property owners shall be notified at least 48 hours prior to the visual inspections.

• *Vibration and settlement threshold criteria (for example peak particle velocity of 0.5 inches per second) shall be submitted by the blaster to the County for review and approval during the design process. If the settlement or vibration criteria are exceeded at any time or if damage is observed at any of the structures or utilities, then blasting will immediately cease and the County immediately notified. The stability of segmental retaining walls, existing slopes, creek canals, etc. will be monitored and any evidence of instability due to blasting will result in immediate termination of blasting. The blaster will modify the blasting procedures or use alternative means of excavating in order to reduce the vibrations to below the threshold values, prevent further settlement, slope instability, and prevent further damage.*

• *Air blast overpressure limits will be set and monitoring shall be conducted at the property line closest to the blast and at other above-ground structures identified in the blasting plan for vibration monitoring. Air blast overpressure limits shall be in accordance with applicable laws and shall be established to prevent damage to adjacent properties, new construction, and to prevent injuries to persons onsite and off-site.*

• *Prior to full-scale production blasting, the blaster shall conduct a series of test blasts at the sites where blasting is to occur. The tests will start with reduced charge weights and will increase incrementally to that of a full-scale production round. Monitoring shall be conducted as described in the blasting plan.*

• *Post-construction monitoring of structures shall be performed to identify (and repair if necessary) all damage, if any, from blasting vibrations. Any damage will be documented by photograph, video, etc. This documentation*

shall be reviewed with the individual property owners.

• Reports of the results of the blast monitoring shall be provided to the County, the local fire department, and owners of any buried utilities on or adjacent to the site within 24 hours following blasting. Reports documenting damage, excessive vibrations, etc. shall be provided to the County, PCWA and affected property owners.

According to the preliminary findings of the Sacramento River Water Reliability Study Initial Alternatives Report (SRWRS Initial Alternatives Report) implementation of an American River Pump Station diversion could result in the following environmental effects. It should also be noted that, in addition to the supplemental analysis below, the Revised Draft EIR includes discussion of offsite infrastructure impacts in each topical area and includes mitigation measures that are applicable to offsite infrastructure construction, which are also applicable to water supply infrastructure effects:

Biological Resources. According to the Report, impacts to terrestrial wildlife will be less than significant at the diversion location; however, the pipeline corridor may affect habitat between the Ophir Road Water Treatment Facility and the Sunset Water Treatment Facility. Additionally, Placer Legacy planning efforts have identified moderate to high-density vernal pool habitat in the corridor between the Sunset Water Treatment Plant and west of Highway 65 that needs special consideration. Shifts in the pipeline alignment (see Updated Revised Draft EIR Figure 6-14) may reduce potential impacts. Also see the discussion of the "Alternative Off- Site Utility Infrastructure" above.

Impacts to fisheries of the Lower American River would be greater in comparison to those of the Sacramento River and the Elverta Alternative. Implementation of this alternative has the potential to impact an entire 23-mile stretch of the American River that is known to be used by anadromous fish for migration, spawning and rearing (see "Effects of Implementing the Alternative Long-Term or Buildout Surface Water Supply, American River System, on Water- Related Resources" below).

Hydrology/Water Quality. Implementation of this alternative would result in similar impacts to those of the Elverta Diversion Alternative. Additional analysis would be required to determine potential downstream dilution and other surface water quality issues.

Recreation. The American River Pump Station is located within the Auburn State Recreation area. Recreational activities within this area include hiking, fishing, horseback riding, cycling, swimming, rafting and kayaking. According to the Report, construction of the first phase of the American River Pump Station has begun and mitigation measures contained in the EIS/EIR for the project are being implemented. Under this alternative, the pump station intake footprint would not change and is not anticipated to have a significant impact on recreation; however, less than significant changes in water levels may result from future operations under the alternative.

The SRWRS Initial Alternatives Report recommends that during future modeling of this alternative, these potential impacts be studied in greater detail.

Land Use. There are currently residential land uses near the new Water Treatment Facility; therefore, implementation of this alternative could result in conflicts with current land uses. New pipelines are proposed to traverse areas that are anticipated to experience potentially significant disruptions during construction; however, such disruptions are temporary in nature.

Alternative Long-Term or Buildout Surface Water Supply Supplemental Analysis, Folsom Reservoir

Appendix E of the Revised Draft EIR described that the existing diversion structure at Folsom Dam, does not have sufficient capacity to convey the total anticipated surface water supply needs for Placer Vineyards from Folsom Reservoir. A new urban water supply intake would have to be constructed. From the new aperture, raw water first would be pumped to the Folsom Pumping Plant operated by USBR. From there, it would be pumped along the North Fork Pipeline either to the Sydney N. Petersen Water Treatment Plant, owned by the San Juan Water District, or be conveyed to the City of Roseville's water treatment facility. Water would ultimately reach the Placer Vineyards Specific Plan through the Roseville system or through the Cooperative Transmission Pipeline.

According to the more recent SRWRS Initial Alternatives Report, the Folsom Dam diversion now includes constructing a tie-in to the existing Folsom Dam penstocks number 1 and 2 with a 60-inch diameter pipeline that will be located west of the existing pump station, a new raw water pump station, and a new raw water intake. In addition, this alternative proposes to expand the San Juan Water District's Sydney N. Peterson Water Treatment Plant. PCWA would

obtain 65 MGD from the new penstock connection and the proposed Sydney N. Peterson Water Treatment Plant expansion through a 60-inch pipeline that would parallel the existing 84-inch pipe that feeds into the existing Water Treatment Plant (see Figure 6-16).

The Sydney N. Peterson Water Treatment Plant is located on Auburn-Folsom Road near Northwood Drive. The facility expansion will include approximately 10 acres of the existing Water Treatment Plant property. The expansion would increase Treatment Plant capacity to a total of 185 MGD. Additional modifications would be made to the existing facility along with a new floculaton/sedimentation basin, filter, filter backwash and solids-handling facility. Space has been reserved to support future water quality regulations.

Service of water to PCWA would be from the Water Treatment Plant through a 60-inch diameter pipeline traversing approximately 11 miles northwesterly along an existing Roseville pipeline. The pipeline would follow Auburn-Folsom Road, Barton Road, Roseville Parkway, Cirby Way, across Interstate 80 and the UPRR, to Cook Riolo Road. From Cook Riolo Road the pipeline would traverse approximately 1.6 miles to Baseline Road, where it would turn west. The final connection to the project site and PCWA would be at the Baseline Road and Fiddyment Road tie-in.

According to the preliminary findings of the SRWRS Initial Alternatives Report, implementation of a Folsom Reservoir diversion could result in the following environmental effects. It should also be noted that, in addition to the supplemental analysis below, the Revised Draft EIR includes discussion of offsite infrastructure impacts in each topical area and includes mitigation measures that are applicable to offsite infrastructure construction, which are also applicable to water supply infrastructure effects:

Biological Resources. According to the SRWRS Initial Alternatives Report, there are no proposed alterations to the existing facilities and structures that would result in major impacts to plants or wildlife as a result of implementation of this alternative. New pipeline and facilities are proposed to entirely within disturbed areas, and are not anticipated to have an adverse impact on biological resources.

Impacts to fisheries of the Lower American River would be greater in comparison to those of the Elverta Alternative. Implementation of this alternative has the potential to impact an entire 23- mile stretch of the American River that is known to be used by anadromous fish for migration, spawning and rearing.

Hydrology/Water Quality. There are no water quality issues referenced within the SRWRS Initial Alternatives Report as a result of implementation of this alternative.

Recreation. Folsom Reservoir is located within the Folsom Dam Lake State Recreation Area. During drier than normal years, the reservoir water levels may be affected as a result of the project. The SRWRS Initial Alternatives Report recommends that additional studies be prepared once modeling is conducted during later phases of the project.

Land Use. New pipelines are proposed to traverse areas that are anticipated to experience potentially significant disruptions during construction; however, such disruptions are temporary in nature.

Comment 7

(It is relatively certain that there will not be enough water capacity that may be wheeled through Roseville to provide sufficient water to the project. Nevertheless, the FEIR does not identify the pipeline route of an additional water supply. Because the infrastructure is not properly described, it is impossible to determine whether this infrastructure will have an environmental impact. In essence, the authors of the EIR are piecemealing the Project by not including an adequate description of the water facilities that will be needed for the Project, and an environmental analysis of these facilities.)

As explained earlier, the County recognizes that, given the likely competition from the gradual, long-term development of projects such as Placer Vineyards, the water wheeled through the Roseville system will likely not be sufficient to support full build-out of the RUSP. Thus, when that water is all spoken for, PCWA has permitted the use of groundwater as a "bridge" supply until pipelines can be extended to the project site from the Ophir Treatment Plant. Once all of the 35,500 AFY available from the ARPS is spoken for, any remaining development needed for build-out within the RUSP will require water from the SRWRS. The Response to Comment 19-74 explained as follows:

> As stated in Response to Comment 19-73, because PCWA operates independently from Placer County, the County cannot dictate the source of the water supply under cumulative conditions in west Placer County. The Draft EIR acknowledges (see page 6.14-6) that the entire wheeling capacity through the Roseville system would not be available to the RUSP project, since some of the capacity has already been committed to other projects served by PCWA west of Roseville. The Draft EIR also notes that any new point of delivery from Roseville would require renegotiation of the wheeling agreement. With regard to what other projects could be "competing" for water in west Placer County, the Draft EIR provides a

> comprehensive list of projects within the PCWA wheeling agreement service area in Table 6.14-9 on Draft EIR page 6.14-36. Assumed development that would rely on PCWA water in west Placer County is shown in Table 6.14-10 on Draft EIR page 6.14-38. As discussed on page 6.14-20, the next increment of expanded treatment capacity is expected to be the Ophir WTP. As the Sacramento River Water Reliability Study and EIR/EIS are being prepared, the County assumes that this would be a source of water for PCWA, and, ultimately, the proposed project. As previously discussed, the Draft EIR discloses the project's contribution to the effects of that project. If PCWA pursues another source of water in lieu of the Sacramento Diversion, PCWA would be required to prepare the appropriate environmental documentation. Further, the Draft EIR includes mitigation to ensure the project demand does not exceed current infrastructure and that sufficient water would be available to serve the proposed project. Mitigation Measure 6.14-1 (page 6.14-21) requires that the County comply with Government Code section 66473.7 for proposed residential project of more than 500 dwelling units; for a proposed residential project of 500 or fewer units, the County must make a factual showing or impose conditions similar to those required by section 66473.7 in order to ensure an adequate water supply for development authorized by the map. This measure would ensure that sufficient water would be available to serve the proposed project or, if such a finding could not be made, development would not be approved until the water service provider identified a source and prepared the appropriate environmental documentation.

The following excerpt from the Second Partially Recirculated Revised Draft EIR for Placer Vineyards contains useful information regarding how much water can be wheeled through Roseville, and how there is expected to be competition for the limited amounts that can be sent through finite pipeline capacity. Specifically, that document states as follows:

> An immediate or initial surface water supply is to be provided from PCWA's unused American River Middle Fork Project water to be diverted at PCWA's new permanent American River Pump Station, conveyed to and treated at the Foothill Water Treatment Plant. It would then be delivered through PCWA's existing transmission pipeline system to the vicinity of Industrial Avenue. There the water would be introduced into the City of Roseville's potable water system and conveyed to the intersection of Baseline and Fiddyment roads.
>
> * * * [A]s disclosed on Revised Draft EIR page 4.3-72, modeling for the cumulative condition includes PCWA's diversion of up to 35,500 AFA Middle Fork water from the American River Pump Station, which includes the 10 MGD to be transmitted through the Roseville-owned pipeline.

* * *

The Roseville pipeline and the wheeling agreement for delivery of water by PCWA through the pipeline are in place (Revised Draft EIR page 4.11-62) and this source of supply could be delivered to the project immediately upon the commencement of construction of development pursuant to the Placer Vineyards Specific Plan by extending a pipeline approximately ½ mile in Baseline Road to the project site. The EIR assumes that, despite likely competition for this finite supply, the supply would be relied on through 2012 and into 2013 during project development and that the connection would be constructed with the initial Backbone Infrastructure, which must be substantially completed prior to the issuance of any building permits (Revised Draft EIR, page 3-34 and Development Agreement, page 34). Construction within the Placer Vineyards Specific Plan area is now projected to begin in 2009, with an anticipated, if not yet completely certain, long-term water supply from the Sacramento River becoming available approximately 2016. Table 4.3.5-1 describes projects within the pipeline's service area that would potentially utilize this supply.

There is a 10 MGD limitation on PCWA water deliveries through the Roseville-owned system. For analytical purposes, an initial surface water supply of 6,000 AFA was assumed. If this supply were to be delivered through the Roseville-owned system, it would translate into a peak day flow rate of 10.7 MGD, which would exceed the pipeline's 10 MGD capacity on a peak day basis. It has also been shown and reported in the Final EIR that existing and future projects (e.g, the proposed Regional University Specific Plan) would compete for a share of the 10 MGD available capacity, which means that Placer Vineyards could potentially receive only a portion of the available water under this scenario.

More current information is now available regarding remaining capacity in the Roseville-owned pipeline and projects that could compete for the remaining supply. It has been determined that approximately 8.15 MGD of the pipeline capacity (enough water to supply over 7,000 dwelling units) is currently unutilized based on July 2006 peak day flow rate (James Ray, Personal Communication, MacKay & Somps, February 2007). As reported in the Revised Draft and Final EIRs, existing projects, such as Morgan Creek, already rely on this supply; therefore a full 10 MGD is not currently available. In order to understand how the remaining 8.15 MGD could be used, Figure 4.3.5-1 has been prepared showing the service area for the remaining water that is the subject of the wheeling agreement. Table 4.3.5-1 provides an assumed buildout for the service area, based on actual approved and pending projects. Please note that the Table shows water commitments rather than actual demand. Actual demand would likely be less and would occur 18 to 24 months after water

is committed (i.e., the difference in time between commitment and water delivery).

Some of the projects have received tentative map approval and are the most likely to proceed. Others, including the Placer Vineyards Specific Plan, are currently seeking entitlements from Placer County. Of those seeking entitlements, Placer Vineyards Specific Plan is the only one to have received a recommendation for approval from the Placer County Planning Commission.

As illustrated on Table 4.3.5-1, based on the most current information, and assuming competition from other projects, the Placer Vineyards Specific Plan's initial surface water supply would be reasonably certain and adequate for the first four to five years of projected development. This is less time than the six to eight years assumed in the Revised Draft EIR.

(PVSPRRDEIR pp. 4.3-4 - 4.3-6.)

Comment 8

(The partial construction of the RUSP and the surrounding large projects, including Placer Vineyards, may have a cumulative adverse impact on flood flows prior to the completion of all of the improvements. This comment is not adequately addressed in response 19-95. The Response to Comments does not address how global warming can increase flooding from creeks.)

The commenter states that a concern exists that the partial construction of the Regional University Specific Plan and the surrounding large projects in Placer County, including Placer Vineyards, may have a cumulative adverse impact on flood flows prior to completion of all of the improvements.

As stated in the original Response to Comment 19-95, the proposed RUSP project will construct the flood control and peak flow improvements required by mitigation measures to coincide with development impacts. The RUSP project, as well as any surrounding large project in Placer County, will be required by project conditions of approval to construct flood control and peak flow improvements so that said improvements are completed and in place prior to subsequent project build out when the impacts will occur. These drainage improvements are a major component of the initial project infrastructure, which is constructed to support the subsequent project build out.

Should the RUSP project or any other large project be developed in phases, the drainage improvements may also be phased, but the level of drainage improvements constructed will always be required to be adequately sized to mitigate the level of anticipated impacts. Notably, during the early stages of project development, the initial backbone

drainage improvements are actually oversized because the infrastructure is designed and constructed to mitigate impacts associated with full development of lands within the project area, which will not occur until some time after initial infrastructure installation.

The commenter also states that the EIR is not responsive to the comment that global warming will increase spring flows and possible flooding. The small creeks within the project will not be affected by increased spring flows resulting from rain on snow because snow does not occur within the drainage shed(s) tributary to the small creeks within the project. Furthermore, the fact that each individual creek is not analyzed does not render the analysis incomplete. Tools do not yet exist to address how a *long-term global problem* may affect *future conditions* individual creeks in a single county in one state in one nation.

On the larger subject of climate change, the Second Partially Recirculated Revised Draft EIR for the Placer Vineyards Specific Plan contained a comprehensive analysis of global warming impacts, including the extent to which a decreasing snowpack could affect the extent and reliability of PCWA's water supplies. (The document found the impacts to be less than significant, as northern California urban supplies would likely far much better than urban and agricultural supplies south of the Sacramento-San Joaquin Delta.) The Draft EIR for the RUSP project contained a similarly comprehensive discussion (see Chapter 6.13). While neither the Second Partially Recirculated Revised Draft EIR nor the Draft EIR for the RUSP specifically addressed flooding in Curry Creek, the documents did generally address the subject of flooding. The Placer Vineyards EIR discussed the flooding impacts generally that may result from climate change. (PVSPRRDEIR 4.3-18.) The EIR noted that climate change could affect flood frequency and "this need to manage water storage facilities to handle increased runoff could in turn lead to more frequent water shortages during high water demand periods (Brekke 2004). It is recognized that these impacts would result in increased challenges for reservoir management and balancing the competing concerns of flood protection and water supply (DWR 2006)." (SEE PVSPRRDEIR p. 4.13-20.) The RUSP EIR also addressed the general flooding issue head-on, as follows:

> **Flood Control.** It is difficult to assess implications of climate change for flood frequency, in large part because of the absence of detailed regional precipitation information from climate models and because human settlement patterns and water-management choices can substantially influence overall flood risk.36 Still, increased amounts of winter runoff could be accompanied by increases in flood event severity and warrant additional dedication of wet season storage space for flood control as opposed to supply conservation. This need to manage water storage facilities to handle increased runoff could in turn lead to more frequent water shortages during high water demand periods.37 It is recognized that these impacts would result in increased challenges for reservoir management and balancing the competing concerns of flood protection and water supply.38

(RUSP DEIR, p. 6.13-16, citing (36) *the California Water Plan, Volume 4 – Reference Guide*. Oakland, CA: Pacific Institute for Studies in Development, Environment, and Security. (37) Brekke, L.D., N.L. Miller, K. E. Bashford, N. W. T. Quinn, and J.A. Dracup 2004. *Climate Change Impacts Uncertainty for Water Resources in the San Joaquin River Basin, California*. Journal of the American Water Resources 40(1):149-164, and (38) California Department of Water Resources (DWR). 2006. *Progress of Incorporating Climate Change into Management of California's Water Resources, Technical Memorandum Report*.)

These same general and specific concerns were also addressed in the RUSP EIR Response to Comment 19-95:

> The proposed project will construct the flood control and peak flow improvements required by mitigation measures to coincide with development impacts. The various mitigation measures appearing in section 6.8 Hydrology and Water Quality will ensure the completion of drainage infrastructure to reduce impact to less-than-significant levels. The commenter is referred to section 6.8 of the Draft EIR for additional detail. Where the described potential exists for drainage impacts relative to upstream and downstream sources of runoff, Placer County requires the analysis of the "Post-project Fully Developed Offsite Unmitigated" flow rates. This analysis is provided in Section II of the Regional University Specific Plan Preliminary Drainage Master Plan prepared for the project.
>
> Erosion control and degradation of water quality during construction was addressed in Section 6.8 and Mitigation Measures 6.8-6(a) and (b) specifically deal with this subject. The commenter does not state how those mitigation measures may be deficient and does not provide any alternative mitigation measures. Without additional information, no further response is possible.
>
> The commenter provides no factual basis for the concern about how global warming may affect specific streams in Placer County. The commenter also suggests that the proposed project overlooks climate change and the use of reclaimed water. On the contrary, the Draft EIR goes to great length to describe water supply on a regional scale in Section 6.14 Water Supply and potential consequences of supplies and demand during dry years. Further, Draft EIR Section 6.13 Greenhouse Gas Emissions and Global Climate Change addresses the possible effects of climate change on the project's water supply. The commenter is directed to those sections of the Draft EIR for detail on water supply and climate change.
>
> At some point in the future, scientists may be able to develop complex models that predict with some level of accuracy how any global changes in climate could affect the relatively small creeks within the project area, and predict effects on water supplies. However, any attempt to do so at the present time would constitute speculation on the part of the County

(see CEQA Guidelines Section 15145). At the present time, the County assumes that, given the small size of the creeks at issue, any effects from global warming on their flows in a foreseeable time frame would be minimal and would not change the manner in which the project has been designed or its impacts mitigated.

Comment 9

(The FEIR fails to provide an adequate response to the City of Rocklin comment that the EIR should address added water requirements from the City of Roseville facilities demanded by the City of Rocklin Downtown Plan. . . It is the obligation of the authors of the FEIR to make certain that water is available for the Project. If the City of Roseville wheeling facilities may not be available because of other demands, this is a problem that must be addressed in the EIR in determining whether water can be made available for the Regional University Project.)

Please see prior responses describing the overall water strategy for the RUSP, the extent to which the project relies on water wheeled through Roseville, and PCWA's long-term water supply strategy for West Placer County. On the question of whether the County must "make certain that water is available for the Project," the commenter misreads applicable CEQA law. In *Vineyard Area Citizens v. City of Rancho Cordova* (2007) 42 Cal.4th 412, the California Supreme Court identified four general principles governing the preparation of water supply analyses in EIRs for major land use projects. These principles are as follows:

1. An EIR may not simply assume that a water supply will be available. Decision makers must be presented with sufficient facts to evaluate the pros and cons of supplying the amount of water that will be needed for full build-out.

2. The water supply analysis cannot be limited to the first few years or first phases of development. To the extent reasonably possible, the EIR must include an assessment of the potential effects of producing the long-term water supply.

3. Although CEQA, consistent with Senate Bill 610 (Water Code, § 10910 et seq.), does not preclude the approval of major land use projects or plans absent a guaranteed water supply, the EIRs for such projects should nevertheless address how certain or "likely" such supplies are. The EIR must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability.

4. Where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies.

The RUSP EIR methodically worked through each of these issues. (DEIR, pp. 6.14-15 – 6.14-39.) Although water supply for full build-out is not guaranteed, the County

concluded that all of the sources needed by PCWA for full build-out of its service area, including the SRWRS, are "reasonably likely" within the meaning of *Vineyard.*

The DEIR's analysis incorporates a discussion of other facilities that may rely on water conveyed through City of Roseville facilities and/or pursuant to the wheeling agreement between the City of Roseville and PCWA. The RUSP applicant was not obliged to provide a separate discussion of the water supply demand created by the Rocklin Downtown Specific Plan.

Also, the PCWA IWRP takes a long term, cumulative view and accounted for all known projects at the time it was prepared and included demands for areas within its service area inside the City of Rocklin. The City of Rocklin should work with PCWA to determine what demands were assumed for and may be available to the Downtown intensification project. As with all water service from PCWA, water availability is provided on a first-come, first-served basis and no reservation of capacity occurs until a facilities agreement is approved by the PCWA Board and the required connection fees paid. As noted previously, the Bear River and American River water supplies available to PCWA provide for over 55,000 new edu connections.

Comment 10

(The baseline data in Curry Creek is necessary to determine if future drainage will degrade the creek.)

The County has already adequately responded to this comment. As stated in the original Response to Comment 19-38, discharges from the project to Curry Creek will be regulated under the County of Placer Stormwater Management Plan and the State General NPDES Permit for small municipal separate stormwater sewer systems. By definition, discharges in compliance with these regulations will be in compliance with accepted water quality standards and will not degrade the creek. The response to this comment on the DEIR states the following:

> The comment states that the Draft EIR should include information on the water quality in Curry Creek as part of the baseline. While the project would discharge urban run-off into Curry Creek, discharges would be regulated under the County of Placer Stormwater Management Plan (SWMP) and the State general NPDES permit for small municipal separate stormwater sewer systems (see Draft EIR page 6.8-10). The State general permit requires the County to implement structural and non-structural BMPs that would mimic pre-development quantity and quality, which is also supported by County General Plan policy 4.E.14 (see Draft EIR page 6.8-11). Stormwater BMPs designed to meet the requirements of above regulations will be completed under the authority of a registered professional engineer who has discretion to perform calculations based on proposed land uses. A baseline water analysis maybe beneficial in some

> instances, but it is not required. MM 6.8-1 (see Draft EIR page 6.8-22) mitigates impacts to less than significant by supporting the requirements of the State Stormwater NPDES permit and County General Plan by requiring detailed drainage plans triggered by the tentative map or new development applications.

(FEIR p. 4-74.)

Comment 11

(In response to comment 19-42, the FEIR states that residents could be placed in the 100-year flood plain if FEMA approves alterations to the flood plain. FEMA standards have changed and it is generally required that building not be included in the 200-year flood plain. Therefore, the response to comment 19-42 is not satisfactory.)

The Final EIR adequately responded to this comment. Response to Comment 19-42 states:

> The comment states that, without changes to the Federal Emergency Management Agency (FEMA) 100-year Floodplain Maps, residences could be placed in the 100-year floodplain. The proposed project would submit an application to FEMA for alterations in the floodplain and FEMA would then rule whether those alterations are satisfactory. If so, FEMA would issue a Conditional Letter of Map Revision (CLOMAR). Once construction is complete, FEMA would again review the alterations and issue a Letter of Map Revision (LOMAR). Compliance with the requirements for the LOMAR would ensure that residential development would not be located within a 100-year floodplain.

(FEIR p. 4-75.)

The County consulted with a Certified Flood Plain Manager to verify the validity of the floodplain zone analysis in the EIR. This expert found the EIR's analysis of floodplain zones to be sufficient. Contrary to the commenter's assertion, FEMA standards do not prohibit buildings within the 200-year floodplain zone. FEMA's policies are consistent with the National Flood Insurance Program and the Code of Federal Regulations (44 C.F.R. 65.10). While it is possible that the regulations will be revised with legislation that will expand FEMA's mapping into what FEMA refers to as the "RISK" maps, no such policy has been adopted at this time. FEMA does not recognize the 200-year event as an event of significance. It bases its policy on the 100-year and 500-year floodplain zone.

This commenter seems to mistakenly refer to the State's adoption of flood protection standards for certain situation. Although Senate Bill 5 from the 2007 legislative session requires a gradual phase-in of a 200-year standard in Central Valley areas protected by levees, this new requirement does not apply to the project area, which is not protected by

levees. In any event, the new requirements under SB 5 will not go into effect until 2015. Thus, a 200-year protection standard is not the appropriate threshold of significance for this project.

Thus, the Response to Comment 19-42 remains a valid response.

Comment 12

(All land that is designated as important farmland is to be mitigated on a one-to-one ratio. The Project mitigation measures do not comply with Placer County Policy and also the provisions of the EIR.)

Contrary to the comment's assertion, there is no adopted County General Plan goal or policy that requires a 1:1 mitigation for impacts to all land designated farmland. As the DEIR notes on page 6.2-12, the County Agricultural Commissioner merely recommends such mitigation. As explained in Table 6.2-3 and at page 6.2-13 of the DEIR, of the total 1,157.5 acres of farmland in the RUSP area and the 124.36 acres of offsite infrastructure areas, 183.5 acres "currently supports no agricultural uses because of the dense matrix of naturally occurring and created wetlands that dominate the acreage." With such acreage being preserved and not impacted, there is no need for mitigation of any loss of agricultural land for those 183.5 acres. Likewise, for the offsite infrastructure areas, only 51.8 of the 124.36 acres would be impacted. Hence, the project provides for mitigation of the 1,024.38 acres of farmland on a 1:1 basis, thereby complying with all applicable regulations and County policies and mitigation requirements.

Comment 13

(The Project is inconsistent with General Plan Policy 1.A.2)

The RUSP is, in fact, consistent with General Plan Policy 1.A.2, which only states that "[t]he County shall permit only low-intensity forms of development in areas with sensitive environmental resources or where natural or human-caused hazards are likely to pose a significant threat to health, safety, or property." Of the 183.5 acres of the University portion of the RUSP that includes "a dense matrix of naturally occurring or created wetlands," no development is being proposed. (DEIR, page 6.2-13.) The DEIR discusses the environmentally sensitive nature of the area at length in Chapter 6.4, and in Chapter 6.2.

As for the claim that the RUSP is unplanned "leap frog" growth, Part III of the County General Plan and Figure III-1 of the General Plan clearly show that the RUSP is in an area long slated by Placer County for growth. This contention lacks merit.

Comment 14

(The project fails to comply with General Plan Policy 1.B1, requiring the County to concentrate new residential development in high density residential areas located along major transportation corridors and transit routes.)

The General Plan Policy 1.B.1 states, "the County shall promote the concentration of new residential development in high-density residential areas located along major transportation corridors and transit routes." The comment fails to acknowledge that, as discussed above, the project site is a future growth area, which will be served by a major extension of Watt Avenue.

Response to comment 19-5 adequately addresses this concern. It explains that

> other development is planned in the vicinity of the proposed Regional University Specific Plan. Thus, the proposed extension of Watt Avenue would travel through and serve the proposed Sierra Vista Specific Plan project (the Notice of Preparation for an EIR for this project was released on March 28, 2008), as well as the proposed project. Notably, the Sierra Vista project is located in an area long anticipated for urbanization; the RUSP area was designated for future urban development as part of the City of Roseville/Placer County Memorandum of Understanding (MOU) Area in 1997, and the vast majority of the project area has been within the City of Roseville's sphere of influence since 2004. As explained in the response to comment 19-2, moreover, the RUSP itself is proposed for an area identified in the 1994 County General Plan as a Future Study Area in which development is presumptively appropriate at some point.

(FEIR p. 4-63.) Nothing in the General Plan indicates that the County should not anticipate future development to help determine consistency with General Plan principles. The comment mistakes general planning principles with absolute prohibitions on flexible planning strategies.

Comment 15

(The project's traffic impacts would be inconsistent with the General Plan Goal 3.A, which requires the County to provide for the long-range planning and development of the County's roadway system to insure the safe and efficient movement of people and goods. . . Policy 3.A.7 has not been adopted. . . the Project EIR which is to serve as the Environmental Impact Report for this policy change does not set forth the environmental impacts of the policy change.)

The comment fails to acknowledge that, in approving the Placer Vineyards project in July 2007, the Board of Supervisors has already amended Policy 3.A.7. to allow specific plans to establish their own Level of Service (LOS). The County proposes to readopt the Policy in connection with action on the RUSP only out of an abundance of caution that may

ultimately prove to have been unnecessary. While the commenter is certainly correct that there is pending litigation over the Placer Vineyards Specific Plan approval, this prior County approval must be deemed valid in the absence of a court order requiring revocation of the approval. (Evid. Code § 664 ("[i]t is presumed that official duty has been regularly performed"); see also Pub. Resources Code, § 2116.7 (requires that an EIR be treated as legally adequate even during the pendency of litigation attacking the EIR).) The Amendments to General Plan Policy 3.A.7 remain "on the books" at present, even though the County intends to re-approve the Policy.

Notably, in response to a comment from the Sierra Club (DEIR comment letter 17), the County described the limited practical effects of the amendments:

> The commenter states that General Plan amendments in the proposed project allow specific plans to establish their own LOS standards. However, the General Plan amendments included in the proposed project do not allow a change to LOS D; as shown in Policy 3.A.7.a and b, LOS D is already allowed within ½ mile of state highways. Policy 3.A.7.c allows exceptions to these standards under certain conditions. The changes to the policies related to traffic include incorporation of Policy 3.A.8 into Policy 3.A.7 and tying together Policies 3.A.7 and 3.A.12 by cross reference. Changes to Dry Creek/West Placer Community Plan Policy 6 only make it consistent with General Plan Policy 3.A.7. Thus, the proposed policy amendments do not allow a LOS that was not already considered in General Plan Policy 3.A.7.

(RUSP Final EIR, p. 4-53.)

Comment 16

(General Plan Goal 3.B. requires that RUSP provides mass transit.)

General Plan Policy Goal 3.B does not require that a project provide mass transit service to the project area. Goal 3.B merely promotes "safe and efficient transit service" to meet certain objectives. Only ski resorts and other recreational providers in the Sierra are under a strict requirement to provide transit services. (See Policy 3.B.9. ("The County shall require development of transit service by ski resorts and other recreational providers in the Sierra to meet existing and future recreational demand").)

By providing right of way for future BRT lanes, the RUSP specifically satisfies Policy 3.B.3, which states that "[t]he County shall consider the need for future transit right-of-way in reviewing and approving plans for development. Rights-of-way may either be exclusive or shared with other vehicles."

Moreover, in light of the requirements for construction of bus stop facilities in the community component of the RUSP and a transit center on the University property, along with the provision of funding for buses by the RUSP, this project goes far beyond the requirements of the General Plan.

Comment 17

(Sutter County requests that the negotiations begin immediately regarding the traffic impact fee and that there is a legally enforceable agreement before the EIR is certified...)

Consistent with its obligations under the mitigation measures adopted for the Placer Vineyards Specific Plan, Placer County has made overtures to Sutter County to commence a negotiating process by which the two public agencies can ultimately come up with a mutually acceptable sub-regional traffic mitigation agreement. Such an agreement would ensure that Placer County projects mitigate for their fair share of significant traffic impacts occurring within Sutter County, and that Sutter County projects mitigate for their fair share of significant traffic impacts occurring within Placer County. To date, such overtures have borne no fruit, and have been complicated by Sutter County's lawsuit against Placer County over the Placer Vineyards projects.

Interestingly, Placer County has received from Sutter County a Notice of Preparation for the proposed Sutter Pointe Specific Plan, and understands that Sutter County and its staff and consultants are working on an EIR for that project. If approved by the Sutter County Board of Supervisors, the Sutter Pointe project would generate substantial amounts of new traffic in both Sutter and Placer Counties. Notably, one of the complaints in Sutter County's lawsuit against Placer County over the Placer Vineyards Specific Plan is a contention that Placer County, in its cumulative impact analyses and mitigation measures, should not have assumed the ultimate approval of development in Southern Sutter County. In light of this argument, favorable action on the Sutter Pointe Specific Plan could be a basis for a break-through in the discussions between the two counties, as there would no longer be any uncertainty regarding whether Sutter Pointe would be approved.

Notwithstanding the foregoing, RUSP Final EIR Response 10-1 still remains a good statement of Placer County's legal opinion as to why its approach to extra-territorial impacts remains viable and the best feasible approach under the circumstances:

> Commenter correctly notes that the Draft EIR concludes that Impact 6.12-1, which states that the proposed project could contribute to traffic volumes that exceed the capacity of the regional roadway network under existing plus project conditions, remains significant and unavoidable after the implementation of mitigation. (Draft EIR, pp. 16.12-80 to 16.12-96.)
>
> Draft EIR Mitigation Measure 6.12-1 makes clear that a fair-share contribution by the project, and similar contributions from all other projects responsible for increasing congestion on these roadway segments, will only be viable after an appropriate fee collection and expenditure mechanism is first established. Because County decision-makers will take action on the Specific Plan without knowing with certainty that the

agreements contemplated by Mitigation Measure 6.12-1 will come to fruition, the language of both the measure and the EIR recognize that such success cannot be absolutely guaranteed.

The County believes that the establishment of an enforceable agreement between Caltrans and Placer County, consistent with State law and Placer County General Plan Policy 3.A.15, is a proper prerequisite to the County making the Specific Plan's fair share contributions, and all other projects' fair share contributions, available to Caltrans (see Mitigation Measure 6.12-4). Under the federal and State constitutions, the County cannot impose on the project proponents the obligation to mitigate impacts not attributable to their project. Thus, without the matching, reciprocal funds needed for certain improvements, the collection of fees from the project applicants would be an idle act. Although Caltrans has established methods in place to assist local agencies with the implementation of local development mitigation measures, until Placer County and Caltrans, as well as other local jurisdictions, establish one or more appropriate, enforceable agreements, the Specific Plan's impacts on the State highway system and roadways within other jurisdictions must be considered significant and unavoidable. Without such an agreement or agreements, the mitigation measures identified in the Draft EIR would be infeasible and the identified improvements would not be guaranteed to occur.

The key point here is that, in preparing the Draft EIR, County staff devised a mitigation strategy that represents a good faith attempt to face the challenges of imposing on a local development project the obligation to mitigate its ascertainable significant impacts on the state highway system. At present, the institutional and legal mechanisms for a flow of money from the applicants to the County and thence to Caltrans simply do not exist, and thus must be created. In considering the Specific Plan, the Board of Supervisors will determine whether, if it approves the Specific Plan, it will also adopt Mitigation Measure 6.12-1. If the Board takes both such actions, the County will be legally bound to approach Caltrans, the City of Roseville, and the counties of Sacramento and Sutter with the intention of seeking agreements by which the project can be made to mitigate its impacts on those jurisdictions' facilities.

The County notes that its approach of assessing the project for only its "fair share" of the costs of various improvements is consistent with constitutional limitations (see CEQA Guidelines section 15126.4, subd. (a)(4), and court cases cited therein). Both the CEQA Guidelines (Section 15130, subd. (a)(3)) and CEQA case law are clear that fee-based infrastructure mitigation programs based on fair-share contributions, such as Mitigation Measure 6.12-1, are adequate mitigation measures under CEQA (see, e.g., *Save Our Peninsula v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99). The County also notes that, with

respect to impacts occurring outside the County's unincorporated area, the County proposes to commit to the steps necessary to create the institutional and legal arrangements needed to created a flow of money from the project proponents to the County and thence to other entities such as Caltrans, the City of Roseville, and the Counties of Sacramento and Sutter. The County has disclosed the impacts of its proposed approach in an honest, straightforward, and legally conservative manner. Not all impacts can be mitigated to less than significant levels. In particular, those impacts that can only be mitigated through fair-share contributions to proposed facilities that would be built outside the unincorporated area (see Draft EIR, Mitigation Measure 6.12-1), and that therefore require the cooperation and participation of one or more agencies other than Placer County, have been identified as potentially significant impacts, since the cooperation of those agencies cannot be guaranteed at this time.

The County acknowledges and appreciates Sutter County's willingness to commence negotiations to establish the necessary institutional and legal arrangements between Sutter and Placer counties. CEQA does not require, however, that these arrangements be in place, or that the exact dollar amount of the project's fair share contribution be calculated, prior to project approval. Placer County will work with each jurisdiction/agency in which mitigation measures are identified to determine the appropriate fair share contribution. The County's view is that, because the proposed mitigation measure is to create new funding programs to deal with impacts occurring outside unincorporated Placer County, nothing in CEQA requires that the EIR for the Regional University Specific Plan contain detailed information regarding specific dollar amounts required for various improvements or what fees per dwelling unit or square foot of non-residential development might be within the Specific Plan area.

Notably, however, the two Counties already have a venue in which to commence preliminary discussions regarding extra-territorial traffic impacts of the RUSP. In July 2007, the Placer County Board of Supervisors approved a very similar mitigation strategy when it adopted the Placer Vineyards Specific Plan. In doing so, Placer County committed itself to approaching Sutter County about means of resolving regional transportation issues and, in particular, how to mitigate the extraterritorial impacts of projects approved by both Counties. While the RUSP administrative process continues towards its completion, the two Counties can make progress on the issue of extraterritorial traffic mitigation by laying the groundwork for a detailed agreement that would at first focus on Placer Vineyards and later be expanded to include the RUSP. The RUSP Draft EIR includes mitigation language similar to that found in the Placer Vineyards EIR because there are now three lawsuits, including one filed by Sutter County, seeking to invalidate the Board of Supervisors' approval of the Placer Vineyards Plan. Although Placer County believes it

> can successfully defend those lawsuits, the County nevertheless deemed it prudent to consider readopting a similar mitigation measure in connection with the RUSP as insurance against a potential adverse result in the Placer Vineyards litigation, as such a result could lead to the invalidation of the adopted mitigation requiring Placer County to try to enter into a mitigation agreement with Sutter County.

(RUSP Final EIR, pp. 4-23 – 4-24.)

Importantly, the Development Agreement (DA) for the Project includes a fee for improvements for the Highway 70/99 – Riego Road Interchange, which would be located within Sutter County. More specifically, Section 2.5.4.2 requires the Master Owner to pay a fee of Three Hundred Dollars ($300.00) per dwelling unit equivalent for each building permit issued within the Community Property to provide funding for such a facility, which is not currently included within the County Tier II Fee. Recognizing, however, that such construction will require cooperation of other public agencies, including Sutter County, the section further provides, in the event such inter-agency cooperation is not forthcoming, the County will give the Master Owner credit against Tier II Fee.

Comment 18

(The EIR must analyze the road segment for the area on Riego Road between Pleasant Grove and SR 70-99)

The commenter (an attorney, not a traffic engineer) errs in insisting that a "road segment analysis" was needed to adequately address potential project impacts for the area of Riego Road between Pleasant Grove Road and SR 70-99. As explained on page 4-25 of the FEIR, Page 6.12-10 of the DEIR states potential impacts to the section of Riego Road between Pleasant Grove Road (south) and SR 70/99 were based on intersection analysis. Generally, intersections are the critical nodes that connect and interconnect all individual roadway segments of the system and are usually the critical elements in ensuring that the roadway system operates adequately. The results of the intersection analysis identified the following proposed mitigation measures related to the roadway segment of Riego Road between Pleasant Grove Road (south) and SR 70/99 (Mitigation Measure 6.12-7):

- Riego Rd./Natomas Rd. Intersection:
  - Install a traffic signal and construct exclusive left turn lanes for the eastbound and westbound approaches, or
  - Widen Riego Road from two to four lanes between Pleasant Grove (south) and SR 70/99 and remove the stop signs on the eastbound and westbound approaches and construct an exclusive westbound left-turn lane and an exclusive eastbound left-turn lane.
- Riego Rd./Pleasant Grove Rd. (north) Intersection: