



January 24, 2007

Mr. William D. Kopper
Attorney at Law
417 E Street
Davis, CA 95616

Subject: Placer Vineyards Final Environmental Impact Report

P06003

Dear Mr. Kopper:

Per your request, I have reviewed the Final Environmental Impact Report (hereinafter the FEIR) on the proposed Placer Vineyards Specific Plan (hereinafter "the project"). My review has concentrated on the transportation and circulation component of the PRRDEIR. I have previously commented on the Revised Draft Environmental Impact Report (the RDEIR) on this project in a letter dated May 11, 2006 and on the Partially Recirculated Revised Draft Environmental Impact Report (hereinafter the PRRDEIR) in a letter dated September 12, 2006. My qualifications to perform this review have been summarized in the referenced prior letters and are incorporated herein by reference. This current letter-report summarizes my comments on the FEIR for transmission to Placer County.

Overview

In some instances, the responses to comments, added analyses and modifications to explanatory text and findings contained in the FEIR have improved upon the RDEIR and PRDEIR, and the efforts of the County and its consultants are recognized. However, in other instances, issues raised in comments are not adequately responded-to. Furthermore, in some instances where the comments by other agencies and individuals reinforce and relate to our own comments, the FEIR responses, when placed in context with one another, present disturbing evidence contradictory to the assertions in the FEIR. The individual comments that follow highlight these issues that remain of concern.

FEIR Still Fails to Disclose Traffic Impacts by Failing to Perform AM Traffic Impact Analysis in Several Jurisdictions. FEIR Response on This Issue Inadequate

Our comment on the RDEIR in this matter (Letter 15, Comment EE) pointed out that intersection traffic impacts had not been analyzed for the AM peak in some jurisdictions within the study area, that traffic impacts at some locations could be greater in the AM peak than the PM peak and that intersection traffic mitigations that are directed to the patterns of the PM peak might not be responsive to the patterns traffic impacts in the AM peak.

The FEIR response observes that the City of Roseville level of service policy is directed to PM peak analysis, an observation that is irrelevant since the CEQA obligation to make a good faith effort to disclose impact where impact may likely occur cannot be evaded because a particular jurisdictions ordinary policy does not include examination of that particular circumstance. A more cogent section of the response observes that traffic volumes, hence impacts, tend to be greater in the PM peak than in the AM and that, because the attempt is made to provide "symmetrical" mitigations, the mitigation measures determined through analysis of the PM peak would also in most circumstances also mitigate the reciprocal movement needing mitigation in the AM peak. However, we note that it is not always necessarily the case that the PM peak traffic at an intersection is greater than the AM peak (for instance, traffic at intersections near schools and university campuses tends to be higher in the AM peak than PM peak because inbound school traffic tends to coincide with the AM commute peak but homebound school traffic tends to have mostly departed earlier in the afternoon than the PM commute peak). Furthermore, the differences between AM and PM traffic impacts may be much more complex than "reciprocal" AM and PM movements at an individual intersection being mitigated by "symmetrical" mitigation improvements. In particular, the configuration of the street and highway system on the east side of the study area, with its unusual curves and angles of the meeting points of major roadways and unusual discontinuities in the roadway network and lack of symmetry between the roadway network and the freeway interchanges engenders a pattern of driver behavior where many travelers headed home from work in the PM would likely select different routes through the area than they followed on the way to work in the AM rather than following a simple reverse path of their AM trip. With this more complicated pattern, AM and PM traffic impacts may be quite different in nature and the AM impacts would not likely be mitigated by the "symmetrical" improvement to the one determined needed in the PM analysis.

L-EE

The response also contained an illustrative AM versus PM analysis for a sampling of intersections in the study area, and this effort in response is appreciated. However, the sample is small, only 5 of the 44 intersections in Roseville and unincorporated Placer County that had been analyzed for the PM peak only, and all the samples are drawn from intersections along Watt Avenue and Baseline

L-FF

Road where the street network is basically grid-like. None of the example intersections are ones in the eastern portion of the study area where the network configuration would engender the greatest potential for some intersections being impacted more critically in the AM peak.

L-FF cont.

The interpretation of the sample AM versus PM analysis in the response also falls short of complete accuracy. In the “existing plus project” scenario, the intersection of Watt Avenue with Dyer Lane is significantly impacted in the AM but not in the PM – except that the proposed project also proposes degrading LOS standards for the project area and the FEIR only evaluates traffic impacts under the proposed degraded standards and not under the current ones.

L-GG

Also, in the summarization of the results of the example for the “cumulative plus project” condition (a table that is apparently mistakenly also labeled “existing plus project” – a fact made evident by the considerably higher V/C ratios than the first example AM/PM table labeled “existing plus project”), the analysis fails to note that in three of the five cases studied, the intersections of Watt Avenue with PFE Road, Dyer Lane with Baseline Road and Watt Avenue with Dyer Lane, the more critical V/C ratio occurs in the AM rather than the PM peak.

L-HH

Given the disclosures described in the preceding two paragraphs, we believe the sample analysis does more to support our point in this matter than it does to disprove it.

L-II

We also note that in its comments on the PRRDEIR, Sutter County (Comment 38 D) also requested that an AM analysis be done on the study intersections within its jurisdiction. This request was responded-to and AM analyses for the four study intersections in Sutter County are included in the FEIR. When these AM analyses are compared to the PM analyses for the same intersections, the following facts are revealed. In the existing condition, the AM peak period is more critical than the PM at all four of the study intersections in Sutter County. In the “existing plus project” condition, the AM period is more critical than the PM at three of the four intersections. In the “cumulative no project” condition the AM period is more critical than the PM at two of the four study intersections. In the “cumulative plus project” condition, the AM period is more critical than the PM period at three of the four study intersections.

L-JJ

It is very disappointing that the authors of the FEIR failed to mention this evidence supportive of our position in their response to our comment 15 EE.

In addition to all of the above, the results for Sacramento County, where the RDEIR and PRRDEIR did perform both AM and PM intersection analyses, can be compared. Such a comparison shows that in the “existing” condition, the AM peak period traffic was more critical than PM traffic at 7 of the 16 intersections studied and that in the “existing plus project” condition, AM traffic was more critical than

L-KK

PM traffic at 4 of the 16 intersections studied. For the “cumulative no project” condition, AM traffic was more critical than PM traffic at 5 of the 17 intersections studied and for the “cumulative plus project” condition, AM traffic was more critical than PM traffic at 3 of the 17 intersections studied.

L-KK cont.

Given all of the foregoing, there is compelling evidence that the good faith effort to disclose impacts that CEQA demands would require assessment of intersection traffic impacts in both the AM and PM peaks and that the FEIR is deficient in having only a PM analysis for a large portion of the intersections.

L-LL

Traffic Forecast Process Unreasonably Displaces Non-Project Traffic Resulting in Failure to Disclose Project Traffic Impacts

The traffic forecast process used in the FEIR redistributes *all trips* in the *entire greater Sacramento region* in the model runs that reflect future “with project” conditions. The technical term-of-art “redistributes” means that the trip of every tripmaker is paired to a new destination in the forecasting process: hence in the traffic forecast process employed in preparation of the FEIR, every non-project tripmaker in the region could have their trip destination on every one of their trips adjusted to a different location in the “with project” runs of the forecast model than where they were projected to go in the corresponding “no project” run of the forecast model. Additionally, the traffic forecast model reassigns *all* the trips in the region to routes based upon the redistributed destinations and in reaction to the changes in congestion on the street and highway network in the “with-project” conditions. The concern is that if the model is unstable (the words “overly reactive”, “volatile” or “excessively resonant” could be substituted for “unstable”), the traffic model will excessively undertake the re-pairing of the regions trip origins to trip destinations and the assignment of trips to routes to an extent that goes well beyond the actual likely adjustments that real people with established relationships and trip patterns would make in reaction to the project. If the traffic model undertakes such an excessive redistribution of trips, it would thereby project an unrealistically optimized use of the regions transportation system that fails to disclose the project’s true traffic impacts.

L-MM

While the possibility that the traffic model is unstable or excessively reactive was a concern at the RDEIR stage might be excessively reactive (see part 4 of comment labeled in DEIR as Letter 15, Comment RR), it is only with the FEIR responses to Caltrans letters of comment labeled Comment Letters 35 and 37 in the FEIR has there been a disclosure of evidence sufficient to understand the dimensions of the change to other people’s trip patterns that the model makes in offset to the effects of trips made to, from or within the project site.

The FEIR response to Caltrans comment labeled Comment 35 C contains two unnumbered tables that provide a glimpse of the volatility of the FEIR traffic model. The first unnumbered table is entitled *Daily Traffic Volumes Crossing Sacramento*

County Line Related to Placer Vineyards. The table, reproduced below, contrasts the amount of total traffic crossing the Placer-Sacramento County line on a selected set of roadway crossings and the amount of project traffic crossing the County line at the same crossings. The table is somewhat confusing in that it presents data for two scenarios; one with the existing 4-lane configuration of SR 70/99 and one with it in a six-lane configuration.

| Final EIR Table Daily Traffic Volumes Crossing Sacramento County Line Related to Placer Vineyards | | | | |
|--|--|--------------------|---|--------------------|
| Streets | Volume Difference between Cumulative with Project and Cumulative No Project ¹ | | Project Trips using Roadway under Cumulative with Project Conditions ¹ | |
| | SR 70/99 4 Lane | SR 70/99 6 Lane | SR 70/99 4 Lane | SR 70/99 6 Lane |
| Walerga Road | 1,900 | 1,600 | 5,500 | 5,300 |
| Warr Avenue | 6,600 | 6,500 | 23,300 | 23,100 |
| 16th Street | 13,500 | 13,000 | 13,500 | 13,300 |
| Palladay Road | 6,400 | 7,200 | 9,100 | 8,500 |
| Elvert Avenue | 3,100 | 4,200 | 11,700 | 12,100 |
| Sorento Road | 1,000 | 1,100 | 1,400 | 1,500 |
| SR 70/99 | 1,400 | 4,700 | 2,700 | 4,100 |
| Total Crossing County Line | 33,700 | 38,300 | 67,200 | 67,900 |
| Percent of Placer Vineyards Daily Trip Generation | | | 34% | 35% |
| SR 70/99 south of Elverta Road | 1,400 | 3,000 | 10,800 | 13,600 |

¹ Traffic forecasts reflect revised project description from the Partially Recirculated Revised Draft EIR.

L-MM cont.

The significance of what the table shows, first addressing the scenario with SR 70/99 in the 4-lane configuration (which involves comparing the data in the first and third columns of the table), is that when the project adds a total of 67,200 daily trips crossing the County line, the total traffic growth on those crossings is only 33,700 trips *because the traffic model reallocates 33,500¹ non-project trips that cross the county line at these locations in the 'no project' scenario to new destinations that do not take across the county line or diverts them to route patterns so distant that they use none of these County line crossings.*² This data is indicative of an unusual volatility or instability in the traffic model, especially considering that the data considers only crossings on a screen line to the south of the project area and that comparable indications of massive redirections of non-

¹ If 67,200 new project trips (from the third data column of the table) are added to the crossings of the County line, but the net result is only an increase of 33,700 over the "no project" total (from the first data column in the table), then the traffic model has redistributed or reassigned the difference between 67,200 and 33,700 trips, or 33,500 existing trips that previously crossed the County line at these locations to new destinations or distant routes.

² The situation in the scenario with SR 70/99 improved to six lanes (comparing the second and fourth data columns in the table) is similar: Adding 67,900 new project trips crossing the County line results in an increase in only 38,300 trips on these routes because the model redistributes or reassigns 29,600 existing trips that previously crossed the County line at these locations to new destinations or distant routes.

project trips would be shown had data been disclosed for screen lines to the southeast, east and north of the project site.

L-MM cont.

The second data set disclosed in the response is an unnumbered table titled *Potential Calculation of Proposed Project's Fair Share Contribution Improvements to SR 70/99*. The subject table, reproduced below, shows the FEIR traffic model's projections of traffic on SR 70/99 with the highway in the existing 4-lane configuration, and with an improved 6 lane configuration assumed. Entries in the table show projected traffic for the "existing" and "cumulative with project" development scenarios for each of the two highway conditions (rows A and B in the table), the projected traffic growth and growth percentage (based on the difference between the "existing" and "cumulative with project" scenarios, shown as rows C and D in the table), the project's contribution to the total traffic (row E in the table) and the project's percentage contribution to traffic growth (row F in the table).

| Final EIR Table Potential Calculation of Proposed Project's Fair Share Contribution Improvements to SR 70/99 | | |
|--|--|--------------------|
| | Daily Volume of SR 70/99 South of Elverta Road ¹ | |
| | 4 Lane SR 70/99 | 6 Lane SR 70/99 |
| A) Existing | 40,500 | 40,500 |
| B) Cumulative with Project Condition | 98,700 | 124,100 |
| C) Growth (B-A) | 58,200 | 83,600 |
| D) Percent Increase | 145% | 192% |
| E) Project Traffic (see Table Z) | 10,800 | 13,600 |
| F) Project Traffic percent of Growth in Traffic (D/C) | 18.6% | 16.3% |

¹ Traffic forecasts reflect revised project description from the Partially Recirculated Revised Draft EIR.

L-NN

From the table it can be seen that the FEIR's traffic model projects that improving SR 70/99 from 4 to 6 lanes in the "cumulative with project" condition would alone (with no changes in land use) cause traffic on SR 70/99 to increase by 25,400 trips per day (difference between entries on row C of the table³). Project trips account for only 2,800 of the increase (difference between entries on row E) with the remainder, a total of 22,600 trips being non-project trips being directed there by the traffic model through being paired to different destinations and/or being rerouted from other distant routes.

From these data newly disclosed in response to comment in the FEIR the following considerations can be deduced:

³ The same result is also obtained in the difference between entries on row B of the table.

1. Like SR 70/99, the I-80 and SR 65 freeways in their sections closest to the project area also would operate at heavily overburdened LOS F conditions in the “cumulative no project” scenario. Although comparable data to the above for these routes is not presented in the FEIR nor the draft documents that preceded it, it is reasonable to assume that the traffic model causes redistribution/reassignment of numbers of non-project trips using those and parallel roadways in each of their corridors. That is to say, the model probably redistributes about another 33,500 non-project trips each that used the I-80 and SR 65 corridors in the “cumulative no project” scenario” to be completely away from the project area in the “cumulative with project” scenario. Hence, the traffic model probably redistributes or reassigns over 100,000 non-project trips, and possibly many more, to in essence, get them out of the way of project trips at critical areas on the street and highway network.

This discussion is not intended to imply that the analysts have made some deliberate improper attempt to evade disclosure of project traffic impacts. The point is that it is the nature of traffic models of the type used in the analysis, if allowed to go through complete redistribution of trip origin-destination pairs for all development scenarios tested, carries out that redistribution of origin-destination pairings so as to optimize the use and conditions on the available transportation network, and in so doing, more radically changes the representations of individual travel habits than real people would do if confronted with the actual situation in the development scenario. One must ask the question of whether it is appropriate for the entire set of trip origins in the region to be re-matched to new destinations each time a development project alternative is added to the analysis scenario – or does this just allow the model to excessively presume to re-optimize everyone’s travel behavior – ignoring established and hard-to-change personal relationships - to accommodate the development project with as little traffic impact as possible.

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The Response To Comment 35 B explains the redistribution thus:

“As noted in the Revised Draft EIR, the traffic volume forecasts are not based on a simple layering or adding of assumed project-generated traffic volumes onto existing traffic counts. Rather, the Placer County Travel Demand Model is used to predict how travel patterns would change if the project land uses are added to Existing No Project or Cumulative No Project land uses. Compared to conditions without the proposed project, the model redistributes trips, to rebalance trips for work and other trip purposes. When 14,132 dwelling units and about 7,600 jobs are added to the project site, with development outside the project site remaining constant, the model predicts a substantial change in travel patterns would occur. For example, under the No Project scenario, the model predicts that some residents of Sacramento County would work at Hewlett Packard in Roseville. When the proposed project land uses are added, the model predicts that some of the residents of the proposed project would also work at Hewlett Packard.

Since the employment at Hewlett Packard remains the same under both scenarios with and without the proposed project, the model rebalances work trips in the region and thereby predicts that fewer Sacramento County residents would commute to Hewlett Packard in Roseville under Cumulative Plus Project conditions than Cumulative No Project conditions. This example of the redistribution of work trips is a logical result of introducing a large number of new homes in the region.”

This response reflects some of the change in aggregate trip patterns that take place over lengthy periods of time. But it also illustrates how this traffic model process fails to respect established relationships that affect individual and aggregate travel patterns and that are slow to change. Long-term workers at Hewlett Packard who commute from more distant homes are not likely to be suddenly replaced by locally resident workers just because there is a quantity of new homes locally. The person who works in Lincoln and habitually travels in the PM commute hour to have dinner with their mother in Rio Linda on Wednesday nights isn't likely to start having dinner with someone else in Newcastle because a new development project made commute traffic difficult on the roads to Rio Linda. A person who has lived in Rocklin for many years and owns a shoe store in Florin Center is not likely to sell the shoe store and take a job as a computer tech because that job is suddenly available nearby in a new office building in Placer Vineyards. Many human trips, just like these examples, are not very malleable, but the computer traffic model treats all trips within each broad trip purpose category as if all destinations within that purpose category are substitutable for one-another.

There needs to be a check whether this traffic model is excessively reorganizing and optimizing non-project trips in a way that is unrealistic in terms of human behavior and thereby unrealistically minimizes the disclosure of project traffic impacts. Such a check has not been done. In fact, even though the model runs that generated the data for the above tables could have generated similar data on the extent of redistribution for trips in the I-80 and SR-65 corridors, the data from those runs has not been disclosed to date.

2. An important related problem in this matter, although likely less significant than the lack of information about redistributed non-project trips in the I-80 and SR 65 corridors, is the fact that if one draws a complete cordon around the project area (a continuous cordon that would be just north of Baseline Road, just west of Sorrento Road, along the Placer County-Sacramento County line and just east of Walerga Road), despite the numerous tables and figures of traffic data presented in the RDEIR, the PRRDEIR and the FEIR and their appendices, nowhere can one find the complete set of traffic information, even if one attempts to assemble it from multiple tables and figures, that enables one to compare the total amount of traffic (including non-project traffic) that moves into and out of the project area in the

L-OO cont.

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“cumulative” scenario versus the “cumulative plus project” scenario or the “existing” condition versus the “existing plus project” scenario. There is a lack of information for many of the connecting streets, particularly to the north of the project area. In this regard, the FEIR and its predecessor documents are critically defective as information documents.

L-PP cont.

3. Paragraph 8 of comment 15 L inquired whether the air quality modeling assessments that were done assumed that all the traffic mitigations identified in the traffic studies were in place. The related part of FEIR Response To Comment 15 L discloses that the CALINE runs in the air quality analysis were carried out under assumptions of the “cumulative plus project” scenario *without* traffic mitigations in place, a condition that the response asserts is a “worst-case” scenario for air quality. However, the traffic data presented in Response To Comment 35 B and discussed above shows that, for the SR 70/99 corridor, in the mitigated condition (6 lanes) the freeway would carry 25,400 more trips per day than in the “unmitigated” condition (4 lanes). Given that projected increase in traffic, it seems possible that the “mitigated cumulative plus project” traffic condition might be a more critical one for air quality assessment than the “cumulative plus project” without mitigation. Since the traffic model is likely to have produced the same kinds of redistributed traffic forecasts in the congested I-80 and SR 65 corridors, it seems possible that the mitigated condition would also be most critical in those corridors. This should be checked through reruns of the CALINE model using the “cumulative plus project with mitigation” traffic forecast.

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4. We are not alone in being critical of the traffic projections from the model relied-upon in the FEIR and its predecessor documents. The Caltrans and City of Rocklin commenters in Letter 35, Comments B and C, Letter 37, Comment B and Letter 31, Comment A, although they pose them in different terms, are all essentially saying ‘the traffic forecast just isn’t credible when a development project that generates in excess of 152,000 trips per day to and from areas outside its boundaries is added and yet the traffic projections show relatively minimal traffic growth on the roadways that cross those boundaries.’ The FEIR responses to these comments in essence say that *the inner workings of the traffic model make not-project trips disappear from the area*, hence projected traffic with the project might be little more, or even slightly less than in the corresponding “no project” scenario. These responses explain from the standpoint of the traffic model’s internal procedural workings why the model’s attempt to estimate future traffic produces illogical results, but the response does not make those actual forecast results any more logical or credible.

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As a closing point on this item, we note that if the traffic forecasts are not credible, all of the FEIR's traffic impact analysis that flows from those forecasts is rendered meaningless.

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Analysis Continues To Rely Upon Obsolete Circular 212 Intersection LOS Procedure. FEIR Response on This Issue Inadequate

Our comment 15 HH on the RDEIR criticizes the continued reliance on the obsolete Circular 212 LOS methodology for the intersection traffic analyses for locations in Placer County, Sacramento County and the City of Roseville. The FEIR's response to our comments on this item, with no disrespect to the professionals involved, appears like a page from a *Flat Earth Society* publication. In essence it states that several of the area jurisdictions are satisfied with the results it produces, however interim, obsolete and superceded the methodology may be, and modern science to the contrary.

L-TT

This response is inadequate in several respects.

- The fact that Placer County, Sacramento County and the City of Roseville continue to use an obsolete analysis procedure doesn't make it appropriate for Placer County to continue to do so.
- The example cited in the response that the City of Roseville, in considering their LOS policy, chose to continue relying on Circular 212 methodology, because it produced more conservative results (worse LOS results for a given data set) than the HCM procedure, is misleading. The study on which City of Roseville purportedly based its opinion that the HCM method generally produced better (*lower volume to capacity ratio*) results than the Circular 212 method (*thereby purportedly making the Circular 212 method a more conservative method for use in environmental documents*) was conducted for the City by Kittleson & Associates (hereinafter the "Kittleson Report"). The Kittleson Report is dated May 10, 1995. Subsequent to this date there have been two significant updates to HCM analysis procedures, in 1997 and 2000. So the report supporting the response is itself obsolete.
- In its analysis, the Kittleson Report compared the 1994 HCM Planning Method to the Circular 212 method with default values for critical lane capacity, to the Circular 212 method a saturation flow rate that was the average measured for the 10 Roseville intersections considered in the study, and to a v/c ratio compiled relative to the saturation flow rate actually measured at each individual study intersection. If one considers solely the default values for the two procedures, HCM did uniformly produce lower v/c ratios than Circular 212. However, if measured average saturation flow rates for the 10 Roseville study intersections were substituted for the default value in the Circular 212 procedure, the Circular 212 procedure produced the lower

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(less conservative) v/c ratio⁴ in a preponderance of cases. Moreover, the Kittleson Report found that deviation from the average of the measured v/c results for the 10 study intersections was identical for both the HCM and “localized” Circular 212 methods and was less than 1 percent.

- The primary recommendation of the Kittleson Report **was** for Roseville to **adopt the HCM methodology**. So in deciding to continue to rely on the Circular 212 method, Roseville actually disregarded the primary recommendation of the consultant the City engaged to conduct the evaluation.
- It is worth noting that the Kittleson Report compared Circular 212 procedures to the HCM Planning Method. Most practitioners currently use the HCM Operations Method rather than the Planning Method, even for planning as well as operations purposes, because this method provides more robust results with inconsequential increase in analysis effort.
- The response is also deficient on the issue raised in original comments that the actual traffic impact perceived by the public is *delay* and while the HCM method actually computes delay as its output and primary criterion, the Circular 212 method only computes an abstract term, volume to capacity ratio that only loosely relates to delay. Since the public perceives impact in terms of delay, the environmental document should be using the available, commonly employed methodology (HCM) that actually directly computes delay, rather than a surrogate measure (the v/c ratio of Circular 212) that is not accurately related to delay.
- The statements in the FEIR response that the HCM method requires excessive data input in general and that, for future scenarios, it requires future signal timing that is currently unknown misrepresents fact. The data required for the HCM method is generally readily available in the records of the responsible jurisdictions and, to the extent that it might not be available, the analysis program can supply default values. With regard to the purported problem relative to unknown future signal timing, the TRAFFIX software commonly used for the actual LOS analysis will, at the click of a computer mouse, estimate the optimal future signal timing for each intersection under study based upon the forecast traffic movements there.

Conclusion

Based on the foregoing, plus inadequate responses to other of our prior comments including, but not limited to the indefinite nature of the mitigation plan and finance plan, the failure to analyze the impacts of the project’s proposed degradation of County LOS standards within the project area, the FEIR’s conduct of its analysis under the presumption that said degradation of County LOS standards is already approved, the failure to completely assess construction

⁴ For the 10 study intersections analyzed over 2 time periods (20 comparisons) the localized Circular 212 procedure produced the less conservative (lower) value in 14 instances, the HCM procedure was less conservative in 3 instances and 3 were equal.

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| | L-ZZ |
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| | L-BBB |

Mr. William D. Kopper
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impacts and others, it is my opinion that the FEIR is inadequate with respect to its transportation analysis.

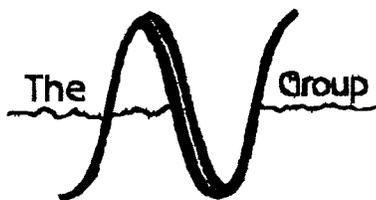
L-BBB cont.

Sincerely,

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January 25, 2007

William Kopper
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SUBJECT: Comments on the Noise Sections of the Environmental Impact Reports Prepared for the Placer Vineyards Specific Plan in Placer County

Dear Mr. Kopper,

Documented in this letter report are the preliminary results of a review of the Draft and Final Environmental Impact Report, EIR, [1,2] with an emphasis on noise sections of these documents. These two documents plus the specific plan were reviewed as part of the evaluation of noise impact analysis. This includes reviewing the actual sound study done for the project and attached as Appendix D.

Several of assumption used in the evaluation of the noise impacts are questionable, but the main issue addressed in this report is the incorrect evaluation of aircraft noise from McClellan Park. The Airport Noise Program Manager for the County of Sacramento [3] pointed out that looking only at the day-night average, L_{dn} , sound level was not adequate for addressing the sound from single events that would occur in the project area. The Final EIR states that only the L_{dn} sound level contours are important and says that little is known about future aircraft flights that will occur over the specific plan area. These two statements ignore the ruling from the Berkeley Keep Jets over the Bay Committee versus Board of Port Commissioners case [4] and the requirement to adequately define future noise conditions based on existing conditions and available information.

The Berkeley case established that CNEL or L_{dn} sound levels may not be adequate to define the noise impacts to a neighborhood. In that case, the courts decided that the Single Event Level or Sound Exposure Level, SEL, for individual events was required to assess the true impacts because of the large variation in the sound level at noise sensitive locations. This is particularly true of military aircraft because they are not limited by the amount of sound generated because of their mission requirements. Thus, the noise from these aircraft is typically greater than for a commercial jet with the same thrust. McClellan Park is still used to repair some military aircraft. The sound impacts can not be evaluated without an understanding of the Single Event Levels generated by both military and general aviation aircraft flying over the specific plan area. The apparent lack of knowledge regarding this case or unwillingness to address this issue renders at least the noise sections of the Draft and Final EIR inadequate.

The noise impact study is inadequate and incomplete because sound data is not provided on any aircraft overflights. Sound measurements were made only at two positions and these were positions near busy roads with the intent of evaluating road traffic noise. Measurements of the Single Event

L-CCC

Number in brackets refers to references listed at the end of this letter report.



R07105: WD Kopper, Atty at Lay, Placer Vineyards, Noise Impact Review, January 25, 2007

Levels of aircraft flying out of McClellan Park were not made. To represent the worse case conditions, these measurements would have been made in an area not heavily impacted by road or rail traffic but in an area over which flights from McClellan Park operate. This was not done, so making an evaluation of the noise impact from single events is not possible. Additionally, Single Event Sound Level standards would have to be established as the Berkeley case does not set these limits.

L-CCC
cont.

The authors of the noise sections of the Draft and Final EIR have chosen to use the Federal Inter-agency Committee on Noise, FICON, [5] standard for acceptable changes in sound levels. In this standard, the lower the existing sound level, the greater is the increase in sound level allowed. Low background sound level is a reason people choose to live in rural areas. These people are more or at least equally concerned with any increase in the sound. The increase may not be judged well by the change in the L_{dn} sound level because it is an average over 24 hours. The Berkeley case is an acknowledgment of this fact. Additionally, the tonal content of the sound is a very important factor in deciding the response of listeners. For normal sound sources where the tonal content of the sound is not constant, a doubling of the loudness is highly dependent on the frequencies generated by the sound. That is, an increase of 3 dB resulting from a doubling of the traffic volume with no change in speed may be barely detectable when considering only general road traffic without heavy trucks, motorcycles or other sources that generate decidedly different sound tones. However, when new sources or traffic mixes are introduced, even very small changes can be detected and may cause a strong response. An example of this situation is the public response to a change in flight paths from Sacramento International (then Metro) Airport in August 1987. An immediate public outcry arose from areas as far as 15 miles from the airport. As a result, the County of Sacramento formed a 27-person task force to evaluate what had happened and an acoustical consulting company from the Los Angeles area was hired to measure the change in sound levels [6]. Measurements were made at thirteen sites ranging from the end of the roadway to 12 miles from the south end of the runways. The results at positions more than 6 miles from the airport showed changes in the CNEL of typically less than 1 dB. Thus, the ability of people to detect differences is not necessarily a function of the change in the daily exposure as represented by the L_{dn} or CNEL levels. The tonal content is very important in the response. Aircraft flyovers generate a different set of tones and have a different duration than road traffic, particularly for homes where the backyard is not strongly influenced by road traffic. Thus, use the FICON criteria to judge what is an acceptable change in sound levels may not be appropriate.

L-DDD

The Draft EIR uses the L_{dn} sound level as the sole metric to evaluate noise impacts. This includes for the evaluation of non-transportation sound sources. While the Noise section of the County's *General Plan* [7] does only use the L_{dn} sound level metric to set limits for non-transportation sound sources, the County has adopted a Noise Ordinance [8] that uses the hourly average, L_{eq} , and maximum, L_{MAX} , sound level for sound limits. The Draft EIR does not discuss this ordinance or the limits in it and does not set thresholds of significance. This does not meet CEQA requirements for judging either permanent or temporary noise impacts. The document says that a minimum 3 dB increase is required to be a significant impact. However, any non-transportation sound source that generates hourly L_{eq} sound levels in excess of the limits of the Noise Ordinance would result in a significant impact. Thus, the noise impact assessment is incomplete and inadequate.

L-EEE

Sufficient evidence exists in these comments to show that the Draft and Final EIR are not complete or accurate. The lack of completeness in addressing sound standards or means of evaluating different sources renders the noise assessment incomplete and inaccurate. The documentation of existing conditions falls far short of what is required to prevent large tract single family homes from being impacted significantly by transient sound sources such as military or general aircraft overflights. Data

L-FFF



R07105; WD Kopper, Aftv at Lay, Placer Vineyards, Noise Impact Review, January 25, 2007

to confirm or deny the existence of these noise impacts from the transient sources does not exist, even though they would be expected. The County of Sacramento Department of Airports has advised the EIR preparers of this concern. This EIR falls far short of that required to adequately address noise impacts at the project site.

Please call if you have any questions regarding the comments and conclusions. Let me know if additional information is required.

Sincerely,

Steve Pettyjohn, Principal
Certified: Institute of Noise Control Engineers-1981

REFERENCES

1. Anon., *Revised Draft Environmental Impact Report, Placer Vineyards Specific Plan, Placer County, California*, for Placer County Planning Department, Auburn, CA, by Quad Knopf, Roseville, CA, March 2006.
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3. M.R. Newhouse, "Comments on Revised Draft EIR on the Placer Vineyards Specific Plan, PBIR-T200540651, SCH #1999062020", to Placer County Community Development Resource Agency, Environmental Coordination Services, Auburn, CA, by Sacramento County Airport System, Sacramento, CA, May 9, 2006.
4. *Berkeley Keep Jets over the Bay Committee v. Board of Port Commissioners*, 91 California Appeals Court 4th 1344, 1372-1383, 2001.
5. Anon., *Federal Agency Review of Selected Airport Noise Analysis Issues*, Federal Interagency Committee on Noise, FICON, August 1992.
6. M.P. Buck, D.W. Bishop, "Noise Measurements in the Vicinity of the Sacramento Metro Airport; Volume 1: Technical Report", for County of Sacramento, Department of Airports, Sacramento, by Acoustical Analysis Associates, Inc., Canoga Park, CA, AAAI Project No. 8902E, Report 1051, January 1990.
7. Anon., "Section 9: Noise", adopted as a part of the *Placer County General Plan, 1993*.
8. Anon., "Article 9.36 Noise", from Placer County Code, adopted January 6, 2004.

The

Group

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STEVE PETTYJOHN

Principal

Steve is an engineering professional responsible for overseeing services provided by The Acoustics & Vibration Group. He is essentially proficient at setting realistic goals, explaining what the purpose is of these goals and how sound and vibration influences a project. He has extensive experience in defining facilities for optimum sound quality, measuring sound, analyzing data and completing noise impact statements. Steve manages acoustics, vibrating, air-conditioning systems for sound characteristics and vibration isolation; does sound level surveys to document noise, vibration and related sound reinforcement systems and sound paging systems. He executes vibration measurements for industrial, commercial and public utilities and specifies mechanical equipment systems to meet acoustic and vibration criteria. In addition he serves as an expert witness in cases involving acoustic and vibration issues.

TAVG was formed in Sacramento by Steve in 1986 after completing seven years of acoustic and vibration research for Cummins Engine Company, a major international manufacturer headquartered in Indiana, and five years with acoustic and vibration consulting firms in Atlanta, Georgia. During these years he has completed hundreds of projects encompassing a wide range of needs. Clients have included manufacturing and industrial firms, retail businesses and commercial firms, architects, engineering and mechanical companies, governments and governmental agencies, developers, contractors, churches, hospitals and schools.

Steve is a registered Professional Engineer in Acoustics (#19639PE) in Oregon, the only state with a test for this discipline. He attained certification (#21010) in 1981 by the Institute of Noise Control Engineers in an exam patterned on the professional engineer examinations given by the state. The Vibration Institute certified him in 1994 as Vibration Specialist III (#9403-004B). Steve received a Master of Science degree in an acoustics multi-disciplinary program in 1979 from the School of Mechanical Engineering from the Georgia Institute of Technology. This program exposed him to acoustics and vibration courses from the Departments of Architecture, City Planning, Psychology, Physics, Electrical Engineering, Geophysical Science, Aerospace Engineering and Solid Mechanics as well as Mechanical Engineering. In 1976 Steve was certified as an Engineer-In-Training, from the state of Georgia. His experience in acoustics and vibration began at Oregon State University, OSU, where he completed special projects on engine vibration and chain saw sound. In 1972 he earned a Bachelor of Science degree in Mechanical Engineering from OSU.

He is a member of relevant professional organizations. They include The Vibration Institute, Acoustical Society of America (ASA), Institute of Noise Control Engineers (INCE), American Society of Mechanical Engineers (ASME) and American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE).

LATE COMMENT LETTER 3 WILLIAM D. KOPPER, ATTORNEY AT LAW

Response 3L-A: Commenter identifies who he is representing and indicates that they are opposed to the project and EIR. Commenter also indicates that he is incorporating all previous comments and comments made by other individuals and organizations. All previous comments made by the commenter and others appear in the Final EIR. Additional responses are provided herein.

Response 3L-B: Commenter discusses previous comments made by the Sacramento County Airport System and claims that Placer County did not address the impact of single-event aircraft overflights and the interference of such single-events on sleep. The commenter states numerous times that the analysis should have included noise measurements on the site and should have evaluated the potential for interior noise impacts consistent with the recommendations by the Federal Inter-Agency Committee on Aviation Noise (FICAN). This committee produced a report which correlated interior single event aircraft noise levels with the potential for sleep disturbance, using the Sound Exposure Level (SEL) descriptor.

The *California Airport Noise Regulations* provide a discussion on the potential sleep disturbance from aircraft operations. The following discussion is excerpted from that study:

The extent to which environmental noise disturbs human sleep patterns varies greatly from individual to individual as well as from one time to another for any particular individual. Whether an individual is aroused by a noise depends upon the individual's sleep state and sleep habits, the loudness or suddenness of the noise, the information value of the noise (a child crying, for example), and other factors.

Early studies of the effects of noise on sleep disturbance produced varying results. A major factor in these differences, though, is whether the study evaluated people sleeping in a laboratory or in their own homes. Generally laboratory studies have shown considerably more sleep disturbance than is evident in field studies. More recent studies, all conducted in the field, have produced relatively consistent results. These studies have included:

- A 1990 British Study;
- A 1992 U.S. Air Force study on residents near Castle Air Force Base and Los Angeles International Airport; and
- A 1995 study comparing the effects of the closure of Stapleton International Airport with the opening of Denver International Airport.

In 1997, the Federal Interagency Committee on Aviation Noise (FICAN) sought to put the subject to rest with publication of a recommended new dose-response curve predicting awakening. This curve was calculated using data from the above three studies, among others. The 1997 FICAN curve represents the upper limit of the observed field data and should be interpreted as predicting the maximum percent of the exposed population expected to be behaviorally awakened.

For the purposes of evaluating the potential for sleep disturbance due to interior noise from aircraft operations, [Final EIR Figure 11](#) is used, and is based upon the FICAN curve.

As a means of addressing single event noise levels due to aircraft overflights associated with McClellan Airport on the project site, j.c. brennan & associates, Inc. conducted continuous hourly noise level measurements at 2 locations on the project site. The noise level measurements were conducted from February 14, 2007, to February 21, 2007. The sound level meters were programmed to collect both hourly statistical noise level data, as well as single noise events with maximum noise levels which exceeded 60 dB. In addition, j.c. brennan & associates, Inc. staff conducted observations, and in some cases additional single event noise measurements of aircraft over the project site during the morning and afternoons of February 14, 16 and the 21st. [Final EIR Figure 12](#) shows the locations of the noise measurements sites on the project site. The continuous noise monitoring sites were located as close as possible to be directly under the approach and departure flight paths north of McClellan Airport

Equipment used for the noise measurements included Larson Davis Laboratories (LDL) Models 820 and DSP 83 precision integrating sound level meters. The meters were calibrated before and after use with an LDL Model CA200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4). The results of the hourly noise measurements at the continuous noise monitoring sites are shown in the following Table.

| Final EIR Table | | | | | | | |
|--|-------------|---|------------|-------------|---|------------|-------------|
| Summary of Hourly Noise Monitoring Results at Placer Vineyards Project Site | | | | | | | |
| Date | CNEL | Daytime Average (7 a.m. – 10 p.m.) | | | Nighttime Average (10 p.m. – 7 a.m.) | | |
| | | Leq | L50 | Lmax | Leq | L50 | Lmax |
| Site A | | | | | | | |
| 2/14-15/07 | 55.1 dB | 51.9 dB | 48 dB | 68.3 dB | 47.8 dB | 44 dB | 60.6 dB |
| 2/15-16/07 | 56.9 dB | 54.9 dB | 49 dB | 67.7 dB | 48.9 dB | 44 dB | 60.3 dB |
| 2/16-17/07 | 55.9 dB | 55.5 dB | 52 dB | 68.5 dB | 46.4 dB | 43 dB | 59.8 dB |
| 2/17-18/07 | 53.8 dB | 51.0 dB | 48 dB | 66.1 dB | 46.3 dB | 44 dB | 61.3 dB |
| 2/18-19/07 | 56.9 dB | 55.8 dB | 49 dB | 66.0 dB | 48.2 dB | 44 dB | 60.6 dB |
| 2/19-20/07 | NA | dB | dB | dB | dB | dB | dB |
| 2/20-21/07 | 55.5 dB | 54.3 dB | 52 dB | 69.7 dB | 47.0 dB | 42 dB | 58.1 dB |
| Site B | | | | | | | |
| 2/14-15/07 | 55.6 dB | 53.6 dB | 45 dB | 69.4 dB | 47.8 dB | 45 dB | 56.8 dB |
| 2/15-16/07 | 57.6 dB | 57.5 dB | 48 dB | 70.4 dB | 47.6 dB | 45 dB | 55.3 dB |
| 2/16-17/07 | 55.0 dB | 54.8 dB | 50 dB | 69.9 dB | 45.3 dB | 43 dB | 54.2 dB |
| 2/17-18/07 | 51.0 dB | 48.7 dB | 44 dB | 65.9 dB | 43.3 dB | 41 dB | 54.0 dB |
| 2/18-19/07 | 52.2 dB | 49.4 dB | 44 dB | 66.4 dB | 44.7 dB | 42 dB | 55.8 dB |
| 2/19-20/07 | 52.3 dB | 50.7 dB | 48 dB | 67.7 dB | 44.2 dB | 39 dB | 58.2 dB |
| 2/20-21/07 | 55.0 dB | 55.4 dB | 46 dB | 70.6 dB | 44.4 dB | 39 dB | 53.8 dB |
| Source: j.c. brennan & associates, Inc. – 2007 | | | | | | | |
| NA = CNEL value was not available. There were 5 hours where the sound level meter malfunctioned. | | | | | | | |

During the 7 days of noise monitoring at the 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 this discussion based upon the FICAN curve and the potential for sleep disturbance.

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 (Lmax) ranging between 52.8 dB and 83.6 dB. The Final EIR Table below provides a summary of observed aircraft noise levels, by aircraft type, at each of the noise measurement sites.

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. Based upon the FICAN study (see Final EIR Figure 11), 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 site, the interior SEL values could be as high as 70 dB. Based upon the FICAN study (see Final EIR Figure 11), 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 awakened, or the maximum percent awakened” (FICAN 1997).

| Final EIR Table | | | | | | | |
|--|-------------------|----------------|------------|----------------|------------------|------------|----------------|
| Summary of Observed Individual Aircraft Noise Levels at Placer Vineyards Project Site | | | | | | | |
| Aircraft | No. Events | Arrival | | | Departure | | |
| | | High | Low | Average | High | Low | Average |
| | | SEL | SEL | SEL | SEL | SEL | SEL |
| Site A | | | | | | | |
| SEP | 12 | 75.6 dB | 66.7 dB | 72.6 dB | 79.0 dB | 63.2 dB | 72.4 dB |
| TEP | 2 | 74.0 dB | 74.0 dB | 74.0 dB | 69.4 dB | 69.4 dB | 69.4 dB |
| Biz Jet | 6 | 77.1 dB | 75.6 dB | 76.4 dB | 79.8 dB | 70.3 dB | 75.3 dB |
| Helicopter | 3 | 79.1 dB | 71.6 dB | 76.8 dB | 77.9 dB | 77.9 dB | 77.9 dB |
| C-130 | 6 | 86.8 dB | 82.2 dB | 85.0 dB | 83.7 dB | 65.7 dB | 80.7 dB |
| Com Jet | -- | -- | -- | -- | -- | -- | -- |
| Site B | | | | | | | |
| SEP | 9 | 70.6 dB | 65.6 dB | 68.7 dB | 74.8 dB | 63.7 dB | 71.1 dB |
| TEP | 3 | 77.7 dB | 77.7 dB | 77.7 dB | 68.2 dB | 63.7 dB | 66.5 dB |
| Biz Jet | 5 | 75.6 dB | 75.2 dB | 75.4 dB | 79.6 dB | 73.7 dB | 77.2 dB |
| Helicopter | 3 | 73.4 dB | 67.8 dB | 71.4 dB | 76.4 dB | 76.4 dB | 76.4 dB |
| C-130 | 5 | 90.9 dB | 71.1 dB | 87.3 dB | 77.4 dB | 77.4 dB | 77.4 dB |
| Com Jet | -- | -- | -- | -- | -- | -- | -- |

| Final EIR Table | | | | | | | |
|--|-------------------|----------------|------------|----------------|------------------|------------|----------------|
| Summary of Observed Individual Aircraft Noise Levels at Placer Vineyards Project Site | | | | | | | |
| Aircraft | No. Events | Arrival | | | Departure | | |
| | | High | Low | Average | High | Low | Average |
| | | SEL | SEL | SEL | SEL | SEL | SEL |
| Site 1 | | | | | | | |
| SEP | 13 | 71.6 dB | 56.6 dB | 66.0 dB | 64.0 dB | 61.0 dB | 62.8 dB |
| TEP | 1 | 63.4 dB | 63.4 dB | 63.4 dB | -- | -- | -- |
| Biz Jet | -- | -- | -- | -- | -- | -- | -- |
| Helicopter | 2 | 72.3 dB | 69.1 dB | 71.0 dB | -- | -- | -- |
| C-130 | 2 | 86.5 dB | 71.9 dB | 83.6 dB | -- | -- | -- |
| Com Jet | 1 | 70.5 dB | 70.5 dB | 70.5 dB | -- | -- | -- |
| Site 2 | | | | | | | |
| SEP | 17 | 74.2 dB | 61.6 dB | 70.1 dB | 74.6 dB | 63.2 dB | 69.6 dB |
| TEP | 3 | 77.7 dB | 77.7 dB | 77.7 dB | 69.3 dB | 65.0 dB | 67.7 dB |
| Biz Jet | 6 | 76.9 dB | 75.2 dB | 76.1 dB | 82.7 dB | 74.6 dB | 79.3 dB |
| Helicopter | 6 | 76.8 dB | 62.8 dB | 72.1 dB | 64.6 dB | 64.6 dB | 64.6 dB |
| C-130 | 5 | 91.4 dB | 60.7 dB | 87.1 dB | 85.4 dB | 85.4 dB | 85.4 dB |
| Com Jet | -- | -- | -- | -- | -- | -- | -- |
| Source: j.c. brennan & associates, Inc. – 2007 | | | | | | | |
| NA = CNEL value was not available. There were 5 hours where the sound level meter malfunctioned. | | | | | | | |

The commenter explains that "...("SEL" stands "for Single Event Level.")". This is not correct. SEL is the acronym for Sound Exposure Level. The SEL is a measure of the physical energy of a single noise event taking into account both intensity and duration. The SEL represents the acoustical energy of the event once it surpasses a specified noise level. The SEL value for a single noise event is greater than the maximum sound level or Lmax value.

The commenter also states the following:

The Draft EIR for the Oakland Expansion Project indicated that a single noise event with SEL 61 or higher will disturb the sleep of about 30% or more of those people exposed to such noise. About 70% or more of those people exposed may be awakened from sleep, if only briefly, and possibly without remembering.

Although the statement above has not been verified, the Supplemental Impact Analysis for the Oakland Expansion Project, which was written by the same acoustical consultant that performed the original work (Brown-Buntin & Associates) in response to the appellate court's decision in *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, clearly uses the FICAN study, which indicates that an interior SEL of 60 dB would result in a maximum percent awakened of 3.8 percent. This is not consistent with the statement above and is clearly not a substantial increase in noise exposure, as would be required by the Revised Draft EIR Standards of Significance if a significant effect were to occur.

Response 3L-C: This comment primarily elaborates on Comment 3L-B. The FICAN February 2002 "study" referenced by the commenter is actually a paper presenting a summary of issues at a February 2001 symposium. The quote in the comment letter from this 2002 paper is actually

from a private consultant's presentation, and is not "the results of the 2002 FICAN study..." The actual short version of the symposium FICAN finding from this paper is "FICAN finds that supplemental metrics provide valuable information that is not easily captured by DNL."

A detailed analysis of interior noise levels using the SEL descriptor with comparison to the FICAN report has been conducted and is described above. No SEL contours were developed, and it was determined that they were not necessary.

Response 3L-D: The commenter objects to the statement that McClellan Air Force Base is now decommissioned and not in use as a military facility. Although the Air Force Base has in fact been decommissioned, it is acknowledged that future use could include the repair of military aircraft and other commercial flights. The Revised Draft EIR never suggests that there are "...no further flights..." at the Airport. In fact, the Revised Draft EIR states just the opposite: "Although existing and possible future commercial uses of McClellan Park could result in noise impacts off airport property..." (page 4.9-2). The additional analysis reported above now indicates that there are large aircraft, including some military aircraft, using the site, as well as commercial and private aircraft.

Response 3L-E: The comment is noted. A detailed analysis of interior noise levels using the SEL descriptor with comparison to the FICAN report has been conducted and is described above (See Response to Comment 3L-B).

Response 3L-F: Commenter takes exception to the statement in the Final EIR that concerns about single-event noise exposure is speculative. This statement was made in reference to future as yet undefined operations at the Airport. The statement is preceded in the Final EIR by the following:

Little is known about the character and number of the future hypothetical single event flights referenced by Sacramento County. Placer County is aware of no data or other supporting documentation that quantifies or otherwise describes such flights, or that future flights such as those suggested will even occur. Without such data, it is not possible for Placer County to determine a meaningful threshold to establish level of significance.

These circumstances have not changed. Using "existing conditions" as the baseline for impact analysis (see CEQA Guidelines, § 15125), the additional analysis described under Response to Comment 3L-B considers the single event noise levels associated with existing aircraft operations. The Revised Draft EIR in this case is evaluating the effects of an existing airport on a proposed project rather than the effects of an airport expansion on an existing urbanized area, as in the case cited by the commenter, *Berkeley Keep Jets Over The Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344. The County does not agree with the commenter that the Court of Appeal's decision in that case suggests that the court "disagrees" with statements in the Placer Vineyards EIR about noise impacts occurring in Placer County due to activities at McClellan Air Force Base in Sacramento County. The fact situation in that case differs dramatically from the situation at hand, as suggested above. There, the project at issue was the expansion of an active commercial airport, and the court found that the lead agency had

not properly addressed potential noise impacts in the form of sleep deprivation in surrounding areas. Here, in contrast, the project at issue is a land use plan several miles from a decommissioned federal air base. Although the CEQA analysis for Placer Vineyards appropriately addresses the impacts that existing noise sources might inflict on the project site, the County's duty is not identical to that of a lead agency proposing a project that will inflict noise impacts on surrounding areas. For obvious reasons, the EIR for an airport expansion in a densely populated urban area must conduct noise studies in greater depth than is appropriate for a specific plan that does not propose any airport component and that is not located adjacent to an active commercial airport.

Response 3L-G: Please see Response 43A for a discussion of staffing of and funding for the Highway Patrol.

Response 3L-H: Commenter suggests that there is a changing project description apparently due to the fact that a policy determination will be required by the Board of Supervisors on the adequacy of Specific Plan-proposed buffers. The commenter also claims that the EIR does not explain where the Specific Plan is at variance with General Plan and Community Plan requirements.

General Plan buffering requirements are set out on pages 4.1-34 through 4.1-36 of the Revised Draft EIR. Similarly, Community Plan buffering requirements are set out on Revised Draft EIR page 4.1-36. With the exception of specific buffer distances given for agriculture/timberland buffers, industrial/residential buffers, and sensitive habitats, the discussion of buffers in both documents is relatively general in nature. Further, the "industrial" buffer is not applicable to the Specific Plan because no industrial uses are proposed. Because there is flexibility under the General Plan as to the extent buffers must be applied within the Specific Plan area, it is appropriate and normal for the Board of Supervisors to be the final arbiter of buffer adequacy. This is described in the first full paragraph on Revised Draft EIR page 4.1-49. There is no changing project description as claimed by the commenter. Should the Board of Supervisors require a change in the project description to include a materially different approach to buffering, this action would be subject to additional analysis under CEQA.

The commenter claims there is no discussion "at all" of how the Specific Plan buffers may vary from the County General Plan requirements, yet page 4.1-48 contains such discussion, and Impact 4.1-7 specifically addresses the subject of agricultural buffers and required separations as set forth in the General Plan. Finally, the commenter claims the EIR's responsibility is to "disclose inconsistencies between the County General Plan and the Specific Plan" (emphasis added). This is normally the function of the staff report. The CEQA Guidelines in Section 15125(d) provide that inconsistencies shall be discussed in the EIR (emphasis added). In any event, to the extent inconsistencies can be determined with certainty, they have been disclosed in the EIR. Where a matter of policy is involved that cannot be resolved in the EIR, the subject has been discussed per the CEQA Guidelines.

Response 3L-I: Commenter requests map showing geographic relationship of project to the City of Roseville city limit line and the proposed Elverta Specific Plan. Although the County does

not agree that requested map is necessary to make the project description adequate, the map is provided herein for the commenter's information as [Final EIR Figure 13](#).

Response 3L-J: Commenter claims that there is no map in the Revised Draft EIR showing the relationship of McClellan Airport to the project site. Figures 4.9-4 and 4.9-5 in the Revised Draft EIR, however, show the location of McClellan Airport as well as noise exposure contours. It is noted in the Revised Draft EIR on page 4.9-15 that the noise exposure contours shown on the figures fall short of the Placer Vineyards Specific Plan site. Nevertheless, in order to address the commenter's concern, [Final EIR Figure 13](#) has been prepared explicitly showing the location of McClellan Airport and the project site. With regard to notice under Business and Professions Code Section 11010, the commenter is incorrect on at least two points: (1) Any notice provided under Business and Professions Code Section 11010 is given by the person offering subdivided lands for sale and is not the County's responsibility; (2) the Business and Professions Code defines an "airport influence area" as "the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission". No such determination has been made by an airport land use commission with regard to the Placer Vineyards project site.

Response 3L-K: CEQA provides for two approaches to developing the cumulative conditions in an EIR: (a) a list of past, present and probably future projects producing related or cumulative impacts, or (b) a summary of projections contained in an adopted general plan or related planning document or in a prior environmental document that has been certified or adopted (Guidelines Section 15130(b)(a)(A) and (B)). The Guidelines do not state that "future probable projects" on the list of cumulative projects must be approved and/or subject to pending environmental review. Furthermore, case law indicates that agencies must strive to avoid "minimizing" cumulative impacts (see, e.g., *Citizens to Preserve the Ojai v. County of Ventura* – a directive that causes many agencies to err on the side of caution by treating projects that may be foreseeable as though they are foreseeable. The opposite approach – not including major proposed projects because they do not yet have an EIR associated with them – would likely elicit criticism for understating cumulative impacts. Here, as discussed below, Placer County had good reason to assume the eventual approval of a major pending project in Sutter County.

In determining the appropriate assumptions for the cumulative traffic analysis, Placer County focused on development that could reasonably be expected to occur in the future, and on roadway improvements that were included on the SACOG MTP and/or local CIP's or other planning documents. The projections contained in Table 4.7-15, as revised on page 4.7-2 of the July 2006 Partially Recirculated Draft EIR were subject to internal review and discussion to ensure that the assumptions were reasonable. If development assumptions are understated and/or future roadway improvements are overestimated, then cumulative conditions on the roadway network will be unrealistically good. Conversely, if roadway improvements are understated and/or development levels are understated, cumulative conditions would appear worse than reasonably expected.

In the case of Sutter County, the voters approved Measure M in 2004, providing for substantial development in south Sutter County. The Sutter Pointe Specific Plan was submitted to the

County in July 2006. Although the County Board of Supervisors has yet to act on the Specific Plan, given Measure M and the submission of the Specific Plan, it is reasonable to assume that some development would occur in south Sutter County in the future. As discussed in Response to Comment 38F, the Revised Draft EIR assumptions for this development were based on discussions with developers of the Specific Plan, as recommended by Sutter County staff. Also see Response to Late Comment 1L-E.

As stated on page 4.7-32, the SACOG MTP does assume that improvements would be made to Riego Road, so these improvements were considered reasonably foreseeable, and were included in the cumulative assumptions for the traffic analysis.

Response 3L-L: Commenter requests that information on global warming be included in the EIR. The concerns raised in this comment have been rendered moot by the County's decision to prepare a "Second Partially Recirculated Revised Draft EIR" addressing, among other subjects, the potential effects of global climate change on water resources. That discussion is found in Section 4.13.4 of that document, which discusses the following types of potential climate effects that could occur on California's water resources: water supply, surface water quality, groundwater, fisheries and aquatic resources, sea levels, flood control, and sudden climate change. (See Second Partially Recirculated Revised Draft EIR, pp. 4.13-19 to 4.13-21.)

Because considerable uncertainty remains with respect to the overall impact of global climate change on future water supply in California, it is unknown to what degree global climate change will impact future Placer County water supply and availability. However, based on consideration of the recent regional and local climate change studies described in the literature review provided in Section 4.13.4, and based on an assessment of water supply under both the Specific Plan and the Blueprint Alternative, it is reasonably expected that the impacts of global climate change on water supply would be less than significant under either alternative. Impact 4.13-2 therefore concludes that the likelihood that impacts of global climate change on water supply and availability could affect future water supply and availability in the Specific Plan area is less than significant (Second Partially Recirculated Revised Draft EIR, pp. 4.3-26 to 4.3-28). The Second Partially Recirculated Revised Draft EIR is available at the Placer County Community Development Resources Agency, 3091 County Center Drive, Auburn CA 95603.

Response 3L-M: The County disagrees with the commenter's broad assertion that fee-based mitigation may only be used to address cumulative, rather than project-specific, effects. The appellate court decision cited by the commenter to invoke support for his assertion actually indicates just the opposite. In *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 363, the court stated broadly that "[f]ee-based infrastructure can be adequate mitigation under CEQA, and can be *particularly useful* where, as here, traffic congestion results from cumulative impacts, and not solely from the development of a single project." (Emphasis added; citation omitted.) This statement makes it clear that, although the payment of fees is in general a legitimate form of mitigation, such an approach is *particularly* – but not exclusively – appropriate in dealing with cumulative impacts, to which numerous projects contribute. Although the payment of fair share fees as a form of mitigation is expressly mentioned in a CEQA Guidelines section dealing with cumulative impacts – section 15130 – the mention of fees in this context does not translate into an absence of authority to use

fees, where appropriate, to deal with project-specific impacts. Numerous public agencies throughout California regularly utilize the payment of fees into a capital improvement program as standard mitigation for a variety of project-specific impacts (e.g., increased demands on water or wastewater treatment plants, road systems, parks, etc.).

The commenter invokes Public Resources Code section 21081 in support of its contention, but nothing in this statute supports the contention. The comment, moreover, quotes only a portion of Section 21081 of the Public Resources Code. The findings that a jurisdiction may make when approving a project for which an EIR has been prepared include:

- (1) Changes of alternations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers make infeasible the mitigation measures or alternatives identified in the environmental impact report. (PRC Section 21081(a)).

The traffic analysis in the EIR satisfies both (1) and (2). For every significant traffic impact, mitigation measures are identified if feasible improvements are available, consistent with Section 21081(a)(1). The EIR finds that improvements to mitigate impacts of the project occurring outside of Placer County must be implemented by the applicable jurisdiction, consistent with PRC Section 21081(a)(2). In order to increase the likelihood that such measures are implemented, Mitigation Measure 4.7-2 identifies a process whereby a fee could be established through an agreement between the County and the affected jurisdictions, and that such a fee would be paid by the proposed project “in amounts that constitute the Specific Plan’s fair share contributions...”. This requirement is consistent with CEQA Guidelines Section 15126.4(a)(4)(A), which requires that there be a connection between mitigation measures and legitimate government interest and (B), which states that mitigation measures must be “roughly proportional” to the impacts of the project. This section of the Guidelines does not distinguish between mitigation for project or cumulative impacts.

A project’s “rough proportion” of mitigation could range from a small amount to 100 percent, if the project is solely responsible for the impact. With a project of the size of the Specific Plan, which will not build out for decades, many of the mitigation measures identified for existing plus project conditions require improvements that are already planned for, and/or that would be required under cumulative conditions with or without the project. In such cases, the project’s “rough proportion” of the mitigation would be 100 percent only if no other development occurred that also would rely on the mitigation. A more likely scenario is that other development projects in the region would also contribute to the need for the identified improvements, so that each project should be responsible for funding a proportional share of the mitigation measure.

Response 3L-N: See Response to Comment 3L-M.

Response 3L-O: The approach to mitigation is the same for every jurisdiction (other than Placer County) studied in the traffic analysis. In mitigation for both Sacramento County and Sutter County, the mitigation measures call for the project to contribute its fair share toward identified improvements, consistent with Mitigation Measure 4.7-2a. For example, five roadway segments in Sacramento County would experience significant impacts due to the project under existing conditions (see Impact 4.7-5 on pages 4.7-7 through 4.7-9 of the Partially Recirculated Draft EIR (July 2006)). Mitigation Measure 4.7-5b identifies improvements for all five affected segments.

Response 3L-P: Commenter repeats comments made by Sutter County regarding signal maintenance. See Response to Comments in 1L-A through 1L-C.

Response 3L-Q: Commenter correctly states that the EIR proposes that the project's traffic impacts on adjacent jurisdictions, including Sutter County, Sacramento County, the City of Roseville, and Caltrans, may be mitigated by entering into a fee agreement with these agencies whereby the project would pay its fair share contribution. (See Revised Draft EIR, Mitigation Measure 4.7-2a.) The commenter is incorrect, however, in stating that drafts of these agreements must be provided to the public and the decisionmakers prior to certification of the EIR; CEQA does not require this. Given the absence of existing inter-jurisdictional institutions to deal with these impacts absent such an agreement, the County is not in a position to require the City of Roseville (a separate legal entity) to enter into an agreement with the County with respect to a project that has not yet even been approved. Once the contemplated agreement is in place, however, future County projects causing impacts within Roseville should be able to rely on what will then be an existing mechanism for extra-territorial mitigation. Mitigation Measure 4.7-2a(8) provides:

“[i]n pursuing a single agreement or multiple agreements with the City of Roseville, Sacramento, County, Sutter County, and Caltrans, Placer County shall negotiate in good faith with these other jurisdictions to enter into fair and reasonable arrangements with the intention of achieving, within a reasonable time period after approval of the Placer Vineyards Specific Plan, commitments for the provision of adequate fair share mitigation payments from the Specific Plan for its out-of-jurisdiction traffic impacts and its impacts on federal and state freeways and highways.”

Due to the fact that these agreements are contingent on the cooperation of other agencies, and such cooperation cannot be guaranteed at this time, the EIR properly concludes that the project's traffic impacts on roadways outside Placer County's jurisdiction may remain significant and unavoidable if such agreements cannot be reached. The commenter's insistence that the County must assure the success of its overtures to Roseville ignores the fact that, absent cooperation between the County and the City, the County has no ability or authority to require the proponent of a project in the unincorporated area to install improvements within the boundaries of an incorporated city.

Commenter is incorrect in stating that the EIR does not include mitigation measures for the project's impacts in the City of Roseville. As described above, Mitigation Measure 4.7-2a *requires* Placer County to seek to enter an agreement with the City of Roseville. If adopted by the Board of Supervisors, this measure would bind the County to attempt to reach agreement with the City, and would bind the project applicants to pay the fees resulting from any such agreement. The requirement that the proponents pay only for their "fair share" of the improvements needed to address demands created by the project and other development does not alter the reality that, if the County succeeds in its negotiations with Roseville, actual, proportionate mitigation within Roseville will result. Because CEQA requires the project to mitigate only for the impacts caused the project, the EIR's conclusion that payment of fair share fees to the City of Roseville would reduce the impacts of the project to a less than significant level is correct.

Response 3L-R: As stated in Mitigation Measure 4.7-2a, Placer County shall negotiate in good faith with Caltrans to enter an agreement to allow the Specific Plan to pay its fair share fees to mitigate the project's impacts on freeway intersections and mainline sections. If such an agreement is reached, the project's impacts on such roadways would be less than significant. Since Placer County cannot guarantee that Caltrans will enter such an agreement, the impact remains significant and unavoidable. As stated in Response to Comment 3L-Q above, CEQA does not require Placer County to submit a draft agreement to the public and the decisionmakers prior to certification of the EIR.

Response 3L-S: Commenter is incorrect in asserting that CEQA requires the EIR to identify the specific sources of funds that will pay the rest of the fees so that the mitigation measures identified for the cumulative impacts in Sacramento County may be built. As the analysis in the (first) Partially Recirculated Revised Draft EIR made clear (see pp. I-12 – I-13 and Appendix Z), the amount of money required to pay for the various extraterritorial improvements needed in part by the project does not appear to be cost-prohibitive. There is thus good reason to assume that Sacramento County will not face a situation in which its needs must go unmet because available money to mitigate extra-territorial traffic impacts was all spent elsewhere. Moreover, it would not be practically feasible to identify at this time what other sources may be required to pay their fair share toward the cost of the identified improvements. The most likely source of such funds is the various reasonably foreseeable projects that, like the Placer Vineyards Specific Plan, will contribute to the need for these improvements. The agreements contemplated by Mitigation Measure 4.7-2a should ensure that no future development projects in the City of Roseville or in Sutter and Sacramento Counties escape their obligation to pay their own fair shares for improvements needed in part because of the traffic they will generate.

Should the agreements come to pass as the County reasonably anticipates, the Placer Vineyards Specific Plan project's fair share contributions should suffice to mitigate its own impacts to less than cumulatively considerable or less than significant levels. As the Third District Court of Appeal noted in *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1188, "a single project's contribution to a cumulative impact is deemed less than significant if the project is required to implement or fund its 'fair share' of a mitigation measure designed to alleviate the cumulative impact." (See CEQA Guidelines, Section 15130, subd. (a)(3).) "Fee-based mitigation programs for cumulative traffic impacts—based on fair-share infrastructure

contributions by individual projects—have been found to be adequate mitigation measures under CEQA.” (*Ibid.*, citing *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 140.) “To be adequate, these mitigation fees, in line with the principle discussed above, must be part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing.” (*Ibid.*, citing *Save Our Peninsula, supra*, 87 Cal.App.4th at pp. 140-141.) The agreements contemplated by Measure 4.7-2a are intended to create such “reasonable plans” for mitigation.

Response 3L-T: Commenter requests that the project construct BRT lanes in Placer County and pay fair share for BRT acquisition and construction in Sacramento County. In 2004 Sacramento County adopted the *Mobility Strategies for County Corridors* study. That study presented four potential improvement scenarios for Watt Avenue extending from the existing light rail station (at Watt Avenue) to the Placer County line. Three of the four scenarios included the provision of BRT service along Watt Avenue. Therefore, it is conceivable that BRT service will someday be provided from the project to the existing Watt Avenue light rail station. In addition, Placer County adopted the *Bus Rapid Transit Implementation Study for South Placer County* in 2006. That study evaluated the feasibility of BRT in South Placer County and concluded that Watt Avenue would be an ideal corridor for BRT, and it recommended that a transit station be located along Watt Avenue within the project site. Although these preliminary steps have been taken, it would be premature to commit to a specific BRT project without additional study. The project proponents have made reasonable accommodation and have designed the project to permit BRT to be implemented at a future date, if and when it is determined by the two counties that the project should be pursued.

Response 3L-U: Commenter alleges that the EIR does not adequately address energy conservation. The County disagrees and notes that nothing in Appendix F of the CEQA Guidelines, which was originally drafted during the 1970s, indicates that Title 24 requirements should generally be exceeded. In fact, Title 24 represents a comprehensive and aggressive legislative response to the same need for energy conservation that motivated the original drafting of Appendix F. A complete response to this concern was provided in Response to Comment 15M in the Final EIR. In addition, the County has now prepared and circulated an analysis of climate change and global warming effects, as described in Response to Comment 3L-L above. The commenter is referred to those discussions.

Response 3L-V: The comment does not explain why queue length needs to be disclosed in an EIR. Even with the HCM method LOS impacts are defined by delay, not queuing. Placer County does not have standards of significance for queue length. Turn bay length is typically calculated when a signal-controlled intersection is designed. There would be sufficient room to provide the necessary turn bay lengths because of the wide intersection spacing on roads such as Baseline Road and Watt Avenue.

Response 3L-W: It is common for certain intersection movements to operate at a worse level of service than the intersection average. For example, left-turn lanes at signalized intersections and minor approaches at unsignalized intersections often exhibit more delay (and worse level of service) than the intersection average. It is the County practice to consider individual turning

movements that exceed the level of service standards to be insignificant at an unsignalized intersection if:

- The intersection average level of service (based on a weighted average of all approaches) meets the level of service standard; and
- The volume level on the minor approach does not meet traffic signal warrants.

Traffic signal warrants are a set of minimum criteria that should be met before a traffic signal is installed. Traffic signal warrants consider various factors affecting intersection performance, including traffic volumes, the number of lanes on each roadway at an intersection, prevailing travel speeds, surrounding land use characteristics (community size, rural versus urban), pedestrian volumes, nearby traffic signals and systems of coordinated traffic signals, nearby parking, gaps in the traffic stream, the presence of school crossings, accident history, and vehicular delay.

Gaps in the traffic stream will be caused by upstream signals, allowing vehicles at two-way-stop controlled intersections to find a gap in the traffic to enter. Measures to reduce stop controlled delay, such as right turn acceleration lanes, are design issues and would be addressed at the roadway design stage.

Response 3L-X: Commenter states that the EIR fails to assess the environmental impacts of the proposed amendment to General Plan Policy 3.A.12. As stated on page 4.7-15 of the Revised Draft EIR, the proposed amendment to General Plan Policy 3.A.12 states (new language in italics):

Policy 3.A.12. The County shall require an analysis of the effects of traffic from all land development projects. Each such project shall construct or fund improvements necessary to mitigate the effects of traffic from the project *consistent with Policy 3.A.7*. Such improvements may include a fair share of improvements that provide benefits to others.

Commenter opines that this amendment would give the Board of Supervisors an effective veto power over traffic improvements and would dilute the General Plan standards. The County disagrees. The proposed amendment neither changes nor undermines the General Plan standards, but rather would merely make explicit what has previously been implicit: that Policy 3.A.7 gives the Board some discretion to conclude that some proposed transportation improvements are unacceptable from a policy standpoint for various reasons. No actual change in policy would result. Thus, there would not be “broad implications for traffic congestion throughout the County,” as commenter suggests.

Response 3L-Y: Commenter is incorrect in asserting that the failure to include funding for transit services, facilities and a transit system constitutes a violation of CEQA. Factually, moreover, the commenter is incorrect that the Specific Plan is not transit-friendly and that the County has not developed mitigation measures intended to facilitate transit usage, even though, as stated in Response to Comment 15MM in the Final EIR, there is currently no regional commitment to

transit improvements to serve the Specific Plan area. As identified in Impact 4.7-10 on page 4.7-54 of the Revised Draft EIR, buildout of the Specific Plan area would generate a demand for transit services and may result in unmet transit needs. The Revised Draft EIR analyzes the project as proposed, which includes various transit facilities, such as bus rapid transit lanes, rights-of-way for a future streetcar system, an internal transit system, park-and-ride lots and commuter services to downtown. As stated in Impact 4.7-10 on page 4.7-56 of the Revised Draft EIR, the ongoing cost for a transit system would be substantial, and funding availability is uncertain. The Revised Draft EIR also identifies transit services and facilities that would be needed to serve the Specific Plan, and identifies mitigation requiring that a Community Service Area be established to provide the necessary funding for capital costs.

Response 3L-Z: Consistent with CEQA Guidelines Section 15126.4(a)(4)(A), traffic mitigation measures are intended to require the proposed project to mitigate its “rough proportion” of the project impact or contribution toward cumulative impacts. The proposed project is not expected to ensure that all study intersections that operate at unacceptable levels without the project be improved to acceptable conditions. In some cases, the improvements necessary to offset the project impact provide more capacity than necessary, so the impact is more than offset.

The intersection of Walerga Road and PFE Road is thoroughly addressed in the EIR. For example, for the proposed project, Impacts 4.7-3 (page 4.7-39 through 4.7-42 of the March 2006 Revised Draft EIR and pages 4.7-1 through 4.7-3 of the March 2007 Second Partially Recirculated Draft EIR) and 4.7-13 (pages 4.7-69 through 4.7-72 of the March 2006 Revised Draft EIR and pages 4.7-5 through 4.7-7 of the March 2007 Second Partially Recirculated Draft EIR). Significant impacts are identified for the Walerga/PFE intersection in both the AM. and PM peak hour in the March 2006 Revised Draft EIR under existing conditions and in the p.m. peak hour under cumulative conditions. Mitigation is identified that would improve operations at this intersection to levels better than under the “without project” condition. For example, In the p.m. peak hour under existing conditions, the intersection would operate at LOS E without the project, LOS F with the project and LOS D with mitigation (see pages 4.7-40 and 4.7-42 of the March 2006 Revised Draft EIR). Therefore, the mitigation would more than offset the project’s impact on the intersection.

Response L-AA: Commenter questions why the project is not subject to the Highway 65 Joint Powers Authority. The project is not within the geographic area subject to Joint Powers Authority; however, the Development Agreement for the project requires the Joint Powers Authority fee to be paid if and when its boundaries are adjusted to include the project site.

Response 3L-BB: Commenter requests explanation as to why one grade separated bicycle crossing of Baseline Road is sufficient. As reported in Response to Comment 29N, the grade separated grade crossing is proposed in order to link bicycle trails within the Specific Plan area with proposed bicycle trails in the proposed Sierra Vista Specific Plan area. The feature is an amenity of the Specific Plan and was proposed to accommodate planning efforts underway by the City of Roseville. It is not being required by the County to mitigate a potentially significant impact. The trails to be linked have multi-jurisdictional significance and would be designed to move bicycle traffic through the Specific Plan areas and beyond. Consistent with standard traffic engineering practice, more localized bicycle traffic would be accommodated within proposed

roadway crosssections (e.g., see Revised Draft EIR Figures 4.2-2A through 4.2-2C) and would use the several traffic controlled intersections to safely cross Baseline Road.

Response 3L-CC: Commenter agrees with other commenters who have opined that habitat mitigation is inadequate. A map is requested showing location of City of Roseville and development in Sacramento County to allow a better understanding of vernal pool “avoidance” alternative. Commenter claims the project site is not adjacent to any other development in Placer County, but also states that “...it appears that the southeastern area of the Placer Vineyards Specific Plan could be developed adjacent to urban development in the City of Roseville...” Commenter also states that the EIR is inadequate because it did not consider “high-rise tower development” on a smaller footprint.

Commenter is referred to Responses to Comments 2L-A through 2L-M, 5L-A through 5-LE, and 6L-A with regard to the concerns of other commenters. The County notes, moreover, that the project site is not designated “critical habitat” for any endangered or threatened terrestrial species, and that there are no legally binding USFWS “criteria” that would require the retention of 85 percent of on-site vernal pools. Commenter is referred to Response to Comment 3L-I and Final EIR [Figure 13](#) with regard to map request. The “avoidance” alternative is in fact adjacent to the Elverta Specific Plan. There is no development in the City of Roseville that is “adjacent” to the southeastern part of the Plan area. In fact, the southeastern part of the Plan area is adjacent to a significant open space corridor along Dry Creek that is to be preserved as the area builds out. A “high-rise tower development” on the project site was rejected by the County as infeasible and inconsistent with project objectives as described in Chapter Three of the Revised Draft EIR. Further such an approach to development at the Placer Vineyards Specific Plan project site was never contemplated by the adopted Placer County General Plan or the Dry Creek/West Placer Community Plan. CEQA Guidelines Section 15126.6 provides that: “An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible. The Lead Agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature and scope of the alternatives to be discussed other than the rule of reason.”

Response 3L-DD: Commenter addresses concerns raised by the CDFG concerning vernal pool impacts. Commenter is referred to Responses to Comments 2L-A through 2L-M, 5L-A through 5-LE, and 6L-A.

Response 3L-EE: As requested by the commenter, a level of service analysis of all Placer County intersections for the a.m. peak hour was performed. The results appear in the Second Partially Recirculated Revised Draft Environmental Impact Report (March 2007).

Response 3L-FF: Please see Response to Comment 3L-EE.

Response 3L-GG: Please see Response to Comment 3L-EE.

Response 3L-HH: The comment is correct that a table is mislabeled. Therefore, the third line of the second table shown in Response 15EE in the October 2006 Final EIR is revised as shown:

Existing Plus Project Cumulative Conditions

Response 3L-II: Please see Response to Comment 3L-EE.

Response 3L-JJ: Please see Response to Comment 3L-EE.

Response 3L-KK: Please see Response to Comment 3L-EE.

Response 3L-LL: The concerns raised in this comment have been rendered moot by the County's decision to prepare a "Second Partially Recirculated Revised Draft EIR" addressing, among other subjects, the potential effects of global climate change on water resources. That discussion is found in Section 4.13.4 of that document, which discusses the following types of potential climate effects that could occur on California's water resources: water supply, surface water quality, groundwater, fisheries and aquatic resources, sea levels, flood control, and sudden climate change (See Second Partially Recirculated Revised Draft EIR, pp. 4.13-19 to 4.13-21).

Because considerable uncertainty remains with respect to the overall impact of global climate change on future water supply in California, it is unknown to what degree global climate change will impact future Placer County water supply and availability. However, based on consideration of the recent regional and local climate change studies described in the literature review provided in Section 4.13.4, and based on an assessment of water supply under both the Base Plan and the Blueprint Alternative, it is reasonably expected that the impacts of global climate change on water supply would be less than significant under either alternative. Impact 4.13-2 therefore concludes that the likelihood that impacts of global climate change on water supply and availability could affect future water supply and availability in the Specific Plan area is less than significant (Second Partially Recirculated Revised Draft EIR, pp. 4.3-26 to 4.3-28).

Response 3L-MM: The commenter implies the model is "unstable or excessively reactive". As discussed in Response to Comment 15RR in the October 2006 Final EIR, the travel demand model follows "state-of-the-practice" methodologies to forecast traffic volumes on the regional freeway/ arterial/collector roadway system with a regional land use scenario. The changes in forecasted traffic volumes do not show the model to be unstable. They show how travel patterns would change due to the proposed project.

The only alternative to having the model redistribute non-project trips would be to simply add the project trips to the background No Project traffic volumes. This method is appropriate and typically used for traffic impact analyses for small developments but is inappropriate for large projects, especially one as large as the proposed Placer Vineyards Specific Plan.

The commenter suggests that traffic generated by the proposed project be added to, or "layered on" to No Project traffic volumes. As explained below, this method requires the assumption that there would also be new development outside of the project area in response to the project. This is illogical and misrepresents the impact of the proposed project.

Every trip starting in Placer Vineyards, and leaving the project area, would need a destination to go to. Similarly every trip ending in Placer Vineyards, and coming from outside the project area, would need an origin to come from. To use the Hewlett Packard example, if project trips were just added to the roadway network then those workers commuting to Hewlett Packard would add to the total employment at Hewlett Packard. It is not reasonable to assume that the construction of homes in Placer Vineyards would cause Hewlett Packard to hire more employees. If the EIR did make this assumption, it would not analyze the impact of the development of Placer Vineyards alone, but would measure the impact of more employment at Hewlett Packard, which is not part of the proposed project, or even currently anticipated as a separate project. This would also be true of other commute trips, shopping trips and school trips.

The Cumulative No Project model distributes future trips based on a future development scenario. That future development is very different from today outside of the project area and the resulting distribution of trips for Cumulative No Project conditions is also different from today. Thus the model does the same redistribution of non-project trips due to the project in the same way the model redistribute non-project trips due to growth between today and Cumulative conditions.

The Placer County Travel Demand Model was used to forecast the impact of the proposed just as all of the jurisdictions in the County use that model to forecast trips for their General Plan and Capital Improvement Programs.

Response 3L-NN: The comment states that model misrepresents travel behavior. In fact, the model accounts for a wide range of factors that influence travel behavior due to changes in development patterns and changes in a transportation system.

Response 3L-OO: Please see Response to Comment 3L-NN.

Response 3L-PP: The Revised Draft EIR provides extensive information in its graphics and tables on the roadways that connect to the proposed project. Information on traffic crossing a “cordon line” can be prepared for each scenario by using figures and tables in the EIR. The EIR clearly summarizes the traffic impacts of the proposed project on each study roadway segment and intersection in each jurisdiction, based on the thresholds used by those jurisdictions. The comment does not indicate how presenting the information by “cordon line” would provide better information for decision-makers to determine the full impact of the proposed project on traffic in the region.

Response 3L-QQ: Commenter was originally concerned (Final EIR Response to Comment 15L) that the air quality assessment was done assuming traffic mitigations in place. The Final EIR reports that modeling was performed without mitigation measures in place. Commenter is now concerned that this condition may not be the “worst case” scenario for carbon monoxide emissions due to redistribution of traffic under the mitigated condition.

The CALINE model analyzes carbon monoxide levels at congested intersections, which are considered a localized impact because receptors must be relatively close (e.g., on a corner or in a

sidewalk) to be affected. Traffic volumes on roadways are not critical to the model, which looks at individual intersections that have low service levels and could have sensitive receptors (e.g., pedestrians) nearby. These conditions do not apply to highway daily volumes. Furthermore, as shown in Table 4.8-9 on page 4.8-41 of the March 2006 Revised Draft EIR, even at the most congested intersections, CO levels are well below the identified thresholds under cumulative conditions. Even if intersections under the mitigated conditions were more congested than those studied in Table 4.8-9, it is apparent that they would not generate enough CO to exceed the thresholds; therefore it is not necessary to rerun the model. Further, it is common practice to compare project impacts against “baseline” or unmitigated conditions. The analysis requested by the commenter, if it were to rise to a level requiring discussion, would be conducted in accordance with CEQA Guidelines Section 15126.4(D). The above response constitutes the discussion contemplated by Section 15126.4(D).

Response 3L-RR: Please see Response to Comment 3L-PP.

Response 3L-SS: Please see Responses to Comments 3L-MM through 3L-PP.

Response 3L-TT: Kittleson & Associates was not hired by the City of Roseville to write the report referenced in the comment. Rather, Kittleson was hired by a private developer. The report provided unsolicited advice to the City of Roseville.

The Kittleson report provided three recommendations, not just one. The first two recommendations are related and suggest that the City either switch to the HCM based method or adjust the Circular 212 capacities to match locally measured capacities. The City of Roseville, in fact, decided to enact the second recommendation, which was to adjust the Circular 212 capacities based on local conditions.

The City of Roseville has reviewed its use of Circular 212 several times over the last 15 years and has repeatedly decided to stay with this methodology for one key reason: it is a more conservative method than the HCM method. The HCM method would result in better levels of service than the Circular 212 method with capacities used by the City. The HCM method would result in fewer projects related impacts, not more, than those identified in the EIR.

The Kittleson report showed that the Circular 212 with modified capacities was within 1% on average of the HCM and field measured capacities at the ten studied intersections.

In the project study area most of the signals are new, or conditions would change so significantly with the project and under cumulative conditions, that existing intersection data such as signal timing would not exist or be relevant. Therefore, many assumptions about future conditions would need to be made in order to use the HCM method. This uncertainty would cause there to be little difference between a simple planning method and a more complex operations method using a lot of assumptions.

It is movement-specific delay that is experienced by drivers, not overall intersection average delay. Therefore, both overall intersection average delay (used in the HCM methodology) and the volume to capacity ratio (used in the Circular 212 methodology) are abstract terms from the

drivers' point of view. However, both methodologies are useful tools when used by traffic engineers and planners to measure traffic operations, identify impacts on traffic operations and plan traffic improvements..

Response 3L-UU: See Response to Comment 3L-TT.

Response 3L-VV: See Response to Comment 3L-TT.

Response 3L-WW: See Response to Comment 3L-TT.

Response 3L-XX: See Response to Comment 3L-TT.

Response 3L-YY: See Response to Comment 3L-TT.

Response 3L-ZZ: See Response to Comment 3L-TT.

Response 3L-AAA: See Response to Comment 3L-TT.

Response 3L-BBB: See Response to Comment 3L-TT.

Response 3L-CCC: Commenter reiterates the same concerns expressed under Comment 2L-B. As stated in Response to Comment 2L-B, an analysis of single event noise levels associated with aircraft has been conducted. The detailed analysis of interior noise levels using the SEL descriptor with comparison to the FICAN report has been conducted and is described above. However, a standard does not need to be established for the single noise events as asserted by the commenter. FICAN is simply a tool for determining the probability of awakening from single noise events. The potential for awakening is reported and analyzed to provide a full disclosure to the public and the decision makers.

Response 3L-DDD: Commenter objects to use of FICON and describes why its use is inappropriate. The analysis appearing in Response to Comment 2L-B uses the FICAN procedures for evaluating aircraft noise events. Since the FICAN report is based upon noise levels due to aircraft operations, it would inherently account for the frequency content of aircraft operations. The original analysis does not utilize the FICON criteria for evaluating changes in overall noise levels for the proposed future residences. There is no comparison between traffic noise and aircraft noise. The FICON criteria were used to simply evaluate the changes in traffic noise levels associated with the project.

Response 3L-EEE: Commenter requests a discussion of the Placer County Noise Ordinance. Although the Placer County Noise Ordinance is a valuable regulatory tool, the *Placer County General Plan Noise Element* is the primary policy document for exposure of land uses to unwanted sound and contains noise performance standards for a variety of land uses. These performance standards are discussed in the Revised Draft EIR beginning on page 4.9-9 and are based on the Ldn (24-hour average) noise level descriptor.

The Ldn descriptor is a composite 24-hour average noise level. This descriptor applies a +10 dBA penalty to noise levels which occur during the nighttime period (10pm to 7am). This descriptor is typically considered to provide good correlation for annoyance due to transportation related noise sources (i.e. roadway traffic, aircraft operations, and to a lesser extent railroad operations).

Generally, the Ldn is not considered to be the most appropriate descriptor for evaluating noise impacts associated with on-site stationary activities such as those associated with a loading dock or air handling equipment. The loading dock generally only operates between 2 and 3 hours per day. If one applies the Ldn descriptor, the noise levels due to loading dock activities will be averaged over 24 hours, and the potential impact or potential for annoyance will be artificially discounted.

The State of California "Model Community Noise Control Ordinance" suggests that exterior hourly noise level criteria should be used for evaluating stationary noise source impacts. The hourly noise level standards have been found to provide good correlation to noise sources that operate for a relatively short duration.

Placer County has adopted a Noise Ordinance which is used by the County staff for evaluating potential noise impacts associated with stationary noise sources during permit review. This review of subsequent project components for compliance with this and other established County regulations would occur consistent with the Subsequent Conformity Review Process, as set forth on page 2-14 of the Revised Draft EIR. The following Table provides the noise level performance standards that are contained in the Placer County Noise Ordinance.

| Final EIR Table (Table I of the Placer County Noise Ordinance) | | |
|---|-----------------------------------|-------------------------------------|
| Sound Level Standards | | |
| Sound Level Descriptor | Daytime (7 a.m. – 10 p.m.) | Nighttime (10 p.m. – 7 a.m.) |
| Hourly Leq, dB | 55 dB | 45 dB |
| Maximum Level, (Lmax), dB | 70 dB | 65 dB |

Source: Placer County Noise Ordinance 2005

There are a variety of noise sources associated with future development within the project area that have the potential to create noise levels in excess of the applicable noise standards or result in annoyance at existing and future noise-sensitive developments within the project area. Such uses include commercial/office, school and park uses. In addition, public infrastructure such as treatments plants, pump stations and lift stations can also be sources of noise which may exceed applicable standards (see Impact 4.9-2 in the Revised Draft EIR for additional information on proposed uses).

At the time of release of this Final EIR, detailed site and grading plans have not yet been developed. As a result, it is not feasible to identify specific noise impacts associated with each of the proposed uses. This difficulty is addressed through Mitigation Measure 4.9-2 (Revised Draft EIR page 4.9-16) and the Subsequent Conformity Review Process described on Revised Draft EIR page 2-14. However, a general discussion and assessment of impacts can be conducted based upon the possible types of uses associated with these land use designations. It

is important to note that all future uses must comply with the Placer County Noise Ordinance in effect at the time of development. The following is a discussion of the potentially significant noise sources associated with the various types of proposed uses:

Commercial/Office Land Uses

Commercial retail land use activities can produce noise which affects adjacent sensitive land uses. These noise sources can be continuous and may contain tonal components which may be annoying to individuals who live in the nearby vicinity. In addition, noise generation from fixed noise sources may vary based upon climatic conditions, time of day and existing ambient noise levels. The primary noise sources generally include truck deliveries, on-site truck circulation, trash pickup, parking lot use, HVAC equipment and loading docks.

Mechanical Equipment: Heating, air conditioning and ventilation (HVAC) equipment can be a primary noise source associated with commercial or retail uses. These types of equipment are often mounted on roof tops, located on the ground or located within mechanical rooms. The noise sources can take the form of fans, pumps, air compressors, chillers or cooling towers.

Noise levels from these types of equipment can vary significantly. Noise levels from these types of sources generally range between 45 dB to 70 dB at a distance of 50 feet. However, numerous noise control strategies can be utilized to mitigate noise levels to less than significant levels.

On-Site Truck Traffic and Loading Dock Noise: On-site truck circulation, truck deliveries, and loading dock noise generally associated with commercial retail land uses have the potential to impact nearby noise-sensitive land uses. Noise sources associated with on-site truck traffic include trucks idling and truck circulation on the sites. Typical noise levels associated with on-site truck circulation and deliveries range from 63 dB to 85 dB at 50 feet. Noise sources associated with loading docks include trucks idling, refrigeration units on trucks, pallets dropping and fork lifts operating on the site. Noise monitoring conducted at loading docks indicate that typical hourly average noise levels at a distance of 50 feet can range between 55 dB Leq and 60 dB Leq, and maximum noise levels range between 80 dB and 84 dB at a distance of 50 feet.

The extent of the impact depends on the specific site design and construction details of the commercial retail parcel and the proximity to adjacent noise-sensitive uses. Given the proximity of the commercial parcels to residential uses; therefore as disclosed by Impact 4.9-2, the potential for exceedance of the noise standards exists unless mitigated in accordance with Mitigation Measure 4.9-2.

Parking Lot Noise: Noise associated with parking lot activities generally include automobile arrivals and departures, car doors slamming, and conversations. A typical SEL due to automobile arrivals/departures, including car doors slamming and people conversing is approximately 71 dB, at a distance of 50 feet.

At this time specific parking lot designs are not known and detailed site and grading plans have not yet been developed. Therefore, it is not feasible to identify site specific noise impacts

associated with parking lot uses; therefore, as disclosed by Impact 4.9-2, the potential for exceedance of the noise standards exists unless mitigated in accordance with Mitigation Measure 4.9-2.

Schools and Parks

Organized athletic activities associated with schools, and children playing at neighborhood parks are often considered potentially significant noise sources which could adversely affect adjacent noise-sensitive land uses. Typical noise levels associated with groups of approximately 50 children playing at a distance of 50 feet generally range from 55 to 60 dB Leq, with maximum noise levels ranging from 70 to 75 dB. It is expected that the playground areas would be utilized during daytime hours. Therefore, noise levels from the playgrounds would need to comply with the Placer County 55 dB Leq and 70 dB Lmax exterior noise level standards at the nearest residential uses.

Given the proximity of most parks to residential uses, the potential for exceedance of the Placer County noise standards exists, depending on the orientation and proximity of the play areas to those nearest residences, the number of children using the play areas at a given time, and the types of activities the children are engaged in.

Organized play activities associated with schools can also be a source of noise. The primary noise sources associated with these types of activities include increased traffic noise, crowd noise at the stadium, and amplified speaker noise during announcements. For instance, the noise generation of the stadium will depend mainly on crowd size, the interest level in the sporting event, whether or not marching bands will play during events, and on the design of the public address system.

Using noise level data collected at an Oakmont High School football game for the Granite Bay High School EIR, the noise emissions at a distance of 500 feet from the center of the stadium are estimated to be approximately 60 dB Leq and 70-75 dB Lmax, based on a crowd size of approximately 3,000 to 5,000 people. Median noise levels are estimated to be approximately 5 dB lower than average noise levels, or about 55 dB at a distance of 500 feet. These types of noise sources could exceed the Placer County hourly noise level criteria contained in the Noise Ordinance. It is not feasible to identify site specific noise impacts associated with school and athletic facility uses until one is proposed; therefore, as disclosed by Impact 4.9-2, the potential for exceedance of the noise standards exists unless mitigated in accordance with Mitigation Measure 4.9-2. The affected school districts will be responsible for conducting their own subsequent environmental analysis when school facilities construction is proposed. Mitigation measures for athletic facilities can include orientation of the stadium, volume control on amplified speaker settings and time of day restrictions.

Response 3L-FFF: Commenter reiterates previous concerns. Although the comments regarding the noise analysis were received after the close of the statutorily established period for comment on the Revised Draft EIR, the County has, nevertheless, addressed the commenter's concerns in accordance with CEQA Guidelines Section 15088. In accordance with Section 15088.5 of the CEQA Guidelines, the County has found that no new significant environmental impact has been

identified, no substantial increase in the severity of a previously identified environmental impact would occur, and no new and “considerably different” feasible alternative has been identified that would lessen project impacts. The information is presented in this Final EIR consistent with CEQA’s informational purpose and in the spirit of full disclosure.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



January 24, 2007

RECEIVED
JAN 29 2007

Paul Thompson
Staff Planner
Placer County Planning Department
3091 County Center Drive
Auburn, CA 95603

PLANNING DEPT.

RE: Placer Vineyards Specific Plan (PSP T20060679), SCH# 1999062020

Dear Mr. Thompson:

Our office provided general comments for this project on April 21, 2006. As we stated in our previous letter, the new developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. Therefore, consideration must be given to pedestrian circulation patterns/destinations with respect to railroad right-of-way. The development proposed in this project should include funding mechanisms to mitigate the adverse safety impacts of the development on highway-rail at-grade crossings. Specifically, each project should include impact mitigation fees specific to rail safety improvements.

L-A

Safety factors to consider include, but are not limited to:

- o The planning for grade separations of highway-rail crossings for major thoroughfares; this includes limiting any development within the "footprint" of land needed for future grade separations.
- o Improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and a funding mechanism to pay for the improvements.
- o Appropriate fencing to limit the access of trespassers onto the railroad right-of-way. Vandal-resistant fencing should be an absolute requirement for any development adjacent to a railroad right-of-way.

L-B

Commission approval is required to modify an exiting or to constructs a new highway-rail crossing. If the project includes a proposed new crossing, the Commission will be a responsible party under CEQA and the impacts of the crossing must be discussed within the environmental documents.

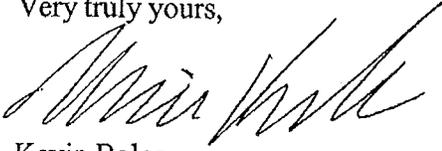
L-C

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County, and accurately identify all relevant impacts of a project and allow consideration for appropriate mitigation measures. Identifying the necessary mitigation measures in advance will also help in determining which party should pay for them. Otherwise, the County may end-up paying for mitigation measures that should have been paid by developers or other parties.

L-D

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Boles", written in a cursive style.

Kevin Boles
Environmental Specialist
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Terrel Anderson, Union Pacific Railroad

LATE COMMENT LETTER 4 PUBLIC UTILITIES COMMISSION

Response 4L-A: As stated in Response To Comment 3A in the October 2006 Final EIR, no active rail lines cross through the project site or within convenient walking distance. Therefore, the proposed project would not substantially increase pedestrian crossings of the rail line.

There are no highway-rail crossings that would be affected by the proposed project. The nearest roadway rail crossing would be where Riego Road crosses the UPRR track in Sutter County. For a discussion of the impacts of the proposed project on this crossing, please see pages 4.7-25 through 4.7-27 of the March 2007 Second Partially Recirculated Revised Draft EIR.

Response 4L-B: The first and third bullets of the comment address the reservation of land and fencing in proximity to the rail line. The rail line nearest the project site is in Sutter County, so Placer County has no jurisdiction over the land adjacent to the tracks or activities in the vicinity of the tracks.

For a discussion of funding of rail improvements, please see pages 4.7-25 through 4.7-27 of the March 2007 Second Partially Recirculated Revised Draft EIR.

Response 4L-C: Comment noted. As discussed in Responses 4L-A and 4L-B, the proposed project would not have a direct effect on the rail line, because it is not in the project site or Placer County. For a discussion of the project's contribution to increased traffic using the rail crossing, please see pages 4.7-25 through 4.7-27 of the March 2007 Second Partially Recirculated Revised Draft EIR.

Response 4L-D: Please see Response to Comment 4L-B.



DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov

North Central Region

1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
(916) 358-2900

RECEIVED

FEB 16 2007

ENVIRONMENTAL COORDINATION SERVICES

RECEIVED
FEB 15 2007

February 13, 2007

PLANNING DEPT.

Ms. Lori Lawrence
Placer County Planning Department
11414 B Avenue
Auburn, CA 95603

Dear Ms. Lawrence:

The Department of Fish and Game (DFG) has reviewed the Final Environmental Impact Report (FEIR) for the Placer Vinyards Specific Plan (SCH# 1999062020). The Specific Plan is located on 5,230 acres in western Placer County and includes about 714 acres identified as Open Space, primarily located along drainage areas and utility corridors. The DFG provided comments to Placer County, dated May 19, 2006, identifying our concerns regarding the project's Draft Environmental Impact Report (DEIR). The FEIR identifies this May letter as Letter 27 and provides response to DFG comments as Response 27A through Response 27Q. Generally, we believe that Response to Comments are not supported by factual evidence and continue to carry forward prior DEIR statements. We remain concerned that the DEIR and FEIR are inadequate in general, and specifically, with respect to conclusions regarding project impacts to the 714 acres of retained open space.

The DFG provides the following comments:

Response 27 D: This response states that "Avoided areas will ultimately be surrounded by developed areas but will still retain habitat value to wildlife." (This comment is again restated in part in response 27G.) We provided substantial literature citation and analysis in our DEIR comment letter supporting our conclusion that 714 acres of retained open space will be significantly impacted as a result of project implementation. We were unable to identify any support for the DEIR and FEIR conclusions, either by reasoned analysis or literature citation, or any support to refute literature citations concerning this issue as presented in our DEIR comment letter.

Response 27 L: Compliance with Fish and Game Code Section 1602 cannot necessarily be used to conclude, as asserted, that impacts to retained riparian and open space will be mitigated to a level of less-than-significant. The issue is and continues to be the function and values to wildlife of retained open space subsequent to project implementation and the responsibility to identify appropriate impacts based on the best available science. Additionally, deferral of mitigation, in whole or in part, to any subsequent action is inappropriate.

~~Response 27 E: Retention of natural drainage areas and adjacent manmade~~

drainage facilities in open space areas may resolve both local and regional flood control issues as well as Federal Clean Water Act responsibilities. Paragraph 3 of this response notes that avoided riparian areas are "required as part of the Section 404 permitting process." Fundamentally, the proposition that permitting requirements pursuant to section 404 results in impacts of less-than-significant to riparian resources is unsupported. The contention however, in both the DEIR and again asserted in the FEIR, is that retained open space will continue to fully function as under pre-project conditions. Again, neither the DEIR nor the FEIR provides any supporting documentation for these conclusions. This response identifies that impacts and mitigation measures in the DEIR are "consistent with regulatory policy." We concur that the area could be used for "habitat enhancement and restoration" as proposed. Based on scientific literature, we do not believe this is a reasonable proposal and believe that these efforts will be significantly compromised as a result of adjacent land use. Our conclusions concerning the viability and value of retained open space and the value of using retained open space for mitigation or restoration have been developed by review of relevant literature. We found no rebuttal in the FEIR of information as presented concerning the diminished value of open space areas post project. We continue to conclude that these sites will be impacted as a result of project implementation, believe that restoring or enhancing habitat on these areas is of marginal value and believe that project impacts to open space areas require mitigation at an offsite location and that all restoration should be conducted at such offsite area. We believe that the FEIR has inappropriately interpreted compliance with federal regulatory requirements as consistent with issues related to the California Environmental Quality Act (CEQA). The DFG contends that this path of reasoning is not, in and of itself, consistent with CEQA Guidelines. Indirect and cumulative impacts to the 714 acres of Open Space based on literature as presented in our comment letter for the DEIR (and additional information as presented subsequently in this letter) support our conclusion that retained open space will be significantly impacted as a result of project implementation and that the County has erroneously concluded that impact to retained open space is mitigated to a level of less than significant.

Responses: F, G, L, and O: Many of the issues addressed by the DFG in our DEIR comment letter focused on existing biological conditions and project impacts. These responses merely reiterate statements as presented in the DEIR and provide unsupported conclusions. Literature related to conservation biology was provided in this comment letter. We provide additional literature to support our conclusions. The project continues to propose inadequate size and setbacks of riparian and open space areas. Semilch and Bodie (2003) suggest that buffers adjacent to urbanized areas ranging from 159-290 meters (521-951 feet) for amphibians and 127-289 meters

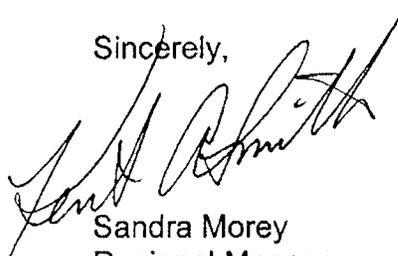
Ms. Lawrence
February 13, 2007
Page Three

~~(416-948 feet) for reptiles from the edge of wetland and riparian habitats are required to~~ maintain biodiversity. Crooks (2002) concluded that as habitat patch size diminished the likelihood of occurrence for several important mammalian carnivores (mountain lions, bobcats, and coyotes) likewise decreased. Harrison (1992) suggests that the effectiveness of corridors is compromised based on the type and extent of human activities both within and adjacent to the corridor, and that the most significant impacts to corridors will occur next to urban areas and roads and where access to the corridor is readily available. This discussion provides further evidence that the value of onsite areas will be minimal and that proposed "enhancement" is misguided. The FEIR fails to meet any standards as identified in literature that support conclusions regarding the suitability of habitat and the retention of functional habitat corridors.

The FEIR, as we emphasized in our comments on the DEIR, substantially understates project impacts to vegetation and wildlife, substantially overstates the value of the proposed mitigation measures and fails to provide appropriate and potentially feasible mitigation measures. Responses are conclusory and unsupported by factual information, and generally lack reasoned analysis. The FEIR has failed by any measure to provide scientific documentation to support conclusions or refute scientific data as provided in our DEIR comment letter. The DFG maintains the project will result in significant impacts on biological trust resources and that the FEIR has failed to adequately address concerns as expressed in our DEIR comment letter. The project will result in significant direct, indirect, and cumulative impacts to natural resources sensitive to human intrusion and habitat fragmentation. The 714 acres of open space are not excluded from impact and project documents provide no reasoned analysis for concluding otherwise. The DFG also emphasizes the potential mitigating benefits as proposed by the project do not avoid or reduce to insignificant the impacts on biological trust resources caused by the project. We question, as a result, the substantiality of evidence supporting the County's determinations in the FEIR.

Thank you for the opportunity to review this project. If we can be of further assistance, please contact Mr. Jeff Finn at (530) 477-0308 or Mr. Kent Smith, Acting Assistant Regional Manager at (916) 358-2382.

Sincerely,



Sandra Morey
Regional Manager

Ms. Lawrence
February 13, 2007
Page Four

cc: ~~State Clearinghouse~~
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Mr. Kent Smith
Mr. Jeff Finn
Department of Fish and Game
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

Literature Cited:

- Crooks, K.R. 2002. Relative Sensitivities of Mammalian Carnivores to Habitat Fragmentation. *Conservation Biology*, Pages 488-502. Volume 16, No. 2, April 2002.
- Harrison, R.L. 1992. Toward a Theory of Inter-Refuge Corridor Design. *Conservation Biology*, Pages 293-295. Volume 6, No. 2, June 1992.
- Semiltsch, R.D., and J.R. Bodie 2003. Biological Criteria for Buffer Zones around Wetlands and Riparian Habitats for Amphibians and Reptiles. *Conservation Biology*, Pages 1219-1228. Volume 17, No. 5, October 2003

LATE COMMENT LETTER 5 CALIFORNIA DEPARTMENT OF FISH AND GAME

Response 5L-A: The California Department of Fish and Game (CDFG) cites its May 19, 2006, comment letter (see Letter 27 in the Final EIR) and states that Responses to Comment 27A through 27Q in the Final EIR are not supported by factual evidence. The County respectfully disagrees, as explained in detail on a comment-by-comment basis below.

First, the County provides a brief overview of the Placer Vineyards Specific Plan Conceptual Conservation Strategy, which includes two primary components: an Avoidance and Open Space Plan and a Conceptual Mitigation Program.

- Avoidance and Open Space Plan

The entire Specific Plan area, including both participating and non-participating properties, covers approximately 5227 acres and contains approximately 174.5 acres of wetland and other “waters” that are a key element of the Avoidance and Open Space Plan. Of this, about 68 acres are vernal pool and associated seasonal wetland habitat. About 78 acres include seasonal swale or other waters associated with corridors through the Plan area. The Placer Vineyards Specific Plan Avoidance and Open Space Plan incorporates over 700 acres of open space within the Placer Vineyards Specific Plan land use plan, and is based upon the goal of establishing interconnected open space. The open space includes significant wetland/swale corridors identified within the Plan Area. These corridors, which are central to the preserve design, promote connectivity of waters and watersheds, avoid isolating wetlands and drainages, avoid natural occurring wetlands over those created artificially through agricultural manipulation, and promote avoidance efficiency by maximizing wetlands avoided per total open space area.

- Conceptual Mitigation Program

In addition to providing substantial and protected open space areas, the intent of this Conceptual Mitigation Program (“Mitigation Program”) is to provide a single, all-inclusive mitigation program that can simultaneously mitigate for all biological resources of concern, including mitigation requirements for unavoidable impacts to Plan area endangered species habitats, wetlands and other “waters.” The Mitigation Program has been developed to be consistent with evolving strategies likely to find their way into the Placer County Conservation Program (PCCP), while also mitigating impacts on open space and agricultural lands. The Mitigation Program endeavors to facilitate adoption of a viable and functioning PCCP since the County General Plan and the PCCP plan for the ultimate development of the Placer Vineyards Specific Plan.

The Mitigation Program contemplates upfront acquisition of a 1,000-acre Core Preserve Area prior to any development activity. These and other preserve lands, will mitigate for unavoidable project impacts, and conserve sensitive habitats within Western Placer County. The basis for the acquisition of these preserve lands is the County requirement for mitigation at a 1:1 ratio for lost open space. Within the areas preserved as “open space” mitigation, specific habitat mitigation (preservation, creation, and restoration requirements) will occur at accepted mitigation ratios. It

is the goal of this strategy to achieve a mixed mosaic of habitats within acquired preserve areas to achieve ecosystem and preserve stability to support and conserve biological resources.

- Compensatory Mitigation

Approximately 156.1 acres of waters of the United States have been delineated within the project boundaries. Development will result in impacts to approximately 61.3 acres of waters of the United States and avoidance/preservation of approximately 60.1 acres of waters of the United States. Infrastructure associated with the project will result in impacts to approximately 41.4 acres of waters of the United States. Wetland mitigation, including avoidance, minimization, and compensation will follow the *Placer Vineyards Conceptual Conservation Strategy (discussed above)*. Wetland compensation will assure ‘no net loss’ of wetland functions or values.

The Conceptual Mitigation Program element of the Conceptual Conservation Strategy includes four key elements: (1) the Open Space/Agricultural Land Mitigation, (2) the Applicant Initiated Mitigation Proposal, (3) Specific Compensatory Mitigation Standards, and (4) Open Space Mitigation and Management Plans. The Conceptual Mitigation Program will incorporate a variety of compensatory wetland mitigation measures, including the acquisition and preservation of vernal pool-dominated grasslands, enhancement of existing wetlands, restoration of previously existing wetlands, and the establishment of new wetlands. From a broad perspective, the preservation and enhancement measures are intended primarily to assure that there will be no net loss of wetlands functions. The restoration and creation components are primarily intended to compensate for the loss of wetland area, and to result in the replacement of a portion of the impacted wetland functions. The Conceptual Mitigation Program will be implemented through a compensatory wetland mitigation plan.

The Conceptual Mitigation Program will be based on a holistic watershed-level approach involving a variety of aquatic habitats and their surrounding upland environments. In selecting and securing mitigation areas, the emphasis will be on securing large parcels encompassing intact watersheds. Securing larger parcels allows for a more comprehensive ecosystem approach and minimizes indirect impacts and disturbance from activities on adjacent lands. In many instances, these mitigation measures will serve a dual function in mitigating impacts to rare, threatened, or endangered species.

- (1) Open Space/Agricultural Land Mitigation

The Conceptual Mitigation Program contemplates upfront acquisition of preserve lands which will mitigate for unavoidable project impacts, and conserve sensitive habitats within Western Placer County. The basis for the upfront acquisition of these preserve lands as part of the Open Space/Agricultural Land Mitigation element is the County requirement for mitigation at a 1:1 ratio for lost open space. Within the preserve areas preserved as “open space” mitigation, specific habitat compensatory mitigation will occur. The goals of this strategy are to achieve a mixed mosaic of habitats within acquired preserve areas and to achieve ecosystem and preserve stability.

(2) Applicant Initiated Mitigation Proposal

In furtherance of the Conceptual Mitigation Program requirements, the Placer Vineyards property owners have committed to preserve, create, restore and/or enhance appropriate mitigation resources at levels required to compensate for unavoidable impacts to aquatic and habitat resources. The Placer Vineyards property owners have identified the five potential mitigation sites located within the south Placer County area which total over 3,300 acres of open space containing significant biological resources and wetland complexes. Agricultural lands also provide much potential for wetland restoration. Some of these properties would provide desirable corridor linkages to existing preserved landscapes. A combination of one or more of the mitigation sites identified by the Placer Vineyards property owners would establish a core preserve area of approximately 1,000 acres.

(3) Specific Compensatory Mitigation Standards

The Compensatory Mitigation Standards for wetland impacts will be based on the U.S. Army Corps of Engineers compensatory mitigation policies as set forth in Regulatory Guidance Letter No. 2-02 and dated December 24, 2002. Impacts to “waters of the United States” (not including vernal pools) and other non-jurisdictional wetlands identified in the Placer County General Plan will be mitigated to provide “no net loss” through avoidance, minimization and/or compensatory mitigation techniques. Impacts to vernal pool (fairy shrimp and tadpole shrimp) habitat will be mitigated through preservation or restoration of acreage based on each acre directly impacted, and the program is designed to provide no net loss of riparian habitat.

(4) Open Space Mitigation and Management Plans

The property owners will prepare Open Space Mitigation and Management Plans for mitigation sites to assure the implementation of the preservation, enhancement, restoration, and creation of wetlands and other habitat in accordance with the Compensatory Mitigation Requirements described above.

Response 5L-B: CDFG’s original Comment 27D disagreed with the Revised Draft EIR conclusion of the loss of 3,520 acres of habitat. CDFG then elaborated regarding a perceived understatement of the current value of the project site to wildlife resulting from an overemphasis of the analysis on special-status species, as opposed to general wildlife habitat values (e.g., winter migrant waterfowl and raptors).

Response to Comment 27D in the Final EIR restated the conclusion that 3520 acres of habitat would be lost and acknowledged that avoided areas would be surrounded by developed areas, but maintained that the avoided areas would still retain habitat value for wildlife. Response to Comment 27D then elaborated regarding the Revised Draft EIR’s acknowledgement of the loss of a large tract of land, and pointed out that the off-site mitigation requirements of the Revised Draft EIR (exemplified by identified off-site mitigation areas) were selected specifically to address this impact by contributing to the formation of large tracts supporting a diverse suite of resources. CDFG’s most recent comment (dated February 13, 2007) points out the extensive use of literature citations to support its conclusion that the retained open space would be

“significantly impacted as a result of project implementation.” CDFG then indicates that Response to Comment 27D lacked “reasoned analysis or literature citation” to refute its own extensive literature citations concerning this issue.

The County respectfully disagrees. Briefly, with respect to CDFG’s initial comment regarding a perceived understatement of the current value of the project site to wildlife, it is worthwhile to note that the existing conditions at the project site do not represent pristine wildlife habitat. Rather, historic and current land uses (e.g., rural residential land use with some associated active cultivation, developed and undeveloped roadways, and high-tension power line easements) on much of the site have probably degraded, at least somewhat, its original habitat values. For some areas within the project area, habitat degradation has been substantial, while in other areas, habitat values have been only minimally affected.

The County believes that CDFG’s most recent statement on these issues results from the County’s misunderstanding of CDFG’s original position as set forth in Response to Comment 27D. More specifically, the County previously interpreted CDFG’s assertion that more than 3,520 acres of habitat would be “lost” to indicate that, in its opinion, avoided on-site habitat would have no residual wildlife habitat value. The February 13 letter indicates that CDFG believes that the retained open space would instead be “significantly impacted as a result of project implementation.”

The County acknowledges that the literature cited by CDFG supports or reiterates ecological principles regarding the reduction or loss of habitat value typically associated with habitat fragmentation and isolation. These ecological principles are widely accepted, and the County does not refute them. In fact, the Revised Draft EIR directly addresses this issue in the analysis presented at Impact 4.4-1, “Development will remove the majority of open space in the Specific Plan area” (page 4.4-94), wherein it is specifically acknowledged that “fragmentation could affect the range of some species, and reduce the value of preserved habitat.” This impact discussion recognizes the loss of open space, including fragmentation within the plan area, as a significant impact. Further, the discussions of Mitigation Measures 4.4-1a through 4.4-1j indicate that, even with proposed mitigation measures, this impact would remain “significant and unavoidable.”

The County believes, however, that CDFG misinterpreted the Final EIR response, and assumed that the County’s position is that all of the existing habitat value would be completely retained in the open space areas. The County’s intention, though, was merely to point out that some level of habitat value will be retained.. Whether such diminished habitat is “lost,” and to what degree such diminution should be mitigated off-site, may be where the County and CDFG may disagree. With respect to diminished wildlife habitat value within the remaining corridors, it should be acknowledged that, to the extent wetlands within those corridors are occupied (or are assumed to be occupied) by federally-listed aquatic invertebrates, and to the extent that they are considered to be subject to indirect effects, prescribed mitigation (i.e., 2:1 preservation of existing vernal pool complexes at natural densities) will result in some measure of off-site mitigation.

Response 5L-C: The County has not relied solely on the fact that a streambed alteration agreement pursuant to Fish and Game Code Section 1602 will be required for the project as a

basis for concluding that all impacts to riparian habitat will be mitigated to less than significant levels. The County has not said that impacts to open space will be mitigated to less than significant levels. CDFG's original Comment 27L indicates that mitigation strategies for affected habitat types should be developed based on scientific principles identified in its letter (i.e., area quality, area shape, internal fragmentation, matrix permeability, and ability to manage). CDFG indicates that all mitigation for impacts to riparian habitat should be accomplished only off-site and that no credit should be given to any restoration effort of riparian or drainage areas on-site (due to the compromising effects of adjacent land use). CDFG claims that the scientific literature supports this view and that the Revised Draft EIR provides no information to support that planting trees mitigates this impact. Final EIR Response to Comment 27L describes the substantial and established riparian corridor to be mostly avoided along Dry Creek, then observes that there is very little riparian habitat (i.e., trees and shrubs) across the rest of the plan area. Response to Comment 27L then discusses considerations specific to riparian habitat avoidance (i.e., "jack and bore" stream crossings and compliance with California Fish and Game Code, Section 1602) and riparian mitigation planting (i.e., replacement ratios exceeding 1:1). All of these factors, and not just the need for a streambed alteration agreement, support the County's analysis of impacts to riparian areas.

Response 5L-D: CDFG's original Comment 27E contends that the value of open space to remain on site after construction has been overstated in the Revised Draft EIR. This comment then specifically references Revised Draft EIR Section 4.4-12, "Development could result in the loss of riparian habitat and disturbance of drainages," to illustrate the perceived inadequacy of the Revised Draft EIR's analysis regarding the effects of the project (i.e., fragmentation, adjacent land uses, and use of the riparian system focused as drainage areas) upon riparian habitats and associated wildlife remaining after construction. This comment then elaborates regarding the negative effects of fragmentation on bird populations, citing Rosenzweig (1995) and Brown and Lomolino (1998).

Response to Comment 27E points out that no value has been assigned to remaining habitats, but that commonly used mitigation measures consistent with regulatory policy have been identified to mitigate significant impacts to what typically and historically have been found (by Placer County, other jurisdictions, and other Responsible Agencies) to be less than significant levels. Response to Comment 27E states that CDFG has ignored the potential value of habitat enhancement to increase residual on-site value for remaining wildlife. The County's response also points out that, outside of the Dry Creek corridor, little riparian habitat (i.e., trees and shrubs) occurs on the project site, and that the proposed project will result in little or no significant additional fragmentation to on-site riparian habitat. In response to the hypothetical example provided by CDFG, the County responded that many other factors besides gross area (i.e., habitat diversity, habitat quality, and landscape context) may contribute to observed species richness at a given location.

CDFG's letter of February 13th takes issue with the Revised Draft EIR's alleged "proposition that permitting requirements pursuant to Section 404 results in impacts of less than significant to riparian resources," then goes on to report, erroneously, that the Revised Draft EIR and Final EIR assert that the retained open space "will continue to fully function as under pre-project conditions." CDFG then observes that "neither the Revised Draft EIR nor the Final EIR provide

any supporting documentation for these conclusions.” CDFG reports, correctly, that the County’s response identifies that mitigation measures in the Revised Draft EIR are consistent with regulatory policy and concurs that the on-site areas could be used for habitat enhancement and restoration, although CDFG questions the value of on-site habitat enhancement due to anticipated negative effects resulting from adjacent development. CDFG observes the lack of rebuttal to its prior literature citations supporting its position that remaining post-project open space areas will exhibit diminished habitat values. CDFG uses these anticipated diminished post-project habitat values to justify a call for abandonment of the on-site enhancement/restoration strategy, in favor of increased off-site habitat enhancement and restoration.

The County cannot find the basis for CDFG’s assertion that the Final EIR stated that retained open space “will continue to fully function as under pre-project conditions,” and since the County did not make such an assertion, it did not supply supporting documentation for that assertion. As stated above, the County believes that CDFG misinterpreted the Final EIR response, and assumed that the County’s position is that all of the existing habitat value would be completely retained in the retained open space areas. It was the County’s intention to point out that some level of habitat value will be retained, albeit perhaps in a diminished state. In fact, Revised Draft EIR Impact 4.4-12 specifically acknowledges that “indirect impacts to riparian corridors could negatively affect species dependent upon riparian habitat, even though riparian vegetation is not directly impacted.”

Based upon the relatively small amount of riparian habitat (i.e., trees and shrubs) within the plan area (i.e., estimated at approximately 1 acre, excluding non-native habitat and the approximately 42 acres within the Dry Creek corridor), and its seemingly incongruent use of the 1,000-acre, 500-acre, and 100-acre hypothetical patch sizes in the example cited in its original Comment 27E, it also seems that CDFG may be confusing the Revised Draft EIR treatment of the riparian habitat and open space issues. Again, impacts to the general habitat values at the site were dealt with under Impact 4.4-1, “Development will remove the majority of open space in the Specific Plan area” (page 4.4-94), wherein it is acknowledged that “fragmentation could affect the range of some species, and reduce the value of preserved habitat.” Impact 4.4-1 was identified as “significant and unavoidable,” despite the incorporation of extensive mitigation measures (i.e., 4.4-1a through 4.41j) intended to enhance and protect the value of mitigation lands.

To clarify, the County acknowledges that the remaining on-site open space areas will likely have diminished habitat value as a result of the proposed project’s construction-related activities and development. Potential effects to the on-site open space areas include construction-related impacts (e.g., unauthorized trespass into protected area, dust emissions, erosion, sedimentation, hazardous spills), increased human disturbances (e.g., bicycling, plant collection, access), introduction of non-native species (e.g., non-native plants, cats, dogs), non-point source pollution and pesticide use, and fragmentation of habitat (as a result of the overall project).

To minimize potential adverse affect to the proposed preserve areas resulting from these and other potential disturbances, conservation measures such as construction monitoring and training of construction personnel, enforcement of human and pet use restrictions in open space areas, installation of permanent fencing, signage, litter clean up requirements, and monitoring and

managing protected habitats will be implemented. These are anticipated to be elements required by the Open Space Mitigation and Management Plan referenced at Mitigation Measure 4.4-1e (Revised Draft EIR, page 4.4-99). It is also anticipated that they will be required as conditions of the project's Clean Water Act, Section 404 permit, Section 401 Certification, and/or Streambed Alteration Agreement.

It is common knowledge that many plant and wildlife species adapt and thrive in urban open space areas. A wide variety of plant and wildlife species, including special-status species, have been documented in regionally occurring preserves within urban settings, including vernal pool preserves in the City of Roseville (Ditchkoff 2006, ECORP Consulting, Inc. 2004, Sparling *et al.* 2006, and Stout *et al.* 2006). A non-statistical canvassing of monitoring data collected between 2004 and 2007 from 29 "small" (i.e., less than 400-acre) preserve areas in the Sacramento, El Dorado, and Placer County region monitored by ECORP Consulting, Inc., indicates ongoing wildlife use of small and urban area preserves. Native wildlife species such as Pacific tree frog (*Pseudacris regilla*), western fence lizard (*Sceloporus occidentalis*), common garter snake (*Thamnophis sirtalis*), western scrub-jay (*Aphelocoma californica*), northern mockingbird (*Mimus polyglottos*), yellow-billed magpie (*Pica nuttalli*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), opossum (*Didelphis virginiana*), and coyote (*Canis latrans*) are a few notable species that have been observed in these small, urban preserve areas. In contrast to these "small" preserve areas, the Placer Vineyards Specific Plan proposes a large open space assemblage of approximately 714 acres.

In addition to these common species, it is anticipated that the on-site open space would support aquatic habitats that could provide habitat for a variety of local occurring special-status species. Hispid bird's-beak (*Cordylanthus mollis* ssp. *hispidus*) is known from a small preserve associated with the Stanford Ranch development in western Placer County (CDFG 2003). Sanford's arrowhead (*Sagittaria sanfordii*) occurs within a small preserve associated with Antelope Park, in northern Sacramento County.

Regionally occurring urban preserve areas managed by CDFG (i.e., Phoenix Field and Pine Hill Ecological Reserves) occur in areas of urban encroachment, and are subject to many of the associated affects aforementioned. These areas, however, have managed to persist and provide habitat for a variety of special-status plant species, as well as for wildlife. In addition to their ecological benefits, these areas are well known for their educational value, both to scientists and the public. This can be demonstrated by available scientific literature (CDFG 2001, Clark *et al.* 1988), and the fact that these areas are regularly used by environmental educators and the public.

Finally, conservation biology theory and practice often focus on retaining maximal species richness. But the value of a habitat fragments should not be gauged solely by how many species it can retain. The importance of urban preserves to public outreach cannot be overemphasized. The inherent values of urban habitat areas include the education of the general public, research by scientists, use as landscape benchmarks or monitoring sites, and establishment of natural heritage museums (Shafer 1995). Additional values of small tracts for reserve biota include: resting areas for volant species and stepping stones for overland movement from one larger reserve to another (Shafer 1995). Beyond the environmental benefits, these areas provide social

psychological services, which are critical to the livability of the city and well being of urbanites (Chiesura 2004).

Having clearly acknowledged the project's potential for direct and indirect impacts within the retained on-site open space, the County believes that these open space areas will provide some habitat value and, together with the proposed offsite mitigation lands, will at least substantially lessen the significant impact associated with the loss of open space, though not mitigate that impact to a less than significant level.

Response 5L-E: CDFG's original Comment 27F enumerated and provided extensive literature citations for several generally accepted ecological principles, most of which can be summed up in the general categories of an inverse relationship between habitat size and extinction risk, increased exposure to edge effects, and increased competition for resources. CDFG then states that evaluating each of these concepts is crucial to evaluating impacts to retained lands, and specifically to retained riparian systems. Final EIR Response to Comment 27F acknowledges CDFG's reference to habitat size and extinction risk and acknowledges the importance of these ecological principles. The proposed off-site mitigation areas of Redwing and Antonio Mountain Ranch are offered as specific examples of "keystone" properties that, by joining with other adjacent preserved areas, would function to establish large preserve blocks, prevent future habitat fragmentation, and ensure long-term connectivity and habitat complexity within them.

CDFG's original Comment 27G directly challenges the County's calculation that the project will entail the loss of 3,520 acres of habitat, then states that "direct project impacts to biological resources results in the loss of 4,251 acres." Final EIR Response to Comment 27G directly disagrees with CDFG's assertion of 4,251 acres of habitat loss and restates the County's assessment that the "development will result in the direct loss of 3,520 acres of habitat." Response to Comment 27G observes that the project area is not a preserve area, but may be somewhat degraded by current land uses (i.e., rural residential and agricultural uses). This response further acknowledges that "avoided areas will ultimately be surrounded by developed areas, but will still retain habitat value to wildlife and could be used for habitat enhancement and restoration."

For a discussion of CDFG's original Comment 27L, see also Response to Late Comment 5L-C above.

CDFG's original Comment 27O reports its conclusion that a minimum acreage of 4,251 acres would be required to mitigate project impacts to biological resources, and that through time, this would result in approximately one-half of the existing biological resources being lost. The mitigation acreage requirement is said to be dependent upon on the size and integrity of the mitigation sites, suggesting that small size, potential isolation, and proximity to incompatible land uses might indicate the necessity of greater mitigation acreage. Final EIR Response to Comment 27O refers back to other responses (i.e., 27D, 27E, 27F, and 27G), and acknowledges agreement with the general concept that greater than 1:1 mitigation may be required depending upon the size and integrity of preserve areas. Further, it is acknowledged that increased on-site avoidance and or higher off-site mitigation ratios may be affected by permitting requirements and/or the practical considerations of land acquisition.

CDFG's letter of February 13th reiterates the specific comments from its 19 May letter referenced above and again claims that the County's responses reiterate the statements and unsupported conclusions originally presented in the Revised Draft EIR, and that the proposed open space areas and setback buffers are inadequate. Additional literature citations are provided to support the concept that larger buffer widths are needed to mitigate impacts in corridors adjacent to developed areas.

Each of the previous responses is further elaborated on below:

Comment 27F: As discussed above, CDFG identified and provided literature citations for several generally accepted ecological principles with which the County has no fundamental disagreement; nor does the County attempt to refute them. Regarding the perceived "crucial" nature of evaluating these concepts when considering impacts to retained open space, in fact, it is not possible to evaluate (or, in fact, to verify the specific applicability to the project site) many (if any) of these studies and/or principles, absent significant original field research (which the County considers to be well outside of the scope of an Environmental Impact Report for a Specific Plan and not required by County policy). Further, the value of such analysis is questionable where predictive modeling of resultant conditions cannot be conducted (perhaps, for example, due to a lack of baseline inventory data), and for which results cannot be evaluated against specific mitigation success criteria (e.g., occupation by "X" nesting raptor pairs, or documented occupation by or passage of particular wildlife species or suites of species).

Comment 27G: As discussed above, the County disagrees with CDFG's implied assertion that retained open space will provide no residual wildlife habitat value and, as such, should be considered to be "lost."

Comment 27L: During the process of identifying off-site lands to be used for the purposes of mitigation associated with build-out of the Placer Vineyards project, an effort was made to identify parcels that were adjacent to existing conservation lands and/or occurred within areas that are generally accepted as the best mitigation lands available within Placer County, and considered as suitable mitigation lands within the context of the Placer Legacy Program. A subset of the mitigation areas was chosen specifically for the purposes of contributing to the formation of larger blocks of preserved land in western Placer County. The benefits of establishing large, contiguous open space reserves have been widely discussed/documented in the scientific literature (Diamond 1975, Burkey 1995, Robinson *et al.* 1995, Collinge 1996, Crooks 2002, Drinnan 2005). Antonio Mountain Ranch (~660 acres) and Redwing (~993 acres) occur immediately adjacent to existing open space reserves, thereby increasing the extent and value of lands set aside for conservation in western Placer County (please refer to Figure 7 of the Final EIR). Both of these properties support a diversity of existing wetland/water types, as well as opportunities for wetland restoration/creation. The acquisition of these parcels for conservation purposes would result in a variety of benefits for the surrounding open space lands, including increased area, increased connectivity, increased buffers, decreased edge effects, reduced potential for fragmentation, and increased habitat

diversity. In addition, these areas support a diverse suite of resources, including habitat for listed vernal pool branchiopods, rare vernal pool plants, migratory waterfowl, winter migrant and nesting raptors, and other wildlife species.

Antonio Mountain Ranch (~ 660 acres) is located immediately adjacent to and fills an intervening gap between the Orchard Creek Conservation Bank and Moore Ranch. The preservation of Antonio Mountain Ranch would result in a variety of benefits within the context of the existing preserved lands, including increased size/area, reduced fragmentation, and improved connectivity.

Redwing (~993 acres) is located along the eastern edge of Yankee Slough. In addition, these lands adjoin the Coon Creek Conservancy and are in the immediate vicinity of Sheridan East and Hoffman. Agricultural lands currently occupy the intervening lands between these blocks of open space. The addition of Redwing would increase the size of the existing open space, increase connectivity, decrease potential fragmentation, and contribute to regional conservation strategies.

In instances where it was not feasible to identify available lands that are contiguous with existing open space reserves, an effort was made to identify the best available mitigation lands within Placer County, including lands identified in the Placer Legacy Program and in the general vicinity of existing open space reserves (e.g., Reason Farms and Aitkens Ranch). These properties and others contribute to the developing suite of lands set aside for conservation in western Placer County. Three additional parcels (Musolino Children's Trust [~301 acres], Lincoln Ranch [~1,079 acres], and Placer 312 [~312 acres]) totaling approximately 1690 acres were identified in this effort (refer to Figure 7 of the Final EIR). These parcels are currently being used for rice production, and provide existing wildlife habitat value as well as potential for wetland restoration and creation. Rice agriculture in the Central Valley holds the key to providing much of the waterfowl habitat objectives set by the North American Waterfowl Management Plan. In addition, these habitats are used extensively by dozens of other bird species, including shorebirds, egrets, and herons (Ducks Unlimited 2007).

Comment 270: CDFG again asserts that 4,251 acres are required to mitigate the project impacts of habitat conversion. This number is presumably derived by adding the 3,520 acres of acknowledged habitat conversion to 714 acres of retained open space. Further, while CDFG specifically indicates that the value of the mitigation areas is dependent upon their size and integrity, and that a larger aggregation of mitigation acreage might be warranted, CDFG fails to acknowledge the value of the identified mitigation properties (some of which are generally recognized as notably high) or the possibility that a reduced aggregation might also be warranted. Again, the County rejects the concept that the retained open space has no residual wildlife habitat value, and that habitat restoration and enhancement within it has no mitigative value. Hilty *et al.* (2006) acknowledges both positive and negative effects on connectivity of *de facto* corridors (e.g., revegetated highway corridors, fencerows, unmanaged ditches and creeks, etc), noting that, although possibly “disturbed, invaded by exotics, or sparsely vegetated, ... some plants and animals may still be able to disperse through it or survive within it.” Recent geographic

analysis of the project site indicates that the “average” corridor width (derived by dividing total contained open space area by the length of centerline) exceeds 400 feet. The County believes that something biologically and ecologically meaningful can be accomplished in that area. The County recognizes that successful corridor planning requires the identification of specific performance goals, such as the successful migration of a specific wildlife species or (suite of species) or the establishment of a particular plant community. The County believes that the proposed Open Space Mitigation and Management Plan, referenced in mitigation measure 4.4-1e is the appropriate vehicle for such goal-setting and planning.

Response 5L-F: Please see Response to Comments 5L-A through 5L-E.

ENDNOTES

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MOTHER LODE CHAPTER

1414 K STREET, SUITE 500

SACRAMENTO, CA 95814

TEL. (916) 557-1100 x 108

March 20, 2007

Paul Thompson
Placer County Planning Department
3091 County Center Dr.
Auburn, CA 95603

Re: Placer Vineyards Specific Plan Draft Environmental Impact Report

Dear Paul,

I understand that portions of the Placer Vineyards Draft EIR are intended to be updated and recirculated for public comment in the near future. The amended DEIR must include any new significant information regarding potential impacts of the project that have come to light since the previous circulation of the document.

L-A

As you know, recently there has been a discovery of the Conservancy fairy shrimp in Placer County. This species is listed by the USFWS as endangered, and the Recovery Plan for the species calls for 100% avoidance of take.

Potentially, populations of Conservancy fairy shrimp exist throughout the county, including the Placer Vineyards site. Indeed, regarding the Vernal pool fairy shrimp and the Vernal pool tadpole shrimp, the USFWS has an established policy that presumes the presence of these species in all vernal pools in Placer County. Without exhaustive biological surveys, this assumption must hold true for the Conservancy Fairy Shrimp as well.

L-B

Thus we request that the Placer Vineyards DEIR provide biological surveys for the Conservancy Fairy Shrimp that are conducted at the appropriate time of year (early spring) in order to assess whether the project would impact this endangered species. In the absence of such surveys, the project must assume presence of the species and, to be consistent with federal recovery guidelines, avoid all vernal pools on the site.

Thank you for your attention to this matter.

Sincerely,

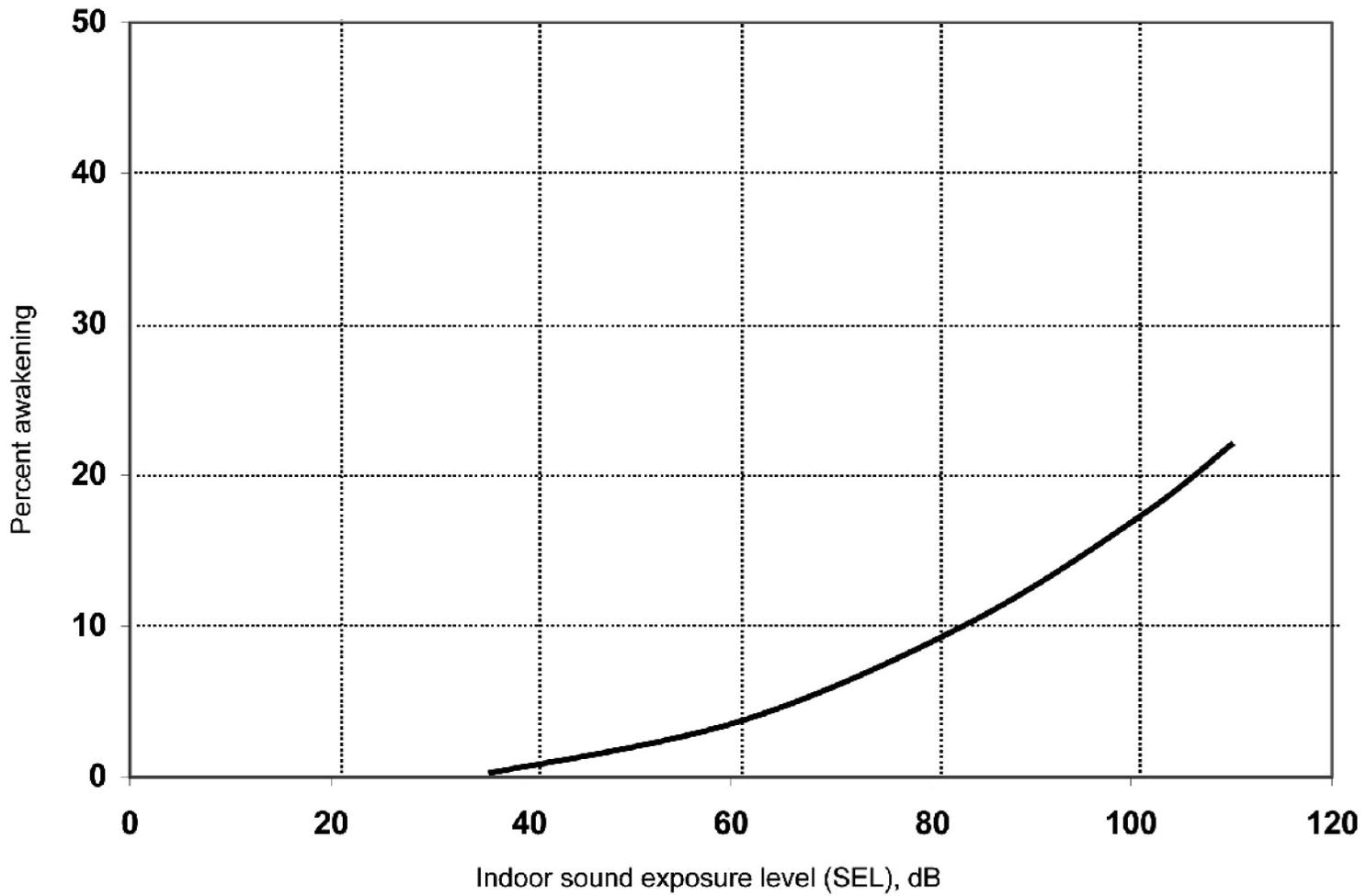
Terry Davis
Conservation Program Coordinator
Mother Lode Chapter Sierra Club

- cc: Ken Sanchez, USFWS
- James Pachl, FOSH
- Carole Witham, CNPS
- Barbara Vlamis, BEC
- Kim Delfino, Defenders
- Ed Pandolfino, SFAS

LATE COMMENT LETTER 6 SIERRA CLUB

Response 6L-A: In response to a March 2007 report that the Conservancy fairy shrimp (*Branchinecta conservatio*) was found in western Placer County, a supplement was added to Section 4.4 as part of the Second Partially Recirculated Revised Draft EIR. Table 4.4-3 of the Revised Draft EIR has also been amended to include the addition of the Conservancy fairy shrimp. Based on the March 2007 report, the Conservancy fairy shrimp is now considered as potentially-occurring within the Placer Vineyards Specific Plan area and potential off-site improvement areas, although it is still considered “unlikely” to occur there, based on its prior-documented limited distribution and the fact that ongoing determinate surveys for vernal pool aquatic invertebrates throughout the plan area have, thus far, not indicated its presence. (Second Partially Recirculated Revised Draft EIR, pp. 4.4-1 to 4.4-2.)

Response 6L-B: See Response to Comment 6L-A.



Source: Federal Interagency Committee on Airport Noise, 1997 / J.C. Brennan & Assoc., 2007 / Quad Knopf, 2007



PLACER VINEYARDS SPECIFIC PLAN
SLEEP DISTURBANCE DOSE-RESPONSE RELATIONSHIP

Figure 11



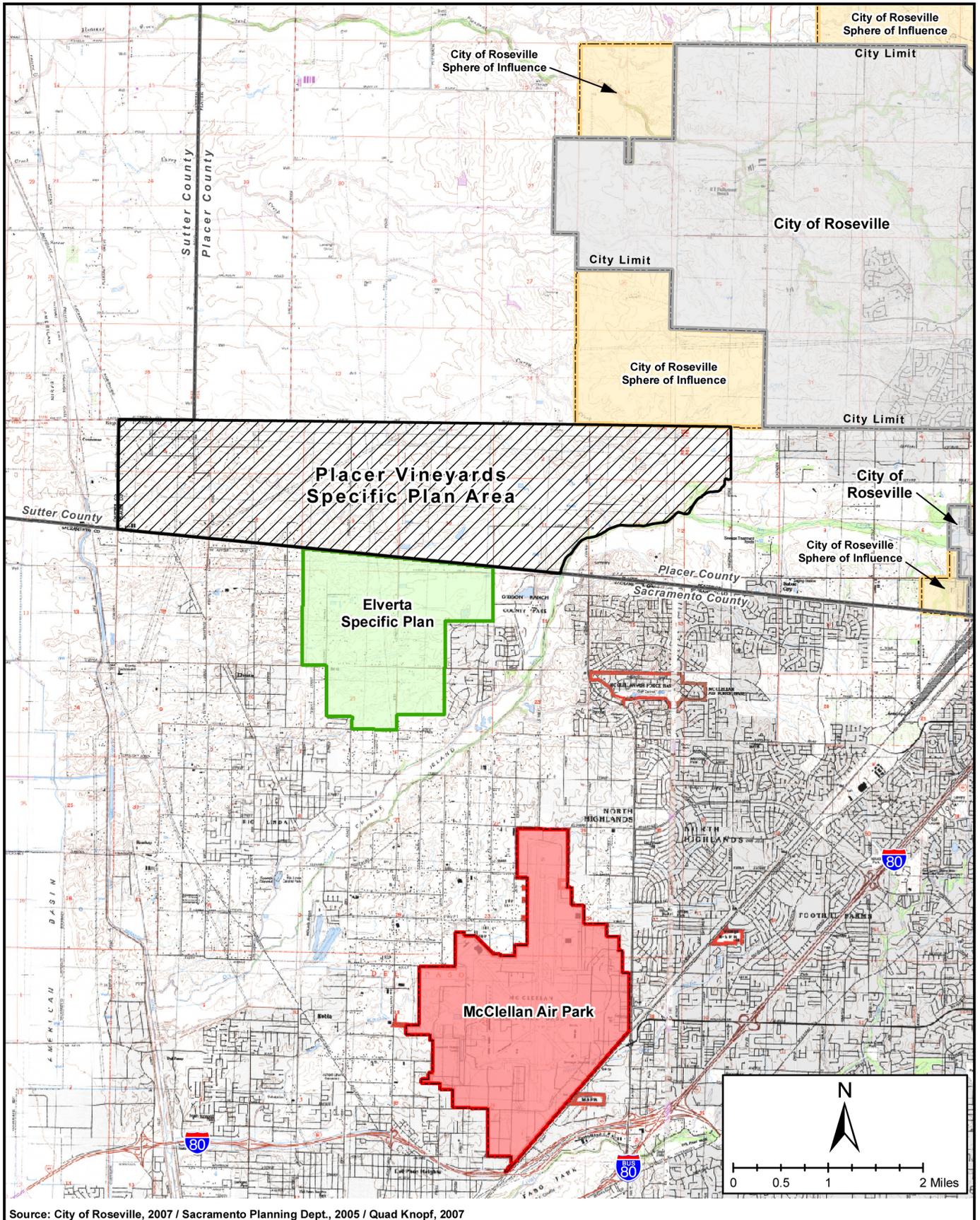
- △ : 24 Hour Noise Monitor Site
- : Short Term Noise Monitor Site

Source: EDAW, 2006 / J.C. Brennan & Assoc., 2007 / Quad Knopf, 2007



PLACER VINEYARDS SPECIFIC PLAN NOISE MONITORING STATION LOCATIONS

Figure 12

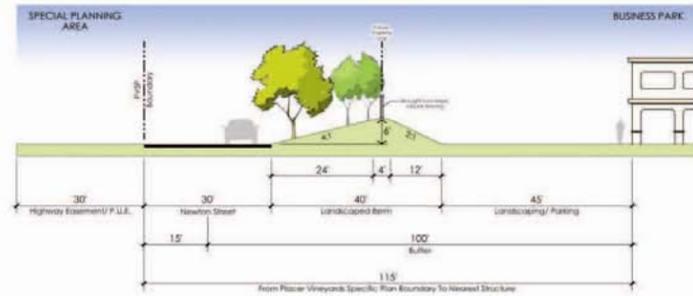


Source: City of Roseville, 2007 / Sacramento Planning Dept., 2005 / Quad Knopf, 2007

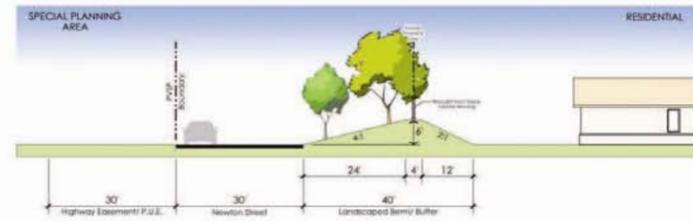


PLACER VINEYARDS SPECIFIC PLAN PROJECT RELATIONSHIP TO OTHER FEATURES

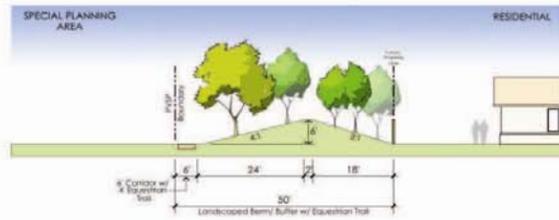
Figure 13



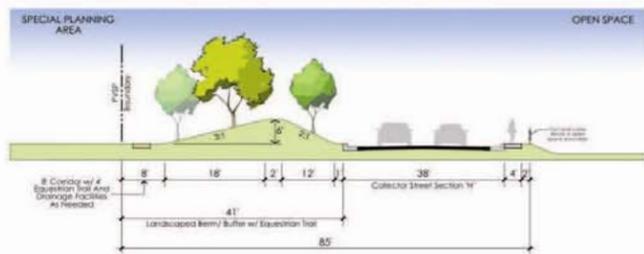
SECTION A
Berm Adjacent To BP Land Use
n.t.s.



SECTION B
Berm Adjacent To Residential @ Newton St.
n.t.s.



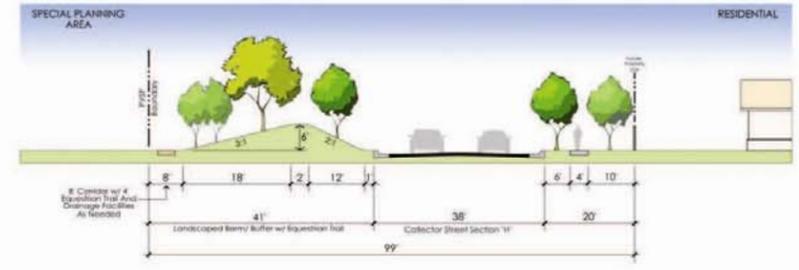
SECTION C
Berm For 50' Buffer Area
n.t.s.



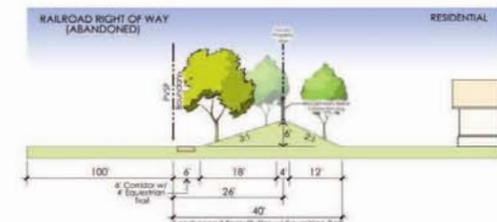
SECTION D
Berm Adjacent To Open Space/West Town Center Drive
n.t.s.



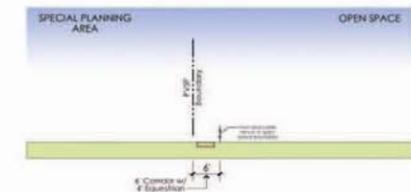
- LEGEND**
- Proposed Stop Sign
 - ⓧ Proposed Traffic Signal
 - ← Cross Section Locator
 - * Equestrian Trailhead
 - Equestrian Trail



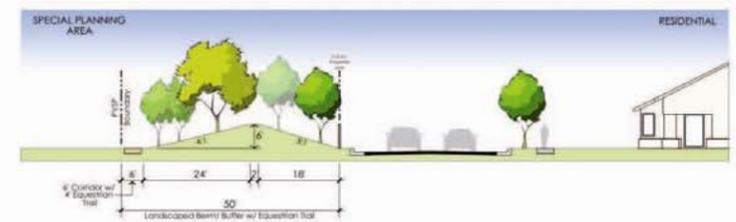
SECTION E
Berm Adjacent To West Town Center Drive
n.t.s.



SECTION F
Berm Adjacent To Western Project Boundary
n.t.s.



SECTION G
Cross Section @ Open Space/Special Planning Area
n.t.s.



SECTION H
Berm For 50' Buffer Area Adjacent to Residential
n.t.s.

CONCEPTUAL BERM AND BUFFER PLAN

PLACER VINEYARDS

June 7, 2007

Mackay & Somps
CIVIL ENGINEERS, INC.
CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING
ROSEVILLE, CALIFORNIA

Source: MacKay & Somps, 2007 / Quad Knopf, 2007



PLACER VINEYARDS SPECIFIC PLAN
CONCEPTUAL BERM AND BUFFER PLAN

Figure 14