

maintenance plan for these facilities. This, in addition to the fact that Placer County does not control discharges from development upstream of the proposed project, the County cannot be assured that water surface elevations would not be altered in the cumulative condition. Therefore, the County conservatively assumed that this impact would remain significant and unavoidable even after mitigation.

#### **Response to Comment 19-45**

The comment states that because the quietest time of the day is during the night, the Draft EIR should include nighttime noise measurements. The information referenced in the comment is intended to provide the reader with the general pre-development noise environment and typical noise sources; this data was not used to model future noise levels. As discussed on page 6.9-14, the primary source of noise in the project vicinity would be traffic noise. The measurements taken on the project site were not used in the modeling; traffic data from the Transportation section of the Draft EIR was used to model for existing and existing plus project traffic noise conditions. As shown in Table 6.9-3 in the Draft EIR, project-generated traffic would add to roadway noise levels, but in every case, the increases would be less than 3.0 dBA  $L_{dn}$ , with a maximum increase of 2.8 dBA  $L_{dn}$ , which indicates that project-generated traffic noise would be barely perceptible to most people.

#### **Response to Comment 19-46**

The comment states that the noise analysis for First Street used the FHWA Highway Noise Prediction Model (FHWA RD 77 108), which should not be used for design speeds under 31 mph. However, as noted in the paragraph following the text referenced in the comment (see Draft EIR page 6.9-9), for University Boulevard and First Street, the Federal Highway Administration Traffic Noise Model version 2.5 (TNM) was used. This model is not limited for speeds under 31 mph; thus, the comment does not apply.

#### **Response to Comment 19-47**

The comment states that the standard on page 6.9-11 of the Draft EIR does not contain a metric for the noise level. The comment is correct; therefore, consistent with the County standard, reproduced in Placer County General Plan Table 9-3 on page 6.9-8 of the Draft EIR,  $L_{dn}/CNEL$  is added to the Draft EIR on page 6.9-11 as follows:

- If ambient noise levels are below 60 dBA  $L_{dn}/CNEL$ , a significant impact would occur if the proposed project would increase the noise level by 5 dBA or more at existing sensitive receptors;

The comment also states that the 5 dBA is too high and the standard does not take into account single frequency tones. The 5 dBA increase used in the Draft EIR is based upon County code. As stated on page 6.8-8 of the Draft EIR, section 9.36.060 of the Placer County Code limits exterior noise at the property line of a sensitive receptor to either five dBA above the ambient sound level or the levels set forth in Table 1 of section 9.36.060 (reproduced on page 6.8-8 of the Draft EIR), whichever is greater. Regarding tone quality of noise, the Draft EIR did not model for particular uses on the project site; if uses that produce annoying or excessive noise are proposed or constructed, those uses would be subject to the Placer County Code.

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**Response to Comment 19-48**

The referenced table provides the name of the roadway and the segment of the roadway that is studied. Such a description provides sufficient detail to provide a reader with the information about the location of the study areas; a map is not necessary.

**Response to Comment 19-49**

The comment states that the Draft EIR should explain what the development assumptions for the noise analysis are based upon. The reader is directed to Figure 2-2 on page 2-3 of the Draft EIR.

**Response to Comment 19-50**

The comment is incorrect; mitigation is proposed for noise along Watt Avenue. For residences located along Watt Avenue and University Boulevard, Mitigation Measure 6.9-3 (see page 6.9-16 and 6.9-17) requires a project-specific acoustical analysis in full compliance with Table 9-2 of the Placer County General Plan to be submitted concurrently with project design plans for review and approval by Placer County Planning Department.

**Response to Comment 19-51**

The comment states that an SEL (sound exposure level) analysis needs to be completed due to noise from McClellan Airport. As a means of addressing single event noise levels due to aircraft overflights associated with McClellan Airport on the Placer Vineyards Specific Plan (PVSP) project site, J.C. Brennan & Associates, Inc.<sup>16</sup> conducted continuous hourly noise level measurements at two locations on the PVSP project site, approximately 1.5 miles south of the RUSP site. During the seven days of noise monitoring at two sites, a total of 14 noise events above 85 dB SEL, which were attributed to aircraft operations, were recorded at Site A. A total of 27 noise events above 85 dB SEL, which were attributed to aircraft operations, were recorded at Site B. During the measurement period, only two events over 85 dBA SEL were measured between 10 p.m. and 7 a.m. (one at Site A and one at Site B). During the noise measurements and field observations, aircraft which were observed included private single and twin engine aircraft, business jets, United States Coast Guard (USCG) C-130 planes, a commercial jet and helicopters. The 85 dB SEL cutoff was used in the PVSP study based upon the Federal Inter-Agency Committee on Aviation Noise (FICAN) curve and the potential for sleep disturbance. Consistent with the comment, during the observations, the USCG C-130 aircraft produced the highest measured SEL values. The arrival sound exposure levels (SEL) ranged between 60.7 dB and 91.4 dB, with maximum levels ( $L_{max}$ ) ranging between 52.8 dB and 83.6 dB.

The study for the Placer Vineyards project found, using an exterior SEL of 85 dB, and assuming that typical construction practices will achieve an exterior to interior noise level reduction of 25 dB with the windows in the closed position, the interior SEL would be approximately 60 dB at the Placer Vineyards project site. At this level, based upon the FICAN study, the percent of awakened individuals would be approximately 3.8 percent. Assuming worst case exterior SEL values associated with aircraft of up to 95 dB, based upon the noise measurements conducted on the PVSP site, the interior SEL values could be as high as 70 dB. Based upon the FICAN study, the percent of awakened individuals would be approximately 6.4 percent. FICAN explained that, "because the adopted curve represents the upper limit of the data presented, it should be interpreted as predicting the maximum percent of the exposed population expected to be behaviorally

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16 Placer County, *Supplement to the Final Impact Report for the Placer Vineyards Specific Plan*, June 2007, Late Comment Letter 3, Response 3L-B.

awakened, or the maximum percent awakened” (FICAN 1997). Given that the RUSP site is further north than PVSP and aircraft would be at higher altitudes, the noise levels at the RSUP site would be lower than those projected at the PVSP site. Therefore, the noise levels predicted from aircraft from McClellan Airport would not substantially affect receptors within the Plan Area. Therefore, as disclosed in the Draft EIR, this would be a less-than-significant impact.

### **Response to Comment 19-52**

The comment states that the university stadium should be constructed below ground. Mitigation Measure 6.9-5 on page 6.9-19 of the Draft EIR requires that the stadium design incorporate measures to reduce noise effects to the maximum extent possible on nearby sensitive receptors. Because the size, design, and location relative to sensitive receptors is not known at this time, it is not known that a below-ground stadium would be feasible or that it reduce noise effects to a less-than-significant level. Consequently, the County has determined that such a requirement is not warranted at this time.

### **Response to Comment 19-53**

The comment states that the Draft EIR does not analyze the effects of other potential projects and the traffic noise caused by those projects. The commenter is referred to page 6.9-19 in the Draft EIR where the cumulative context is described. The cumulative context for construction impacts was assumed to be those in proximity to the proposed project, including the Curry Creek Community Plan, West Roseville Specific Plan, and Sierra Vista Specific Plan. The context for the traffic analysis, upon which the cumulative noise assessment is based, is shown in Table 6.12-14 on Draft EIR page 6.12-46. This covers not only those areas described above, but also portions of Sutter County, the cities of Roseville, Rocklin, and Lincoln, and other portions of Placer County.

### **Response to Comment 19-54**

The commenter states that the Revised Draft EIR did not comply with the requirements of CEQA Guidelines Appendix F regarding energy conservation. The County disagrees, as the commenter's assertion is incorrectly premised on the assumption that Appendix F contains mandatory, rather than advisory, directives. Furthermore, as discussed below, the Draft EIR includes numerous air quality mitigation measures that require reduced energy consumption, and includes discussions of energy issues in connection with the extension of electrical and natural gas services to the project area.

The commenter's assumption that Appendix F to the CEQA Guidelines is “mandatory” rather than advisory is not a correct reading of the purpose of this provision when such language is viewed in light of other provisions of the CEQA Guidelines.

The starting point for understanding the extent to which CEQA requires lead agencies to address energy conservation is the language of Public Resources Code Section 21100, subdivision (b)(3), which provides that EIRs must contain “[m]itigation measures proposed to minimize the significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy.”

While it might be argued that this language may seem to support the commenter's position, the California Resources Agency does not agree, and has not agreed for many years. In promulgating former CEQA Guidelines Section 15126 (now Section 15126.4), the Resources Agency interpreted the above-quoted statutory reference by requiring mitigation measures addressing energy conservation only “where relevant.” The pertinent language provides as follows:

## (a) Mitigation Measures in General.

(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including *where relevant*, inefficient and unnecessary consumption of energy.

(C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed *when relevant*. Examples of energy conservation measures are provided in Appendix F.

(emphasis added)

This interpretation has the force of law behind it. Although the word “Guidelines” in “CEQA Guidelines” might suggest that they are merely advisory, this is not the case. Section 15000 of the Guidelines states that they are “*regulations . . . to be followed by all state and local agencies[.]*” (emphasis added). Not all elements are “mandatory,” however, as some are either “advisory” or “permissive” (CEQA Guidelines Section 15005).

In light of these long-established legal principles giving deference to the Resources Agency in its interpretations of CEQA statutes, Placer County has followed the Resources Agency’s interpretation of Public Resources Code Section 21100, which, as construed in Section 15126.4, requires that energy conservation measures be addressed in EIRs only “where relevant” in light of significant energy-related impacts. The County also notes, in response to the commenter’s reference to Appendix F, that it must be interpreted and applied in light of the unambiguous language of Section 15126.4. The County further notes that the State Clearinghouse within the Governor’s Office of Planning and Research, in personal communications with County staff, has verified that Appendix F is only “advisory,” and has confirmed that the Clearinghouse typically sees few EIRs that include separate sections on energy, particularly since late 1998 when the subject of energy impacts was deleted from the state’s model Initial Study Checklist (contained in Appendix G of the CEQA Guidelines). (pers. comm. County Planner Jennifer Dzakowic with Terry Roberts, OPR, Aug. 29, 2006.) This paucity of EIRs with energy chapters is not surprising in light of the fact that, after the 1976 promulgation of Appendix F (at the height of the 1970s “energy crisis”) the State of California adopted comprehensive energy efficiency and energy conservation standards for buildings, found in Title 24 of the California Code of Regulations, which are applicable to all building construction. These standards, like many other California regulations, are much more advanced and stringent than those found in most other states, and generally obviate the need for local governments to formulate their own standards to apply to individual projects. Absent the statewide standards found in Title 24, a patchwork of conflicting standards might result, should local agencies engage in their own standard-making in connection with CEQA review for individual projects.

Because Appendix F is only an appendix to the Guidelines, while Section 15126.4 is a duly enacted regulation, the language of Section 15126.4 should be understood to govern in the event of any conflict between its language and that of Appendix F. The language quoted by the commenter – that CEQA “requires” EIRs to address energy issues – therefore cannot be taken literally. Notably, moreover, even Appendix F itself includes language suggesting its advisory character, including the following:

[p]otentially significant energy implications of a project *should* be considered in an EIR. The following list of energy impact possibilities and potential conservation measures is designed *to assist* in the preparation of an EIR . . . [a] Project Description *may* include . . . Environmental Setting *may* include . . . Environmental impacts *may* include . . . Mitigation Measures *may* include . . . Alternatives *should* be compared in terms of overall energy consumption . . . (emphasis added)

Regardless of whether Appendix F is purely advisory or contains any mandatory elements, the County did consider the potential energy impacts of the project when preparing the Draft EIR. The absence of any statement in the Draft EIR suggesting that energy related impacts are significant,

either before or after mitigation, reflects the fact that the County considers them less than significant, even before mitigation. This conclusion results from the fact that, in light of the beneficial effects of Title 24 compliance and the existence of various Specific Plan policies, the County does not perceive that the project, even without mitigation imposed by the County, would result in “the inefficient and unnecessary consumption of energy.” (See CEQA Guidelines, Section 15126.4, subd. (a).) Nor would the project’s use of energy be “wasteful,” to use a word found in Public Resources Code Section 21100.

Even so, the Draft EIR, where relevant, includes an extensive discussion of energy saving measures. Although these measures are included primarily in order to reduce air quality impacts and greenhouse gas emissions, the measures have the simultaneous, salutary effect of reducing energy usage. Mitigation Measure 6.4-3 includes measures to encourage passive solar building design through building orientation and tree planting, and measures to reduce automobile usage by encouraging bicycle use. Mitigation Measure 6.14-1 includes the following measures that would reduce the project’s energy consumption:

- a) *Implement Mitigation Measure 6.3-4(a), establishing guidelines for County review of future project-specific submittals for non-residential development within the Specific Plan area in order to reduce generation of air pollutants.*
- b) *Implement Mitigation Measure 6.3-4(b), requiring incorporation of passive solar building design and landscaping conducive to passive solar energy use.*
- c) *Implement Mitigation Measure 6.3-4(c), requiring measures to promote bicycle usage.*
- d) *The following measures shall be used singularly or in combination to accomplish an overall reduction of 10 to 20% in residential energy consumption relative to the requirements of State of California Title 24:*
  - *Use of air conditioning systems that are more efficient than Title 24 requirements;*
  - *Use of high-efficiency heating and other appliances that conform to Energy Star standards, such as water heaters, cooking equipment, refrigerators, and furnaces;*
  - *Installation of photovoltaic rooftop energy systems where feasible; and*
  - *Establishment of tree-planting guidelines that require residents to plant trees to shade buildings primarily on the west and south sides of the buildings. Use of deciduous trees (to allow solar gain during the winter) and direct shading of air conditioning systems shall be included in the guidelines.*
- e) *Transit usage and ride sharing shall be promoted by requiring participation in the development of a regional transit system at such time as a system is established and set-asides of land for park-and ride facilities. Fair share participation may consist of dedication of right-of-way, easements, capital improvements, and/or other methods of participation deemed appropriate. In addition, future project design shall ensure that an adequate number of developers in the plan area provide reservations for future installations of bus turnouts and passenger benches and shelters, to be installed at such time as*

*transit service is established and as demand and service routes warrant. Transit centers shall be connected with the Class I bicycle trail. A public transit development fee may be required for all development projects. The amount of this fee shall be based upon the traffic generation potential of each project. A dial-a-ride transportation system may be established to reduce individual vehicle trips and establish data for the eventual formation of a transit system within the plan area.*

*In addition, the applicant or its successor(s) in interest shall provide each home and business with an information packet that will contain, at a minimum, the following information:*

- *Commute options: to inform plan area occupants of the alternative travel amenities provided, including ridesharing and public transit availability/schedules;*
  - *Maps showing plan area pedestrian, bicycle, and equestrian paths to community centers, shopping areas, employment areas, schools, parks, and recreation areas; and*
  - *Information regarding PCAPCD programs to reduce county-wide emissions.*
- f) *Developers of both public and private schools shall be encouraged to incorporate the following measures into the design, construction, and operation of school buildings and facilities:*
- *Install bicycle lockers and racks at all appropriate locations;*
  - *Post signage prohibiting the idling of diesel vehicles for longer than five minutes;*
  - *Construct at least one bus stop at a convenient location to be used for either fixed route service within the plan area or commuter service;*
  - *Provide a community notice board and information kiosk with information about community events, ride-sharing, and commute alternatives;*
  - *Provide preferential parking for carpools and hybrid vehicles (vehicles with self-charging electric engines); and*
  - *Incorporate solar water heating systems and HVAC PremAir or similar catalyst systems in building design.*
- g) *The following measures shall be incorporated into the design, construction, and operation of public park areas:*
- *The pedestrian/bikeway (P/B) master plan shall provide at least one Class I linkage to all school sites;*
  - *Additional Class I and II linkages shall be provided to provide convenient access to/from the park sites;*
  - *Install bicycle lockers and racks at all appropriate locations; and*
  - *Provide a community notice board and information kiosk with information about community events, ride-sharing, and commute alternatives.*

- h) *Prohibit open burning throughout the plan area. Include this prohibition in any project CC&Rs that are established.*
- i) *Implement Mitigation Measures 6.12-1 through 6.12-26 to ease traffic congestion, in order to provide a pedestrian and bicycle-safe transportation and circulatory system within the Plan Area, thereby increasing the chance that residents will walk and ride within the RUSP.*
- j) *Placer County and the project applicant shall work together to publish and distribute an Energy Resource Conservation Guide describing measures individuals can take to increase energy efficiency and conservation. The applicant shall provide a portion of the funding necessary to prepare the Guide, along with the developers of other projects in the region. The Energy Resource Conservation Guide shall be updated every 5 years and distributed at the public permit counter.*
- k) *The project applicants shall pay for an initial installment of Light Emitting Diode (LED) traffic lights in all Plan Area traffic lights.*
- l) *The project applicants and Placer County shall jointly develop a tree planting informational packet to help project area residents understand their options for planting trees that can absorb carbon dioxide.*
- m) *Prioritized parking within commercial and retail areas shall be given to electric vehicles, hybrid vehicles, and alternative fuel vehicles.*

Energy sources come from a variety of sources and are consumed in a similar fashion regardless of specific project location. The Regional University Specific Plan has taken steps to ensure that energy efficiencies are incorporated into project design and specific energy conservation mitigation measures have been proposed where they would have a meaningful effect consistent with the purpose and intent of CEQA. Public Resources Code, Section 21002.1 requires lead agencies to focus the discussion in an EIR on potential environmental effects that the lead agency has determined are or may be significant (also see Section 21100, subd. (c) and CEQA Guidelines, Section 15128). These provisions underscore the importance of devoting the bulk of an EIR to those impacts that are or may be significant, as reflected by the NOP process and other required consultations.

The commenter makes several statements that are clearly incorrect, including the statement that there are no energy consumption calculations in the Draft EIR; yet Table 6.11-6 on page 6.11-24 contains such calculations. The paragraphs following the table also include a discussion of energy sources. The County has no authority to try to impose clean or energy-efficient engines on motorists who might live in or work on the project site, as the California Air Resources Board has exclusive authority over tailpipe emissions in California. (Health & Saf. Code, Sections 39002, 40000.)

In order to ensure that the above points are understood, the Draft EIR is amended to add the following heading and paragraph to page 6.11-23 of the Draft EIR preceding the heading Standards of Significance:

### **Energy Conservation**

Public Resources Code Section 21100, subdivision (b)(3), and the CEQA Guidelines provide that EIRs must contain mitigation measures to reduce the wasteful, inefficient, and

unnecessary consumption of energy when relevant. Energy conservation has been considered in the preparation of this Draft EIR and such impacts have been found to be less than significant without mitigation. This conclusion results from the beneficial effects of Title 24 compliance. Therefore, the project is not viewed as resulting in “the inefficient and unnecessary consumption of energy” (CEQA Guidelines, Section 15126.4, subd. (a)) and would not promote the “wasteful” use of energy as that word is used in Public Resources Code Section 21100. The Draft EIR does include various mitigation measures that promote energy conservation, in particular under Air Quality and Greenhouse Gas Emissions and Global Climate Change, where such measures also lead to other beneficial results, such as cleaner air.

### Response to Comment 19-55

The commenter refers to “Mitigation Measures 4.13-1a through 4.13-1p”; however, the Draft EIR does not include a Section 4.13 or such mitigation measures. The County assumes the commenter is referring to the mitigation measures designed to reduce climate change impacts, Mitigation Measures 6.13-1(a) through 6.13-1(m).

The commenter asserts that Mitigation Measures 6.13-1(a) through 6.13-1(m) proposed by the Draft EIR “have limited, if any impact.” Mitigation Measures 6.13-1(a) through 6.13-1(m), as set forth in the Draft EIR, cross reference other Mitigation Measures proposed in the Draft EIR to reduce the project’s impacts on air quality. The commenter provides no specific examples or reasons to support his assertion that these measures will have limited benefits in reducing GHG emissions. The County believes, however, that the Mitigation Measures proposed by the Draft EIR would be effective, although no feasible mitigation measures are available to reduce the impact to a less-than-significant level. The County, therefore takes, this opportunity to provide examples of the reasons that it believes the Mitigation Measures proposed in the Draft EIR would be effective.

One reason is that it is well recognized that conventional air pollution controls measures have the co-benefit of reducing GHG emissions. (See e.g., Climate Protection Campaign and the Community Clean Water Institute (June 2005) Report on the Integration of Air Quality Management and Climate Protection, prepared for the Bay Area Air Quality Management District and the Sonoma County Waste Management Agency<sup>17</sup> (as of March 6, 2008)) Another reason is that the first regulatory steps taken by the Air Resources Board (ARB) pursuant to AB 32, which requires ARB to establish a statewide greenhouse gas emission cap for 2020 based on 1990 emission levels, indicate that greenhouse gas emission mitigation strategies tend to dovetail with air pollution mitigation strategies. By June 30, 2007, ARB was required to identify, and did identify, a list of discrete early action greenhouse gas reductions that will be legally enforceable by 2010. (See California Air Resources Board (Apr. 20, 2007) Draft Proposed Early Actions to Mitigate Climate Change in California, (as of March 6, 2008).)<sup>18</sup> These discrete actions prove the County’s point about the overlap between the two kinds of mitigation strategies.

For example, ARB’s draft recommendations for discrete early emissions measures lists the ten conventional air pollution control measures scheduled for rulemaking in 2007, 2008, and 2009 as measures that will reduce greenhouse gas emissions. The Board included these measures in the report based on its determination that “conventional air pollution controls make an important contribution to climate protection.” (*Ibid.* at Section 6.) Because conventional pollution control measures also reduce GHG emissions, implementation of Mitigation Measures 6.3-4(a) through

17 See <[www.recyclenow.org/AirDistrict-PhaseTwo061205.pdf](http://www.recyclenow.org/AirDistrict-PhaseTwo061205.pdf)>

18 See <[http://climatechange.ca.gov/climate\\_action\\_team/reports/2007-04-20\\_CAT\\_REPORT.PDF](http://climatechange.ca.gov/climate_action_team/reports/2007-04-20_CAT_REPORT.PDF)>

6.3-4(d), targeted at reducing conventional air pollutants, will likewise reduce greenhouse gas emissions for the Regional University Specific Plan project.

Mitigation Measures 6.13-1(j) cross references mitigation measures proposed by the Draft EIR to reduce the project's impacts on traffic. As discussed on page 6.13-10 of the Draft EIR, traffic calming measures reduce GHG emissions by allowing engines to operate more efficiently and by making roads safer for pedestrians and bicyclists. Implementation of Mitigation Measure 6.13-1(i) would, therefore, serve to reduce the RUSP project's impact on global climate change.

Mitigation Measures 6.13-1(j) and 6.13-1(l) are aimed at providing information on how individual members of the community may increase energy efficiency, conservation and carbon sequestration. Individual choices can have important impacts on global climate change. Indeed, Americans' per capita GHG emissions are more 5.6 tons, more than twice that of Western Europeans. (Union of Concerned Scientists, *Global Warming: Ten Personal Solutions* (as of March 6, 2008).)<sup>19</sup> Implementation of Mitigation Measures 6.13-1(j) and 6.13-1(l) would encourage and educate individuals in the community on ways to increase energy efficiency and reduce GHG emissions, and would, therefore, help reduce the GHG emissions in the RUSP area.

Mitigation Measure 6.13-1(k) requires the Applicants to pay for an initial installment of Light Emitting Diode (LED) traffic lights in all Specific Plan area traffic lights. Traditional traffic signals consume significant amounts of energy. (U.S. Environmental Protection Agency (Jan. 2000) *Climate Change Technologies: Light-Emitting Diodes* (as of March 6, 2008).)<sup>20</sup> Approximately 30 California municipalities have installed LED traffic signals, which use much less power and last much longer than incandescent lights. (*Ibid.*) Because LED traffic lights are a known method of reducing GHG emissions, implementation of Mitigation Measure 6.13-1(k) would effectively reduce the RUSP project's contribution to global climate change.

Finally, Mitigation Measure 6.13-1(m) requires prioritized parking within commercial and retail areas for electric, hybrid, and alternative fuel vehicles. This measure is effective in that it would create an incentive for individuals to purchase fuel efficient vehicles. For these reasons, the County believes that the mitigation measures included in section 6.13 of the Draft EIR will be effective.

### Response to Comment 19-56

The commenter states that the mitigation measures encouraging residential homeowners to plant deciduous trees on the south and west side of homes is only advisory. The commenter is apparently referring to Mitigation Measure 6.13-1(d). Mitigation Measure 6.13-1(d) sets forth a menu of options that the County must use singularly or in combination to accomplish an overall reduction of 10 to 20% in residential energy consumption relative to the requirements of State of California Title 24. One of the measures listed is establishing tree-planting guidelines that require residents to plant tree shade buildings primarily on the west and south sides of the buildings. The County and the project applicant are committed to reducing energy consumption and GHG emissions under the proposed project.

For that reason, Mitigation Measure 6.13-1(d) requires residential development to reduce energy consumption above and beyond the requirements of Title 24. It is well recognized that programs that promote energy efficiency in residential design (as does Title 24) reduce energy consumption

19 <[www.ucsusa.org/global\\_warming/solutions/ten-personal-solutions.html](http://www.ucsusa.org/global_warming/solutions/ten-personal-solutions.html)>

20 <[http://yosemite.epa.gov/oar/globalwarming.nsf/UniqueKeyLookup/SHSU5BURD4/\\$File/light-emittingdiodes.pdf](http://yosemite.epa.gov/oar/globalwarming.nsf/UniqueKeyLookup/SHSU5BURD4/$File/light-emittingdiodes.pdf)>

which in turn reduces GHG emissions. (See e.g. U.S. Environmental Protection Agency, Climate Change – What You Can Do: State Action Recommendations: California: (as of March 6, 2008).)<sup>21</sup>

The fact that Mitigation Measure 6.13-1(d) presents a range of options to reduce residential energy consumption by 10 to 20% above Title 24 requirements reflects the early stage in the planning process of the RUSP area. Because the proposed development is at a very early stage in the planning process, mitigation measures proposed for the draft Specific Plan project are necessarily general in nature. (See also *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 376.) If the proposed Specific Plan is adopted, the County will have additional opportunities, in considering individual projects (tentative subdivision maps, use permit applications, etc.), to translate the general mitigation requirements into more specific measures or conditions.

Mitigation Measure 6.13-1(d) would reduce GHG emissions associated with such site-specific approvals by requiring residential units to reduce energy consumption by 10 to 20 percent above the requirements of Title 24. Although tree planting is just one of the methods by which this goal may be achieved, the end result would be the same. Accordingly, implementation of Mitigation Measure 6.13-1(d) would effectively reduce GHG emissions associated with the proposed project. No change to the EIR is necessary.

The commenter states that the County “can require much more with respect to tree plantings to reduce CO<sub>2</sub> emissions.” In addition to Mitigation Measure 6.13-1(d) (discussed above), Mitigation Measure 6.13-1(a) establishes guidelines for County review of future project-specific submittals for non-residential development within the Specific Plan area in order to reduce generation of air pollutants. One such guideline is that all new parking lots should include the planting of trees designed to result in 50 percent shading of parking lot surface area within 15 years. The draft specific plan’s goals and policies regarding landscaping are firmly based on the principles expressed in this request. These policies are included and addressed in the Draft EIR.

### Response to Comment 19-57

The commenter suggests requiring the installation of solar water heaters for domestic hot water with respect to each house as a mitigation measure. Mitigation Measure 6.13-1(d) provides a menu of options available to the County that must be used singularly or in combination to accomplish an overall reduction of 10 to 20 percent in residential energy consumption relative to the requirements of State of California Title 24, which includes the use of solar water heaters. The County believes that a 10 to 20 percent reduction in average residential energy consumption is achievable and feasible, and that such a reduction would provide a meaningful reduction in greenhouse gas emissions. The applicant and the County will work together to identify the most appropriate means of achieving the reductions in energy consumption. The best technologies and strategies for achieving the reduction will likely change over the lifetime of project construction and occupation. Therefore, and in response to the commenter’s suggestions, Mitigation Measure 6.13-1(d) is modified as follows:

- d) *The following measures shall be used singularly or in combination to accomplish an overall reduction of 10 to 20% in residential energy consumption relative to the requirements of State of California Title 24:*
- *Use of air conditioning systems that are more efficient than Title 24 requirements;*

21 <<http://yosemite.epa.gov/gw/StatePolicyActions.nsf/exhibit?OpenForm&tier=0&state=California&type=state>>

- *Use of high-efficiency (such as Energy Star) heating and other appliances, such as water heaters, including solar water heaters, cooking equipment, refrigerators, and furnaces;*
- *Installation of photovoltaic rooftop energy systems where feasible; ~~and~~*
- *Use of energy saving compact fluorescent light bulbs;*
- *Establishment of tree-planting guidelines that require residents to plant trees to shade buildings primarily on the west and south sides of the buildings. Use of deciduous trees (to allow solar gain during the winter) and direct shading of air conditioning systems shall be included in the guidelines; and*
- *Other new effective technologies and strategies that become available during project development.*

It should also be recognized that, as described in Section 6.13 of the Draft EIR, the State of California has taken a leadership role in addressing the trend of increasing GHG emissions. Such efforts include, but are not limited to:

- **State of California Energy Action Plan:** California Energy Commission (CEC), the California Power Authority (CPA), and the California Public Utilities Commission (CPUC) have adopted an “Energy Action Plan” (EAP) that sets forth a commitment to achieve joint goals for California’s energy future through specific actions. The second EAP (EAP II) describes a coordinated implementation plan for state energy policies that have been expressed through the Governor’s Orders, public positions, instructions to agencies, legislative direction and other energy related policies. (CEC et al., EAP II (as of March 6, 2008).)<sup>22</sup> The overarching goal of the EAP II is for California’s energy to be adequate, technologically advanced, affordable, and environmentally-sound. One of the key actions identified by the EAP II with respect to renewable energy and GHG emission reductions is to implement a cost-effective program to achieve the 3,000 megawatts (MW) goal of the Governor’s “Million Solar Roof’s initiative.” Another key action identified by the EAP is to establish a program to encourage solar hot water heating.
- **The California Solar Initiative (CSI):** California has set a goal to create 3,000 MW of new solar produced electricity by 2017. This Initiative is administered by the CPUC. On March 2, 2006, the CPUC opened a proceeding to develop rules and procedures for the Initiative and to continue considering policies for the development of cost-effective, clean, and reliable distributed generation of energy. On August 21, 2006, the Governor signed Senate Bill 1 (SB 1), which directs the Energy Commission to implement the Solar Initiative program within certain budget limits and specific requirements. CPUC rulemaking is currently in progress to reconcile its decisions with SB 1. Current incentives under the Initiative provide upfront, capacity-based payment for new solar systems. This incentive system changed in 2007, however, into performance-based payments. (Go Solar California, The California Solar Initiative (as of March 6, 2008).)<sup>23</sup>
- **Title 24 Update:** Title 24 is revised on a three-year cycle. The next update will be in 2008. It is widely recognized that Updates for the Title 24 Building standards will be an effective method by which the State may reduce GHG emissions. For example, the EAP II (described above) directs the CEC to adopt new building standards for implementation in 2008 that include cost-effective demand response technologies and the integration of photovoltaic

22 <[www.energy.ca.gov/energy\\_action\\_plan/2005-09-21\\_EAP2\\_FINAL.PDF](http://www.energy.ca.gov/energy_action_plan/2005-09-21_EAP2_FINAL.PDF)>

23 <[www.gosolarcalifornia.ca.gov/csi/index.html](http://www.gosolarcalifornia.ca.gov/csi/index.html)>

systems. (CEC, 2008 Update to the Building Energy Efficiency Standards, 2008 Standards Background and Objectives (as of March 6, 2008).)<sup>24</sup> Similarly, Executive Order 2-3-05, the Climate Action Initiative, identifies Title 24 Building Standards as an explicit strategy in a menu of actions that will be necessary to meet the goals of the Climate Action Initiative.

In recognition of the State's ongoing efforts to reduce GHG emissions, the following mitigation measure is hereby added to Mitigation Measure 6.13-1 on page 6.13-13:

- n) The County shall monitor and support the efforts of the California Air Resources Board, the California Energy Commission, the California Public Utilities Commission, the California Power Authority, and any other State Agency charged with reducing California's contribution to global climate change to formulate mitigation strategies, if any, that may be implemented on a voluntary basis by local government. If and when any such strategies become available, the County shall condition site-specific approvals under the Regional University Specific Plan on the adoption of such measures if the County Board of Supervisors or County Planning Commission determines that such measures are feasible. As used in this Mitigation Measure, "feasible" means: 1) the mitigation strategy has been successfully demonstrated in the same or very similar application; 2) the mitigation strategy has been demonstrated in a similar development such that application of the mitigation strategy to the Regional University site specific development is appropriate; and 3) the mitigation strategy is cost effective in terms of the number of dollars that would be expended per metric ton of GHG emissions reduced.

In light of the foregoing, the County declines at present to go as far as the commenter suggests and impose an inflexible requirement necessitating the installation of solar water heaters on "each home" in the RUSP area. Although, as is evident from the preceding discussion, the County is prepared to require the project proponents to achieve energy consumption reductions in residential uses of between 10 to 20 percent beyond what Title 24 requires (with solar water heaters as one means of achieving that result), and is also willing to consider any future GHG reduction strategies that various state agencies may develop in the coming years, the County is not prepared at present to adopt a measure requiring *all* future RUSP residents to have solar heaters on their places of residence. It may be that, as the state agencies focusing on GHG emission reduction strategies pursuant to AB 32 provide additional guidance to local agencies in the future, they may conclude that there are more cost-effective means than mandatory solar water heaters to reduce such emissions. To the extent, moreover, that Title 24 may be modified in the future to require solar water heaters, any such new requirements presumably would apply to any structures within the RUSP area that had not yet received building permits. Because development in the RUSP cannot commence in earnest until the proponents obtain their federal Clean Water Act and Endangered Species Act approvals (a process that might take a year or more after specific plan approval), and because the build-out period for RUSP is dependent on market conditions, and because any new Title 24 requirements arising out of AB 32 should be in place in just a few years, there is a possibility that the some of residential units built in the RUSP will have to comply with any such new requirements.

Another factor of concern to the County is the prospect that it might impose on RUSP builders additional per-unit costs that competing builders within the same overall regional market are not required to bear, giving those other builders a competitive advantage over the RUSP builders, and creating the prospect of a patchwork of differing standards around the region or even the state.

24 <[www.energy.ca.gov/title24/2008standards/background.html](http://www.energy.ca.gov/title24/2008standards/background.html)>

Such problems would not exist, however, if the State were to impose new solar requirements applicable to all new residential development. Under such a scenario, no jurisdiction could gain an advantage over another; and the building industry would not face a patchwork of different rules on solar power in different local jurisdictions in the region and the state as a whole.

### **Response to Comment 19-58**

The commenter refers to an article from the Seattle Times dated March 31, 2007, discussing a development that will result in zero energy homes. Notably, as described by the Seattle Times article attached to the comment letter, only 2000 zero-energy homes have been built in the United States since 2003. To the extent that the commenter is suggesting that the County add a Mitigation Measure requiring zero energy homes, the County responds that such a measure would be infeasible for the same reasons discussed in Response to Comment 19-57.

The commenter states that, although zero energy homes may not be feasible for the project (the commenter actually mistakenly refers to the Placer Vineyards Specific Plan), the installation of solar electric panels on each house is feasible. The commenter notes that the cost per home would be approximately \$23,000.00 dollars. After the initial cost of installation, energy costs associated with each unit would be reduced thereby lowering carrying costs. As noted, the Draft EIR identifies installation of solar panels as one of the measures that could be imposed to achieve the 10 to 20 percent reduction in residential energy consumption relative to the requirements of Title 24. A mitigation measure demanding solar panels for each unit would, however, be infeasible for the same reasons a mitigation measure demanding solar water heaters for each unit would be infeasible. See Response to Comment 19-57.

### **Response to Comment 19-59**

Commenter suggests that project developers can be required to purchase offsets by financing windmill production of electricity to offset the project's contribution to greenhouse gas emissions. The commenter does not provide any examples, however, of programs that would allow project developers to purchase such off-sets or finance windmill production or any evidence that such a measure would be feasible. The applicants have researched the availability of such programs and have been unable to identify any such program. Notably, AB 32 permits ARB to adopt a market-based cap and trade system with associated limits on the State's greenhouse gas sources. If ARB adopts a cap and trade strategy for reducing greenhouse gas emissions, the County will consider that program pursuant to Mitigation Measure 6.13-1(n). Such a program may include a requirement for developers of local projects to purchase energy offsets. (See also Response to Comment 19-58.)

### **Response to Comment 19-60**

Commenter suggests that feasible mitigation would include requiring all light bulbs in all houses to be energy saving compact fluorescents. The commenter provides no basis as to why such a measure would be feasible, and as such, it is difficult to respond to the commenter's suggestion. Even so, however, Mitigation Measure 6.13-1(d) has been modified to list the use of compact fluorescent light bulbs as a mechanism for achieving the required 10 to 20% reduction in overall residential energy consumption relative to Title 24 requirements. As noted in Response to Comment 19-56, the project is at an early stage in the planning process. At this early stage in the development process, it is impossible to determine which mitigation measures would produce the greatest GHG emission reductions in relation to costs and which energy saving technological advances would be most appropriate for development under the proposed Specific Plan. For that reason, the menu of options provided by Mitigation Measure 6.13-1(d) that, if implemented, will result in a 10 to 20% reduction in residential energy consumption above Title 24 requirements, is the most appropriate

way to incorporate energy saving technologies, such as compact fluorescent light bulbs, into mitigation for the RUSP project. See also Response to Comment 19-57.

### **Response to Comment 19-61**

Commenter suggests that Placer County should be required to purchase only hybrid service vehicles for the RUSP area. The commenter does not provide any facts or evidence detailing the extent to which requiring the purchase of hybrid service vehicles would reduce the project's impact on global climate change. Rather, the commenter notes, in general terms, that requiring the County to purchase only hybrid service vehicles for the RUSP area would reduce both CO<sub>2</sub> emissions and other air pollutant emissions.

The County believes that requiring the purchase of hybrid service vehicles is not an appropriate measure for a Specific Plan proposal, and would best be suited for the County's GPU or some similar legislative process dealing with the County's own practices, as opposed to the regulation of private sector activities. The Specific Plan is a private development application in the sense that the property owners are private individuals and companies. County action on a private development proposal for a small portion of the County is not an appropriate vehicle for adopting policies requiring the County to changes its own practices, which presumably would be applicable County-wide.

More importantly, there is no overall practical and cost-effective guide, including BMPs, for local governments to reduce GHG of public fleets. As described in Section 6.3 of the Draft EIR, at a local level, air quality is managed through land use and development planning practices that are implemented by Placer County, and through permitted source controls that are implemented by the PCAPCD. The PCAPCD is also the agency responsible for enforcing many federal and State air quality requirements, and for establishing air quality rules and regulations. To date, the PCAPCD has not been required to implement or enforce any air quality requirements related to GHG emissions. Significantly, measures included in the PCAPCD's Air Quality Attainment Plan (AQAP) include measures that would promote the same type GHG emission reductions and other air pollutant emissions that the commenter suggests a hybrid fleet would promote. In particular, the AQAP measures include:

- Area-wide carpool/vanpool matching and assistance;
- City or County trip reduction ordinances;
- In new developments, provision of bikeways and bicycling support facilities and amenities such as sidewalks, adequate crosswalks, and building entries near sidewalks rather than behind large parking lots;
- Use of alternative motor fuels and energy sources;
- Jobs-housing balance requirement for new developments;
- Mixed use land use requirement;
- Transit service expansion and operational changes;
- Parking space limitations; and
- Suburban fringe area park-and-ride lots.

At present, the PCAPCD does not have a policy relating to the purchase of hybrid service vehicles. Because it is not known to what extent requiring hybrid service vehicles in the project area would reduce the project's impact above and beyond the measures identified by the AQAP, the County

believes that the measure proposed by the commenter is not feasible given currently available resources.

### **Response to Comment 19-62**

Commenter suggests that the County should adopt a ban on the use of gas powered lawn mowers and gardening equipment as a CC&R in the Project area. The commenter does not provide a factual basis as to why a ban on gas powered mowers and gardening equipment as a CC&R would be a feasible and/or effective mitigation measure for the RUSP project's impact on global climate change. For the same reasons discussed in Responses to Comments 19-57 and 19-61, a CC&R requiring a ban on the use of gas powered law mowers and gardening equipment is infeasible. In addition, many homeowners are expected to hire private landscape maintenance companies to mow their lawns. Because such companies use their own equipment, and because neither State law nor local ordinance prohibits the use of gas powered equipment, any measure requiring only electric lawnmowers would be unenforceable. However, to encourage the use of electrically powered equipment and to make such usage feasible in the future, Mitigation Measure 6.13-1(o) is hereby added:

- o) *Promote a reduction in residential emissions by encouraging the installation of conveniently located electrical outlets within the front, side, and rear yards of all residential structures, as appropriate, to support the use of electrical landscaping equipment.*

### **Response to Comment 19-63**

The comment provides information on water use for Stanford University and Duke University, both of which are higher than that projected for the Regional University. The comment, however, provides no source for this information. The method for calculating water demand for the proposed project is detailed in Table 6.14-6 on Draft EIR page 6.14-17. As is stated in the table, the demand factors for the University portion of the project are based upon a per capita comparison with University of California (UC), Davis. UC Davis is a California public university located approximately 30 miles from the project site. UC Davis encompasses approximately 5,300 acres and has an enrollment of more than 30,000. Given the location of UC Davis, relative to the RSUP project site, the County determined that the per capita comparison with this university would provide a conservative estimate of the demand at Regional University.

### **Response to Comment 19-64**

The comment refers to a statement in the West Roseville Specific Plan EIR. That statement is no longer current. Although there is not an agreement in place, the City of Roseville indicated during preparation of the Draft EIR that recycled water would be made available to the proposed project at a level equal to the wastewater delivered daily to the PGWWTP. The City has indicated in comments on the Draft EIR that additional recycled water could be made available to the project if it is available (See Letter 13 in this Final EIR, Comment 31).

### **Response to Comment 19-65**

The analysis of the groundwater resources in the Draft EIR is based upon the historical withdrawal within the project site from the basin, which represents the baseline condition by which the project is assessed. The analysis in the Draft EIR not only considers gross groundwater pumping, but assumes some groundwater recharge associated with rice farming. Based upon this net withdrawal, assuming 100 percent supply from groundwater, the proposed project would result in a net reduction

in groundwater withdrawal from the basin (see Table 6.14-8 on Draft EIR page 6.14-19). It should also be noted that the proposed project does not include a proposal to serve the project on groundwater, but assumes to be served by surface water from PCWA. Because the project would not exceed historic withdrawals from the basin, the proposed project would not negatively affect the basin, as is stated in the comment. The comment also states that the proposed project would be inconsistent with County General Plan policies regarding the use of groundwater. Because the proposed project does not propose groundwater for supply, but would rely upon water supplied by PCWA, the proposed project would not be inconsistent with County General Plan policies.

#### **Response to Comment 19-66**

The comment states that the Draft EIR overstates the water demand for the proposed project, compared to projections by PCWA in PCWA's Integrated Water Resource Plan. The methodology for estimating water demand for the proposed project is referenced in the Draft EIR (see Draft EIR pages 6.14-15 through 6.14-19). PCWA's demand estimates reported in the comment have not been verified, but if the comment accurately reports PCWA's estimates, the demands in the Draft EIR only overstate the demand compared to that estimated by PCWA. The projects assumed in the cumulative analysis for water demand is shown in Table 6.14-9 and Table 6.14-10 for development within PCWA's wheeling agreement service area and buildout of western Placer County, respectively.

#### **Response to Comment 19-67**

The comment states that the Draft EIR does not adequately address the impacts of water supply facilities needed to serve the project, specifically the Sacramento River diversion being considered by PCWA (with the Sacramento Suburban Water District and the cities of Sacramento and Roseville). However, the Draft EIR acknowledges the plans by these agencies to use this source of water in section 6.14, Water Supply, and discloses the potential physical effects of the Sacramento River diversion project in Draft EIR Appendix H. Please also see Responses to Comments 19-68 through 19-74.

#### **Response to Comment 19-68**

The commenter states that the Draft EIR must examine the "real possibility" that the Sacramento River diversion project may not happen. As fully explained in Section 6.14 of the Draft EIR, PCWA and the County believe it is reasonably likely that the 35,000 AFA long-term or buildout water supply from the Sacramento River will become available to serve future projects, including the RUSP. Although the Sacramento River faces regulatory hurdles, the County's confidence in the availability of this supply is based on the factors discussed below, all of which favor development of the Sacramento River diversion project. (DEIR, pp. 6.14-26 to 6.14-27.)

First, PCWA has Middle Fork Project water rights and 35,000 AFA of CVP contract water to back up the 2,400 AFA buildout water supply for the proposed project, in addition to the 11,500 AFA required to supply the Placer Vineyards Specific Plan. Thus, the Sacramento River diversion entitlement is not analogous to the uncertain State Water Project (SWP) "entitlements" – a term no longer used – that the appellate courts have said included substantial amounts of "paper water." (See *Planning and Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892; see also *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715.) (DEIR, p. 6.14-27.)

Second, quite notably, the Sacramento River diversion project has the support of both the Water Forum Agreement signatories and, it appears, the U.S. Congress. The WFA represents a regional

consensus that water purveyors, such as PCWA, with unexercised water rights on the American River could reduce the environmental impacts of their future diversions based on those rights if they agreed instead to pursue diversions of like amounts of water from the Sacramento River. Because of local environmentalist support for this approach, the Sacramento River supply is less likely to encounter environmental opposition than would supplies taken from the American River. Thus, on page 14 of the Introduction and Summary of the WFA (January 2000), "expansion of Sacramento River diversion and treatment facilities" is listed as one of the major water supply projects that will receive Water Forum support upon signing the WFA, which has long since occurred. The project is also contemplated by federal legislation known as Public Law 106-554, Appendix D, Division B, Section 103 (April 24, 2000). (See DEIR, p. 6.14-27.)

Third, for reasons suggested above in discussing the WFA, the Sacramento River diversion project is relatively benign from an environmental perspective. Essentially, the project would take water from the Sacramento River rather than the American River, thereby avoiding potential adverse environmental impacts on the American River, which, with its lower flows, is much more environmentally sensitive than the Sacramento River. (DEIR, p. 6.14-27.)

The County recognizes that there are regulatory hurdles that the Sacramento River diversion project must overcome before it can come to fruition. First, the project must complete the environmental review process under both CEQA (with PCWA as lead agency) and the National Environmental Policy Act (NEPA) (with Reclamation as the federal lead agency). Among the approvals the project will need are: (i) an exchange agreement between PCWA and Reclamation; (ii) an application from Reclamation to the State Water Resources Control Board for an additional point of "rediversion" at the SRWRS site; and (iii) actions by PCWA and Reclamation amending their water delivery contract to provide for delivery at the site. The project must also obtain a "Section 404" wetlands fill permit under the Clean Water Act from the Corps. As the federal lead agency, Reclamation is obligated under Section 7 of the federal Endangered Species Act to consult with both the United States Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) Fisheries to determine whether the direct or indirect effects of the project could jeopardize the continued existence of any federally listed endangered or threatened species or cause the destruction or adverse modification of the designated critical habitat of any such species. (DEIR, pp. 6.14-27 to 6.14-28.)

Finally, virtually all water supplies in California that have yet to be perfected suffer from some uncertainty due to combination of evolving environmental factors. One such factor is possible future species listing under the ESA and its State analogue, CESA, which could affect both CVP and SWP operations, as well as the timing and extent of other water diversions throughout California. (DEIR, pp. 6.14-28 to 6.14-30.)

The commenter correctly states that PCWA agreed through the WFA that it would contribute flows to the American River by taking water from the Sacramento River. In order to preserve the lower American River, WFA signatories are individually and collectively implementing and/or developing several water management action stipulated in the WFA, including seeking diversions on the Sacramento River to reduce future diversions from the American River. One of the primary objectives identified for the Sacramento River Diversion project is to contribute to the Water Forum goal of protecting the lower American River by seeking increased diversions on the Sacramento River.

PCWA's existing CVP contract has points of delivery at Folsom Dam and a potential point of delivery on the Sacramento River north of the American River. Currently, however, PCWA does not have any diversion facilities and distribution system to apply the CVP water over its service area. Under the Sacramento River diversion project, Reclamation would enter into an exchange agreement with

PCWA. Under the exchange agreement, Reclamation would provide for Sacramento Suburban Water District (SSWD) and the City of Roseville to receive CVP delivery at the Elverta Diversion location on the Sacramento River in exchange for an equal amount of water delivery to the CVP at Folsom Dam from PCWA's MFP. Under the proposed Sacramento River Diversion project, PCWA would divert its 35,500 AFA MFP water from the American River through the American River Pump Station and its 35,000 AFA CVP water from Sacramento River through the Elverta Diversion.

The commenter incorrectly states that a "new American River Flow Management Standard has been adopted." The Flow Management Standard (FMS) is a result of the collaborative approach between Water Forum participants, Reclamation, USFWS, NMFS, and the CDFG to improve the flow standard for the lower American River. The FMS includes recommended minimum flow requirements and water temperature objectives.

The ESA Section 7 consultations for the 2004 CVP Operating Criteria and Plan (OCAP) have been challenged in federal court in two parallel cases (*NRDC v. Kempthorne* (1:05-cv-1207) and *Pacific Coast Federation of Fishermen's Associations v. Gutierrez* (1:06-cv-00246)), and the federal defendants are undertaking reconsultations while the litigation is pending. Judge Wanger issued an interim remedial order on December 14, 2007, ordering the USFWS to prepare a new OCAP Biological Opinion by September 12, 2008. The interim remedial order stated that the federal defendants committed, as of July 9, 2007, that Reclamation will not implement new construction activities and long-term projects in the Delta until the new Biological Opinion is completed, including the Lower American River Flow Standards. Therefore, no new FMS may be developed or formally adopted until the USFWS prepares a new OCAP Biological Opinion in accordance with Judge Wanger's order.

The commenter's stated assumptions regarding PCWA's MFP and CVP water supplies are incorrect. Under the proposed Sacramento River diversion project, PCWA would divert up to 35,500 AFA of its MFP water from the American River at the American River Pump Station and up to 35,000 AFA of its CVP water from the Sacramento River at Elverta.

#### **Response to Comment 19-69**

The commenter restates the four overarching principles set forth by the California Supreme Court in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, summarized on page 6.14-15 of the Draft EIR. The County believes that the water supply analysis set forth Chapter 6.14 of the Draft EIR fully satisfies the *Vineyard Area Citizens* principles.

As shown in Tables 6.14-6 and 6.14-7, the potable water demand for the RUSP is 2,448 AFA. Table 6.14-1 describes PCWA's three sources of surface water supplies for Zone 1 and 5: PG&E Yuba/Bear Project, Middle Fork American River Project, and CVP Project. The total amount of surface water available from these three sources is approximately 255,400 AFA.

The commenter states that the Draft EIR fails to demonstrate how the PG&E Yuba/Bear Project water will be available to serve the RUSP and that the RUSP cannot be developed without CVP water. As discussed above, PCWA has three sources of surface water supplies: PG&E Yuba/Bear Project, Middle Fork American River Project, and CVP Project. PCWA's primary source of water in Zone 1 is a surface water supply contract with PG&E for diversions from the Yuba and Bear Rivers for up to 100,400 AFA. This water is delivered through PG&E's Drum-Spaulding hydroelectric system. This source has relatively high drought reliability. PCWA anticipates nearly full contract deliveries during mild multiple-dry scenarios, but cutbacks of up to 50 percent are possible during the most severe single dry year events. The commenter is incorrect in stating that the RUSP cannot

be developed without CVP water; it is one of three potential surface water sources available to serve the RUSP.

### Response to Comment 19-70

The commenter claims that the Draft EIR is inadequate because it fails to analyze the Sacramento River Diversion project as part of the RUSP project, relying on two cases which are inapposite. In *Santiago Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 829-830, the court held an EIR for a mining operation inadequate because, among other reasons, the project description omitted mention of the construction of water delivery facilities that were an integral part of the project. Further, the EIR did not contain any information demonstrating that any water supplier had agreed to provide water to the project, and no analysis regarding the environmental effects of any such water delivery and usage. (*Id.* at pp. 830-832.) In *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, the appellate court found that an EIR's project description for a 154-acre development was inadequate because it did not identify a wastewater treatment plant as a necessary element of the project, even though the EIR recognized that sewer expansion had to occur. According to the court, this separation of the sewer expansion from the development project improperly "curtailed" the project description, causing the EIR to overlook the project's "cumulative impact by separately focusing on isolated parts of the whole." (*Id.* at pp. 729-730.) In concluding that the facility expansion should have been treated as *part* of the residential project, the court focused on the fact that the residential project was the driving force behind the expansion. The *San Joaquin Raptor* court would most likely have taken a different conceptual approach if the residential project had not been the main impetus for the expansion, or if the expansion created so much excess capacity that it could not fairly be said to be part of only a single residential proposal.

CEQA does not require the County to analyze the Sacramento River Diversion project in the RUSP EIR. The Sacramento River Water Reliability Study (SRWRS) is an ongoing effort to develop additional water supply entitlements. A draft EIS/EIR is currently being prepared for the Sacramento River Diversion project and should be released in mid-2008. The SRWRS is a joint project between four local purveyors which proposes to meet northern Sacramento and western Placer water supply needs through 2030 by constructing joint regional diversion and treatment facilities off of the Sacramento River north of the Sacramento International Airport. The additional water supplies considered in the SRWRS for each cost-sharing partner include: (1) Additional water supply of up to 35,000 AFA for PCWA's municipal and industrial (M&I) demand with a treatment capacity of 65 mgd; (2) additional water supply of up to 29,000 AFA in Water Forum average, drier, and driest years for Sacramento Suburban Water District's M&I demand and groundwater stabilization program with a treatment capacity of 15 mgd; (3) additional water supply of up to 7,100 AFA for Roseville's M&I demand with a treatment capacity of 10 mgd; and (4) additional water supply of up to 58,000 AFA with a water treatment capacity of 165 mgd for Sacramento's M&I demand.

The Sacramento River Diversion project is a comprehensive, multi-agency, multi-jurisdiction project anticipating a total diversion of 129,100 AFA, designed to meet the region's increasing water supply demand and RUSP, which at most would need 0.02% of that total diversion, is certainly not the "driving force" or the "main impetus" behind the diversion project. Further, as stated above, the Sacramento River Diversion project would allow PCWA to supply an additional 35,000 AFA, while the surface water supply demand for the RUSP is only 2,448 AFA. As such, the diversion project cannot fairly be said to be part of the RUSP project.

### Response to Comment 19-71

The comment states that the Draft EIR separates the facilities to deliver water to the project from the project itself. The comment is incorrect. As stated in Response to Comment 19-70, the diversion project cannot be said to be part of the RUSP project because the RUSP would, at most, need 0.02% of that total diversion, and thus is not the driving force or the main impetus behind the diversion project. Therefore, any effects of the diversion project were not considered direct effects of the project. Nonetheless, the Draft EIR provides substantial information regarding potential impacts of the Sacramento River diversion and the RUSP's relative contribution to those impacts in Appendix H of the Draft EIR. In each of those impacts, it was found that the RUSP's contribution to the overall cumulative effect was less than significant.

In April 2008, PCWA and the project applicant entered into a Master Facilities Agreement for the provision of water to the proposed project. As discussed on page 2-28 of the Draft EIR, the water needs of the Plan Area would be met using an integrated supply of the available PCWA water resources. As discussed on Draft EIR pages 6.14-7 through 6.14-9, PCWA's integrated approach to supplying water in western Placer County includes surface water, as well as recycled water and groundwater. Therefore, in addition to the analysis of the potential surface water delivery scenarios, the Draft EIR includes an analysis of other sources that could be used to provide water to the Plan Area. Table 6.14-7 (Draft EIR page 6.14-18) shows projected public irrigation demands, a majority of which would be met by recycled water supplied from the Pleasant Grove Wastewater Treatment Plant, as discussed on page 6.14-16. Recycled water delivery would be based upon wastewater delivered to the treatment plant. The use of recycled water would reduce the project's potable water demand. In determining the project's effect if groundwater is used to serve the project, historic net groundwater withdrawal is compared to the project demand on page 6.14-19. As is shown in Table 6.14-8, the net water demand from the proposed project would not exceed historic net withdrawal from the groundwater basin. Therefore, even without water from the Sacramento River Diversion project, PCWA would be able to serve the project without increasing groundwater withdrawals over historic conditions.

The Master Facilities Agreement referenced above does not affect the water-related environmental impact analysis in the DEIR. In fact, this agreement increases the certainty and reliability of the PCWA water supply for the project area. The Agreement merely sets up a funding mechanism for such infrastructure and establishes guidelines for development of the infrastructure. Such an agreement does not require separate analysis under CEQA: the CEQA Guidelines explicitly exempt an agreement such as this from the definition of a "project" under CEQA. (See CEQA Guidelines, § 15378, subd. (b)(4), "[Project does not include] the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment".)

### Response to Comment 19-72

The comment refers to the American River Diversion project and states that the consequences of this diversion should be addressed in the RUSP EIR. The comment also refers to section 4.3.7 in the Draft EIR; however, there is no section 4.3.7 in the RUSP Draft EIR. The American River Diversion project is discussed on page 6.14-23, which states that the effects of diversions at the American River Pump Station were previously analyzed in the *American River Pump Station Project Final EIS/EIR*, 2002 and, because no mitigation measures from the *American River Pump Station Project Final EIS/EIR* would need to be carried out by Placer County, no relevant mitigation measures from that EIR would warrant being carried forward in the RUSP EIR.

### Response to Comment 19-73

The comment states that the Sacramento River Diversion project is “an integral part of the project and the preferred source” of water for the project, and should thus be described in the EIR. However, the proposed project does not include a “preferred source” of water, but identifies PCWA as the preferred water provider. PCWA, an independent agency, in its need to secure water sources to service its customers, has identified, has analyzed, and is currently analyzing a variety of water sources that could be used to supply water potential customers, including the proposed project. Because PCWA is an independent agency, neither the County nor the project applicant can determine to source of water for the project. Nonetheless, the Draft EIR describes potential sources of water that could serve the proposed project and, although the project is not a driving force behind the Sacramento Diversion, the Draft EIR discloses the project’s contribution to potential effects of that project. See also Response to Comment 19-70.

### Response to Comment 19-74

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 projects 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.

### Response to Comment 19-75

Construction and operational emissions for anticipated development within the Plan Area as described in the Project Description were re-evaluated using URBEMIS 2007.<sup>25</sup> Construction

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25 The emissions estimates in the Draft EIR using the URBEMIS 2002 software accounted for interior roadways such as University Avenue and the storm drainage detention facilities that would be within the project site.

emissions for the Watt Avenue extension were estimated using SMAQMD's Road Construction Emissions Model.

Since publication of the Draft EIR, the Lead Agency has refined its assumptions about project timeline, and these revisions have been incorporated into the revised air emissions analysis presented in this Final EIR. This Final EIR includes the following revisions to Section 6.3, Air Quality, the Draft EIR, which are presented in their entirety in Chapter 2 (Changes to the Draft EIR) of this Final EIR:

- Table 6.3-3 (Estimated Annual Emissions Summary for Placer County)
- Table 6.3-4 (Summary Of Air Pollutant Data)
- "Methods of Analysis"
- Impact 6.3-1 (construction PM<sub>10</sub>)
- Impact 6.3-2 (construction ROG, NO<sub>x</sub>, and CO)
- Impact 6.3-3 (construction PM<sub>2.5</sub>)
- Impact 6.3-4 (operational ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, PM<sub>2.5</sub>)

Appendix C in the Draft EIR has been replaced in its entirety with the new output from URBEMIS 2007 and the Road Construction Emissions Model. The revised Appendix C is included in this Final EIR. The output in Appendix C shows the detailed assumptions used to estimate emissions. An introductory page has been added to Appendix C that summarizes (in narrative form) the assumptions, and page 6.3-14 in the Draft EIR under "Methods of Analysis" heading has been revised to provide a reference to Appendix C for detailed information about construction emissions assumptions. Mitigation Measure 6.3-1(a) has been revised to include a dust control method that was assumed in the emissions for mitigated emissions but was inadvertently omitted from the mitigation measure itself.

The following further addresses the specific points raised in the comment letter.

The 2007 version of URBEMIS provides mass emissions estimates for PM<sub>2.5</sub> in addition to the other criteria air pollutants ROG, NO<sub>x</sub>, CO, and SO<sub>2</sub>. Impact 6.3-3 in the Draft EIR evaluated PM<sub>2.5</sub> emissions qualitatively. Impact 6.3-3 on page 6.3-20 in the Draft EIR has been revised to incorporate the numerical data.

It should be noted that both the URBEMIS 2002 and 2007 software provide options for the user to input the number of acres of grading per day. The "25% of the project's total area...graded per day" is a default assumption in both models. However, there is no requirement under PCAPCD CEQA guidance to use the default if site-specific information is known. In this case, 50 acres per day is a reasonable assumption for the type of project envisioned, nonetheless, the County has added a mitigation measure to limit grading within the Plan Area to 50 acres per day (see Mitigation Measure 6.3-1(l) in Chapter 2 of this Final EIR). The numbers and types of heavy equipment used for earthmoving are related to the number of acres graded daily and the duration of construction, which are also shown in Appendix C. The numbers and types of heavy equipment that would be needed would be far less than suggested by the commenter. Vendor trips are accounted for in the URBEMIS 2007 output shown in revised Appendix C.

Table 6.3-5 on page 6.3-19 in Section 6.3, Air Quality, in the Draft EIR has been revised in its entirety to show estimated construction emissions in greater detail than shown in the Draft EIR. The backup output for these data are presented in the revised Appendix C (see Appendix C of this Final

EIR). Specifically, Table 6.3-5 shows construction emissions for the Community and the University portions of the Specific Plan, and Watt Avenue based on conceptual phasing. It also includes data for PM<sub>2.5</sub>. Table 6.3-5 has also been revised to clarify that mitigated emissions apply to PM<sub>10</sub> emissions and architectural coatings.

Table 6.3-6 on page 6.3-22 and Impact 6.3-4 has also been revised to reflect URBEMIS 2007 estimated operational emissions. The emissions take into account the specific trip generation rates (including internalization of trips) for both summer and winter estimates. Winter estimates reflect the prohibition of wood stoves and wood-burning fireplaces and little or no landscaping sources of emissions. While other mitigation measures are available and are listed in Mitigation Measure 6.3-4, the URBEMIS 2007 model only quantifies the reductions related to wood burning prohibitions.

The commenter also expressed concern that the URBEMIS 2002 model “under-calculated” certain operational emissions. This is incorrect. The revised Table 6.3-6 included in this Final EIR provides estimates for 2010 using URBEMIS 2007 methodology. A comparison of the 2010 data in the revised Table 6.3-6 to the data in Table 6.3-6 in the Draft EIR clearly show the estimates using URBEMIS 2007 for vehicle emissions would be lower, not higher, by approximately 20 percent. Further, a comparison of 2010 estimates (e.g., if the project were built out in 2010) to the 2020 estimates also clearly show reductions in operational emissions in the future. This indicates that the project’s buildout emissions, while still exceeding PCAPCD thresholds, would be consistent with PCAPCD goals to improve air quality by reducing vehicle emissions.

The commenter is correct: there is a potential for some or all of the operational emissions from earliest development on the site to overlap with construction emissions from subsequent development. It would not be appropriate to combine construction and operational emissions, however, to estimate a “worst-case” scenario because it is unknown when such overlap would occur. Further, maximum operational buildout would not be until 2020, and peak maximum construction that generates the greatest amount of emissions (primarily from grading) would have occurred well in advance of that. Further, as noted in the Project Description (page 2-42 in the Draft EIR), backbone infrastructure would be required to be constructed generally from east to west to support the build-out of the Plan Area. Because the infrastructure for any individual development project within the Plan Area would have to be constructed to support the proposed development as well as areas within the Plan Area generally to the east of that development, the opportunity would exist for any or all parcels supported by the infrastructure to also move forward, subject to tentative map and/or site plan review and approval by the County. In other words, there is no specific “year” that can be identified with any certainty when full occupancy (and thus operational air emissions) of initial development would occur relative to a specific construction year for subsequent development for purposes of calculating a “worst-case” emissions scenario, and it would be speculative to do so. In *Napa Citizens for Honest Govt. v. Napa County Bd. Supervisors*, supra, 91 Cal.App.4th at 373, the Appellate Court established “an EIR is not required to engage in speculation in order to analyze a worst case scenario,” and in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, supra, 40 Cal.4th at 453 “An EIR, in particular, need not analyze a worst case scenario.”)

The Draft EIR, as revised by this Final EIR, comprehensively evaluates the proposed project’s air emissions from construction and operation based on reasonable assumptions about project phasing known to the Lead Agency. The analysis has been prepared consistent with standard methodologies using the most current (URBEMIS 2007) model. The conclusions in the Draft EIR regarding the significant and unavoidable construction and operational criteria air pollutant impacts remain valid. While the revised air emissions estimates for the proposed project differ from those presented in the Draft EIR, the emissions would continue to exceed PCAPCD emissions thresholds, even with mitigation.

Mitigation Measures 6.3-2 and 6.3-4 have been revised in response to the comment letter.

The following have been added to Mitigation Measure 6.3-2:

- f) *Use add-on retrofit controls, where applicable, for construction equipment to reduce NO<sub>x</sub> and DPM.*
- g) *Use CARB-certified lower-emitting, alternatively fueled equipment when possible.*
- h) *Use existing power sources (e.g., power poles) or clean fuel generators rather than temporary diesel power generators. If project construction requires diesel powered generators greater than 50 horsepower, a Permit to Operate shall be obtained from the PCAPCD.*

The commenter is correct: the low-NO<sub>x</sub> water heater is required. It has been deleted from Mitigation Measure 6.3-4. Mitigation Measure 6.3-4 has also been revised to delete the requirement for the PremAir ozone catalyst.

With regard to a need for fully mitigating operational and construction NO<sub>x</sub> and PM<sub>10</sub> emissions, the commenter has provided examples from projects within the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD adopted an "Indirect Source Review" (ISR) Rule (Rule 9510) in December 2005 that is intended to achieve reduction of ozone and PM<sub>10</sub> emissions consistent with that district's plans. The ISR establishes requirements for both on-site and off-site mitigation that apply to certain development projects, which are listed in the Rule 9510.

The proposed RUSP project is within the jurisdiction of the PCAPCD, which has considered, but not yet adopted an ISR Rule or implementing program. However, mitigation options in the jurisdiction of the PCAPCD are available to the project applicant. The mitigation measures proposed to mitigate emissions from the RUSP project are consistent with PCAPCD's current, adopted requirements. All qualifying projects must pay a fee to PCAPCD, an independent agency with an established fee-based mitigation program. It is the responsibility of PCAPCD, not the County or the project applicant, to determine air quality mitigation fees using calculation methodology established in practice and routinely applied to other, similar, contemporaneous land use development projects. Please see also Responses to Comments 19-11 and 9-36 regarding PCAPCD's off-site mitigation program requirements.

The commenter's suggestion that mitigation programs established by another air district that strive to achieve full mitigation of emissions will be considered by the Board of Supervisors during the decision-making process.

### **Response to Comment 19-76**

Contrary to the commenter's assertion, the Draft EIR does, in fact, contain an analysis of the proposed projects' impact on climate change. The analysis is provided in Section 6.13 in the Draft EIR, comprising 24 pages of information on greenhouse gas emissions, climate change, a summary of relevant California executive orders and statutes, including information on AB 32, a law specifically mentioned in the comment, methods used to evaluate the proposed project's contribution (including significance criteria), and the impact analysis itself.

Impact 6.13-1 quantifies the proposed project's contribution to GHG emissions in the first paragraph of the impact discussion on page 6.13-9 by comparing the estimated future project emissions to

baseline emissions. Even though the project's contribution (0.026 percent of statewide emissions) is small, the Draft EIR nonetheless concludes the proposed project could result in a cumulatively considerable incremental contribution to the significant impact of global climate change. The analysis (page 6.13-10) describes the measures included in the RUSP to help reduce GHG emissions from the project. Additional mitigation is presented in Mitigation Measure 6.13-1, which identifies 13 specific requirements (pages 6.13-11 through 6.13-13), including energy-reduction. These mitigation measures would be enforceable through the Mitigation Monitoring and Reporting Program for the proposed project.

The proposed project's effects associated with the relationship of climate change and water resources are also evaluated, beginning on page 6.13-13. Numerous references that establish the assumptions for the analysis are presented on Draft EIR pages 6.13-13 through 6.13-21. Impact 6.13-2 (Draft EIR page 6.13-22) evaluates how the proposed project could be affected by climate change-related water supply availability.

The Draft EIR, therefore, comprehensively and adequately evaluates both the proposed project's impacts on climate change as well as the effects of climate change on the proposed project. The Draft EIR also identifies specific mitigation measures that are relevant to the proposed project, both in terms of its operation and its location in the Sacramento Valley Air Basin and under the jurisdiction of the Placer County Air Pollution Control District. No changes to the Draft EIR are necessary as a result of this comment.

#### **Response to Comment 19-77**

Impact 6.3-6 includes an evaluation of potential mobile TAC effects at sensitive receptor locations along Watt Avenue and University Avenue within the project site. The Draft EIR states that there would be approximately 42,000 vehicles per day along that segment bordering the proposed project. The correct terminology should have been 42,000 "average daily trips" or ADT, which is how the data are reported in the traffic model. Similarly, there would be 23,000 average daily trips, or ADT, along University Avenue.

The commenter is correct that both 42,000 and 23,000 ADT are below the first-tier screening threshold of 50,000 ADT used in the ARB's *Air Quality and Land Use Handbook*. The 50,000 ADT criterion is also carried forward to the SMAQMD's *Draft Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* for determining whether a health risk assessment (HRA) may be required. Although the 50,000 ADT criterion would not be exceeded, because sensitive land uses would be closer than 500 feet to Watt Avenue or University Avenue, the next step in the process is to use Table 1 in the *Draft Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* to determine whether there would be an increased risk based on specific distances. Table 1 is a matrix of roadway and project direction, wind direction (relative to the receptor), peak hourly traffic, and receptor distance from nearest travel lane. A key difference between the traffic data assumed in the estimates in Table 1 and the traffic data used for first-tier screening is ADT versus peak hour. The rule of thumb for the relationship between ADT and peak hour (vehicles per hour) is approximately 10 to 1. In other words, 42,000 ADT would generally correspond to a peak hour volume of 4,200 vehicles per hour, and 23,000 ADT would generally correspond to a peak hour volume of 2,300.

Watt Avenue would be a north-south road with proposed RUSP development on the west side of the roadway. The Appendix to the *Draft Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* establishes criteria for downwind and upwind, based on SMAQMD meteorological data. Based on these criteria, the proposed RUSP residential uses west of Watt Avenue would be considered upwind. Applying the location of the project, Watt

Avenue roadway direction, upwind location, and 100-foot distance, the potential incremental cancer cases per million for the RUSP project would be slightly more than 63 per million. This is well below the HRA evaluation criterion of 446 per million. Therefore, using the existing SMAQMD guidance methodology, an HRA (i.e., dispersion modeling) is not required. The risk estimate would be even less for University Avenue, at 2,300 peak hourly trips. University Avenue would be an east-west roadway, which would have residential uses on both north and south sides. Using the Table 1 criteria, the incremental cancer case risk would be well below both the downwind (114 per million) and upwind (54 per million) 4,000 peak hourly trip minimum threshold for traffic.<sup>26</sup>

Therefore, whether Watt Avenue or University Avenue are denoted “rural” or “urban” is not relevant to the analysis, which takes into account additional factors, as described above.

Please see Response to Comment 19-78 regarding project trips in combination with trips on other roadways in the area.

### Response to Comment 19-78

The commenter is incorrect in assuming a Placer Parkway alignment could be within 100 feet of RUSP sensitive receptors. The Draft EIR (page 6.3-15, “Analysis of Placer Parkway Toxic Air Contaminants”) clearly explains the alignment options (including the traffic volumes of 40,000 to 70,000 ADT), proposed project siting relative to the alignments, and how the potential effects were evaluated. As stated on Page 6.3-15 of the Draft EIR, “Placer Parkway includes a 500- to 1,000-foot no-development buffer zone, residential or other sensitive uses will not be sited within the 500-foot guidance limit established by some agencies.”<sup>27</sup> The Draft EIR correctly applied the method of using Table 1 in *Draft Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* to conclude that more than 24,000 peak hour trips would have to occur along a Placer Parkway alignment that places travel lanes 300 feet from the nearest receptor. As noted in Response to Comment 19-77 and on page 6.3-15 in the Draft EIR, wind direction is a key element of the screening risk estimates. The *Draft Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* is provided herein for reference as Appendix E.

### Response to Comment 19-79

The Draft EIR does not “establish a threshold” [of 24,000 peak hourly trips] for determining mobile TAC effects. The figure for 24,000 peak hour trips is derived from applying the project characteristics to the criteria in Table 1, as explained above.

The Appendix to the SMAQMD’s *Draft Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* specifies the basic information and inputs needed to complete an HRA for the diesel PM cancer risk. According to that document (page 11), the correct input for traffic volumes is *peak hour traffic volume*, which is then normalized for use in the CAL3QHCR software program.

The commenter is correct that long-term risks are the focus of health risk assessments, which typically consider a 70-year exposure period. However, contrary to the commenter’s assertion,

26 Table 1 in the *Draft Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* presents risk data for peak hour traffic volumes in 4,000-trip increments, beginning with 4,000 vehicles per hour.

27 Federal Highway Administration, California Department of Transportation, and South Placer Regional Transportation Authority; *Draft Placer Parkway Corridor Preservation Tier 1 Environmental Impact Statement/ Program Environmental Impact Report*, June 29, 2007, page 4.9-5.

AADT is not the correct input for the SMAQMD's HRA methodology documented in *Draft Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways*. A review of pages 11 through 13 in the *Draft Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* clearly shows the inputs are hourly traffic volumes. The commenter appears to take exception to the SMAQMD's methodology for determining risk. This comment does not affect the analysis in the Draft EIR. The Draft EIR analysis used the best available and most current methodology to determine whether an HRA would be needed to further characterize potential risk from traffic-related toxic air contaminant emissions. No changes to the Draft EIR are necessary as a result of this comment.

The closest potential alignment of Placer Parkway would be north of and within 300 feet of proposed residential uses to the south. The project would, therefore, be considered upwind. Based on Table 1, the approximately 40,000 to 70,000 ADT on Placer Parkway (for year 2040) would correspond to risk levels no more than 51 per million, and an HRA would not be required. Cumulative traffic volumes along the segment of Watt Avenue bordering the project site on the east are shown in Figure 6.12-25 and are estimated to be approximately 41,200. This would correspond to an approximately 63 per million risk, which also would not require preparation of an HRA.

No technical data was provided to support the commenter's assertion that "anticipated traffic rates are likely high enough to warrant detailed health risk modeling and analysis in the RUSP EIR..." with regard to Placer Parkway traffic volumes in the vicinity of the proposed project. It is noted the commenter has incorrectly characterized the conclusions of the Placer Parkway Corridor Preservation Tier 1 EIS/Program EIR regarding the potential for mobile source air toxics (MSATs). As stated in the *Air Quality Technical Memorandum, Placer Parkway Corridor Preservation Tier 1 EIS/Program EIR* (June 29, 2007):<sup>28</sup>

Based on the projected ADT of 40,300 to 71,700 in 2040, Placer Parkway would most likely be characterized as a project with a low potential for MSAT emissions (ultimate traffic level less than 150,000 ADT). According to the FHWA Interim Guidance, the amount of MSATs emitted would be proportional to the VMT (assuming the fleet mix is the same for each alternative). The VMT differences between the alternatives, compared to the No-Build, vary from 0.68 percent to 0.92 percent, and are all less than a 1 percent increase over No-Build, as shown earlier in this section. Thus, it is expected there would be no appreciable difference in overall MSAT emissions among the various alternatives. 'Also, regardless of the alternative chosen, emissions will likely be lower than present levels in the design year as a result of EPA's national control programs that are projected to reduce MSAT emissions by 57 to 87 percent from 2000 to 2020' (FHWA, 2006). In addition, as described earlier, the project will result in a decrease in vehicle hours of delay compared to the No-Build Alternative. As noted in the FHWA Interim Guidance, projects that result in increased travel speeds (travel occurring in less congested conditions) will reduce emissions of certain MSATs.

The analysis for the Placer Parkway alternatives takes into account cumulative development and related traffic volumes associated with development of projects in the area. The conclusions of the Placer Parkway EIS/EIR regarding the low potential for adverse MSAT risk are consistent with the Draft EIR approach in using the *Draft Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* Table 1 screening criteria.

### Response to Comment 19-80

Table 6.3-4 on page 6.3-7 in the Draft EIR has been revised to incorporate current published ambient air quality monitoring data (see Chapter 2, Text Changes to the Draft EIR).

28 URS Corporation, draft Air Quality Technical Memorandum Placer Parkway Corridor Preservation Tier 1 EIS/Program EIR, June 29, 2007, p. 5-17.

The Draft EIR considers the air quality impacts of the proposed project in the context of cumulative development in the region. Impact 6.3-12 on pages 6.3-30 through 6.3-31 clearly recognizes the non-attainment status of the region for ozone, and explains how the contribution of the proposed project to regional emissions would be considered cumulatively considerable. The project proposes extensive mitigation to reduce its contribution to emissions, which are listed in Mitigation Measure 6.3-4. No additional analysis is necessary as a result of this comment.

Neither Placer County nor the PCAPCD require that a project mitigate 100 percent of its operational emissions. The commenter did not provide any documentation illustrating the types of mitigation measures “routinely applied to mixed use projects in the City of Bakersfield and Kern County” for County staff to consider. As noted in Response to Comment 19-75, the PCAPCD, has considered, but not yet adopted an ISR Rule or implementing program similar to that in use in the SJVAPCD jurisdiction that covers the Bakersfield/Kern County area.

The commenter makes several claims with regard to air pollution, including the assertion that there is a “degrading air quality trend... for the area.” The commenter’s conclusion appears to be based on three years of ambient air quality monitoring at one monitoring station. This station is one of many within the entire Sacramento Valley Air Basin, and the data from one monitoring station are not indicative of basin-wide trends. The California Air Resources Board *The California Almanac of Emissions and Air Quality 2007* provides a comprehensive evaluation of air quality trends for each of California’s 15 air basins, organized by pollutant. A review of these data indicates, contrary to the commenter’s assertion, that despite substantial growth in the Sacramento Valley Air Basin, ozone precursor emissions (ROG and NO<sub>x</sub>) have shown continual declines for the period 1990 to 2005, and are projected to continue decreasing through 2020.<sup>29</sup>

#### **Response to Comment 19-81**

The Draft EIR (page 6.3-9) provides a description of the State Implementation Plan (SIP) and the current status of PCAPCD’s efforts to update the plan to address the 8-hour ozone standard, as required by the federal EPA. As stated on page 6.3-9, the PCAPCD adopted a Rate of Progress plan in February 2006. Air districts in the region expect to have a complete attainment plan for the 8-hour ozone standard approved by their respective governing boards in 2008.

See Response to Comment 19-30 regarding the SACOG Blueprint process and air emissions.

#### **Response to Comment 19-82**

The commenter suggests that the project’s emissions should be compared to California Ambient Air Quality Standards (CAAQS), not just a mass emissions (pounds per day) threshold. CAAQS for *criteria air pollutants* [emphasis added] are established by the federal and state governments to protect even the most sensitive individuals. The CAAQS defines the maximum amount of a pollutant that can be present in outdoor air without harm to the public’s health. California law authorizes the California Air Resources Board (CARB) to set *ambient* (outdoor) air pollution standards (California Health & Safety Code section 39606) in consideration of public health, safety, and welfare. The standards are expressed as a concentration of the pollutant (weight per unit volume, typically micrograms per cubic meter). Areas are identified by the CARB as “attainment” if they meet federal or state air quality standards, or “nonattainment” if they fail to meet these standards. Table 6.3-2 in the Draft EIR (page 6.3-3) lists the attainment status for Placer County for pollutants of concern. The Placer County Air Pollution Control District does not use CAAQS for determining significance of

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29 California Air Resources Board, ARB Almanac 2007, p. 4-58.

air quality impacts under CEQA; only mass emissions – which are listed on page 6.3-16 in the Draft EIR – are used.

The types of analysis for PM<sub>10</sub> suggested by the commenter would require dispersion modeling to estimate the concentrations of pollutants. This type of modeling is used to estimate carbon monoxide (CO) emissions, which are expressed as a unit of concentration (see Table 6.3-7 on Draft EIR page 6.3-25 for an example of how this applies to the proposed project). Use of dispersion modeling to determine project-specific particulate matter (PM<sub>10</sub>) emissions may be required by some air districts for some large projects that would be a substantial source of particulate matter (e.g., a large, open pit quarry or mine), but it does not apply to all projects. All air district guidelines identify cases where dispersion modeling is recommended or required. In the case of the proposed RUSP EIR, the District did not request dispersion modeling.

CAAQS are not established for toxic air contaminants (TACs). The appropriate standards are health risk-based probabilities, which are noted on page 6.3-17 in the Draft EIR. Impact 6.3-6 on page 6.3-25 in the Draft EIR describes the potential TAC impacts. Thus, the Draft EIR properly characterizes these emissions and potential effects.

The commenter suggests that CEQA case law mandates the use of additional *agency* thresholds (such as CAAQS for air emissions) to determine whether a project would result in a significant impact. The commenter further suggests that concluding an impact would be significant and unavoidable based on only one set of agency thresholds would not be consistent with CEQA requirements. The comment cites *Communities for a Better Environment v. Calif. Resources Agency*; 103 Cal.App.4<sup>th</sup> 98, 109 (2002) [for purposes of this response, we assume the commenter is actually referring to *Communities for a Better Environment v. California Resources Agency* 126 Cal. Rptr. 2d. 441, Cal.App.3 Dist., 2002] and *Mejia v. City of Los Angeles* 130 Cal. App. 4<sup>th</sup> 322. In *Mejia*, the Appellate Court held the City of Los Angeles improperly relied on its established threshold to adopt a negative declaration, despite substantial evidence (in that case, neighbor concerns) supporting a fair argument the project may have a significant effect. At issue was the “fair argument” element of CEQA as applied to CEQA Guidelines Section 15064(h) and the application of established thresholds versus the application of those thresholds, not the thresholds themselves. In *Mejia*, the City declined to study the issue or propose mitigation and instead adopted negative declaration. Because it was fairly argued by the concerned neighbors in *Mejia*, the Appellate Court found the neighbors’ comments was evidence supporting a fair argument, thus requiring preparation of an EIR and not a negative declaration. In other words, it was not the City’s level of service thresholds that were in question, but rather that the City should have prepared an EIR instead of a negative declaration.

In the case of the proposed RUSP project, an EIR was prepared because there may be significant effects on the environment. The Draft EIR concluded construction PM<sub>10</sub> impacts would be significant and unavoidable because (1) the estimated emissions would exceed the PCAPCD’s published threshold, and (2) even with mitigation, the effect cannot be reduced to a less-than-significant level. Thus, the County has provided substantial evidence there would be a significant adverse effect and has not, as the commenter asserts, used a standard that would “foreclose the consideration of any other substantial evidence showing there may be a significant effect.” *Mejia* is, therefore, not relevant in this case. As such, the County’s approach to the analysis is valid. In the case referenced by the commenter (*Santiago County Water District v. County of Orange* 118 Cal.App.3d 818), the water district concluded the increased demand upon water available from the Santiago County Water District would be significant and unavoidable, but the EIR was silent about the effect of that delivery on water service elsewhere in the Water District’s jurisdiction. The Court’s ruled the EIR needed to state “how adverse the effects will be.” The RUSP Draft EIR is consistent with that ruling. The air emissions quantified in both Tables 6.3-5 (construction) and 6.3-6 (operational)

clearly indicate the levels of emissions that can be expected to occur, and shows the magnitude of those levels relative to the PCPACD standards.

It is also important to note that in the description of standards of significance on page 6.3-16 of the Draft EIR, there is no explicit reference to Appendix G, as suggested by the commenter. There is nothing in CEQA, the CEQA Guidelines, or case law that mandates the inclusion of all items listed in the current Appendix G checklist as thresholds of significance against which to measure project effects. Further, in *Communities for a Better Environment v. Calif. Resources Agency*, the Appellate Court upheld CEQA Guideline 15064.7 regarding the use of agency thresholds, observing that "a lead agency's use of existing environmental standards in determining the significance of a project's environmental impacts is an effective means of promoting consistency in significance determinations and integrating CEQA environmental review activities with other environmental program planning and regulation."

### **Response to Comment 19-83**

As noted in Response to Comment 19-75, Appendix C has been revised in its entirety.

The Draft EIR (Appendix C) used trip rates for various land uses based on the trip rates and traffic data developed for, and presented in, the Draft EIR. When such data are known, it is appropriate to use actual data rather than default assumptions in the model. The project-specific trip data were used in the URBEMIS 2002 model, and the same data were used in the URBEMIS 2007 model (there were no changes in the traffic impact analysis assumptions from the Draft EIR). Operational trip estimates in the URBEMIS 2007 model account for the same trip reductions assumed in the traffic impact analysis.

Please see Response to Comment 19-75 regarding "community" and "university" construction emissions estimates.

The commenter is correct that the URBEMIS model allows a user to select from a menu mitigation measures, which the model then uses to estimate a reduction in total emissions for certain types of mitigation. The percentage reductions are listed in the Appendix C spreadsheets, and the information has been summarized in revisions to Impacts 6.3-1, 6.3-3, and 6.3-4, which are shown in their entirety in Chapter 2 (Text Changes to the Draft EIR) included in this Final EIR.

### **Response to Comment 19-84**

The comment states that the threshold for noise does not specifically mention sleep disturbance as a threshold. The reader is referred to page 6.9-10 of the Draft EIR, which states:

- Sensitive uses to be exposed to excessive groundborne vibration levels. While CEQA states that the potential for any excessive groundborne vibration levels must be analyzed, it does not define "excessive", and there are no federal, State or local standards for groundborne vibration. Consequently, this analysis uses the Federal Railway Administration's vibration impact thresholds for sensitive buildings, residences, and institutional land uses. These thresholds are 80 VdB at residences and buildings where people normally sleep (e.g., nearby residences and day care facility) and 83 VdB at institutional buildings.

While the above threshold does not specifically state that the threshold is sleep disturbance, the threshold is clearly intended to protect the people when they are sleeping and not the structure in

which people do so. Therefore, the mitigation in the Draft EIR adequately protects residents from construction vibration. No changes to the Draft EIR are required.

### Response to Comment 19-85

The comment references noise levels disclosed in the Draft EIR along the proposed project's frontage to Watt Avenue. The comment states that with the unmitigated noise level of 71 dB  $L_{dn}$ , the addition of a soundwall could at most reduce the noise level to 66 dB  $L_{dn}$ , because soundwalls can only achieve a 5 dB reduction. However, there is no support whatever for the statement that walls, regardless of height or configuration, can only achieve a 5 dB reduction. The effectiveness of soundwalls can be calculated with TNM and the model has no cutoff at 5 dB. In general, Caltrans will not construct a wall that achieves 5 dB or less attenuation. No changes to the Draft EIR are required.

### Response to Comment 19-86

The comment requests information on noise levels from the McClellan Airport. Please see Response to Comment 19-51.

### Response to Comment 19-87

The comment states that the Draft EIR does not include the locations and monitored values for noise from the noise monitoring completed on the site. Noise monitoring locations are shown in Figure 6.9-1 on page 6.9-5 of the Draft EIR. The noise levels from those measurements are shown in Table 6.9-3 on page 6.9-4 of the Draft EIR.

### Response to Comment 19-88

The comment asks what is the time interval represented by the  $L_{eq}$  values shown in the Draft EIR. As discussed on pages 6.9-9 and 6.9-10, the  $L_{eq}$  disclosed in the Draft EIR was generated by the TNM model, which models 1-hour  $L_{eq}$ . The comment also requests justification as to why subtracting two decibels from the  $L_{eq}$  value is an accurate way to estimate  $L_{dn}$ . The reference for this methodology is from the Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, May 2006, Appendix D, which states under Option 4:

*Measure the one-hour  $L_{eq}$  during any hour of the day. The loudest hour during the daytime period is preferable. If this hour is not selected, then other hours may be used with less precision.*

*Convert the measured hourly  $L_{eq}$  to  $L_{dn}$  with the applicable equation:*

*For measurements between 7am and 7pm:  $L_{dn} \approx L_{eq} - 2$*

As stated on page 6.9-9 of the Draft EIR, traffic data from Fehr and Peers for the project build-out scenario was used to capture a worst case scenario traffic noise from the peak hour period. Therefore, because a conservative (worst case) scenario was used in the Draft EIR, this methodology used provides a reasonable estimate for the  $L_{dn}$  for the project.

### Response to Comment 19-89

The project's internalization estimate is not solely based on the university use. The university uses were estimated to have less than 40 percent of their vehicle trips internalized. The internal project

trips from residential units to retail uses and to public schools account for the highest percentage and largest amount of internal trips due to the following factors.

1. Balance of residential and retail land uses
2. Isolated location of the project
3. Limited project access
4. Public school district service boundaries

These factors are all related in that the project can be characterized as an isolated small town. The project has a total of 3,637 residential dwelling units (with approximately 10,000 residents plus another 6,000 students) and 242,000 square feet of supporting retail uses. The project also includes a compact design along with supporting parks, schools, and other amenities associated with a complete town or city. The mix of uses combined with the isolated location of the project away from other urbanized centers (i.e., about eight to ten miles from central Roseville) creates the potential for a large number of project trips to remain internal to the project especially for trip purposes such as shopping, school, and recreation. Most shopping and school trips, which have short trip lengths, would be expected to remain internal to the project.<sup>30</sup> The project is designed to provide sufficient local serving retail uses and it is unlikely that residents would travel longer distances to Roseville for convenience shopping such as going to the grocery store or dry cleaners. Also, the schools located within RUSP are intended to serve students from RUSP.

To determine how all these factors would influence the project's trip generation and internalization, a detailed review and evaluation of available empirical data was collected from other areas. This evaluation identified some key relationships between the residential uses and the retail and school uses. First, similar California communities generally generated about 0.20 retail employees for every household. This equates to about 65-75 square feet of retail use per household. With 3,637 households at buildout, the project would be expected to support about 236,400 to 272,800 square feet of retail and is planning approximately 242,000 square feet.

While the commercial land use amount is commensurate with the demand being generated by the 3,637 residential units, the trip generation estimate assumed only 60 percent of the commercial trips would be generated from these units. For the schools, 60 percent of their vehicle trips were assumed to be generated by the residents in the project. Both of these assumptions leave sufficient room for trips associated with employees that may not reside in the project limits.

The final overall trip internalization for daily conditions of about 44 percent for RUSP is therefore supported by this evaluation and the empirical data from other similar mixed-use communities. For example, about 38 percent of the daily vehicle trips for the Town of Moraga, CA are estimated to be internalized according to *Effects of Planned Development at Moraga Town Center on Community-Wide Travel Patterns, Town of Moraga*, June 2007. Moraga is slightly larger than RUSP in that it has 5,500 residences, but it is similar in that the retail is sized to fit the existing population (i.e., about 405,000 square feet), it generally has schools that just serve the local population, and it has a 4,432 student private university, St. Mary's. Another estimate from Davis, California based on the development in south Davis revealed a daily vehicle trip internalization of about 45 percent (source: "Comparing Methodologies for Estimating Trip Internalization of Mixed-Use Development", Walters, Lane, and Feldman, Presented at the 11th Transportation Planning and Applications Conference, May 2007, Florida).

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30 According to the 2000-2001 California Statewide Household Travel Survey, Caltrans, June 2002, 44 percent of all vehicle trips in the Sacramento region were less than 15 minutes (i.e., or about five to seven miles).

The commenter also notes that the trip internalization could be different without the university component. Likewise, it would be different without the residential component. It would be speculative to guess about the potential of any specific project component not coming to fruition. Nevertheless, the County does recognize that the project will develop in phases. Each phase will be subject to the requirements stated in the mitigation measure 6.12-1.

The traffic appendix reference was incorrectly noted on Pages 6.12-73 and 6.12-115 as Appendix J. The correct appendix is "I". The FEIR has been updated with the correct references and with inclusion of the detailed trip generation estimate (see attachment).

### **Response to Comment 19-90**

The project has multiple points of access for emergency vehicles as shown in the Regional University Specific Plan on page 6-17. A primary emergency vehicle access will be provided north to Phillip Road and a secondary emergency vehicle access will be provided to Brewer Road. Also, the project will be developed over many years. Under cumulative conditions, extensions of existing roads such as Blue Oaks Boulevard and Pleasant Grove Boulevard are planned to extend to the project area as shown in Figure 6.12-28.

Also refer to response to comment 10-6.

### **Response to Comment 19-91**

The DEIR analyzed the scenarios required by CEQA. According to Sections 15002(g), 15126.2(a), 15126(a), 15126.2(a), and 15130, the EIR should analyze the project against the existing physical conditions present on the site and under cumulative conditions. As a result, the EIR contains an existing plus project scenario and a cumulative plus project scenario. Creating additional scenarios about what development may occur in five to seven years is not required and would be speculative given the unknown nature of specific development project phasing and timing, which is influenced by economic and market conditions. This is particularly true during the current economic climate.

It should also be noted that CEQA does not require mitigation to be implemented concurrently with development. Concurrency is dependent on the policies and practices of the lead agency. As such, Placer County is continually monitoring traffic conditions and the need for roadway capacity expansion as individual development projects within the Plan Area advance to implementation. Lags are expected to occur between the time when development occurs and when roadway capacity expansion is constructed due to the County's reliance on traffic impact fees to pay for larger capacity expansion projects.

### **Response to Comment 19-92**

The commenter states that no evidence was provided to support the trip distribution assumptions. The supporting information can be found on page 6.12-29 of the DEIR, which states the following.

"The net external trips in Table 6.12-9 were distributed and then manually assigned to the existing roadway system. Figure 6.12-9 shows the project trip distribution, which was estimated based on existing traffic counts, land uses, and travel patterns. The travel pattern information was based on travel time runs conducted on the local roadway system to verify the shortest travel routes and from travel demand forecasts obtained from the Placer County travel demand model."

The commenter also states that additional roadway segments should have been analyzed. As noted on page 6.12-10 of the DEIR, "...The analysis includes intersections, roadway segments, and freeway ramp junctions. Intersections were analyzed in the vicinity of the proposed project where the greatest effects of the project would occur. Interchange ramp junctions were analyzed outside this immediate influence area and capture the potential regional effects of the project, while roadway segments were analyzed further away from the project site."

Impacts to the roadway segments identified by the commenter were generally based on more detailed 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. Further, the number of through lanes required at an intersection approach determines how many through lanes are required on the connecting roadway segment. As a result, a separate roadway segment analysis for all roadways in the DEIR was not required. The analysis approach and analysis locations were reviewed and approved with all of the responsible agencies such as Sacramento County, the City of Roseville, and Caltrans.

### **Response to Comment 19-93**

Draft EIR pages 6.12-8 and 6.12-9 describe the County's LOS policies contained in the General Plan. Policy 3.A.7 establishes the County's general LOS threshold as C while a recent amendment of this policy allows community plans and specific plans to establish their own LOS thresholds within the plan boundaries. For the RUSP plan area, LOS D was established as the threshold in the specific plan. Because of the General Plan policy language, the specific plan does set the threshold for the plan area and no analysis is required using the general LOS C threshold as it does not apply. It should be noted though that the on-site intersection analysis contained in Table 6.12-12 of the DEIR shows only one intersection during one peak hour operating at LOS D. All other operations are LOS C or better.

### **Response to Comment 19-94**

The commenter emphasizes the need to review the project within the regional and cumulative context. The commenter also stresses the need for adequate drainage management, loss of agricultural soil, refers to project water supply as "possible" water sources. The commenter also suggests that "new General Plan Amendments" should be put in place first before consideration of specific projects..."

The Draft EIR fully reviewed the project in the regional and cumulative context. The Draft EIR identified and discussed all reasonably foreseeable projects (see pages 8-9 through 8-11 of the Draft EIR) and all topical areas contain a cumulative impacts analysis section that considers the impacts of the proposed project along with the other reasonably foreseeable projects. Drainage and other hydrology issues were analyzed in Draft EIR Section 6.8 Hydrology and Water Quality. As explained in Chapter 6.0, Introduction to the Analysis, impacts found to exceed significance thresholds were provided feasible mitigation measures, including Mitigation Measures 6.8-1 through 6.8-5 would require the formation of a drainage service area to manage and maintain the required drainage and flood control-related structures and facilities. Funding mechanisms are provided within the various mitigation measures, including Mitigation Measures 6.8-1(c) and (e). For a discussion of water supply, the commenter is referred to Responses to Comments 19-68 through 19-74.

Although several relatively minor General Plan amendments are proposed as a part of the project, for the most part, they are clarifications and would have limited meaning unless accompanied by a project such as the Regional University Specific Plan where the logic of the changes could be

demonstrated. The commenter suggests that “new” General Plan amendments are necessary to allow the project to proceed. The proposed Regional University Specific Plan does require a General Plan amendment prior to approval of specific projects within the Regional University Specific Plan area.

#### **Response to Comment 19-95**

The commenter is concerned that drainage infrastructure may not be in place in a timely manner and states that the Draft EIR needs additional erosion control measures for construction activities. The commenter suggests that modeling may not be accurate due to unforeseen upstream development that alters conditions and also suggests that global warming may have an unknown effect on stormwater runoff and water supply over the next 20 to 30 years.

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.

#### **Response to Comment 19-96**

The comment expresses concern regarding sufficient stormwater drainage flows and detention basin construction. The commenter confuses the Dry Creek watershed with the Curry Creek watershed. As described in Section 6.8, the project site is located entirely within the Curry Creek watershed. Therefore, comments in reference to the Dry Creek watershed area not relevant to the proposed project and require no response. The commenter refers to wastewater flows from the proposed project increasing wastewater treatment flows from the Pleasant Grove Wastewater Treatment

Plant. Flows from the wastewater treatment plant were analyzed in the Draft EIR with respect to water quality because the PGWWTP operates under existing permit limits on flows and water quality parameters.

In addition, the commenter refers to stormwater detention storage basins as “small” and resulting in “about 25 AF [acre-feet] of storage”. The commenter is referred to Chapter 2.0 Project Description and Section 6.8 Hydrology and Water Quality for a description of the detention storage basins. The project’s stormwater detention system is not comprised of several “small” detention storage basins, but rather a series of detention storage facilities that total 168 AF of volumetric mitigation for the proposed project’s increase in stormwater runoff volumes.

With regard to detention basin construction, the Regional University Specific Plan area is essentially flat, which limits the number of geological concerns related to construction. The project detention design is based on the preliminary assessments of the soils and geology of the region, based on the U.S. Department of Agriculture Natural Resources Conservation Service’s Soil Survey of Placer County, California Western Part. Geological stability issues are addressed in Section 6.6 Geology, Soils, and Seismicity in the Draft EIR. Impacts related to soil instability were found to be mitigable through Mitigation Measures 6.6-5(a) and (b), which requires a geotechnical engineering report prepared by a California Registered Civil Engineer or Geotechnical Engineer that must address any site-specific soils constraints that could affect development within the project site.

#### **Response to Comment 19-97**

The commenter raises water supply-related concerns that are similar to those raised in previous comments; the reader is referred to Response to Comments 19-68 through 19-74 for additional background.

The commenter states that present estimated groundwater use in the west Placer County area is 65,000-75,000 acre-feet per year (AFA), resulting in relatively stable groundwater depths, but that the actual quantity and use within the project area is unknown. A Placer County Water Agency (PCWA) report entitled Western Placer Groundwater Storage Study (December 2005) analyzed the groundwater basin and estimated the total annual usage, safe yield, and other variables in west Placer County. Historical average use in west Placer County is 89,000 acre-feet from 1970 to 1995 (Groundwater Storage Study Table 4-2). The Placer County portion of the estimated safe yield is 95,000 acre-feet per year (Groundwater Storage Study Figure 4-6). The PCWA study did not estimate groundwater use in the Regional University Specific Plan specifically. However the water supply and demand methodology used for analysis of impacts on water supply is described on pages 6.14-16 through 6.14-19 of the Draft EIR. The proposed project would result in a total demand of 3,220 AFA. The proposed project would require only 2,448 AFA for potable water supplies and use 772 AFA of recycled water for irrigation of open space areas. In addition, Table 6.14- 8 on page 6.14-19 of the Draft EIR shows that groundwater withdrawal for the proposed project would be less than that used historically for farming purposes.

The commenter states that a conjunctive use strategy does not translate to available groundwater during dry years because other nearby projects may be not be practicing conjunctive use and the basin will not recover for banked water to be available during dry years. The statement assumes that other projects will be allowed to use groundwater as yearly water supply. However, both Placer County and PCWA have policies that state that no new development will be allowed to use groundwater as its primary source, as stated on pages 6.14-18 and 6.14-19 of the Draft EIR. In addition, Sacramento County has placed a requirement on the planned Elverta Specific Plan, south of the project site, through its PF-8 requirement that states there can be no net increase in groundwater usage in the Elverta plan area. Further, the Sacramento County area north of the

American River is already under a conjunctive use groundwater management program directed by the Sacramento Groundwater Authority that has proven to stabilize the groundwater basin.

The analysis provided by the commenter assumes that PCWA supplies and contract water are kept separate within the service area, and that all west Placer County development can only be served by the 35,000 acre-feet CVP contract. This is not correct, as PCWA has the ability to move water from its various sources to various demand areas. Although PCWA cannot move 100 percent of any one supply to all of its service areas, the greatest flexibility is in its CVP supply and its Middle Fork American River supply. PCWA's planned infrastructure improvements and future water demands presented in the integrated Water Resources Plan (August 2006) provides the basis for alternatives to meet several possible growth scenarios' water demands with available water supplies for regular and "dry" years. Further, the Draft EIR provides an in-depth analysis of the flexibility of water supplies in the cumulative impact analyses on pages 6.14-23 through 6.14-39.

#### **Response to Comment 19-98**

The comment is the author's statement that he reviewed the DEIR by PBS&J, and the biological assessment report by Foothill Associates for the Regional University Specific Plan project. The author goes on to describe his qualifications for commenting on the DEIR.

#### **Response to Comment 19-99**

The comment is a statement by the author describing the times, dates, and weather conditions when he visited the site. The author also stated that he was only able to observe the site from the western boundary road (Brewer Road).

#### **Response to Comment 19-100**

The comment, which includes a brief description of habitat types observed, a tabular list of wildlife species observed, and two photographs of the site, is a statement of opinion by the author on the quality of habitat at the site. Wildlife species in the table are all relatively common species expected to occur in the region.

#### **Response to Comment 19-101**

The comment is a statement of opinion regarding the suitability of the habitat to support short-eared owl, noting that an individual of this species was observed during his review. Short-eared owl will be added to the list of species observed in the final document. Please note that Mitigation Measures 6.4-7 and 6.4-8, which protect raptors' nesting and foraging habitat, respectively, would apply to all raptors, so the short-eared owl would also be protected by these measures.

#### **Response to Comment 19-102**

The comment is a statement of opinion regarding the site's suitability to support western spadefoot, noting that this can only be confirmed during mating season.

#### **Response to Comment 19-103**

The commenter describes what was considered in his assessment of the Draft EIR, but doesn't refer to specifics. Please see the responses to the following comments.

### **Response to Comment 19-104**

The commenter states that the qualifications of the biologist who visited the site are unstated. The Draft EIR was based primarily on the Foothill Associates Biological Assessment of the Regional University Specific Plan project, as described in the Draft EIR. The site visit by the EIR's biologist was not intended to be a comprehensive survey of the property, but merely to become familiar with the site to aid in the review of the Foothill report. In total, no less than eight on-site biological surveys were conducted, extending from 2003 through 2007. The biologist reviewing the property and report during the preparation of the Draft EIR has more than 15 years of experience preparing environmental documents for projects in California and other states; this biologist and County staff peer reviewed the Foothill report prior to its inclusion in the Draft EIR.

### **Response to Comment 19-105**

As stated in the Response to Comment 19-104, the site visit was not intended to be a thorough survey for species potentially occurring on the site, but to become familiar with the site in order to peer review the Foothill Associates report. Given this fact, the timing of the site visit is irrelevant.

### **Response to Comment 19-106**

This comment does not address the adequacy of the DEIR. The comment notes only that the Foothill report does not state the names, number, or qualifications of the people involved in the survey upon which their report is based.

### **Response to Comment 19-107**

Comment notes differences between the likelihood of occurrence of special-status species as reported in the biological resources background report and the Draft EIR. The likelihood of occurrence for some species was changed in the EIR based on the experience of PBS&J's biologist with particular species and knowledge of the habitat or location of the project area.

### **Response to Comment 19-108**

The comment states that protocol-level surveys should be performed when assuming a special-status species is not present. Assumptions of low, very low, or no potential to occur in the project area were based on knowledge of the species range, habitat requirements, and records in the surrounding region. There is no requirement under CEQA to perform protocol-level surveys (for those species where a protocol exists) in the event of a negative assessment on the site's ability to support a particular species.

### **Response to Comment 19-109**

The comment provides information as to what qualifies as a protocol-level survey. Protocol level surveys for vernal pool crustaceans are not required when it has already been determined that the species occur on the site (vernal pool fairy shrimp).

### **Response to Comment 19-110**

The comment states that a wetland delineation should have been certified before the RUSP Draft EIR was circulated. There is no CEQA requirement that a wetland delineation be performed prior to the circulation of an EIR.

**Response to Comment 19-111**

The comment states that the Draft EIR used different acreage values in different places in the Draft EIR. The first number referenced (1,158) refers to the total number of acres in the Specific Plan Area, not including the off-site infrastructure (the number is actually 1,157.5 acres within the Plan Area). The other numbers referenced come from Draft EIR page 6.4-39, which states that there are “approximately 1,382 acres of agricultural land and 316.87 acres of annual grassland is available within the study area (which includes the project site and study areas for off-site infrastructure).” As is described parenthetically, the *study area* includes not only the project site, but the off-site infrastructure areas, of which only a portion would be affected by project development. Because the location of off-site infrastructure, particularly Watt Avenue, is subject to change (although it would be within the swath included in the study area), the impact acreage was not defined for those areas.

**Response to Comment 19-112**

The project’s existing conditions, habitat types, and species are thoroughly described on Draft EIR pages 6.4-1 through 6.4-14; habitat and special-status species are illustrated in Figure 6.4-1 on Draft EIR page 6.4-2. Wetland acreages are enumerated, as are the various upland habitat types on the property. The project site is largely agricultural land, and the associated habitats are clearly described.

**Response to Comment 19-113**

The referenced table (Table 2) includes numerous common wildlife species, primarily birds, which certainly could be seen on the project or in the project vicinity. The purpose of the biological resource assessment of the site, however, was not to enumerate common species, but to evaluate the probability that the proposed project would result in a significant impact on special-status species that are considered in environmental review as required by CEQA.

The approach in the comment appears to consider that every species could occur on the project site, without considering the body of scientific literature, knowledge of ranges and known distributions of special-status species, and the land-use history of the project site. For example, in the commenter’s discussion of California horned lizard (see Comment 19-117) that “the grassland on the site clearly has not been disturbed by land-moving activities in decades, if ever.” Virtually all of the university site and adjacent community property have been disturbed at one point or another by significant earth-moving activities to install rice checks, and in the community site the rice fields have all been land leveled. Further, the hydrologic regime of on-site creeks has been profoundly altered by the conveyance of irrigation tailwater from active rice farming, a condition that did not exist on regional creeks prior to the advent of such agricultural activities.

**Response to Comment 19-114**

The commenter includes additional data that was generated by non-standard databases, and refers to offsite surveys that were conducted over an 18 year period. Based on these data, the commenter asserts additional special-status species could occur on the project site and were not evaluated in the DEIR due to bias. There was no bias involved during the preparation of the EIR for inclusion of special-status species. As described on pages 6.4-1 and 6.4-5 of the DEIR, the Draft EIR used Foothill Associates’ Biological Resources Assessment, Regional University Site and Off-Site Improvements, Placer County, dated November 29, 2006 (which included information from and no less than seven on-site biological surveys extending from 2003 through 2006); California Department of Fish and Game’s Natural Diversity Database (CNDDDB), Rarefind 3 database program, U.S. Fish

and Wildlife Service Online Database Website,<sup>31</sup> and an August 18, 2004 reconnaissance level visit to the site. These sources are consistent with industry standards to assess potential impacts on sensitive species under CEQA. Additionally, as noted in CEQA Guidelines section 15151 Standards for Adequacy of an EIR, “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 need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.” As such, the Draft EIR impact analysis is adequate.

#### **Response to Comment 19-115**

The surveys referenced in the description for western pond turtle on page 6.4-13 were not limited to the August 18, 2004 visit. As stated on pages 6.4-1 and 6.4-5 of the DEIR, analysis of the site’s ability to support special-status species known from the region was based primarily on a review of Foothill Associates’ *Biological Resources Assessment, Regional University Site and Off-Site Improvements*, Placer County, dated November 29, 2006, in addition to the August 18, 2004 site visit. Western pond turtle was not observed either during surveys conducted to support the Foothill Associates Report, or during the August 18, 2004 reconnaissance level visit. It is stated on page 6.4-13 that focused surveys for this species were not conducted. On page 6.4-6 the description of “moderate” reads “moderate” indicates that suitable habitat exists on-site, and the project area is within the known range of the species, but recent records for the species in the vicinity are lacking. This is an accurate assessment, as it is acknowledged that habitat for western pond turtle exists at the site, but none are currently known from the area, or have been observed on-site to date. Potential impacts on this species are discussed in Impact 6.4-6 of the Draft EIR.

#### **Response to Comment 19-116**

The comment includes additional data (Table 2) that was generated by non-standard databases, and refers to offsite surveys that were conducted over an 18 year period. Based on these data, the commenter asserts additional special-status species could occur on the project site and were not evaluated in the DEIR. Table 2 consists of a list of plant and wildlife species generated by a query of CDFG’s Wildlife Habitat Relationships program (WHR). The WHR program generates a speculative list of species that could occur in a project area, based on a set of parameters entered into the program. Most of the species in the table are common and widespread, several are introduced to the state, and a few are even considered invasive pest species. CEQA does not require that common or introduced species be identified or addressed in an EIR, nor, as noted in CEQA Guidelines section 15151, does an evaluation of the environmental effects need to be exhaustive. The sufficiency of an EIR is to be reviewed in light of what is reasonably feasible.

#### **Response to Comment 19-117**

The complete description of the California horned lizard’s likelihood of occurrence, found on page 6.4-8 of the DEIR reads “This species typically disappears from areas where agriculture and urbanization occurs. The historic disturbance in and adjacent to the project area related to rice farming has likely extirpated California horned lizard from the area. Could possibly occur in portions of offsite infrastructure alignments, if these areas are relatively undisturbed.” This description references two common reasons (agriculture and urbanization) this species disappears from areas

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31 <[http://sacramento.fws.gov/es/spp\\_lists/auto\\_list\\_form.cfm](http://sacramento.fws.gov/es/spp_lists/auto_list_form.cfm)>

as a general statement, but then goes on to clarify that agriculture is what would have extirpated this species from the site. The main project area is currently, or has in the past been used for rice farming, a practice that would have clearly eliminated this species from the area. Additionally, this species has several key habitat elements it requires that do not currently exist on the project site. These include loose, fine soils with a high sand fraction, abundance of native ants, open areas with limited canopy, and low, dense shrubs for shelter.<sup>32</sup> The fact that this species cannot survive in habitats altered by urbanization, agriculture, off road vehicle use, or flood control structures is well known.<sup>33</sup>

#### **Response to Comment 19-118**

The comment states that potentially suitable habitat for giant garter snake occurs on site. Despite this fact and the overlap in elevation with that of the giant garter snakes normal occurrence, there are currently no records for this species in Placer County. The project site is outside the valley floor where this species historically occurred.

#### **Response to Comment 19-119**

The comment states that there is potentially suitable habitat for California tiger salamander and that protocol surveys are warranted. Despite the presence of potentially suitable habitat for California tiger salamander, no records (current or historic) for this species occur within 20 miles of the project area<sup>34,35</sup>. With the exception of an isolated population at Gray Lodge in northern Yolo County, near Dunnigan, all of the known populations of California tiger salamander in the Sierra Nevada foothills are south of Sacramento County.<sup>36</sup> Additionally, the USFWS does not identify California tiger salamander as a species they believe could be affected by projects occurring in the Pleasant Grove USGS 7.5 minute quadrangle (where the project is located). Based upon the lack of evidence that California tiger salamander ever occurred anywhere near the RUSP project area, protocol surveys for this species in the project area are not warranted.

#### **Response to Comment 19-120**

As stated in the Response to Comment 19-115, surveys of the site were not limited to the August 18, 2004 reconnaissance level survey by PBS&J biologists, but also incorporated information from surveys conducted by Foothill Associates' in support of their *Biological Resources Assessment, Regional University Site and Off-Site Improvements*, Placer County, dated November 29, 2006. Those efforts included surveys for vernal pool crustaceans. If western spadefoot were present on the site and using the vernal pool crustacean habitat for breeding, it is likely that larvae of this species would have been detected at that time.

#### **Response to Comment 19-121**

As stated in Response to Comment 19-115, the designation of a "moderate" likelihood of occurrence recognizes that potentially suitable habitat exists on the site, but that the species had not been observed at the time the document was prepared. CEQA does not require that focused, or protocol-

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- 32 Jennings and Hayes, 1994. Jennings, Mark R. and Marc P. Hayes. Amphibian and Reptile Species of Special Concern in California. California Department of Fish and Game, Natural Heritage Division, 1994
- 33 Jennings and Hayes, 1994. Jennings, Mark R. and Marc P. Hayes. Amphibian and Reptile Species of Special Concern in California. California Department of Fish and Game, Natural Heritage Division, 1994
- 34 Jennings and Hayes, 1994. Jennings, Mark R. and Marc P. Hayes. Amphibian and Reptile Species of Special Concern in California. California Department of Fish and Game, Natural Heritage Division, 1994
- 35 <[www.californiaherps.com/salamanders/pages/a.californiense.html](http://www.californiaherps.com/salamanders/pages/a.californiense.html)>
- 36 <[www.californiaherps.com/salamanders/pages/a.californiense.html](http://www.californiaherps.com/salamanders/pages/a.californiense.html)>

level surveys be conducted for every species that could occur on a site. However, since short-eared owl has been observed on site, the likelihood of occurrence will be changed to “observed” in the final document. Please also see Response to Comment 19-101.

#### **Response to Comment 19-122**

Comment noted, see Response to Comment 19-115 for definition of “moderate” likelihood of occurrence. The description on page 6.4-9 acknowledges that potential habitat for rough-legged hawk occurs on site, but the species has not been observed there to date.

#### **Response to Comment 19-123**

The commenter states that he has observed ferruginous hawk near the project site. Foraging habitat for ferruginous hawk is present in the project area; therefore, the likelihood of occurrence will be changed to “moderate”. Mitigation Measures 6.4-7 and 6.4-8, which protect raptors’ nesting and foraging habitat, respectively, would apply to all raptors, so the ferruginous hawk would also be protected by these measures.

#### **Response to Comment 19-124**

The rating of “moderate” likelihood of occurrence for Swainson’s hawk was in error. Foothill Associates reported Swainson’s hawk from the project site in their *Biological Resources Assessment, Regional University Site and Off-Site Improvements*, Placer County, dated November 29, 2006. Rating will be changed to “observed.”

#### **Response to Comment 19-125**

Comment noted. See Response to Comment 19-115 for definition of “moderate” likelihood of occurrence. This is an accurate assessment, as it is acknowledged in the DEIR on pages 6.4-9 and 6.4-10 that habitat for merlin, prairie falcon, greater sandhill crane, California horned lark, Modesto song sparrow, and long-billed curlew exists at the site, but none are currently known from the area, or have been observed to date on site.

#### **Response to Comment 19-126**

Although potential foraging habitat for purple martin is present at the site, it is the nesting habitat for this species that is vulnerable. Purple martins have a low likelihood for nesting in the project area, but because they may forage in the area, the rating of “low” will be changed to “moderate”.

#### **Response to Comment 19-127**

Although potential foraging habitat for bats occurs on the site, it is the roosting habitat for these species that is considered vulnerable. As no roosting habitat is present for pale Townsend’s big-eared bat or long-legged myotis, these species will retain a “low” likelihood of occurrence. The likelihood of occurrence ratings for small-footed myotis, fringed myotis and Yuma myotis will be changed to “moderate” due to the presence of potential roosting habitat.

#### **Response to Comment 19-128**

The comment states that the Draft EIR includes no discussion of indirect impacts related to the provision of power to the proposed project. The comment speculates that the water used for cooling of gas-fired power plants would result in a loss of irrigation water, which would then lead to the loss

of Swainson's hawk habitat. However, the comment does not provide references to the specific power plants, nor does it include evidence that the water used in the cooling process has resulted in the reduction of water for irrigation or the loss of agricultural land (for habitat). The project has not, and can not, determine the source of its power. For instance, PG&E uses various sources, including PG&E-owned and independently-owned facilities within California and out-of-state sources, as demand requires. Nonetheless, as referenced in the comment, an environmental review was prepared for existing facilities and an environmental review would also be required for any new power plant or expansion of an existing power plant.

The comment also provides data on bird deaths, including raptors, due to bird strikes from wind turbines used to generate power. As stated above, the project would obtain power from a service provider that uses many sources to supply its customers. The comment states that the Draft EIR should attribute the impacts to the proportion of the energy used by the project. PG&E states that in 2006, 12 percent of the energy provided to its customers was from renewable sources, including wind, geothermal, biomass and small hydro-electric.<sup>37</sup> Thus, it is extremely unlikely that the project, as suggested by the comment, would rely solely upon wind power. Assuming the power supplied to the project would be proportionate to the supply of PG&E, the project could use approximately 12 percent of renewable sources, which includes wind.

#### **Response to Comment 19-129**

The comment contends that the County intends to mitigate the project impacts through the NCCP and a planning agreement between the CDFG, USFWS, and NMFS in lieu of a Clean Water Act Section 404 Programmatic General Permit, A CDFG Master Streambed Alteration Agreement, and a Clean Water Act Section 401 Water Quality Certification. However, the project is not relying on the NCCP described in this comment. Application for an individual Clean Water Act permit will be made to permit discharge of fill material into waters of the U.S. associated with project development. This process will offer yet another opportunity for public input on project elements, including project alternatives, wetland mitigation measures.

#### **Response to Comment 19-130**

See Response to Comment 19-129.

#### **Response to Comment 19-131**

The comment states that obtaining permits from state and federal agencies does not qualify as mitigation and that mitigation is deferred in Mitigation Measure 6.4-1(a). Mitigation Measure 6.4-1 needs to be read in its entirety and not piecemealed or parsed into separate components. Section (a) of this mitigation measure requires that the appropriate federal permits be obtained as a condition of the project; however, it clearly states that the project must comply with all mitigation measures specified in 6.4-1 *and* applicable state and federal permits must be obtained. Thus, while the project could comply with the measure through state and federal permit processes, the requirements in the measure must be fulfilled irrespective of the state and federal permit processes.

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37 Pacific Gas and Electric website, <[www.pge.com](http://www.pge.com)>, Clean Energy Solutions, accessed March 19, 2008.

**Response to Comment 19-132**

The comment refers to Draft EIR text on page 6.4-29 describing Mitigation Measure 6.4-1, which states:

Implementation of Mitigation Measure 6.4-1 would substantially lessen the significant impacts on a range of biological resources due to the conversion of agricultural land and other currently undeveloped land. The mitigation measure would also preserve habitat for a variety of special-status species, but would not mitigate the impact to a less-than-significant level. Although this measure seeks to ensure that similar habitat is preserved elsewhere in the County, the project site itself would still be converted to urban uses, so there would be a net reduction in habitat. It would not be feasible to create new habitat to offset development of the Plan Area.

Mitigation Measure 6.4-1 is intended to reduce the impacts of the project on general habitat loss, not specifically wetland habitat, as implied in the comment. Placer County was one of the first locations where wetland mitigation for vernal pool habitat was required under the Clean Water Act. Constructed vernal pool habitat has been in place *and functioning* in Placer County since the late 1980s, thus demonstrating the mitigation ratios for wetlands can be achieved. Indeed, the southwestern portion of the project site contains approximately 8 acres of constructed vernal pool habitat that has been functioning since 1993. Further, these wetlands support two special-status plants as well as the federally listed vernal pool fairy shrimp.

**Response to Comment 19-133**

See Response to Comment 19-132.

**Response to Comment 19-134**

Clearly, the Draft EIR includes a series of wetland mitigations that include avoidance, minimization, and compensation. The declarative statement that “It will be impossible to achieve no net loss” is not supported by facts or analysis.

**Response to Comment 19-135**

See Response to Comment 19-131. Vernal pool restoration is a well-proven technique in western Placer County. The mitigation measure is not “vague,” but rather specifies the mitigation acreage required by the County. Further, Mitigation Measures 6.4-2 and 6.4-3 provide more specifics regarding wetland impacts and mitigation. See Response to Comment 19-128 regarding federal permit requirements.

**Response to Comment 19-136**

The comment states that the EIR does not state the extent of impacts on Swainson’s hawk, identify where the mitigation for Swainson’s hawk would be directed, and leaves open the possibility that the mitigation could be achieved through the PCCP. Impact 6.4-8 (pages 6.4-39 and 6.4-40) clearly enumerates the amount of potential Swainson’s hawk foraging habitat to be impacted by the project. With regard to the commenter’s ability to participate in the PCCP environmental review, the PCCP process is an on-going public process and upon finalizing a PCCP, an environmental document would be prepared, at which time the commenter would be able to participate. Until such time that the PCCP is adopted, the proposed project would be required to comply with the existing mitigation measures.

### **Response to Comment 19-137**

The comment states that the EIR provides no guidance on how out-of-County habitat is of equal or higher value than the project site. Mitigation Measure 6.4-1(e) clearly states that mitigation habitat will conform to CDFG Guidelines regarding suitability for Swainson's hawk foraging. Out-of-County habitat, if pursued, would be required to meet the same standards for suitability for Swainson's hawk as in-County habitat.

### **Response to Comment 19-138**

The comment questions the methodology used to assign value for out-of-kind habitat. This mitigation measure simply gives the County the option to authorize acquisition of habitat types that are considered rare or ecologically important in the region, as mitigation for habitats that are less rare or ecologically significant. As described in Mitigation Measure 6.4-1(g), out-of-kind mitigation could be deemed appropriate where the mitigation lands include areas with a mosaic of riparian habitat, creek corridors, flood plains and upland areas, where an assemblage of vernal pool complexes in fallow or grazed lands is in close proximity to such riparian habitat, or where the County deems that the out-of-kind mitigation lands contain other unique or desirable characteristics that provide a comparable level of habitat mitigation.

### **Response to Comment 19-139**

The EIR provides for multiple options to fund acquisition, maintenance, and management of mitigation lands. Mitigation Measure 6.4-1(j) specifically discusses mitigation and management plans, and the development of such plans is where details of adaptive management would be developed. The comment also questions if there will be sufficient funds generated to pay for the mitigation. As stated in Mitigation Measure 6.4-1(h), the funding mechanism must be in place before any ground disturbing activity takes place, which assures that the mitigation will be implemented.

### **Response to Comment 19-140**

The comment mistakenly interprets the "Excess Habitat" in Mitigation Measure 6.4-1(i) as undeveloped portions of land within the project site that would be used as mitigation credits for the project. The excess habitat actually refers to mitigation lands acquired for the project in excess of the impact of the project, not undeveloped portions of the project site counting as mitigation land. The intent of this mitigation measure is to encourage acquisition of the largest possible tracts of mitigation lands. Given that a precise "fit" between impact and mitigation lands cannot be achieved, allowing the use of land in excess of project mitigation requirements provides incentive to acquire larger habitat blocks.

### **Response to Comment 19-141**

The comment states that the specifics of the mitigation measure are deferred and refers to Mitigation Measure 6.4-1(j). The comment is incorrect. Mitigation Measure has been formulated to require preparation of an appropriate management plan. The details of habitat management are specific to the mitigation lands in question, and to expect the production of a suitable management plan would require acquisition of habitat lands prior to project approval. With regard to specifics of the mitigation measure, the measure contains performance standards and mitigations ratios that must be achieved by the project; thus mitigation is not deferred as suggested in the comment.

### **Response to Comment 19-142**

The commenter requests funding for mitigation monitoring, and funding for monitoring cumulative impacts on special-status species. Mitigation Measure 6.4-1(h) requires in-perpetuity funding for land acquisition, adaptive management and monitoring and maintenance for project-specific impacts. With regard to cumulative impacts, other projects will be responsible for the funding of monitoring of any mitigation lands for which those projects are responsible. No additional funding from RSUP would be required.

### **Response to Comment 19-143**

See Response to Comment 19-131.

### **Response to Comment 19-144**

The comment states that allowing land used for agricultural mitigation to satisfy biological mitigation is “double dipping”. This is not the case. Some of the land within the project site is currently used for agricultural purposes, yet it retains some amount of biological value. To assume that mitigation land that is used for agricultural purposes would not also have the potential for biological value would be inconsistent. This mitigation measure allows for joint use of land preserved for agricultural and biological mitigation, providing the land satisfactorily mitigates both the agricultural and biological impacts. The example cited by the commenter – mitigating vernal pools with rice fields – is clearly contrary to the mitigation measure.

### **Response to Comment 19-145**

The comment states that Mitigation Measure 6.4-2(a) repeats Mitigation Measure 6.4-1. Mitigation Measure 6.4-1 covers general habitat impacts over the project site, including aquatic habitats. Mitigation Measure 6.4-2(a) specifically addresses impacts on aquatic habitats.

### **Response to Comment 19-146**

The comment states that protocol-level survey should be performed and included in the Draft EIR. Vernal pool fairy shrimp have been identified on the project site. Thus, the best available information is that this species occurs on the project site. Further surveys would not change this fact. The analysis in the Draft EIR and the mitigation measures were developed assuming the presence of this species.

### **Response to Comment 19-147**

The comment states that focused surveys for rare plants should be performed and included in the EIR. Botanical surveys over several years have revealed two special-status plant species on the project site. Potential habitat exists for Ahart’s dwarf rush, big-scale balsamroot, legenera, Henderson’s bent grass, pincushion navarretia, Red Bluff dwarf rush, Sacramento Orcutt grass and Sanford’s arrowhead, although these plant species were not observed on the site. Because potential habitat for these species is present on site, Mitigation Measure 6.4-4 requires focused botanical surveys shall be performed for these species and further requires “no-net-loss” of the affected plant habitat if any of these species are found on the site. CEQA does not require protocol-level surveys and the timing of the survey would not alter the significance finding in the EIR.

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**Response to Comment 19-148**

The special-status vernal pool plant species that occur on the project site occur in vernal pools constructed in 1994 as mitigation for a project located in Roseville. The special-status plant species were found as part of the monitoring program for those wetlands. Further, no special-status plant species are known to occur outside of the area of the project that contains these constructed vernal pools. It is not, as the commenter contends, “double-dipping” to mitigate impacts on vernal pool plant species by constructing compensatory vernal pools.

**Response to Comment 19-149**

See Response to Comment 19-148.

**Response to Comment 19-150**

The comment states that the methodology for elderberry surveys was not sufficiently described in the Draft EIR; therefore, the commenter was unable to tell whether the surveys were sufficiently thorough. There are no established protocols for elderberry surveys. As noted in the Draft EIR, the primary source for on-site species surveys was Foothill Associates’ Biological Resources Assessment. Foothill Associates provided an appropriate description of their survey methods in their biological assessment report, on which this Draft EIR section is primarily based. Only one elderberry shrub was observed that occurs in an area that will be avoided during development. The Biological Resources Assessment was made available at the County offices for review during the Draft EIR review period.

**Response to Comment 19-151**

The commenter asserts that the Draft EIR does not contain adequate mitigation for potential impacts on western pond turtle. Specifically, the concern is that the proposed mitigation does not address the potential significant effects of the loss of nesting habitat. Impact 6.4-6 and Mitigation Measure 6.4-6 are changed to reflect the comment.

**6.4-6 The proposed project could result in the loss and/or degradation of western pond turtles and their habitat.**

Potential habitat for the western pond turtle is present within the project boundaries along the perennial drainages on the project site. Although this species was not observed during the biological resource assessment for this project, western pond turtles are known to occur along waterways downstream from Curry Creek and its tributaries. Grasslands and other relatively undisturbed habitats adjacent to the aforementioned waterways could also provide suitable nesting habitat for this species in the project area. It is therefore possible that the species is present within the project area, but was simply not detected during the survey. Construction of the proposed project, including crossings and other alterations to on-site drainages, including Curry Creek and its tributaries, as well as jurisdictional drainage ditches (see Impact 6.4-8), could result in loss of individuals or degradation of habitat for this species. This is considered a *potentially significant impact*.

**Mitigation Measures**

Aquatic and nesting habitat for western pond turtle will be protected through project designs that will preserve aquatic habitat, and establish a buffer zone along the drainages such that the maximum feasible amount of upland nesting habitat is preserved. Aquatic habitat and

buffer zone shall be protected in perpetuity through establishment of a permanent conservation easement. Implementation of the following mitigation measure would further reduce the magnitude of this impact by ~~ensuring that any western pond turtle habitat affected by the proposed project is preserved off-site at a 1:1 ratio. Loss of potential habitat could be partially or entirely included within Mitigation Measure 6.4-1, to the extent that the mitigation area includes marsh habitat areas appropriate for the western pond turtle.~~ By monitoring for, and moving any western pond turtles out of harm's way, these measures would ensure that no individual western pond turtles are lost during construction. This mitigation measure would reduce impacts on the western pond turtle and its habitat to a **less-than-significant level**.

6.4-6 *Prior to project construction, the project applicant shall retain a qualified biologist to conduct pre-construction surveys of suitable marsh habitat within the project site within 30 days prior to project construction to ensure no western pond turtles have established territories. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed. If western pond turtle are identified during the pre-construction survey, it shall be moved out of the construction zone to a comparably suitable marsh habitat not proposed for construction activities. This area would ideally be located in the same watershed, so that individuals moved would be able to easily find their way back after construction is completed. If this species is not observed during the pre-construction survey, no further mitigation would be required.*

### Response to Comment 19-152

Although the comment is correct in that neither short-eared owl or northern harrier are mentioned, the statement does not exclude them either as it discusses the direct loss or disturbance of nesting birds, including burrowing owls and raptors (birds-of-prey) However, for clarification, the impact and mitigation discussion on page 6.4-38 is changed as shown below.

Although relatively low in number, trees present in the project area could provide nesting habitat for nesting birds, including Swainson's hawk, white-tailed kite and other raptors, as well as other migratory bird species. Trees occur along the perennial drainage on the project site (unnamed tributary to Curry Creek). Additionally, annual grasslands and associated ground squirrel burrows present in the grassland portions of the project site and along the Watt Avenue extension study area, and the off-site infrastructure corridors are considered potential nesting habitat for burrowing owls and other ground nesting raptors such as short-eared owl and northern harrier.

The first sentence in Mitigation Measure 6.4-7(a) is changed as shown below.

6.4-7 a) *When construction is proposed during the raptor breeding season (February to early September), a focused survey for raptor nests (including both tree and ground nesting species) shall be conducted within 30 days prior to the beginning of construction activities by a qualified biologist in order to identify active nests on-site.*

The following text is added to the end of Mitigation Measure 6.4-7(b) on page 6.4-39:

*Other Ground Nesting Raptors*

*Loss of potential nesting habitat for ground nesting raptors will be accomplished concurrently with avoidance and mitigation measures proposed for burrowing owl, and through the project designs that call for preservation of annual grasslands within buffer areas along creeks and vernal pool uplands.*

**Response to Comment 19-153**

The comment is noted. Removal of trees not containing active nests of migratory bird species is not considered a significant impact under CEQA, and does not require mitigation.

**Response to Comment 19-154**

The comment suggests that the loss of all ground squirrel burrows should be mitigated as a loss of burrowing owl nesting habitat based on the assumption that they could be used by this species at some point in the future. This is speculation, and is not allowed under CEQA.

**Response to Comment 19-155**

Mitigation Measure 6.4-8 calls for preservation of foraging habitat for Swainson's hawk, not only for the Swainson's hawk but as a surrogate for suitable foraging habitat for other raptor species. This is a reasonable assumption, given that these species all are known from the project vicinity. The commenter's example of the short-eared owl not being able to forage in habitat suitable for Swainson's hawk is not supported by fact or logic. The short-eared owl, like the Swainson's hawk during nesting season, preys on small rodents, like voles, which are abundant in low agricultural crops (like alfalfa), fallow fields, and grasslands.

**Response to Comment 19-156**

The comment states that the EIR should include nest surveys in addition to requiring pre-construction surveys. The requirement of pre-construction surveys is exactly because nesting is such a "dynamic" situation. The purpose of this mitigation measure is to ensure that no disturbance of nesting special-status birds will occur. Pre-construction surveys for nesting birds, by definition, are conducted within 30 days of project construction, and are only valid for 30 days during the nesting season. Because, as the comment points out, the individual nest sites may change from year to year, surveys for nesting birds conducted outside this period are of no value.

**Response to Comment 19-157**

The comment states that the drainage improvements were not included in the EIR. The Specific Plan and the Project Description in the Draft EIR both include information about the proposed drainage way improvements to the existing agricultural ditches that drain the eastern portion of the project.

**Response to Comment 19-158**

Mitigation Measure 6.4-11 on page 6.4-43, which addresses the loss of bat roosting habitat will be changed as follows to address the comment.

6.4-11 *Prior to removal of existing structures on these properties, the project applicant shall retain a qualified biologist to conduct a pre-construction survey for roosting bats in the buildings to be removed. If no roosting bats are found, then no further mitigation would be required. If a bat roost is found, CDFG or the USFWS shall be consulted on measures to avoid impacts to roosting bats. These measures may include avoidance of roosts during the maternity season, passive exclusion of bats during the non-maternity season, and/or incorporation of bat houses or other potential roosting habitat in project designs where appropriate.*

#### **Response to Comment 19-159**

The comment states that there is no evidence to conclude that the project site is not a major migration corridor. The project area and much of the surrounding region is occupied by intensive agriculture, and interrupted by existing roadways. These conditions preclude the use of the project area as a major overland migration corridor. No major riparian corridors or ridgelines that would provide such opportunities exist in the project area. As described on page 6.4-43, the presence of Curry Creek, its tributaries, and some of the canals in the region do provide smaller scale migration corridors through the site.

#### **Response to Comment 19-160**

The comment states that the cumulative context for the biological discussion should be expanded to include northern Sacramento County and eastern Sutter County. The addition of these areas to the cumulative context in the EIR would not substantially alter the conclusions of the EIR. The qualitative discussion describes potential effects of the conversion of habitat through development of urban uses. This description adequately describes patterns of development in Sacramento and Sutter counties, as well as Placer County. While increasing the extent of the cumulative context, as suggested by the comment, would reduce the project's relative contribution to the cumulative effects of the loss of habitat and species, the County would still consider the project's contribution cumulatively considerable. With regard to the level of detail of the cumulative discussion requested by the commenter, CEQA states that the discussion of cumulative impacts "need not provide as great detail as is provided for the effects attributable to the project alone." The County determined that detail provided in the Draft EIR is sufficient to determine the cumulative effect on biological resources; no change is required.

#### **Response to Comment 19-161**

The commenter discusses the suggested mitigation guidelines of the California Native Plant Society and the CDFG. The comment does not question or comment on the analysis contained in the Draft EIR. However, the Draft EIR already includes a range of mitigation measures where warranted to protect sensitive species and preserve sensitive habitats. The mitigation contains specific actions and standards that must be achieved. The Mitigation Monitoring and Reporting Program prepared for the proposed project identifies specific mitigation monitoring requirements, including implementation documentation, monitoring activity, timing, and responsible monitoring party. Verification of compliance with each measure is required, thus ensuring implementation of the mitigation measures designed to protect biological resources, as well as monitoring of the results. This plan would be approved as part of the proposed project, and be overseen and enforced by the County and, as appropriate, State and/or federal resources agencies. Thus, the proposed mitigation is consistent with current CEQA interpretation, as well as Sections 15126.4(a)(1)(A), 15126.4(a)(1)(B), 15126.4(a)(2), and 15126.4(a)(4)(B) of CEQA. The Draft EIR is adequate and no changes are required.

### **Response to Comment 19-162**

The comment states that “mitigation pursuant to CEQA has often failed or has not been implemented” and that there should be consequences for not achieving mitigation objectives. The County fully intends to require the project proponent to comply with each of the mitigation measures for the proposed project and has developed a Mitigation Monitoring Plan (MMP) to help County staff guide the project proponent through the mitigation as the project is developed. The MMP includes the timing that the measure would need to be implemented and the party/department that would be responsible for verifying compliance with the measure. The MMP would be adopted with the project. With this in place, the County can ensure implementation of the project mitigation measures.