Inducing and Cumulative Effects

No revisions were made to this chapter.

4.2.21 Chapter 6, Alternatives

A staff-initiated text change has been made to the second paragraph on Draft EIR page 6-8 as follows:

Table 6-3 presents a systematic comparison of design, operation and construction features of the basin at the Nursery Basin site under the proposed Project, the Morningside/Passive Basin Alternative, and the Increased Basin Alternative (Alternative 4, presented below in Section 6.3.4). As shown, the dimensions of the basin would differ from the proposed Project in that the eastern embankment of the basin would be 6 feet lower and no western embankment would be needed; consequently, the capacity would be less and the maximum water surface elevation would be lower than in the proposed Project. In addition, because there would be no diversion structure, the Fairfax Creek channel would not provide the 5.6 acre-feet of flood storage capacity it would provide in the proposed Project.³ Less sediment deposition would be expected in Fairfax Creek with the smaller, passively operated basin. The existing bridge would be the only vehicle access point to the site. The basin floor elevation, southern weir, ~~rise~~ outlet pipe, new stormwater drains from Deer Creek Court, floodwall, perimeter road width, and perimeter fence would be the same as described for the proposed Project.

A staff-initiated text change has been made to the first paragraph on Draft EIR page 6-40 as follows:

The diversion structure, side weir, gated and open openings, ~~rise~~ outlet pipeline, perimeter road, vehicle access, western embankment, floodwall, and perimeter fence would be the same as described for the proposed Project.

4.2.22 Chapter 7, Report Preparation

No revisions were made to this chapter.

4.2.23 Appendices

In response to multiple comments, Appendix D has been revised to include Item D.5, Supplemental Information Regarding Project Impacts at the Nursery Basin Site.



Document Path: F:\112431 Sunrise - Q25yr - Existing - Option 2a\Scuf\Logo.mxd



STETSON
ENGINEERS INC.

Aerial Image: 2014 (MarinMap)

DRAFT

COMPARISON OF THE EXTENT OF INUNDATION BETWEEN EXISTING CONDITION AND OPTION 2A WITH SEDIMENT AND CLOGGING CONDITION – Q25YR EVENT

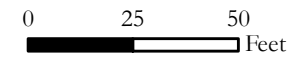
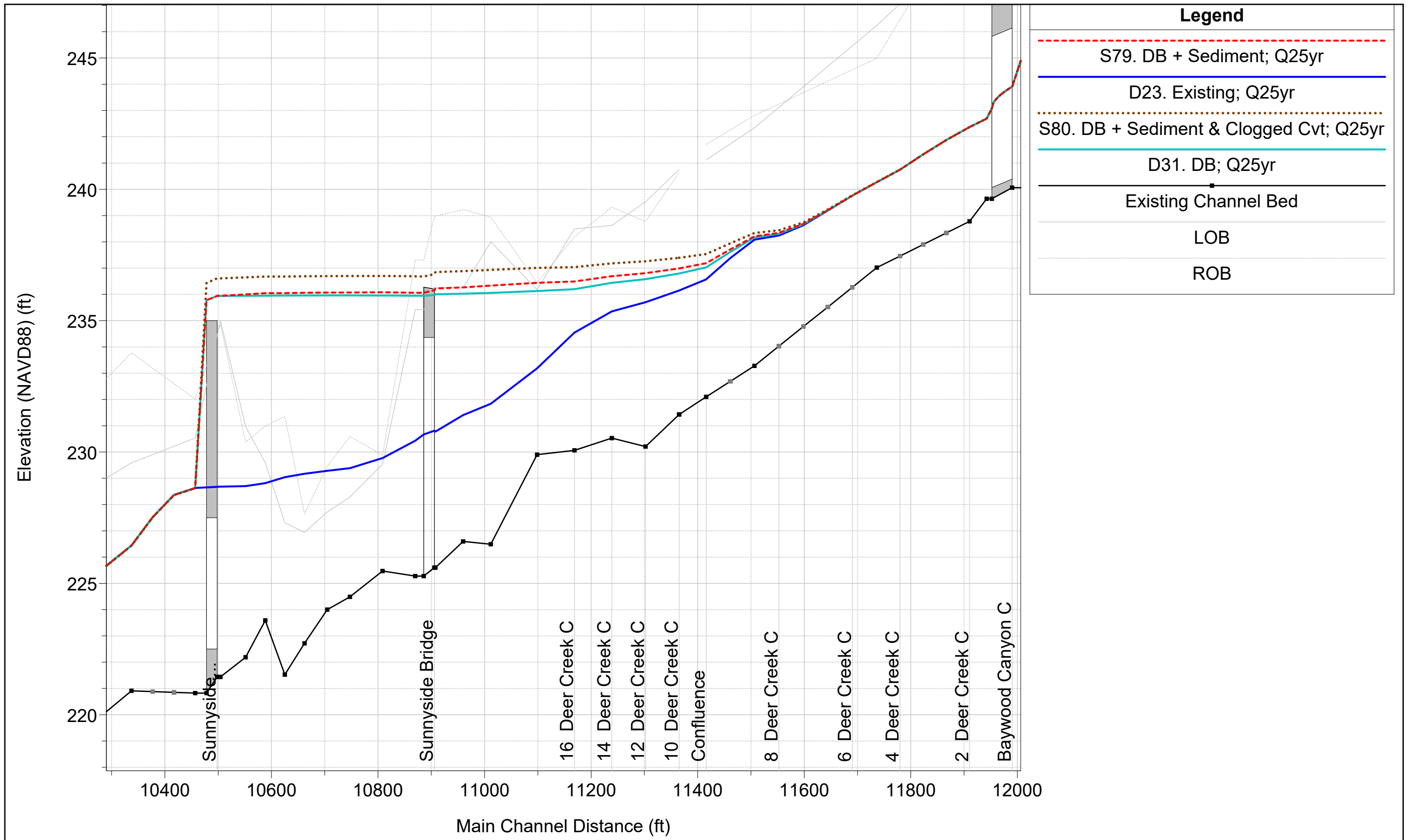
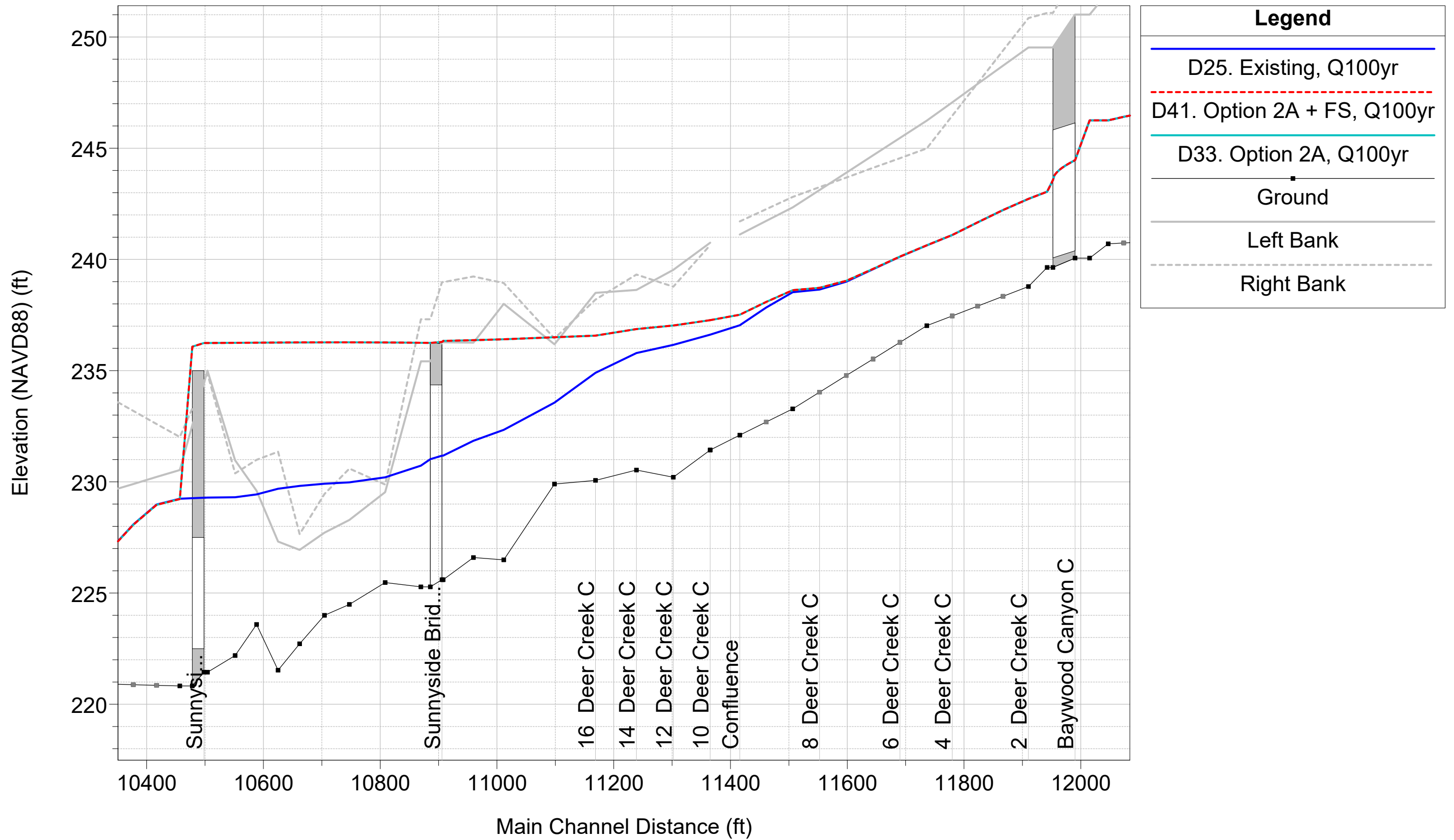


Figure 3 Comparison of Simulated 25-Year Water Surface Elevation Profiles between Sunnyside DB Project, Project with Channel Bed Sedimentation, and Project with Channel Bed Sedimentation /Culvert Clogging Conditions



1) D25.EC_Exp; Q100_R1.124_Tide5.9_6s_12:00 2) D33.DB_Exp; Q100_R1.124_Tide5.9_6s_12:00 3) D41.DB_FS; Q100_R1.124_Tide5.9_6s_12:00



Legend	
	D25. Existing, Q100yr
	D41. Option 2A + FS, Q100yr
	D33. Option 2A, Q100yr
	Ground
	Left Bank
	Right Bank

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CHAPTER 5

Report Preparers and References

5.1 Report Preparers

5.1.1 Marin County Community Development Agency

- Rachel Reid, Environmental Planning – Planning Manager

5.1.2 Marin County Department of Public Works

- Liz Lewis, Planning Manager
- Tony Williams, Flood Control Division Manager
- Liz Lotz, Resource Specialist GIS

5.1.3 Environmental Science Associates

- Jim O’Toole, Project Director
- Dave Halsing, Project Manager
- Karen Lancelle, Deputy Project Manager, Hydrology and Water Quality
- Liza Ryan, Biological Resources
- Michael Burns, Geology, Soils, Seismicity, Hazards, and Hazardous Materials
- Ari Frink, Hydrology and Water Quality, Project Associate
- Wes McCullough, GIS
- Lisa Bautista, Desktop Publishing
- Anthony Padilla, Production
- Logan Sakai, Desktop Publishing, Production

5.1.4 Stetson Engineers

- James Reilly, Lead Engineer
- Xiaoqing Zeng, Project Engineer

5.1.5 CH2M / Jacobs

- Constance Gazaway, Lead Design Engineer
- Mitch Swanson, Geomorphologist

5.1.6 Geomorph Design

- Matt Smeltzer

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