

# **SECTION 2.0**

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**COMMENTS ON THE DRAFT EA/EIR**

## CHAPTER 2.0 COMMENTS ON THE DRAFT EA/EIR

This chapter contains written comments that were received during the public review period for the Draft EA/EIR prepared for Placer County's Sewer Maintenance District 3 (SMD 3) Regional Sewer Project (Proposed Project). The Draft EA/EIR was submitted to the State Clearinghouse (SCH# 2011122079) and released for public and agency review for a 45-day review and comment period on June 22, 2012. The comment period closed on August 6, 2012. A total of nineteen (19) comment letters were received by Placer County in response to the Draft EA/EIR during the comment period. The agencies, organizations, and individuals who provided comments on the Draft EIR are listed in **Table 2-1**. Individual comment letters are provided following this table. As discussed in **Chapter 1.0**, each individual letter and comment has been provided a number in the right-hand margin. This number is cross-referenced with a specific response in **Chapter 3.0**.

**TABLE 2-1. PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES COMMENTING IN WRITING**

Comment Letter Number	Name/Individual(s)	Agency/Organization	Date
1	Pat Peterson	Hidden Valley Resident	7/8/2012
2	Sandra Casey-Herold	Hidden Valley Resident	7/15/2012
3	Mark K. Bowers	Hidden Valley Resident	7/21/2012
4	Robert D. Peterson	Robert D. Peterson Law Corporation, Hidden Valley Resident	7/23/2012
5	Chris Sweeney	Hidden Valley Resident	7/26/2012
6	Errol and Kelli Belt	Hidden Valley Resident	7/27/2012
7	Mark T. Mabie and Robbin Connerty	Hidden Valley Resident	7/31/2012
8	Bonnie Walker Forslin and Brent A. Forslin	Hidden Valley Resident	7/31/2012
9	Ahmad Kashkoli	State Water Resources Control Board (SWRCB)	7/31/2012
10	Tamsen Taylor	Sunset-Whitney Veterinary Hospital. Hidden Valley Resident	8/1/2012
11	Osha R. Meserve	Soluri Meserve, a Law Corporation representing Hidden Valley Community Association (HVCA)	8/1/2012
12	Eleanor R. Grenfell	Hidden Valley Resident	8/1/2012
13	Kevin Console	Hidden Valley Resident	8/2/2012
14	Mark K. Bowers	Hidden Valley Resident	8/2/2012
15	Richard Sambucetti	Hidden Valley Resident	8/3/2012
16	Sonja White	Hidden Valley Resident	8/5/2012
17	Paul Schmidt	Hidden Valley Resident	8/5/2012
18	Barbara Pepper	Hidden Valley Resident	8/5/2012
19	Osha R. Meserve	Soluri Meserve, a Law Corporation representing HVCA	8/6/2012

To Whom It May Concern:  
Re: Proposed SMD3 Sewer Project

7/8/2012

I am writing in opposition to the proposed sewer line through the community property of the Hidden Valley subdivision.

The construction of this sewer line through my HVCA community property, within 3 feet of my back fence, about 100 feet from my living room, will significantly, negatively impact my life during the construction of the sewer line and years afterwards.

I am opposed to the construction of this line for the following reasons.

Removal of approximately 50 large trees which provide view, shade and aesthetic value:

Impact:

- The aesthetic lost of these huge, beautiful heritage oaks behind my property cannot be emphasized enough. I measured the DBH of 5 of these trees behind my property, with an informal DBH of 19 inches to 29 inches. See picture.
- Removal of view trees will impact my property values.
- Removal of shade trees will have a monetary impact by increasing summer PG&E utility bills.
- My backyard will be in direct afternoon sun, requiring landscape changes and increased irrigation.

1-1

- **Monetary impact of direct sun in my living room will cause sun fading of furniture and rugs.**
- **Removal of these trees will provide a growth environment for the invasive star thistle weed.**
- **Removal of these trees will result in the loss of shade and cooling behind my house.**

**Construction path is within a 14 acre horse pasture occupied by two family's horses:**

**Impact:**

- **Horses will have to be moved during construction.**
- **Increased time to access and care for horses.**
- **Probably my horses will have to be boarded during construction. Boarding for 3 horses could run over \$1000.00 a month. Obviously this is a major monetary impact.**

**Air Release Valve behind my property:**

**Impact:**

- **Phew**

**Drainage behind my house:**

**Impact:**

- **The area behind my house is a swamp area in the winter. If the sewer line is not graded properly this area could be a muddy mess.**

1-1  
Cont.

**Dust:**

**Impact:**

- The dust stirred up from the project will fill my house with dust requiring detailed cleanup.
- I have dust allergies.
- Removal of the shade trees will increase the dust level in my house for the foreseeable future.

**Destruction of landscaped lawn area behind my house:**

**Impact:**

- I have not seen plans to replant the lawn and repair the sprinkler system on the community property behind my house where the pipe will be laid.

**Construction site will eliminate access to my backyard from the Hidden Valley easements.**

**Impact:**

- This access is the only road I can use to bring horse feed supplies to my barn. What provisions have been made to carry in bales of hay for me?
- I use this access to the Hidden Valley community property to feed my horses and exercise my dogs.

**Construction site is a hunting ground for my cat:**

**Impact:**

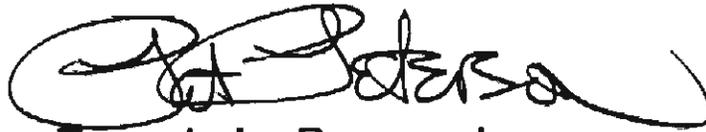
- What safety measures are being implemented to protect our animals?
- Potential loss of kitty's life.

1-1  
Cont.

In short this project will destroy the property behind my house, potentially completely alter my lifestyle and will cost me money. Please use Auburn-Folsom Road or Morningside Drive!

1-1  
Cont.

Yours truly,  
Pat Peterson



Trees to be Removed



July 15, 2012

Placer County Department of Facility Services  
11476 C Avenue  
Auburn, CA 95603  
ATTN: Maywan Krach

U.S. Army Corps of Engineers  
1325 J Street  
Sacramento, Ca 95814  
ATTN: Colonel William J. Leady

RECEIVED  
FACILITY SERVICES  
2012 JUL 17 PM 3:38

Re: Placer County SMD Regional Sewer Project

I am writing to express my opposition to Alternates A and C as described in the June 2012 Environmental Impact Report. My comments are as follows:

General legal concerns:

Draft EIR, in discussing Alternatives A and C, assumes existing easements for the proposed new main thru Hidden Valley common area. These proposed alternatives will generally follow the path of an existing gravity sewer line, which was constructed to take residents of this community off septic. The easement allows right to maintain the existing pipeline, but any right to construct a new main (which, by the way, is not intended to benefit Hidden Valley) requires approval by the Hidden Valley Board of Directors.

In addition, there are various easement required by Willow Lane residents, and (as stated below) a requirement for air easements as it relates to the odor air release valves. None of these have been granted, and specifically, the Board of Directors at its June meeting rejected approval of allowing the SMD 3 project to be constructed through the common area.

Section 3.1 - Aesthetics

- 1) Erroneous conclusion based upon wrong assumption: The draft EIR states that the Proposed Project "would be constructed within the existing footprint of the WWTP site and previously developed areas beneath roadways and road shoulders, therefore construction of the Proposed Project would not result in significant effects on scenic vistas..."

Comment: This conclusion seems to only contemplate Alternative B and fails to consider effects of Alternative A to the visual aesthetics and recreational use of the common area "backyards" of Hidden Valley residents. Hidden Valley consists of a subdivision of 162 residences, whose occupants have exclusive legal access to the homeowner's association common area (referred to as "open space " in the draft EIR) for horse pasturing and numerous other recreational activities including birding, fishing, jogging and photography. Hidden Valley gives permission to educational (Sierra College) and conservation groups for the purposes of viewing its numerous wildlife, streams, ponds and wetlands.

Removal of 30+ protected trees for construction, along with the indirect negative effect related to probable damage to remaining trees' root structures, will have significant permanent effects on the visual character of the Hidden Valley common area. Those residents who abut the area as a result of this project will have, in effect, mature trees damaged and removed in their front and back yards. Many of these residents along both the Morningside and Willow Lane corridors rely on these huge heritage oaks, cottonwood and other mature trees to 1) protect their residents from excessive heat (obviously affecting energy consumption) and light, and 2) mitigate noise and noxious odors as it relates to increasing traffic on Auburn Folsom Road.

In addition, during the 18+/-month construction period (the EIR is inconsistent in its estimation of the construction period) there will be a disruption to wildlife habitat (particularly migratory birds), a need for relocation of horses from their current pastures, fencing off of existing walking paths, and backyard views of heavy equipment along the proposed path. This affects recreational use of the area, in addition to the aesthetic value that residents routinely enjoy.

- 2) The draft EIR states "views of ... alignment (during construction only) would be experienced by viewers traveling along Auburn-Folsom Blvd., Twin Rocks Road and Joe Rodgers.."

Comment: This conclusion assumes visual impact during construction will be limited drivers along the Auburn- Folsom corridor, which again does not adequately address Alternative A. Many homes back and/ or front the proposed Project. (Some residential structures are less than 30' away). The character of Hidden Valley is to have "open fencing" so that views are unobstructed to the common area. The conclusion referenced above does not address visual impact to both residents adjoining the proposed Project, and other residents who regularly use jogging and biking trails, bridle paths and fishing areas.

2-1  
Cont.

### Section 3.2 Odors

- 1) Omission of analysis regarding odors.

Comment: The EIR states the "force main (has) the potential to produce odors that would be a nuisance or annoyance" and "Alternative A would use odor control at remote air relief valve locations..."

The preliminary design shows at least 2 air release valves ("ARV") along Alternative A. One of these proposed ARVs (at MH G-16-51) will be located as close as 70' or less to residential structures. ARVs are known to emit noxious odors. Breezes commonly occur on an easterly path over Cottonwood Lake and the open pasture area near this proposed ARV location. Residents in close proximity to this ARV (7060, 7070, 7080 and 7090 Morningside Drive) will be SIGNIFICANTLY and permanently affected as they are downwind, as will those using that area for jogging and for fishing in the 2 adjacent ponds (approx. 10-20' away).

IF Alternative A goes forward, the RV will require an easement. The EIR does not address from whom that easement will be sought. Please address alternatives to the permanently negative proposal of placing these ARVs immediately adjacent to residential backyards and structures, and to other recreational areas.

Also, the EIR fails to address construction-related odors affecting residences in close proximity to construction equipment access areas, including Willow Lane, those addresses listed above, and the residence at 7010 Morningside which is bordered front, side and back by proposed construction activity and is immediately adjacent to the Twin Rocks staging area.

### Section 3.2 - NOA

- 1) Omission of analysis regarding naturally occurring asbestos.

Comment: Although the EIR identifies Twin Rocks Road as likely as having a presence of naturally occurring asbestos, mitigation measures under Section 3.2-9 (retention of a geologist to determine whether NOA exists) do not address this site.

### Section 3.3 – Biological/ migratory birds and mitigation measures affecting erosion

- 1) Incomplete analysis and impractical mitigation regarding migratory birds.

Comment: The EIR states that “the majority of the study area consists of disturbed habitat and does not provide high wildlife value due to nearby traffic on Auburn-Folsom Road” and that “the project area lacks the quality of habitat needed to support wildlife populations.”

Approximately 25% of the 23,050 linear feet of Alternative A proposed pipeline is thru tree-covered “open space” (Hidden Valley-owned common area) which is abundant with wildlife, and which is generally undisturbed. Of particular note are the various migratory birds which are found in this area and which are protected under the Migratory Bird Treaty Act. These include, but are not limited to:

Mallard ducks

Canadian Geese

Cooper’s and Red Shoulder hawks

Great Horned and Elf owls

Cranes

Bald eagles

Great Blue Heron

Green Heron

Great Egret

**SEE ATTACHMENT A, PREPARED IN 1994, DESCRIBING WILDLIFE OBSERVED HERE.**

**SEE ATTCHMENT B OF PICTURES TAKEN WITHIN THE LAST WEEK.**

Mitigation for measures for migratory birds does not adequately address all protected birds in this area and accordingly could not identify breeding/nesting times associated with each species. In addition, construction time in Hidden Valley to not include the "breeding season" of March thru August suggests that construction activity would occur during the rainy season. This would conflict with trenching precautions and measures required to preserve riparian areas and wetlands. The Placer County General Plan discourages grading activity in areas adjoining creek beds to prevent unnecessary sediment and erosion, and trenching and heavy equipment in the Hidden Valley wetland/creek/watershed are during the wet season would be contrary to this goal.

The proposed mitigation measure is to have biologist survey during the breeding season (2 weeks prior to construction) to determine if nesting activity is occurring, and if not, proceed with construction. This mitigation is inadequate in that it does not define the biologist's survey area (i.e. distance from the proposed construction-affected area, approximately 30' in width, to where nesting activity will be evaluated). In addition, there is no evaluation as to timeframes of nesting activities of the various migratory species not mentioned in the report and, accordingly, the survey 2 weeks prior to construction may be too long.

Finally, there is no specific discussion with regards to the permanent effect of removal of the nesting habitats (trees) and the likely falling of remaining trees (months or years after after construction completion) due to construction activity that HAS to occur within drip lines. (NOTE: despite mitigation measures to preserve existing trees with orange fence marking, it is physically impossible to avoid damage to root structures due to width of construction zones and proximity to property lines, wetland/ponds, and Miner's Ravine).

#### Section 3-3 and 3-5 Riparian habitat, erosion

- 1) Omission of analysis regarding streambeds and riparian areas within common area.

Comment: The EIR states "Alternative A would not require any crossings of Miner's Ravine and has been designed to avoid the wetland located in the southeast corner of the WWTP site." There is no discussion regarding the permanent and perennial streams that are tributaries to Miner's Ravine and which are pervasive in the Hidden Valley common area. The reference of impact to only 0.197 acres of riparian vegetation seems to only address the area south of the WWTP site and does not specifically identify what has been studied as potentially affected areas in the common area. There are several areas along the proposed pipeline which are immediately adjacent to streams and ponds, which collectively far exceed the "0.197" acres of impacted riparian area identified in the study.

In addition, the Granite Bay Community Plan prohibits construction activity within 25'/50' of intermittent or permanent streams and wetlands. Alternative A would be unable to meet this criterion in at least one area near Willow Lane, and most obviously, in the area adjacent to 7010, 7020 and Morningside Drive, which in some cases is less than 25' from Miner's Ravine.

Construction under Alternative B along 2 existing bridge structures crossing Miner's Ravine would have far less impact than trenching around and under the various streambeds in common area.

In addition, the path between MH G16-51 and MH G16-57 contains 2 ponds ( Kingfisher and Sunfish Ponds) which are approximately 20 ' away from each other. The EIR does not address erosion control, how separation of ponds will be maintained, and how trenching in this area would comply with the Granite Bay Community Plan. .

#### Section 3.4 Cultural Resources

Comment: Appendix J to the EIR, although used in the study, is classified as "confidential" and as such is not available for public review. The EIR does not state the basis for such classification.

Hidden Valley was home to the South Maidu Indians and numerous artifacts have been discovered in the common area. When the Indians left (around 1854) they buried all of their artifacts here.

**SEE ATTACHMENT C-1 1960 "THE STORY OF HIDDEN VALLEY"**

**SEE ATTACHMENT C-2 1976 "HIDDEN VALLEY SAGA"**

#### Section 3.10 and 3.9 Recreation and Noise

Comment: As stated in the "Aesthetics" section above, there are numerous recreation activities carried about in the common area. Of particular note are horse activities. Alternatives A and C will restrict access to the community arena. In addition access to bridle paths and pastures will be restricted. As mentioned earlier, horses will need to be relocated or boarded. Remaining horses will be subjected to ground vibration and startling noise activity as a result of blasting, which will no doubt be necessary due to granite formations in the area. Startled horses equal disaster. The migration proposal for recreation only addresses Miner's Ravine Nature Reserve, and there is no discussion regarding noise and ground vibration as it affects residents and horses.

2-1  
Cont.

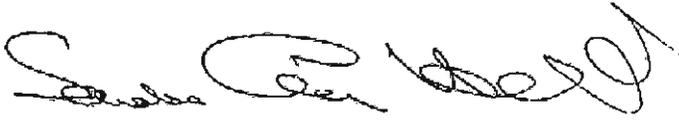
#### Section 3.11 Traffic

Comment: Traffic will be adversely affected in all alternatives, and Folsom-Auburn Road will be affected no matter what. Alternative A and C will impact residents along Willow Lane as they only have one access to their homes. Additionally, placing the staging area for the entire 24+/- month construction period at the corner of Twin Rocks and Auburn Folsom Road will drastically impact access to Twin Rocks Road and Morningside Drive, which already is a dangerous intersection (particularly if entering from the Auburn direction).

#### Summary

In summary, please consider Alternative B as the only viable alternative offered. Also please note that there is a "POSSIBILITY" (NOT yet voted on by the Hidden Valley HOA) that, due to deterioration of old water pipes, there will be a water construction project in the private roadways (NOT the open area/common area) of the Hidden Valley subdivision. Perhaps another alternative for your consideration is joining in construction with the water project (sharing trenching costs, easements, etc???) . I believe this would also require an easement in Hidden Valley private roads.

Sincerely

A handwritten signature in black ink, appearing to read "Sandra Casey-Herold". The signature is fluid and cursive, with a large initial "S" and a distinct "H" at the end.

Sandra Casey-Herold

CC: Kirk Uhler, Placer County Board of Supervisors

Attachments A, B-1, B-2 and C

ATTACHMENT A

**A CHECK-LIST OF THE VERTEBRATE FAUNA**

of

Hidden Valley Community Association  
Placer County, California

50 CFR 17.11

**Fishes**

Green Sunfish  
Bluegill  
Smallmouth Bass  
Mosquitofish  
Catfish (Brown bullhead?)

**Amphibians**

Western Toad  
Pacific Treefrog  
Bullfrog

**Reptiles**

Western Pond Turtle\*\*  
Western Fence Lizard (Blue belly)  
Western Skink  
Gilbert's Skink  
Southern Alligator Lizard  
Sharp-tailed Snake  
Ring-necked Snake  
Gopher Snake  
Common Kingsnake  
Long-nosed Snake  
Western Terrestrial Garter Snake  
Western Aquatic Garter Snake  
Western Rattlesnake

**Birds**

Pied-billed Grebe  
Eared Grebe  
Double-crested Cormorant  
Great Blue Heron  
Great Egret  
Green Heron-N

**Birds** (Continued)

Canada Goose-N  
Wood Duck-N  
Mallard-N  
Northern Pintail  
Gadwall  
American Wigeon  
Canvasback  
Redhead  
Ring-necked Duck  
Greater Scaup  
Common Goldeneye  
Bufflehead  
Hooded Merganser  
Common Merganser  
Ruddy Duck  
Turkey Vulture  
Bald Eagle (overhead)\*  
Osprey (overhead)\*\*  
Sharp-shinned Hawk\*\*  
Cooper's Hawk\*\*-N  
Red-shouldered Hawk-N  
Red-tailed Hawk  
Golden Eagle (overhead)  
Wild Turkey  
California Quail-N  
Common Moorhen  
American Coot  
Sandhill Crane (overhead)  
Killdeer-N  
Spotted Sandpiper  
Mourning Dove-N  
Band-tailed Pigeon  
Common Barn-Owl-N  
white tailed kite

Birds (Continued)

Western Screech Owl-N  
Great Horned Owl-N  
Vaux's Swift  
Black-chinned Hummingbird-N  
Anna's Hummingbird-N  
Costa's Hummingbird  
Calliope Hummingbird-N  
Rufous Hummingbird  
Belted Kingfisher-N  
Acorn Woodpecker-N  
Red-breasted Sapsucker  
Nuttall's Woodpecker-N  
Downy Woodpecker-N  
Northern Flicker  
Western Wood-Pewee  
Pacific-Slope Flycatcher-N  
Black Phoebe-N  
Ash-throated Flycatcher-N  
Western Kingbird  
Tree Swallow-N  
Violet-green Swallow-N  
Northern Rough-winged Swallow  
Barn Swallow-N  
Scrub Jay-N  
Steller's Jay  
American Crow-N  
Plain Titmouse-N  
Bushtit-N  
White-breasted Nuthatch-N  
Brown Creeper  
Bewick's Wren-N  
House Wren-N  
Ruby-crowned Kinglet  
Blue-gray Gnatcatcher-N  
Western Bluebird-N  
Townsend's Solitaire  
Hermit Thrush  
American Robin-N  
Varied Thrush

Birds (Continued)

Wrentit  
Northern Mockingbird-N  
California Thrasher-N  
Cedar Waxwing  
Phainopepla  
European Starling-N  
Solitary Vireo  
Hutton's Vireo  
Warbling Vireo  
Orange-crowned Warbler-N  
Nashville Warbler  
Yellow-rumped Warbler  
Black-throated Gray Warbler  
Townsend's Warbler  
MacGillivray's Warbler  
Wilson's Warbler  
Yellow-breasted Chat\*\*-N  
Western Tanager  
Black-headed Grosbeak-N  
Lazuli Bunting  
Rufous-sided Towhee-N  
California Towhee-N  
Chipping Sparrow  
Lark Sparrow  
Song Sparrow-N  
Lincoln's Sparrow  
Golden-crowned Sparrow  
White-throated Sparrow  
Dark-eyed Junco  
Red-winged Blackbird-N  
Brewer's Blackbird  
Brown-headed Cowbird-N  
Northern Oriole-N  
House Finch (Linnet)-N  
Pine Siskin  
Lesser Goldfinch-N  
American Goldfinch-N  
House Sparrow-N  
Total Birds = 116

## Mammals

Virginia Opossum  
Vagrant Shrew-e  
Ornate Shrew-e  
Broad-footed Mole  
Little Brown Myotis-e  
Western Pipistrelle-e  
Big Brown Bat  
Hoary Bat  
Brazilian Free-tailed Bat  
Desert Cottontail  
Black-tailed Hare  
California Ground Squirrel  
Western Gray Squirrel  
Botta's Pocket Gopher  
Beaver

## Mammals (Continued)

Western Harvest Mouse-e  
Deer Mouse  
California Vole (meadow mouse)  
Muskrat  
Black Rat  
Norway Rat  
House Mouse  
Coyote  
Gray Fox  
Raccoon  
Mink  
Striped Skunk  
River Otter  
Bobcat  
Mule Deer (Black-tailed race)

### Legend:

- \* = Endangered Species
- \*\* = Species of Special Concern
- N = nests here
- e = expected to occur here, but not observed.

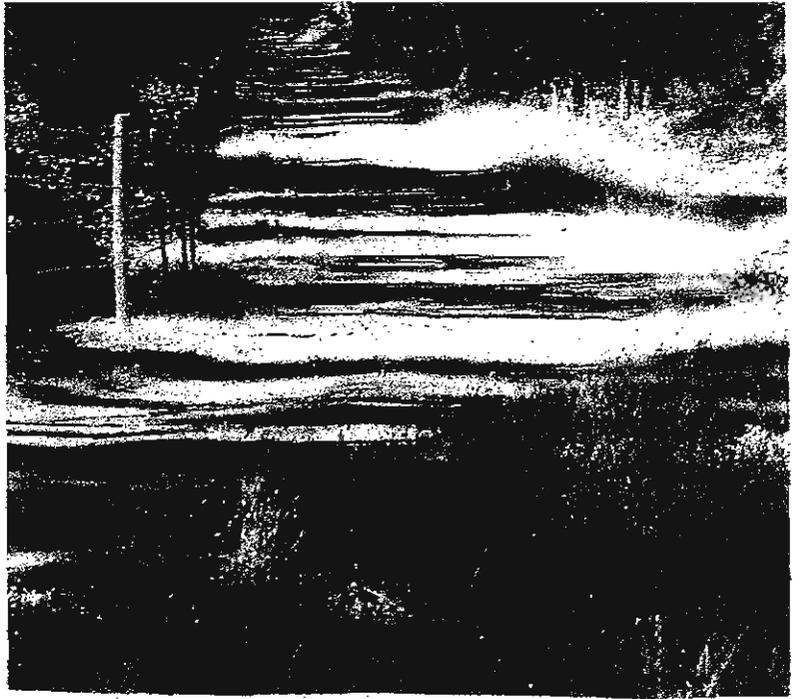
I have observed most of these animals since moving to Hidden Valley in 1962. Other Hidden Valley have reported seeing a few others. More bats than I have listed are known to occur in this area, but they are difficult to identify unless you have them in hand or observe them roosting. Sighting of species not on this list, or any other corrections, are most welcome.

Prepared by William E. Grenfell - August 8, 1994  
Telephone 791-1484



Green Heron

ATTACHMENT B



↑  
tree  
canopy  
around  
path

Blue Heron  
Geese  
Mallards

ATTACHMENT B (page 2)

nesting  
birds



granite  
outcroppings  
along  
path

THE STORY OF HIDDEN VALLEY

By Joseph A. Beek

Evidences as to who were the earliest inhabitants of Hidden Valley are still to be found in the numerous grinder holes in the rocks along the stream, and other spots where the Indians made their camp grounds. A few pestles have been found throughout the Valley and one girl, as a result of painstaking effort, dug up 320 beads. These Indians, known as the Maidu Tribe, were named by the miners "Digger" Indians. It appears that until a little over a hundred years ago they were the only permanent residents of the Valley.

Fern Sayre, who did some research into the history of Hidden Valley, developed the fact that the trail between Sacramento and Auburn ran through the Valley. A well, over which has been built a small well house near the north end of the Valley, supplied the water for those who traveled up and down this trail. About 1850 it was made into a road, traveled by a stage which ran between Sacramento and Auburn. A man by the name of William Gregory is credited with starting the first freight and stage line through the Valley at about that time. Later William Gwynn took over the operation and advertised tri-weekly stages, the fare being \$10.00 from Sacramento to Auburn, but for the down hill run from Auburn to Sacramento only \$6.00. The trip consumed ten hours and the principal stop was the place at Hidden Valley known as the Union House.

The first record of permanent white residents in the Valley indicates that one John Curtis homesteaded the land in 1854, and it was he who built the Union House, which was the depot of the coach and freight line. This old house burned down in 1905, and a two-story building was erected in its place, the Valley being used as a pasture for horses and cattle which were the property of a Mr. Miller.

In 1914 Samuel Laird bought the Valley for mining purposes. The son of Sam Laird, Fenn Laird, is at this time (1960) operating a service station in Loomis, and relates that forty-five years ago when, with a team of four mules and a Fresno scraper, he was excavating part of what is now known as Oak Lake, he dug up a lot of bows, arrows, pottery, Indian beads and other artifacts which the Indians buried when they left the Valley in 1854.

Martin Ludwig, of Auburn, bought the property from the Lairds in 1915 and used it as a pasture until I purchased it in 1949. I first saw the Valley in 1919, and in 1929 received permission from Mr. Ludwig to camp and fish along the stream. It did not

seem necessary to ask permission to bathe in the two deep pools on Mr. Ludwig's property, nor to apologize to the feminine members of the bovine species for the lack of conventional bathing paraphernalia.

The two-story house which was built earlier in the century housed a family of four whose names are unknown to me. A young man in the family, however, was engaged in the business of trapping skunks, which profession he did not need to announce audibly to anyone so unfortunate as to be standing within six or seven feet to leeward of him. The house burned in a brush fire in 1935, and the little shanty left standing in a corral was not adapted to residential purposes. This little shack, which stood where the Quackenbush residence now stands (lot 161) was built of redwood shiplap, some of which was salvaged in 1950 and is still stored in the attic over the Habitat at the end of the Community Association garage.

The same year that the house burned, the Valley was invaded by a man who had in his employ some ten beefy Amazons who, without the aid of any power saws, cut down the live oak trees and reduced them to firewood. The clurps of live oak saplings which are found throughout the Valley today - some of them as much as twenty feet tall - have sprung from the stumps of the trees this malefactor and his muscular specimens of femininity cut down.

The Valley, consisting of 240 acres, was purchased from Mr. Ludwig in 1949, and 130 acres lying to the south of it were bought from Mr. Joseph Mooney a little later, making a total of 370 acres in Hidden Valley Subdivision. The property purchased from Mr. Mooney is that which is now Unit 4 and part of Unit 3 of the Subdivision. It is interesting to note that Mr. Mooney was born and reared in the immediate vicinity of Hidden Valley and attended the old Franklin School, long since burned, which stood on land near the Folsom-Auburn Road about a mile northeast of Lakeview Hills Subdivision. Mr. Mooney is a Cattleman of the old school, and a man whom it is a pleasure to know.

The stream flowing through Hidden Valley was known to the miners as Miner's Ravine. For some strange reason the miners applied the term "ravine", which is usually thought of as a valley through which a stream flows, to all the little creeks in the neighborhood. A ravine, strictly speaking, is a place through which water flows, which is larger than a gully but not large enough to be described as a valley. It seems most appropriate that this stream should be called Miner's Creek

(which flows through Miners' Ravine), so in the interest of specific definition, we have called it Miners' Creek. The water in this stream was filed on for irrigation and for recreational purposes in 1950, and the diversion dam built which impounds the water known as Cottonwood Lake. A number of excavations which the miners had made were combined into one, which has been designated Oak Lake. The unsightly piles of sand and gravel were leveled off and soil spread over them to form pasture land. The small ponds, two eastward and three southward of Cottonwood Lake, were pits excavated by the miners. Here again the mounds of sand and rock were leveled and the pools enlarged, joined together, and converted into ponds.

Among interesting features of the Valley are the traces of Indian habitation, the great variety of plant life, the numerous birds which make the Valley their home, the fish, the frogs and turtles, the "colors" (gold) which may be panned along the creek, the canals made by the miners who used the spring freshets for placer mining, and the grade of the old Sacramento, Placer and Nevada Railroad Company, commonly known as the Auburn Branch Railroad. This railroad was built in 1858, and trains ran through Hidden Valley over a hundred years ago. The grade for this railroad comes in at the southwest corner of Hidden Valley Subdivision, and may be followed from Lot 139 to Willow Lane, which is built upon the old railroad grade, past the Hintzman residence and on north between Lots 152 and 153. From there on it may be followed, bearing a little east of north to a place where it leaves Hidden Valley at Twin Rocks Road near Lot 44. Some of the culverts installed on this railroad are still functioning. One of them, about fifty feet from the corner of Lot 160, comes under the old railroad fill from a pond on the south side and carries a stream of water the year round.

Another interesting feature of the Valley is the vein of glistening white quartz which makes its appearance in the Community Association property westward of Lot 80. A trail has been opened to this quartz deposit from the old railroad grade. It branches off at a point a little north of the north end of Oak Lake. A fill made by the miners in the early days creates a pond of considerable size at a point westward of Lot 72 and about one hundred feet east of the railroad grade.

While the improvements were being made to Hidden Valley, one plan was to develop this pond into a lake to be known as "Lake of the Woods". However, the subdivider was better equipped with dreams than with funds, and this project would have cost some \$10,000, which the bank from which he borrowed his money did not seem eager to lend, so the project was never carried out.

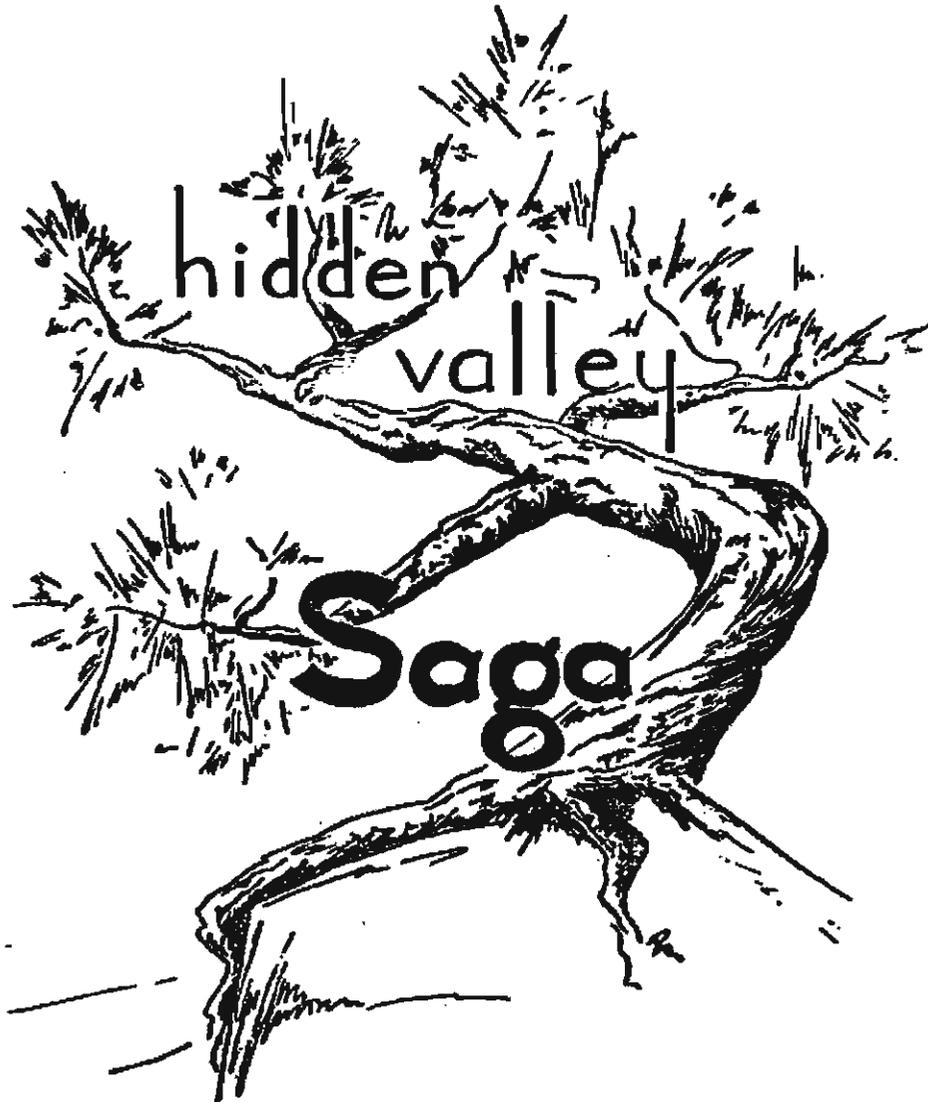
Members who are interested in exploring the woods east of the railroad grade during the rainy season may find themselves in sympathy with the dream that could not be realized.

At numerous places, especially in the southern and central portions of the Valley, remains are still to be found of the ditches and dams which the miners made in their efforts to capture the gold which lay hidden in the soil. I have tried to preserve these remnants of the early days wherever possible, remembering that they were built not with tractors and bulldozers, but by men with shovels or, at best, an occasional team with two-horse slip. Their existence today is reminiscent of the hardships, the hopes, and the fortitude of those courageous people whose voices and whose shadows still haunt the verdant areas of the home of our dreams - Hidden Valley.

Written in 1960

## ATTACHMENT C2

Fern R. Sayre (1905 - 1979), author of "Hidden Valley Saga," was an amateur historian and one of the original residents of Hidden Valley. In 1961 the HV Women's Club offered the brochure for sale for \$1.50 with the goal of raising money for some historical markers and perhaps a small museum in Hidden Valley. The fund-raising effort was apparently unsuccessful, but the brochure was reprinted in 1976 as a Bicentennial tribute.



*by Fern R. Sayre*

freight and stage lines operated and the population was approximately 1,000. Rattlesnake Dick (or, Richard Barter, an Englishman) was a well known highwayman of that day—Mr. Fenn Laird's Great Grandfather, J. Laird, knew Rattlesnake Dick from England and he never bothered Mr. Laird's store at Rattlesnake Bar. Other places like Horseshoe Bar, Murderer's Bar, Oregon Bar, Condemned Bar, Buckner's Bar, Mountain House, Fountain House, and numerous others opened for business—ferries at first plyed the river and charged \$1.00 for wagons, 50c empty, each animal 25c, footman 25c. Permanent settlements started building—Folsom, Roseville, Rocklin, Loomis, Auburn, all within a few miles of Hidden Valley. A little story told about Jim Loomis, or "unprogressive" Jim as he was called, who for a time, was saloonkeeper, railroad agent, express agent and Postmaster, kept the mail in a cigar box at the end of the bar in his saloon. An unconfirmed rumor has it that one day a Postal Inspector visited him and protested the way he was handling the U. S. Mail—Mr. Loomis picked up the cigar box and tossed it into the street. Loomis also had a kite shaped race track whereon Sundays the country boys would bring the fast horses and patronize the track. All the settlements had their amusing as well as tragic happenings just as we do today.

A story relative to Hidden Valley in the mining days is that a party of miners were panning for gold on Miners Creek and two bandits held them up and made off with several sacks of gold and put them in the back of their wagon—the miners soon started off in pursuit and when they caught up with them and searched the wagon, no gold was to be found, and to this day no one knows whether they were able to bury the gold before the miners caught them or whether it bounced out of the wagon over the rough road.

John Curtis homesteaded Hidden Valley in 1854 and the Maidu Indians departed, burying all their belongings. Why, no one knows. I was unable to find out whether they were chased off Hidden Valley or whether they were sent to a reservation. Mr. Curtis built the Union House, which became one of the Stage Coach and Freight Line stops—it was about 40'x50' and in the shape of a ham, perfectly plain in front with the front door on the right side. As you went in, the saloon was on the right and living quarters on the left, the whole back was a large dining room and a shed was built on for the kitchen. The stairs were on the outside to the upper story which was called the corral where there were beds for the weary traveler, but the stage and freight wagon drivers preferred to sleep outside under their wagons—I don't blame them, there were only two windows in the structure in front. It was a plain wooden structure made of redwood. The horses were watered down by the well—which Mr. Beek has since reconstructed just down from the Map House. In 1862 there was much excitement, the railroad started operations and passed through Hidden Valley to within 6 miles

MARK K. BOWERS  
7010 MORNINGSIDE DRIVE  
GRANITE BAY, CA 95746

July 21, 2012

RECEIVED

JUL 23 2012

ENVIRONMENTAL COORDINATION SERVICES

Mr. Maywan Krach  
Placer County Development Resource Agency  
Environmental Coordination Services  
3091 County Center Drive, Suite 190  
Auburn, CA 95603

Subject: EIR/Sewerage Upgrade

It has recently come to our attention that the Placer County Facilities Services Division is planning a sewer improvement project extending from Twin Rocks Road to the north to Joe Rogers Road to the southwest.

Our property is at the corner of Auburn Folsom Road and Twin Rocks Road which the EIR states will be the staging area for construction if alternative "A" continues to be considered and the project progresses through the private property of Hidden Valley.

We have spent literally tens of thousands of dollars over the years in landscaping to shade the view and noise from an increasingly busy Auburn Folsom Road. (see exhibits A and B attached)

In addition using this area as a staging point presents a serious roadway hazard as a clear view for motorists entering and exiting Twin Rocks from Auburn Folsom will be greatly diminished. Existing property at the Fr. Morello Catholic Church would make more sense as would a new project route down Auburn Folsom Road.

Should alternative "A" be the final route, our property and those of 160 neighbors will be permanently affected during construction and beyond by damage to the perennial stream of Miners Ravine, the removal of and/or disruption of the drip lines of numerous stately oaks, disruption of our many horse pastures via fencing dividing our neighborhood, dust, exhaust, odors and the list goes on and on.

Finally, I suffer from chronic bronchitis. Any increased particulates in the air caused by trenching, tree removal, dislodged pollen from construction sources could cause me serious health problems.

Thank you for your consideration and we urge you to completely avoid alternative "A". Should you wish additional information or would like to visit our property to personally view our concerns please feel free to call me at (916) 791-1257

Sincerely,



Mark K. Bowers

3-1  
Cont.

Cc: Supervisor Kirk Uhler – Placer County  
William J. Leady – U.S. Corp of Engineers  
Jim Durfee – Placer County  
Rob Unholz – Placer County  
Board of Directors – Hidden Valley Community Association



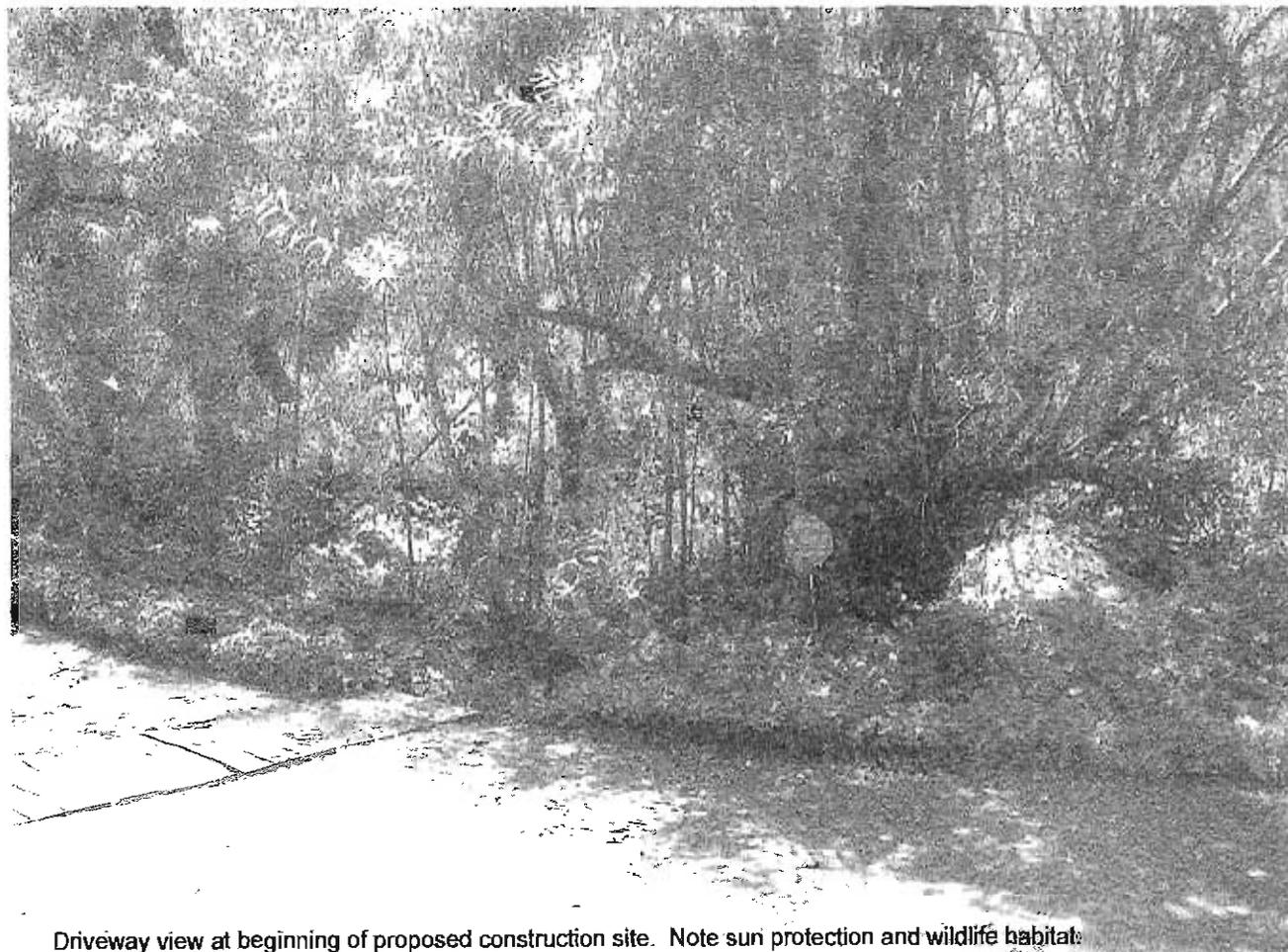
View from front deck looking towards Miners Ravine and proposed sewer route. Note tree protection from afternoon sun.



View from driveway towards Miners Ravine. Note proximity to stream and property line. Area is Flood Hazard Zone X



Upper driveway looking towards Auburn Folsom and proposed staging area. Note protection from traffic and noise barrier.



Driveway view at beginning of proposed construction site. Note sun protection and wildlife habitat.

ROBERT D. PETERSON  
LAW CORPORATION

ROBERT D. PETERSON  
DAVID W. DONNELI  
MADELINE KIM SCATES

3300 SUNSET BOULEVARD, SUITE 110  
SUNSET WHITNEY RANCH  
ROCKLIN, CALIFORNIA 95677

OF COUNSEL  
RONALD E. MEDEIROS  
MANUEL M. MELGOZA

TELEPHONE: (916) 624-4551  
FACSIMILE: (916) 624-9473  
WWW.OSHALAW.NET

July 23, 2012

RECEIVED  
PLACER COUNTY FACILITY SERVICES  
2012 JUL 25 PM 3:19

James Durfee, Director  
Placer County Facility Services Department  
11476 C Avenue  
Auburn, CA 95603

Re: Placer County SMD3 Regional Sewer Project

Dear Mr. Durfee:

I am a resident of Hidden Valley, and I am opposed to the above-referenced proposed sewer project as to that "option" which would result in its placement within the Hidden Valley Community Association ("HVCA") community property. This opposition is based upon a number of concerns, the most significant of which are addressed hereafter.

First, the project will result in irreparable harm to that HVCA community property which will be affected by the project. A large number of trees of significant size and age will be removed, while others will likely be negatively affected by the excavation activity. Understandably, the losses of these trees will not be mitigated in the lifetime of most Hidden Valley property owners.

Miners Ravine, as well as a number of existing ponds and seasonal tributaries to Miners Ravine, will be negatively impacted by the excavation activity; particularly at the proposed Twin Rocks Road entry of the project into the HVCA property.

James Durfee  
Page 2  
July 23, 2012

While unknown and, therefore, uncertain, the wildlife which currently inhabit these areas, will likely suffer significant detriment, not only during any excavation activity, but for some unknown period of time thereafter.

Second, being a homeowner of property abutting the project, my property, as well as the lifestyle of my family, will be negatively impacted by the project; certainly for the remainder of my life.

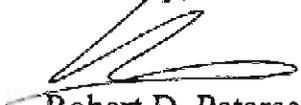
Existing oak trees on the HVCA community property at the west end of my property are tagged for removal which will result in damaging conditions to our environment, our lifestyle, and our property.

4-1  
Cont.

The duration of the project, however brief (or lengthy), will result in the creation of noise, dirt and dust, and will result in limited, if not entirely prevented, access to HVCA community property.

Given these undeniable facts, I am opposed to the above-referenced proposed sewer project.

Sincerely,



Robert D. Peterson

RDP:j

cc Hidden Valley Community Association  
Kirk Uhler, County Supervisor, District 4  
Gerald O. Karden, Esq., Placer County Counsel

# The Sweeney's

7500 Morningside Drive  
Grass Valley, Ca 95746  
916-635-1943  
[Sweeney1@mac.com](mailto:Sweeney1@mac.com)

July 26, 2012

Mayan Kroch  
Placer County Community Development Resource Agency  
Environmental Coordination Services  
3091 County Center Drive, Suite 190  
[Cdraecs@placer.ca.gov](mailto:Cdraecs@placer.ca.gov)

Re: SMD3 Hidden Valley Opposition

Dear Mayan Kroch,

My family of 6 vehemently opposed the proposed SMD3 plan to run through Hidden Valley. This construction project will reek havoc on the well being and the way of life for my family and horses. It will result in significant financial hardship, as our horses will be displaced from their pasture, and we will have to pay for boarding and care off site. My wife and father have significant medical problems which will be aggravated by the nearby construction. Finally, the construction zone will remove the safe area that the children play in for as much as one year.

5-1

Sincerely,

*Chris Sweeney*

**From:** [Errol Belt](#)  
**To:** [cdraecs@placer.ca.gov](mailto:cdraecs@placer.ca.gov);  
**cc:** [Rob Unholz](#); [Placer County Planning](#); [spk-pao@usace.army.mil](mailto:spk-pao@usace.army.mil);  
[Linda Brown](#); [Jim Durfee](#); [sandy herold](#); [Sharyn Matin](#);  
[Paul Gloria](#); [home Schmidt](#); [Brent Kesterson](#);  
**Subject:** Sewer Maintenance District 3 Regional Sewer Project (Forced Main Sewer)  
**Date:** Friday, July 27, 2012 2:28:31 PM

---

I strongly support Alternative B (along Auburn Folsom Road) and oppose Alternatives A and Phase 1 of Alternative C as presented in the the Placer County SMD 3 Regional Sewer Project EA/EIR.

Alternative B is the least invasive of the alternatives listed in the EA/EIR report.

Placer County (County) and the U.S. Army Corps of Engineers (USACE) analyzed several alternatives for this project. The Upgrading of the existing SMD 3 WWTP alternative was considered and eliminated from further consideration within this Environmental Assessment/Environmental Impact Report (EA/EIR) using the following logic. ".....would require linear trenching, excavation, and

vegetation removal within riparian habitat adjacent to Miners Ravine. Miners Ravine provides habitat for Federally listed salmonids, and the National Marine Fisheries Service (NMFS) has designated critical habitat for this species within the ravine. As a result of extensive construction activities within riparian habitat, these alternatives would result in greater potential for adverse biological effects."

It makes sense that the same points and logic would be made for the opposition to supporting Alternatives A and Phase 1 of Alternative C.

What also concerns me is the blasting that may be required along portions of the pipeline alignment to break up granite rock prior to excavation. Typically, during blasting activities, holes are drilled into the rock and charges are set within the holes to sequentially blast along the desired

path. What does Fish and Game say about this? And how would these activities affect the wildlife habitat?

I know the path that is identified in Alternative B follows many of our existing riding, walking, and biking trails. The destruction of these trails and the surrounding area would be ruinous to the environment. We who use these trails daily, and live in the immediate area would always wonder "Why?".

The approval of Alternative B as identified in the EIR report seems like the most logical and least invasive choice.

Thank You,

Errol & Kelli Belt  
7102 Pine Gate Way  
Granite Bay, CA 95746

July 31, 2012

Maywan Kroch  
Placer County Community Development Resource Agency  
Environmental Coordination Services  
3091 County Center Drive Suite 190  
Auburn, CA 95603

SUBJECT: Placer County District 3 Wastewater Treatment Plant Sewer  
Force Maine, Draft EA/EIR posted 6/11/12

Ms Kroch:

I am writing to express my concerns re: the proposed sewer through Hidden Valley. I moved my family here many years ago to escape the noise, pollution, traffic and everyday nuisances of track home living. I have been willing to make sacrifices to stay here and enjoy country living at its best. Like my family, our neighbors enjoy an abundance of wildlife combined with the opportunity to ride bicycles, horses, just a plain walk and even an occasional swim in Oak Lake. By routing your sewage line through our neighborhood you are impacting the lives of approximately 162 families.

Just as important, from an environmental perspective, you are impacting the wildlife. Hidden Valley is home to many species of wild life. Many migrating birds spend time here. Many types of fish are found in our lakes and Miner's Ravine. I understand that perhaps 100+ trees will be removed to make room for the proposed sewer. You would be destroying the homes of many birds and removing some of the beauty of the valley.

Lets not forget about the families whose property either backs up to or is in close proximity to the proposed sewer line. They as well as any resident walking nearby will have to endure the smell of sewer gas released from air vents.

Allow me to ask you to consider the construction issue. You will require staging areas. There will be numerous trucks and tractors continually moving about the area. Equipment, supplies and lots of pipe will be stored in the common area. This area includes pastures where horses live. On going noise and air pollution will be part of our lives for maybe up to two years. Then we will be subject to future visits of maintenance crews and equipment at any time of day or night. These visits could result in on going soil disturbance and erosion.

I am asking you to please consider proceeding with Alternative B (along – Auburn-Folsom Road). Alternative B is the least invasive choice. I oppose Alternative A and Phase 1 of Alternative C as presented in the Placer County SMD 3 Regional Sewer Project EA/EIR.

7-1  
Cont.

Thank you for your consideration and your time.

Sincerely,

*Mark T. Mabie*

*Robbin Connerty*

Mark T. Mabie  
8085 Morningside Drive  
Granite Bay

Robbin Connerty, Estate of Robert Coleman  
8075 Morningside Drive  
Granite Bay

CC: Supervisor Jennifer Montgomery , Chair, District 5  
Supervisor Jim Holmes, Vice Chair, District 3  
Supervisor Kirk Uhler, District 4  
Supervisor Jack Duran, District 1  
Supervisor Robert M. Weygandt, District 2  
Linda Brown, Field Representative, District 4  
Richard Johnson, Chairman Planning Commission  
Jeffrey Moss, Vice Chairman, Planning Commission  
Miner Gray, Secretary, Planning Commission  
Larry Sevison, Planning Commission  
Ken Denio, Planning Commission  
Gerry Brentnall, Planning Commission  
Richard Roccucci, Planning Commission  
Col. William Leady, US Army Corps of Engineers  
James Durfee, Placer County Facility Services  
Robert Unholz, Placer County Facility Services  
Paul Schmidt, HVCA Board of Directors, President  
Sharyn Matin, HVCA Board of Directors  
Sandy Herold, HVCA

July 31, 2012

RECEIVED  
FACILITY SERVICES  
2012 AUG -1 PM 12: 50

Placer County Department Resource Agency  
Environmental Coordination Services  
3901 County Center Drive, Suite 190  
Auburn CA 95603

ATTN: Mayan Kroch

Re: Placer County SMD Regional Sewer Project

I am writing to express my opposition to Alternates A and Phase 1 of Alt. C as described in the June 2012 Environmental Impact Report. My family has lived in Hidden Valley for 23 years and we have a deep understanding of how special this unique community really is. My comments are as follows:

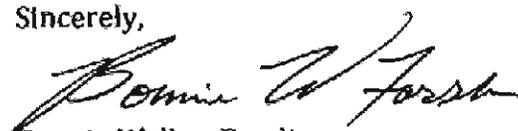
Section 3.1 Aesthetics

The draft EIR states that the proposed project would not result in significant effects on scenic vistas. This is a false statement! The delicate eco system and beauty of our community property would be scared permanently if this project were allowed to proceed. The heritage Oak trees cannot be replaced for 100 years and the beauty of our environment would indeed be destroyed. The marked trees effectively wipes out extended stretches of trees along Minors Ravine.

Section 3.3 Biological / Migratory birds

The EIR states, "the majority of the study area consists of disturbed habitat and does not provide high wildlife value due to nearby traffic on Auburn Folsom Road" and that "the project area lacks the quality of habitat needed to support wildlife populations". I walk my horse everyday from my house @ 7015 Morningside Drive passed Mark & Kathy Bowers home @ 7010 Morningside Drive adjacent to Auburn Folsom Road. Being a very frequent visitor to the horse pasture, Cottonwood Lake and surrounding ponds I have seen abundant wildlife. This year two Canadian Geese family's hatched and raised over a dozen babies! They will try to return to this pond next year and it is within 15 feet of the proposed sewer line! I have also witnessed Mallard ducks, Hawks, Cranes, Herons and Egrets all in the direct path of this proposed sewer line. It would have a significant impact to the wildlife.

Sincerely,

  
Bonnie Walker Forslin

  
Brent A Forslin

CC: Supervisor Kirk Uhler District 4, Linda Brown Field Rep. District 4, Members of the Planning Commission Placer County, Col. William Leady US Army Corps of Engineers, James Durfee Placer County Facility Services, Rob Unholz Placer County Facility Services, Board of Directors HVCA



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

JUL 31 2012

Ms. Rebecca Lillis  
Placer County Dept. of Facility Services  
11476 C Ave.  
Auburn, CA 96503

2012 AUG -2 PM 2:06  
RECEIVED  
QUALITY SERVICE

Dear Ms. Lillis:

DRAFT ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL IMPACT REPORT (EA/EIR) FOR PLACER COUNTY (COUNTY) AND U.S. ARMY CORPS OF ENGINEERS (USACE); SEWER MAINTENANCE DISTRICT 3 REGIONAL SEWER PROJECT (PROJECT); PLACER COUNTY; STATE CLEARINGHOUSE NO. 2011122079

We understand that the County may be pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. C-06-5283-110). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information and comments for the environmental document prepared for the Project.

Please provide us with the following documents applicable to the proposed Project if seeking CWSRF or other State Water Board funding: (1) 1 copy of the draft and final EA/EIR, (2) the resolution adopting the EA/EIR and a Mitigation Monitoring and Reporting Program (MMRP) making California Environmental Quality Act (CEQA) findings, (3) all comments received during the review period and the County's response to those comments, (4) the adopted MMRP, and (5) the Notice of Determination filed with the County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

9-1

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Four enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF funding commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

It is important to note that prior to a CWSRF funding commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance from the United States Fish and Wildlife Service (USFWS), and/or National Marine Fisheries Service (NMFS) for any potential effects to special status species.

Please be advised that the State Water Board will consult with USFWS, and/or NMFS regarding all federal special status species that the Project has the potential to impact if the Project is to be funded under the CWSRF Program. The County will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur on-site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act. The State Water Board has responsibility for ensuring compliance with Section 106, and the State Water Board must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. The County must retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards ([www.cr.nps.gov/local-law/arch\\_stnds\\_9.htm](http://www.cr.nps.gov/local-law/arch_stnds_9.htm)) to prepare a Section 106 compliance report.

Note that the County will need to identify the Area of potential Effects (APE), including construction and staging areas and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

9-1  
Cont.

Please contact Ms. Susan Stewart at (916) 341-6983, to find out more about the requirements and to initiate the Section 106 process.

Other federal requirements pertinent to the Project under the CWSRF Program include the following:

- A. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.
- B. Compliance with the Coastal Zone Management Act: identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.
- C. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the USACE, or requires a permit from the USACE, and identify the status of coordination with the USACE.

- D. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- E. Compliance with the Migratory Bird Treaty Act: List any birds protected under this Act that may be impacted by the Project and identify conservation measures to minimize impacts.
- F. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- G. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

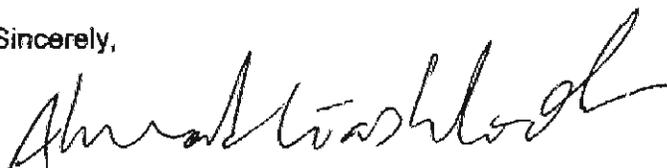
9-1  
Cont.

Following are specific comments on the County's EA/EIR:

- 1. Please include the current records search documents with site records and maps showing all sites and surveys drawn in relation to the Project area, and if possible, include the locations of the field surveys that were completed in May, 2011 and February, 2012.
- 2. Please provide a copy of the letters and maps sent to the Native Americans for consultation.

Thank you for the opportunity to review the County's EA/EIR. If you have any questions or concerns, please feel free to contact me at (916) 341-5855, or by email at [AKashkoli@waterboards.ca.gov](mailto:AKashkoli@waterboards.ca.gov), or contact Ms. Jessica Collado at (916) 341-7388, or by email at [JCollado@waterboards.ca.gov](mailto:JCollado@waterboards.ca.gov).

Sincerely,



Ahmad Kashkoti  
Environmental Scientist  
Division of Financial Assistance

Enclosures (4)

- 1. SRF & CEQA-Plus
- 2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
- 3. Instructions and Guidance for "Environmental Compliance Information"
- 4. Basic Criteria for Cultural Resources Reports

cc: State Clearinghouse  
(Re: SCH# 2011122079)  
P. O. Box 3044  
Sacramento, CA 95812-3044

CLEAN WATER STATE REVOLVING FUND PROGRAM  
INSTRUCTIONS AND GUIDANCE FOR  
"ENVIRONMENTAL COMPLIANCE INFORMATION"

Introduction:

The State Water Resources Control Board (State Water Board) uses the California Environmental Quality Act (CEQA) review process and compliance with federal environmental laws and regulations to satisfy the environmental requirements of the Clean Water State Revolving Fund (CWSRF) Program Operating Agreement between the United States Environmental Protection Agency (USEPA) and the State Water Board. The CWSRF Program is partially funded by a capitalization grant from the USEPA. The issuance of funds from the CWSRF Program is equivalent to a federal action, and thus, compliance with federal environmental laws and regulations is required for projects being funded under the CWSRF Program.

All CWSRF Program applicants must submit adequate and complete environmental documentation to the State Water Board. Following submittal of an applicant's environmental documents, the State Water Board will review the documents to determine if the information is sufficient to document compliance with the CWSRF Program environmental requirements, including making a determination if consultation with federal authorities is required, and may request additional environmental information, when needed. The State Water Board encourages all applicants to initiate early consultation, so that the State Water Board can better streamline the environmental review process.

CEQA Information:

All projects coming to the State Water Board for funding are considered "projects" under CEQA because of the State Water Board's discretionary decision to approve funding.

Detailed information, including CEQA statutes and guidelines can be found online at the California Natural Resources Agency website at <http://ceres.ca.gov/ceqa>. A CEQA Process Flowchart that shows interaction points between lead and responsible agencies can be found at [http://ceres.ca.gov/topic/env\\_law/ceqa/flowchart/index.html](http://ceres.ca.gov/topic/env_law/ceqa/flowchart/index.html). In addition, State Water Board environmental staff is available to answer questions about the CEQA process, as well as the CWSRF Program environmental requirements. Please contact your assigned Project Manager at the State Water Board, regarding contact information for the appropriate environmental staff.

CEQA requires full disclosure of all aspects of the project, including impacts and mitigation measures that are not only regulated by state agencies, but also by federal agencies. Early consultation with state and federal agencies in the CEQA process will assist in minimizing changes to the project when funding is being requested from the State Water Board.

The types of CEQA documents that may apply to an applicant's project include one or a combination of the following: 1) Notice of Exemption (NOE); 2) Initial Study and Negative Declaration (ND); 3) Initial Study and Mitigated Negative Declaration (MND) with a Mitigation Monitoring and Reporting Program (MMRP); 4) Environmental Impact Report (EIR) with an MMRP; and/or 5) Addendum, Supplemental and Subsequent ND, MND or EIR. The applicant must determine the appropriate document for its project and submit the supporting information listed under the applicable section of the Environmental Package Checklist for Applicant (Attachment 1), along with a completed copy of the Evaluation Form for Environmental Review and Federal Coordination (Attachment 2). Please submit two copies of all CEQA documents.

The applicant must ensure the CEQA document is specific to the project for which funding is being requested. Program or Master Plan EIRs may not be suitable for satisfying the State Water Board environmental requirements if these documents are not project-specific. When an applicant uses an Addendum, Supplemental or Subsequent CEQA document for a project, the associated Program or Master Plan EIR must also be submitted, especially if the Addendum, Supplemental or Subsequent CEQA document includes references to pertinent environmental and mitigation information contained in the Program or Master Plan EIR.

If the applicant is using a CEQA document that is older than five years, the applicant must re-evaluate environmental and project conditions, and develop and submit an updated environmental document (such as an Addendum, Supplemental or Subsequent CEQA document) based on the results of that re-evaluation. The updated environmental document must be circulated through the State Clearinghouse for public review. The applicant must adopt the final updated environmental document, including any new identified measures, make CEQA findings, and file a Notice of Determination (NOD) with the local county clerk(s) and the Governor's Office of Planning and Research, State Clearinghouse (State Clearinghouse).

Each applicant, if it is a public agency, is responsible for approving the CEQA documents it uses regardless of whether or not it is a lead agency under CEQA. Non-profit organizations shall only be responsible for approving and ensuring implementation of the applicable project mitigation measures identified in the MMRP. All public agencies applying for CWSRF Program funding shall file either an NOE or an NOD with the State Clearinghouse and the local county clerk(s). Date stamped copies of those notices must be submitted with all the applicable environmental documents.

If the CEQA document was jointly prepared by a federal public governmental agency to satisfy the National Environmental Policy Act (NEPA) requirements, then the applicant must submit the corresponding NEPA documents, including a Finding of No Significant Impact, or a Record of Decision completed by the federal NEPA lead agency.

#### Federal Information:

In addition to CEQA compliance, the State Water Board is required to document environmental compliance with federal environmental laws and regulations, including:

#### 1. Federal Endangered Species Act (ESA), Section 7:

The United States Department of the Interior, Fish and Wildlife Service (USFWS) and the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) must be consulted for any project that will have the potential to adversely impact a federal special-status species. The USEPA delegated the State Water Board to act as the non-federal lead for initiating informal Section 7 ESA consultation with the USFWS. The State Water Board will coordinate with the USEPA for projects requiring formal Section 7 ESA consultation with the USFWS and projects that will impact federal special-status fish species under the NMFS jurisdiction. The USFWS and NMFS must provide written concurrence prior to a CWSRF financing agreement. USFWS and NMFS comments may include conservation measures, for which the applicant's CWSRF financing agreement will be conditioned to ensure compliance.

For further information on the federal ESA law, regulation, policy, and notices, go to <http://www.fws.gov/endangered/laws-policies/index.html> and <http://www.nmfs.noaa.gov/pr/laws/esa/>. Note that compliance with both the state and federal ESAs is required of projects having the potential to impact state and federal special-status species. Although overlap exists between the state and federal ESAs, there might be additional or more restrictive state requirements. For further information on the state ESA, refer to the California Department of Fish and Game website at <http://www.dfg.ca.gov/habcon/cesa/>.

## 2. Magnuson-Stevens Fishery Conservation and Management Act, Essential Fish Habitat (EFH):

The Magnuson-Stevens Fishery Conservation and Management Act, as amended, is designed to manage and conserve national fishery resources. EFH consultations are only required for actions that may adversely affect EFH. The applicant needs to determine whether the proposed project may adversely affect EFH. NMFS is responsible for publishing maps and other information on the locations of designated EFH, and can provide information on ways to promote conservation of EFHs to facilitate this assessment. If a project may adversely affect a designated EFH, the applicant must complete an EFH consultation.

The State Water Board will coordinate with the USEPA to request an EFH consultation from the NMFS. NMFS is required to respond informally or in writing. NMFS comments may include conservation measures, for which the applicant's CWSRF financing agreement will be conditioned to ensure compliance. For more information, see the brochure at [http://www.nmfs.noaa.gov/sfa/reg\\_svcs/Council%20stuff/council%20orientation/2007/2007TrainingCD/TabT-EFH/EFH\\_CH\\_Handout\\_Final\\_3107.pdf](http://www.nmfs.noaa.gov/sfa/reg_svcs/Council%20stuff/council%20orientation/2007/2007TrainingCD/TabT-EFH/EFH_CH_Handout_Final_3107.pdf).

## 3. National Historic Preservation Act (NHPA), Section 106:

The NHPA focuses on federal compliance. Section 106 requires Federal agencies to take into account the effects of their undertakings on historic properties. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. The Section 106 compliance efforts and reports must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards ([www.cr.nps.gov/local-law/arch\\_stnds\\_9.htm](http://www.cr.nps.gov/local-law/arch_stnds_9.htm)).

In addition, CEQA requires that impacts to cultural and historic resources be analyzed. The "CEQA and Archeological Resources" section from the Governor's Office of Planning and Research CEQA Technical Advice Series states that the lead agency obtains a current records search from the appropriate California Historical Resources Information System Center. Also, to contact the Native American tribes that are culturally affiliated with a project area from the list obtained from the Native American Heritage Commission (NAHC).

The NAHC can be contacted at:

915 Capitol Mall, Room 364  
Sacramento, CA 95814  
Tele: (916) 653-4082

## 4. Clean Air Act:

For CWSRF financed projects, we recommend including a general conformity section in the CEQA documents so that another public review process will not be needed, should a conformity determination be required. The applicant should check with its local air quality management district and review the Air Resources Board [California air emissions map](#) for information on the State Implementation Plan. For information on the analysis steps involved in evaluating conformity, please contact the State Water Board environmental staff through the assigned Project Manager.

#### 5. Coastal Zone Management Act:

Projects proposing construction in the Coastal Zone will require consultation with either the California Coastal Commission (or the designated local agency with a Local Coastal Program), or the San Francisco Bay Conservation and Development Commission (for projects located in the San Francisco Bay area). The applicant must submit a copy of the approved Coastal Development permit to the State Water Board to satisfy this requirement.

For more information on Coastal Zone Management Act requirements refer to the following agencies websites:

- United States Coastal Zone Boundaries through the NMFS website at <http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf>;
- California Coastal Commission website at <http://www.coastal.ca.gov/ccatc.html>; and/or
- San Francisco Bay Conservation and Development Commission website at <http://www.bcdc.ca.gov/>.

#### 6. Coastal Barriers Resources Act:

The Coastal Barriers Resources Act is intended to discourage development in the Coastal Barrier Resources System and adjacent wetlands, marshes, estuaries, inlets, and near-shore waters. Since there is no designated Coastal Barrier Resources System in California, no impacts from California projects are expected. However, should the applicant believe there may be impacts to the Coastal Barrier Resources System due to special circumstances, please use the following information as a guide.

During the planning process, the applicant should consult with the appropriate Coastal Zone management agency (e.g., City or County with an approved Local Coastal Program, the California Coastal Commission, or the San Francisco Bay Conservation and Development Commission) to determine if the project will have an effect on the Coastal Barrier Resources System. If the project will have an effect on the Coastal Barrier Resources System, the State Water Board must consult with the appropriate Coastal Zone management agency and the USFWS. Any recommendations from the Coastal Zone management agency and USFWS will be incorporated into the project's design prior to approval of CWSRF financing.

For more information and to ensure that no modifications to Coastal Barrier Resources System have occurred, please visit: <http://www.fws.gov/CBRA/>.

#### 7. Farmland Protection Policy Act:

Projects involving impacts to farmland designated as prime and unique, local and statewide importance, or under a Williamson Act Contract, will require consultation with the United States Department of Agriculture, Natural Resources Conservation Service and/or California Department of Conservation. For more information on the Farmland Protection Policy Act go to <http://www.nrcs.usda.gov/programs/fppa>, and regarding the Williamson Act Contact go to <http://www.consrv.ca.gov/dlrp/lca>.

#### 8. Floodplain Management – Executive Order 11988:

Each agency shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities. Before taking an action, each agency shall determine whether the proposed action will occur in a designated floodplain. The generally established standard for risk is the flooding level that is expected to occur every 100 years. If an agency determines or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains.

For further information regarding Floodplain Management requirements, please consult the United States Department of Homeland Security, Federal Emergency Management Agency website at <http://www.fema.gov>, as well as the USEPA floodplain management Executive Order 11988 at <http://www.epa.gov/owow/wetlands/regs/eo11988.html>.

#### 9. Migratory Bird Treaty Act (MBTA):

The MBTA restricts the killing, taking, collecting and selling or purchasing of native bird species or their parts, nests, or eggs. The MBTA, along with subsequent amendments to this act, provides legal protection for almost all breeding bird species occurring in the United States and must be addressed under CEQA. In the CEQA document, each agency must make a finding that a project will comply with the MBTA. For further information, please consult the Migratory Bird Program through the USFWS website at <http://www.fws.gov/laws/lawsdigest/migtrea.html>.

#### 10. Protection of Wetlands – Executive Order 11990:

Projects, regardless of funding, must get approval for any temporary or permanent disturbance to federal and state waters, wetlands, and vernal pools. The permitting process through the United States Army Corps of Engineers (USACE) can be lengthy, and may ultimately require project alterations to avoid wetlands and waters of the United States. Applicants must consult with the USACE early in the planning process if any portion of the project site contains wetlands, or other federal waters. The USACE Wetland Delineation Manual is available at <http://www.wetlands.com/regs/tlpge02e.htm>. Also note that the California State Water Boards are involved in providing approvals through the Clean Water Act Section 401 Water Quality Certification Program and/or Waste Discharge Requirements. For more information, please go to [http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml).

#### 11. Wild and Scenic Rivers Act:

There are construction restrictions or prohibitions for projects near or in a designated "wild and scenic river." A listing of designated "wild and scenic rivers" can be obtained at <http://www.rivers.gov/rivers/california.php>. Watershed information can be obtained through the "Watershed Browser" at [http://cwp.resources.ca.gov/map\\_tools.php](http://cwp.resources.ca.gov/map_tools.php).

#### 12. Safe Drinking Water Act, Source Water Protection:

Projects must comply with the Safe Drinking Water Act and document whether or not a project has the potential to contaminate a sole source aquifer. For projects impacting a listed sole source aquifer, the applicant must identify an alternative project location, or develop adequate mitigating measures in consultation with the USEPA. For more information, please go to the Sole Source Aquifer Program website at <http://epa.gov/region09/water/groundwater/ssa.html>.

13. Environmental Justice – Executive Order No. 12898:

Identify and address any disproportionately high and adverse human health or environmental effects of the project's activities on minority and low-income populations. USEPA has defined environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

*Fair Treatment* means that no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative consequences of industrial, governmental, and commercial operations or programs and policies.

*Meaningful Involvement* means that: 1) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; 2) the public's contribution can influence the agency's decision; 3) the concerns of all participants involved will be considered in the decision-making process; and 4) the decision-makers seek out and facilitate the involvement of those potentially affected.

The term "environmental justice concern" is used to indicate the actual or potential lack of fair treatment or meaningful involvement of minority, low-income, or indigenous populations, or tribes in the development, implementation, and enforcement of environmental laws, regulations, and policies.

Your project may involve an "environmental justice concern" if the project could:

- a) Create new disproportionate impacts on minority, low-income, or indigenous populations;
- b) Exacerbate existing disproportionate impacts on minority, low-income, or indigenous populations;  
or
- c) Present opportunities to address existing disproportionate impacts on minority, low-income, or indigenous populations that are addressable through the project.

**ENVIRONMENTAL<sup>1</sup> PACKAGE CHECKLIST  
FOR APPLICANT  
(What to Submit to Project Manager)**

**Required for all CWSRF Projects:**

- Evaluation Form for Environmental Review and Federal Coordination with the substantiating information** (i.e. USFWS species list/biological assessment, cultural resources documentation, air quality data, flood map etc.)
- Project Report, Scope of Work and Map(s)**

**Based on the type of CEQA documents prepared for the project, provide additional information as identified in the following boxes.**

If project is covered under a **CEQA Categorical or Statutory Exemption**, submit a copy of the following:

- Notice of Exemption** (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under a **Negative Declaration**, submit a copy of the following:

- Draft and Final Initial Study/Negative Declaration (IS/ND)**
  - Comments and Responses to the Draft IS/ND
- Resolution approving the CEQA documents**
  - Adopting the Negative Declaration
  - Making CEQA Findings
- Notice of Determination** (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under a **Mitigated Negative Declaration**, submit a copy of the following:

- Draft and Final Initial Study/Mitigated Negative Declaration (IS/MND)**
  - Comments and Responses to the Draft IS/MND
  - Mitigation Monitoring and Reporting Plan/Program (MMRP)
- Resolution approving the CEQA documents**
  - Adopting the Mitigated Negative Declaration and the MMRP
  - Making CEQA Findings
- Notice of Determination** (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under an **Environmental Impact Report (EIR)**, submit a copy of the following:

- Draft and Final EIR**
  - Comments and Responses to the Draft EIR
  - Mitigation Monitoring and Reporting Plan/Program (MMRP)
- Resolution approving the CEQA documents**
  - Certifying the EIR and adopting the MMRP
  - Making CEQA Findings
  - Adopting a Statement of Overriding Considerations for any adverse environmental impact(s), if applicable
- Notice of Determination** (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If EIR is a joint CEQA/National Environmental Policy Act document (EIR/Environmental Impact Statement or EIR/Environmental Assessment), submit the applicable Record of Decision and/or the Finding of No Significant Impact.

<sup>1</sup> If the CEQA document is more than five years old applicant shall provide an updated CEQA document (eg. subsequent, supplemental, or addendum CEQA documents) or a letter that describes the current status of the environmental condition for the project's location.

State Water Resources Control Board (State Water Board)  
Clean Water State Revolving Fund Program

Evaluation Form for Environmental Review and Federal Coordination

CWSRF No.: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Date: \_\_\_\_\_

Project Title: \_\_\_\_\_

1. **Federal Endangered Species Act (ESA), Section 7:**

**Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may affect federally listed threatened or endangered species or their critical habitat that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?**

a. **Required documents: Attach project-level biological surveys, evaluations analyzing the project's direct and indirect effects on special-status species, and an up-to-date species list (from the United States Fish and Wildlife Service and the California Natural Diversity Database) for the project area.**

No. Discuss why the project will not impact any federally listed special status species:

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\_\_\_\_\_

Yes. Provide information on federally listed species that could potentially be affected by this project and any proposed avoidance and compensation measures so that the State Water Board can initiate informal/formal consultation with the applicable federally designated agency. Document any previous ESA consultations that may have occurred for the project. Include any comments below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

2. **Magnuson-Stevens Fishery Conservation and Management Act, Essential Fish Habitat:**  
**Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may adversely affect essential fish habitat?**

No. Discuss why the project will not impact essential fish habitat:

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Yes. Provide information on essential fish habitat that could potentially be affected by this project and any proposed avoidance and compensation measures. Document any consultations with the National Marine Fisheries Service that may have occurred for the project. Include any comments below:

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3. **National Historic Preservation Act, Section 106:**  
**Identify the area of potential effects (APE), including construction, staging areas, and depth of any excavation. (Note: the APE is three dimensional and includes all areas that may be affected by the project, including the surface area and extending below ground to the depth of any project excavations).**

- **Required documents: Cultural Resources Assessment** prepared by a prepared by a qualified researcher that meets the Secretary of the Interior’s Professional Qualifications Standards ([www.cr.nps.gov/local-law/arch\\_stnds\\_9.htm](http://www.cr.nps.gov/local-law/arch_stnds_9.htm)). **Current records search** with maps showing all sites and surveys drawn in relation to the project area, and records of **Native American consultation**. Include any comments below:

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**4. Federal Clean Air Act:****Identify Air Basin Name****Name of the Local Air District for Project Area:** \_\_\_\_\_**Is the project subject to a State Implementation Plan (SIP) conformity determination?** No. The project is in an attainment or unclassified area for all federal criteria pollutants.

Yes. The project is in a nonattainment area or attainment area subject to maintenance plans for a federal criteria pollutant. Include information to indicate the nonattainment designation (e.g. moderate, serious, severe, or extreme), if applicable. If estimated emissions (below) are above the federal de minimis levels, but the project is sized to meet only the needs of current population projections that are used in the approved SIP for air quality, then quantitatively indicate how the proposed capacity increase was calculated using population projections.

- If you checked "Yes" above, provide the estimated project construction and operational air emissions (in tons per year) in the chart below, and attach supporting calculations.
- Also, attach any air quality studies that may have been done for the project.

Pollutant	Federal Status (Attainment, Nonattainment, Maintenance, or Unclassified)	Nonattainment Rates (i.e., moderate, serious, severe, or extreme)	Threshold of Significance for Project Air Basin (if applicable)	Construction Emissions (Tons/Year)	Operation Emissions (Tons/Year)
Ozone (O <sub>3</sub> )					
Carbon Monoxide (CO)					
Oxides of Nitrogen (NO <sub>x</sub> )					
Reactive Organic Gases (ROG)					
Volatile Organic Compounds (VOC)					
Lead (Pb)					
Particulate Matter less than 2.5 microns in diameter (PM <sub>2.5</sub> )					
Particulate Matter less than 10 microns in diameter (PM <sub>10</sub> )					
Sulfur Dioxide (SO <sub>2</sub> )					

**5. Coastal Zone Management Act:****Is any portion of the project site located within the coastal zone?** No. The project is not within the coastal zone.

Yes. Describe the project location with respect to coastal areas and the status of the coastal zone permit, and provide a copy of the coastal zone permit or coastal exemption:

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6. **Coastal Barriers Resources Act:**

**Will the project impact or be located within or near the Coastal Barrier Resources System or its adjacent wetlands, marshes, estuaries, inlets, and near-shore waters? Note that since there is currently no Coastal Barrier Resources System in California, projects located in California are not expected to impact the Coastal Barrier Resources System in other states. If there is a special circumstance in which the project may impact a Coastal Barrier Resource System, indicate your reasoning below.**

No. The project will not impact or be located within or near the Coastal Barrier Resources System or its adjacent wetlands, marshes, estuaries, inlets, and near-shore waters.

Yes. Describe the project location with respect to the Coastal Barrier Resources System, and the status of any consultation with the appropriate Coastal Zone management agency and the United States Fish and Wildlife Service:

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7. **Farmland Protection Policy Act:**

**Is any portion of the project located on important farmland?**

No. The project will not impact farmland.

Yes. Include information on the acreage that would be converted from important farmland to other uses. Indicate if any portion of the project boundaries is under a Williamson Act Contract and specify the amount of acreage affected:

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8. **Flood Plain Management:**

**Is any portion of the project located within a 100-year floodplain as depicted on a floodplain map or otherwise designated by the Federal Emergency Management Agency?**

- **Required documents: Attach a floodplain map.**

No. Provide a description of the project location with respect to streams and potential floodplains:

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Yes. Describe the floodplain, and include a floodplains/wetlands assessment. Describe any measures and/or project design modifications that would be implemented to minimize or avoid project impacts:

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**9. Migratory Bird Treaty Act:**

**Will the project affect protected migratory birds that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?**

No. Provide an explanation below.

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Yes. Discuss the impacts (such as noise and vibration impacts, modification of habitat) to migratory birds that may be directly or indirectly affected by the project and mitigation measures to reduce or eliminate these impacts. Include a list of all migratory birds that could occur where the project is located:

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**10. Protection of Wetlands:**

**Does any portion of the project boundaries contain areas that should be evaluated for wetland delineation or require a permit from the United States Army Corps of Engineers?**

No. Provide the basis for such a determination:

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Yes. Describe the impacts to wetlands, potential wetland areas, and other surface waters, and the avoidance, minimization, and mitigation measures to reduce such impacts. Provide the status of the permit and information on permit requirements:

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**11. Wild and Scenic Rivers Act:**

**Identify watershed where the project is located:** \_\_\_\_\_

**Is any portion of the project located within a wild and scenic river?**

No. The project is not located near a wild and scenic river.

Yes. Identify the wild and scenic river watershed and project location relative to the affected wild and scenic river:

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**12. Safe Drinking Water Act, Sole Source Aquifer Protection:**

**Is the project located in an area designated by the United States Environmental Protection Agency, Region 9, as a Sole Source Aquifer?**

No. The project is not within the boundaries of a sole source aquifer.

Yes. Contact USEPA, Region 9 staff to consult, and identify the sole source aquifer (e.g., Santa Margarita Aquifer, Scott's Valley, the Fresno County Aquifer, the Campo/Cottonwood Creek Aquifer or the Ocotillo-Coyote Wells Aquifer) that will be impacted:

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**13. Environmental Justice:**

**Does the project involve an activity that is likely to be of particular interest to or have particular impact upon minority, low-income, or indigenous populations, or tribes?**

No. Selecting "No" means that this action is not likely to be of any particular interest to or have an impact on these populations or tribes. Explain.

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Yes. If you answer yes, please check at least one of the boxes and provide a brief explanation below:

The project is likely to impact the health of these populations.

The project is likely to impact the environmental conditions of these populations.

The project is likely to present an opportunity to address an existing disproportionate impact of these populations.

The project is likely to result in the collection of information or data that could be used to assess potential impacts on the health or environmental conditions of these populations.

The project is likely to affect the availability of information to these populations.

Other reasons, describe: \_\_\_\_\_

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# BASIC CRITERIA FOR CULTURAL RESOURCES REPORTS

## FOR SECTION 106 CONSULTATION WITH THE STATE HISTORIC PRESERVATION OFFICER (SHPO) UNDER THE NATIONAL HISTORIC PRESERVATION ACT (NHPA)

### CULTURAL RESOURCES REPORTS

The Section 106 compliance efforts and reports must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards ([www.cr.nps.gov/local-law/arch\\_stnds\\_9.htm](http://www.cr.nps.gov/local-law/arch_stnds_9.htm)).

### REPORT TERMINOLOGY

- A cultural resources report used for Section 106 consultation should use terminology consistent with the NHPA.
- This doesn't mean that the report needs to "filled" with passages and interpretations of the regulations, the SHPO reviewer already knows the law.
- If "findings" are made they must be one of the four "findings" listed in Section 106. These include:
  - "No historic properties affected" (no properties are within the APE, including the below ground APE).
  - "No effect to historic properties" (properties may be near the APE but the project will not impact them).
  - "No adverse effect to historic properties" (the project may affect historic properties but the impacts will not be adverse)
  - "Adverse effect to historic properties". *Note: the SHPO must be consulted at this point. If your consultant proceeds on his own, his efforts may be wasted.*

### CURRENT RECORDS SEARCH INFORMATION

- A current (less than a year old) records search from the appropriate Information Center is necessary. The records search should include maps that show all recorded sites and surveys in relation to the area of potential effects (APE) for the project.
- The APE is three-dimensional and includes all areas that may be affected by the project. It includes the surface area and extends below ground to the depth of any project excavations.
- The records search request should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

## NATIVE AMERICAN AND INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the beginning of any cultural resource investigations. The purpose is to gather information from people with local knowledge that may be used to guide research.
- A project description and map should be sent to the Native American Heritage Commission (NAHC) requesting a check of their Sacred Lands Files. The Sacred Lands Files include religious and cultural places that are not recorded at the information centers.
- The NAHC will include a list of Native American groups and individuals with their response. A project description and maps should be sent to everyone on the list asking for information on the project area.
- Similar letters should be sent to local historical organizations.
- Follow-up contact should be made by phone if possible and a phone log should be included in the report.

## WARNING PHRASES IN ALREADY PREPARED CEQA REPORTS

- A finding of **“no known resources”**, this doesn't mean anything. The consultant's job is to find out if there are resources within the APE or to explain why they are not present.
- **“The area is sensitive for buried archaeological resources”**, followed by a statement that **“monitoring is recommended as mitigation”**. Monitoring is not an acceptable mitigation. A reasonable effort should be made to find out if buried resources are present in the APE.
- **“The area is already disturbed by previous construction”**, this may be true, but documentation is still needed to show that the new project will not affect cultural resources. As an example, an existing road can be protecting a buried archaeological site. Or, previous construction may have impacted an archaeological site that was never documented.
- No mention of **“Section 106”**, a report that gives adequate information for CEQA may not be sufficient to comply with Section 106.

S:\Funding Programs\Environmental Review Unit\Outreach\BASIC CRITERIA FOR SECTION 106 revised June 13 2012 by md.doc

**Sunset - Whitney Veterinary Hospital**

**Tamsen Taylor, D.V.M.**

5405 Pacific Street

Rocklin, CA 95677

(916) 624-3322

www.sunsetwhitneyvethospital.com

RECEIVED  
CITY SERVICE

2012 AUG -3 PM 2: 59

August 1, 2012

Regarding: New force main sewer line through Hidden Valley Community Association  
Sewer Maintenance District 3 Regional Sewer Project

To whom it may concern:

I have lived in Hidden Valley Community in Granite Bay for 23 years although it been in existence for over 60 years. As you probably know it is a very unique development made up of 162 lots of an acre each surrounding about 160 acres of "common property" including a section of Miners Ravine and several ponds and lakes. The area includes many trees, seasonal ponds, and large oak, pine and cottonwood trees. These are included on the migratory bird "Fly way" and are the home of many migratory birds as well as permanent wild life. In addition the "Common Land property" contains permanent pastures for about 20 horses, as well as dally used trails for riding, walking, biking for the residents.

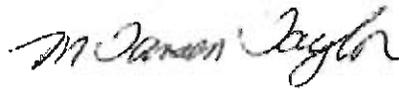
I am very concerned about the District 3 Regional Sewer Project alternate A and Phase 1 of Alternate C for this project because it runs the proposed sewer line directly through Hidden Valley. This would result in extreme hardship to our community, potential damage to wild life, trees, protected sensitivity of Miners Ravine (a potential re- established habitat for Salmon in a US waterway)

As a veterinarian I understand the need for protecting wild life and irreplaceable habitats and I also understand the need for upgrading health issues such as proper sewage treatment in the face of growing populations. I was present at Hidden Valley Board meeting when representatives of District 3 Regional Sewer District initially presented the proposed route for the new force main sewer line through Hidden Valley common area and a few private parcels. At the time it was presented as a simple quick project that would be done in a few weeks, not disturb anything, and the land look completely untouched when finished. No mention was made of loss of trees, wild life habitats, heavy equipment staging areas, possible stream, river bank, trail damage, many months of blocked access to our common area with construction chain link fencing and open ditches or future liabilities and disturbances if leaks, repairs, maintenance issues or flooding occurs.

Although taking the route through Hidden Valley common area may save District 3 Regional Sewer district money, **it would be an extremely unfair burden to place on the families of 162 homeowners and a risk to protected wild life and nature areas.**

I urge you to select the alternative which uses only Auburn- Folsom road, although it too would be a burden to Hidden Valley residents and others who drive on Auburn-Folsom Road.

Sincerely,



Dr. Tamsen Taylor

8005 Morningside Dr. Granite Bay, CA 95746 916 791-1606 [tamsentaylor@sbcglobal.net](mailto:tamsentaylor@sbcglobal.net)



tel: 916.455.7300 · fax: 916.244.7300  
1010 F Street, Suite 100 · Sacramento, CA 95814

August 1, 2012

VIA U.S. MAIL AND EMAIL: [cdraecs@placer.ca.gov](mailto:cdraecs@placer.ca.gov)

Maywan Kratch  
Environmental Coordination Services  
Placer County  
Community Development Resource Agency  
3091 County Center Dr., Suite 190  
Auburn, CA 95603

RE: CEQA Notice Request – Placer County SMD 3 Regional Sewer Project

Dear Maywan Kratch:

This firm represents the Hidden Valley Community Association with respect to the Placer County SMD 3 Regional Sewer Project ("Project"). I am writing to request mailed and/or emailed notice of any and all hearings and/or actions related to the proposed Project. These requests are made pursuant to Public Resources Code section 21092.2 and Government Code section 65092, which require local agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body. This request includes notice of the availability of any environmental review document prepared pursuant to the California Environmental Quality Act.

Please send the above requested items to:  
Osha Meserve  
Soluri Meserve, A Law Corporation  
1010 F Street, Suite 100, Sacramento, CA 95814  
Email address: [osha@semlawyers.com](mailto:osha@semlawyers.com)

Please call me at (916) 455-7300 if you have any questions. Thank you for your assistance with this matter.

Very truly yours,

**SOLURI MESERVE**  
A Law Corporation

A handwritten signature in blue ink, appearing to read "Osha R. Meserve", with a horizontal line extending to the right.

By: Osha R. Meserve

cc: Hidden Valley Community Association

**Comment Letter 12**

August 1, 2012

James Durfee  
Placer County Facility Services  
11476 C Avenue  
Auburn, CA 95603

RECEIVED  
FACILITY SERVICES  
2012 AUG -6 AM 8:33

Mr. Durfee,

I am strongly opposed to Alternate A and Phase 1 of Alternate C for the project that runs the proposed sewer line directly through Hidden Valley.



12-1

Respectfully,

Eleanor R. Grenfell  
7102 West Lane  
Granite Bay, CA 95746

## Comment Letter 13

02 August 2012

7415 Willow Lane  
Granite Bay, CA  
95746

Placer County Community Development Resource Agency  
Environmental Coordination Services  
Attn: Maywan Krach  
3091 County Center Drive, Suite 190  
Auburn, CA 95603

Dear Maywan,

I am writing this letter to address my grave concerns with the County's proposed placement of a high pressure sewer line through Hidden Valley Community Association's private property in Granite Bay, CA.

I reside on Willow Lane in Hidden Valley. My family, including five children, will be severely impacted by the construction of the sewer line down Willow Lane for what appears could take up to a year to construct. I have twin four year olds and am very concerned for their well-being and safety during this construction phase. The noise pollution alone will be greatly disruptive to their sleep patterns and they will not be able to play in our front yard, nor ride their bikes on Willow Lane for quite some time during this incredibly disruptive construction.

My wife and I have invested quite a bit of money and labor into landscaping our front yard. The County's proposed construction will destroy much of our hard work and forfeit our significant investment. Additionally, many of the beautiful Oak Trees that line the street side on our front yard may be destroyed. Access to our driveway is also extremely concerning. With five children, and four drivers in the family, we are in and out of our driveway many times throughout the day. The proposed construction would limit our access significantly.

Most concerning to me and my family, is the absolute destruction of the beautiful natural habitat we are so fortunate to enjoy in Hidden Valley. The undisturbed community property East/North East of Willow Lane is a gold mine in our minds. It is the reason we, and I am confident, most of the Hidden Valley residents chose to live in this unique community. It is a refuge we and our children enjoy daily and is a sanctuary for wildlife and plants in what has become a densely populated Granite Bay. The destruction of wildlife habitat, the removal of Oak, Alder, and Pine trees that are hundreds of years in the making, and the irreparable damage to Miner's Ravine are unacceptable simply to save money by taking a short cut through this unique natural habitat.

13-1

Living on Miners Ravine, we are located in a 100 year flood zone. Our home has flooded twice in the last 26 years. This proposed construction will certainly and detrimentally impact the water shed of Miners Ravine upstream of our home and most likely contribute to the threat of future flooding. I know my neighbors living on the North side of Willow Lane, backing up to Miners Ravine, are incredibly concerned about this flood potential. We live with the concern each winter and spring, and this project gives us cause for alarm.

In conclusion, I implore you and the County to pursue the appropriate course of action and construct this high pressure sewer line where it should be, along the major roadway of Auburn-Folsom Road. This is where utilities are normally constructed, and for good reason. The monetary cost savings of blasting through Hidden Valley's natural preserve is not nearly worth the permanent destruction that will be caused to this unique habitat.

Thank you for your concern and consideration in this matter.

13-1  
Cont.

Sincerely,

Kevin Console

**From:** [Maywan Krach](#)  
**To:** [Maywan Krach](#);  
**Subject:** FW: Regional Sewer Project (con"t)  
**Date:** Friday, August 03, 2012 8:48:09 AM

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**From:** Mark Bowers [<mailto:mkbow2@surewest.net>]  
**Sent:** Thursday, August 02, 2012 9:20 AM  
**To:** Kevin Bell; Heather Knutson  
**Subject:** Regional Sewer Project

Good morning Kevin and Heather:

Thank you for your update at last night's MAC meeting which we view as very favorable toward the residents of Hidden Valley. As you noticed there were a good number of members attending the meeting which certainly supported your comments that you welcome public input. We are very appreciative.

As I mentioned following the meeting we would like to know exactly where manhole G16-43 is because we have one in our front yard which may be the one in question and we are wondering what that might mean for our landscaping when the project begins. Another concern of ours and our neighbors is the potential staging area at the corner of Auburn Folsom and Twin Rocks roads. Should this be the case it is going to present serious traffic hazards at an intersection which has seen its share of accidents. The open area behind the firehouse adjacent to the Catholic Church would seem to make more sense from a safety standpoint.

We would be happy to show you or others the area we are referring to at your convenience and I believe you will understand our concerns. Just give me a call at any time.

Thank you again and we look forward to a continued positive working relationship.

Mark K. Bowers  
791-1257  
834-0246

# Comment Letter 15

Richard Sambucetti  
7555 Auburn Folsom Road  
Granite Bay, CA 95746

August 3, 2012

Mr. Maywan Krack, Environmental Coordination Services  
Community Development Resource Agency  
3091 County Center Drive, Suite 190  
Auburn, CA 95603

**RE: Proposed Sewer Maintenance District 3 Regional Sewer Project  
EIR & Alternates A & Phase 1 Alternate C – Impacts on Hidden Valley Residents**

Dear Mr. Krack,

This letter will voice my opposition to any routing of the proposed force main sewer line through Hidden Valley. I am a Hidden Valley resident and believe either route through our community will impose immediate and long term impacts on Hidden Valley residents disproportionately for a project that will benefit the region at-large.

Whether the route follows the existing sewer easement through our common property or runs along Morningside Drive, Hidden Valley residents will bear the brunt of construction impacts during this phase, particularly with access issues to residents if the Morningside route is chosen. As a resident who walks in Hidden Valley daily however, my primary concern is with the Alternative C, Phase I which routes the new force sewer main through the Hidden Valley common property along the existing sewer easement. While the EIR considers protected tree removal in this alternate to be "a potentially significant impact", I believe the impacts are very much understated in the EIR.

The proposed route for Alternate C, Phase 1, follows a primary path through the common property that is used daily by resident pedestrians as well as horseback riders and bicyclists. Our common area is a source of history and great pride for Valley residents with its natural beauty and relative isolation. It is a unique amenity in its pristine state. The EIR suggest approximately 30 protected trees (Live & Blue Oaks) greater than six inches diameter will be removed in this area – from Twin Rocks Road to the end of Willow Lane, approximately three-quarters of a mile. What the EIR doesn't state however, is that many of these trees are specimen quality trees up to 30" in diameter. Furthermore, when one considers the smaller oaks and other native trees that will be taken out, the number of trees to be removed jumps to over 100 by my estimation. This will leave a barren swath through the heart of our common property that replanting and restoration will take years to mitigate.

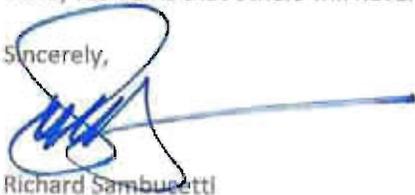
Even if Hidden Valley was the sole beneficiary of this sewer upgrade, these impacts to our community would be highly debated and might be tolerable with creative routing and extensive restoration efforts. Such effort as would be demanded by Valley residents would be a challenge for any public agency. The fact that we are only a segment of those who will benefit from this project makes these impacts unacceptable, especially when there are other alternatives for the force main route.

15-1

Please consider the Auburn Folsom route around Hidden Valley as the only viable option as it fairly spreads the immediate burden of construction on the region and avoids long term impacts to Hidden Valley residents that others will never feel. Thank you for your consideration.

15-1  
Cont.

Sincerely,



Richard Sambucetti

- cc. Supervisor Kirk Uhler, District 4
- Ms. Linda Brown, Field Representative, District 4
- Honorable Members of the Placer County Planning Commission
- Col. William Leady, US Army Corps of Engineers
- Mr. Paul Schmidt, Hidden Valley Community Assn.

**From:** [Sonja White](#)  
**To:** [Placer County Environmental Coordination Services;](#)  
**cc:** [Linda Brown; Placer County Planning; spk-pao@usace.army.mil; Jim Durfee;](#)  
[Rob Unholz; sharynmatin@earthlink.net; psaia@rcsis.com;](#)  
[BrentHVCA@gmail.com; hwwaller@gmail.com; sandyherold@yahoo.com;](#)  
**Subject:** SMD 3 Regional Sewer Project  
**Date:** Sunday, August 05, 2012 8:48:08 AM  
**Attachments:** [Hidden Valley Map 002.jpg](#)

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Sonja White  
7082 West Lane  
Granite Bay, Ca 95746

Hidden Valley Resident; Lot #29

Mayan Kroch  
Placer County Community Development Resource Agency  
Environmental Coordination Services  
3091 County Center Drive, Suite 190  
Auburn Ca. 95603

To Mayan Kroch and Other Concerned Members of the Project;

Thank you for choosing the final EIR preferred alignment to be the "Auburn Folsom Road Right of Way Alignment".

My home backs into Auburn-Folsom across from the fire station on Cavitt-Stallman and Auburn-Folsom. Alternatives A, B and C were going to affect my household. Traffic is a temporary challenge (Alternate B) unlike the permanent changes that would have been made in our common property with Alternate A.

At this point, I am concerned about the work hours of 6 am to 8 pm with particular concern for the "Staging and spoils stockpiling that shall take place within the approved work areas" (Section 01030.3.08) on the corner of Auburn-Folsom road and Cavitt- Stallman. This staging area was extremely disruptive to my household during the Douglas road improvement. The dangling of the heavy truck bed doors; loading of rocks or materials; the running of equipment; and the lights shining across the street over our wall were disruptive to our household. I had to move to out of my bedroom to another portion of the home. A natural screen (Four scrub oak trees shielded the property from this corner.) has been removed since the Douglas road improvement. The household is now even more exposed to this staging

area.

I choose to live in Hidden Valley because of the common area: the trails, creeks, wildlife and pastures. If this area were damaged or destroyed it would bring down the value of our homes within our community. Below are my expressed concerns for the record against Alternative "A" Hidden Valley Force Main Alignment". Please see the attached map for documentation. Thank you again for changing you preferred alignment.

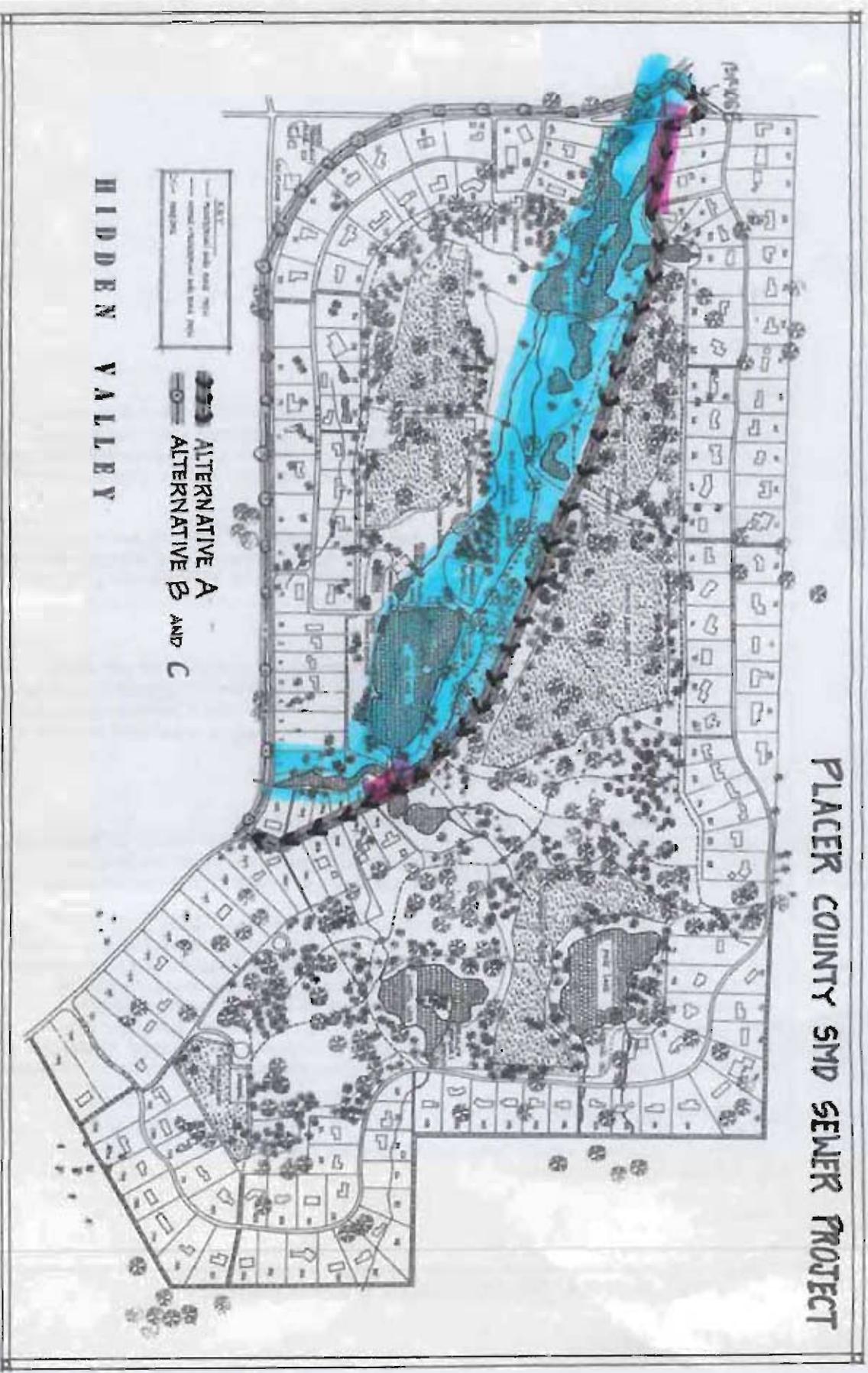
1. By definition "Alternative A" is running of sewage line in Miner's Ravine Creek bed. (The dictionary defines creek bed as a channel occupied or formerly occupied by a stream). The proposed line in Alternate A is being run though the ordinary high water mark were winter flows reach. Then it continues to run through creek setbacks at several points. As a resident since November 1993, I have witness all the highlighted areas become a part of Miners Ravine during high water flows in 1995 and 1997.
2. The pink highlighted areas represent areas along Alternate A that represent "category 4" as defined within 20 feet of the creek bank. The digging would be too close to the creek.
3. Fish and Game Code (Section 1602) "The notification requirement applies to any work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel. This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water." Section 1602 addresses deposit or dispose of debris, removal of vegetation along with other stream regulations. It is my unprofessional opinion that "Alternate A" would be in disagreement of a Lake or Stream bed Alteration Agreement and therefore would not comply with the California Environmental Quality Act (CEQA)? (<http://www.dfg.ca.gov/habcon/1600/>)
4. Creeks need the protection of permanent vegetation. Alternate A disturbs the permanent vegetation around the creek. The creek will never be the same. It is impossible to replace the heritage oak and other vegetation along the route of Alternate A. The replacing a root system will take years to protect the soil.
5. Our household traces heritage roots back to Native American Indians. Although not to the native Maidu of Hidden Valley, we value and respect the historical artifacts of the native Maidu Indians

living along the creek down the center of our common property. We do not want these historical artifacts disturbed.

We enjoy living in Placer County. We hope that Placer County will value our unique Hidden Valley Common Property as do the residents of Hidden Valley. Thank you for the opportunity to express our concerns.

Sincerely,

Sonja White  
Hidden Valley Resident  
7082 West Lane  
Granite Bay, CA 95746



**Paul Schmidt**  
**8080 Morningside Drive**  
**Granite Bay, Ca. 95746**

August 5, 2012

Maywan Krach  
Community Development Resource Agency  
3091 County Center Drive, Suite 190  
Auburn, California 95603  
(Via Email)

Subject: Proposed Sewer Maintenance District 3 Regional Sewer Project  
EIR Alternatives A and Phase 1 Alternate C -Impacts on Hidden Valley Residents.

Dear Ms Krach,

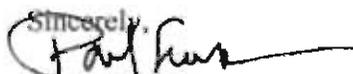
As a Homeowner, I am expressing my opposition to your proposed Alternates A and Phase 1 of Alternate C (which I understand may have been re-designated Alternate B Phase 1; outside of the EIR by County Staff).

The construction of a new forced main sewer through Hidden Valley, serving the adjacent district and destroying trees and impacting wildlife would be detrimental to the sensitive natural environment of Miners Ravine. (Alternate A).

The redesignation of County staff's preferred alternative from A to Alternate B (the route along Auburn Folsom Road, a route utilized in the areas outside Hidden Valley for this project), as mentioned at the GBMAC meeting last week is a positive step. Yet, I am still concerned about the Alternate C Phase 1 which appears to be now re-designated Alternate B; Phase 1 by County Staff.

While I appreciate the county's effort to minimize disruption of the environment on an interim basis by using the existing SMD-2 sewer line through Hidden Valley, we need assurance of its capacity and condition to solve the SMD-3 problem. We have asked for documentation regarding the existing line, as well as its engineered capacity and are still concerned about its close proximity to the sensitive riparian environment of Miners Ravine and the potential for a sewerage spill of large capacity. For that reason, I believe Alternate B, constructing the new lines along Auburn Folsom Road, within the next two years, is the only responsible solution.

17-1

Sincerely,  
  
Paul Schmidt

Cc, Supervisor Kirk Uhler, District 4  
Ms. Linda Brown, Field Rep. District 4  
HVCA Board of Directors

**From:** [Barabara Pepper](#)  
**To:** [Placer County Environmental Coordination Services](#);  
**Subject:** EA/EIR Placer County SMD 3 Reginal Sewer Project.  
**Date:** Monday, August 06, 2012 10:53:36 AM

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Maywan  
Kroch  
August 5, 2012  
Placer County Community Development Resource Agency  
Environmental Coordination Services  
3091 County Center Drive, Suite 190  
Auburn, CA 95603

U.S. Army Corps of Engineers  
1325 J Street  
Sacramento CA 95814  
Attn: Colonel William J. Leady

Re: Placer County SMD 3 Regional Sewer Project, Draft Environmental Assessment/Environmental Impact Report (EA/EIR) issued for public review 6/22/12

I am a homeowner in Hidden Valley Community Association (HVCA) since 1971, writing to express my opposition to Alternates A and C which are proposed to travel through HVCA open space, as described in the 6/22/12 Draft EIR.

The proposed District 3 force main sewer line does not benefit HVCA, which has a District 2 gravity sewer line.

My concerns are not adequately addressed in the EA/EIR, there is insufficient study, and no reasonable mitigation is offered, on these issues:

The authors of the Placer County SMD Regional Sewer Project have assumed that the common area ("open space") owned by members of the Hidden Valley Community Association is unused and vacant land. This is absolutely incorrect. The 180 acres of Hidden Valley's community property have been in continuous high use as a recreation area and nature reserve from the time when the Hidden Valley project began in 1949.

Although since 1949 many residential developments have been built in southern Placer County, you will be hard put to find a community like

Hidden Valley that has devoted its private open space for the benefit of wildlife, oak woodland regeneration, and nature orientated recreation. At one time Placer County declared proudly that the largest open space in the County was Hidden Valley's community property.

Hidden Valley Community Association has promulgated and enforced the following documents (not a complete list)

- 1976: Long Range Plan for the common area, 113 lot owners participated, 89.9% members stated they used trails on common property.
- 1999: Board adopted the HVCA Common Area Management Plan which is comprised of three sections:
  - Woodland Management Plan,
  - Pasture Management Plan, and
  - Gates, Trails, Roads and Bridges Management Plan.(See Attachment #A, Common Area Management Plan)
- Membership Groups formed to explore and preserve common property: (Attachment #B)
  - Nature walks led by naturalists and historians (Attachment #C)
  - Progressive Beaver Program that allows beaver families to live in self-supporting area of HV which provide suitable forage and safe areas for dens. Hundreds of softwood trees have been wrapped with wire to prevent beaver damage
  - Lake Maintenance Program, control algae and enhance fish population
  - Fire Safety Program: eliminate ladder fuel on common property and improve access to fire fighting equipment for fire suppression

In 2005 the Placer County Natural Resources Conservation Service (See Attachment #D) prepared the Hidden Valley Restoration/ Management Plan, funded by Wildlife Habitat Incentive Program (WHIP) and HVCA . The purpose was to plan a project which creates, restores, and enhances wildlife habitat within HVCA's common property.

This project funded the addition of a pasture fence along Railroad Pasture that has kept HV horses out of Miners' Ravine Creek, planted native plants to strengthen the banks of the creek from winter storm erosion, and

realigned horse pastures to encourage grazing of intrusive shrubs, among other aspects of the plan.

Miners' Ravine Creek is inhabited by, but not limited to beavers, otters, weasels, and hundreds of invertebrates, snakes, lizards, turtles, frogs, Great Blue Heron, large and small cranes, kingfishers, Canada geese, and wintering ducks, as well as being used by other mammals such as red tail hawks, screech and other owls, raccoons, possums, skunks, coyotes, deer, and the occasional roaming mountain lion and bear. Nesting boxes for owls, ducks and small birds have been set out in the oak woodland. Tree "snags" have been left standing for cavity nest builders. Boy Scouts constructed a bridge over Miners' Ravine Creek at Beek's Field, an Eagle Scout project.

The water and riparian habitat that lie alongside the creeks provide a sanctuary for wildlife. Hidden Valley is also adjacent to Folsom Lake and the Folsom Lake Recreation Area which stretches for many miles into the foothills and ultimately connects to the Sierra Nevada. Both the Dry Creek watershed, of which Hidden Valley is a part, and the Sierra Nevada contain wildlife movement corridors that provide a link between various habitat types necessary for food, shelter and reproduction. The Hidden Valley common area is an important part of the wildlife movement corridor in Placer County.

18-1  
Cont.

(See the Placer County General Plan)

***6.C.4: The County shall encourage private landowners to adopt sound wildlife habitat management practices, as recommended by CA Dept of Fish & Game officials, the U.S. Fish & Wildlife.....***

*Goal 6.E.3: The County shall support the maintenance of open space and natural areas that are interconnected and of sufficient size to protect biodiversity, accommodate wildlife movement, and sustain ecosystems.*

Goal 6.C.1 The County shall identify and protect significant ecological resource areas and other unique wildlife habitats critical to protecting and sustaining wildlife populations. Significant ecological resource areas include the following:

- c. Any habitat for rare, threatened, or endangered animals or plants.
- d. Critical deer winter ranges (winter and summer), migratory routes, and fawning habitat.
- e. Large areas of non-fragmented natural habitat,

- including Blue Oak Woodlands, Valley Foothill Riparian, vernal pool habitat.
- f. Identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian and mammalian migratory routes, and known concentration areas of waterfowl within the Pacific Flyway.

(See the Granite Bay Community Plan)

6. Encourage public and private stewardship and partnerships directed to restoring enhancing, and maintaining the natural environment.

HVCA Policy #4 states "Activities related to the preservation and maintenance of the community property of the HVCA shall, whenever possible, respect, accommodate, and preserve the wildlife that inhabit the area." More than words, Hidden Valley's actions over the years have produced a large area for wildlife and riparian vegetation to create a rich and varied wildlife nature reserve which links up to movement corridors that benefit the entire County.

HVCA has faithfully and willingly abided by the regulations of Placer County's open space laws. I expect Placer County to honor the validity of our open space, and our considerable investment, by not violating the quality of our nature reserve and recreation area with a forced sewage pipeline.

18-1  
Cont.

### 1. Section 3.1 - Aesthetics

*EAVEIR: "A small portion of Alternative A alignment would be located underground within undeveloped private property designated as "open space", adjacent to the existing SMD 2 force main and within an existing Placer County easement."*

*EAVEIR: The construction and operation of the new pump station on the WWTP and the underground force main would not degrade the existing visual character or quality of the project site or surrounding area.*

Comment: Construction of the underground force main **would** degrade the existing visual character and quality of the project site and surrounding

area. Heritage sized blue and valley oaks and other large trees would be cut down in a 20 foot swath on residents' private yards, as well as across the nature reserve of the Hidden Valley common area. Since its incorporation, Hidden Valley has surveyed, studied, set goals and taken action to preserve the oak woodlands and the wildlife in our privately-owned and legally designated open space.

The Placer County Tree Ordinance applies to any project with the potential to affect protected trees. Protected trees are defined as any native tree species with a diameter at breast height (DBH) of six inches or greater or a combined multiple trunk DBH of at least ten inches. . . .

This ordinance prohibits the removal of landmark trees, including stands or groves of native trees, native tree corridors, and other significant native tree habitats.

Mitigation: After "and the underground force main" add "indicating a route through Hidden Valley, would degrade the existing visual character and quality of the project", and adding "but" would not degrade the existing visual character or quality of the project site or surrounding area "using Alternative A or C."

18-1  
Cont.

EAEIR: CEQA states: "Criteria for determining the significance of impacts to visual resources have been developed based on *Appendix G* of the California Environmental Quality Act and relevant agency thresholds. Impacts associated with aesthetics would be considered significant if the Proposed Project would:

- Result in the substantial adverse effect on a scenic vista;
  - Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;"

***EAEir: Alternative A Hidden Valley Force Main Alignment*** "The views of the force main alignment (**during construction only**) would be experienced by viewers traveling along Auburn-Folsom Road, Willow Lane, Twin Rocks Road, and Joe Rodger's Road. The underground conveyance system proposed under Alternative A would only be visible above ground only where clean-outs are located along the pipeline. "

Comment: The above EA/EIR statement is only partially correct. Views of the force main alignment would be experienced by every resident of Hidden Valley as they traversed the common property by foot, bicycle or horse. The Hidden Valley common area of 180 acres, surrounded by 161 residences, is populated by the families of the 161 residences. Hidden Valley families traverse the 180 common area acres for purposes of jogging, bicycling, equestrian trail use, horse and animal shows, birding, fishing, swimming, picnicking, and clubhouse activities. Annually Hidden Valley celebrates major holidays at Oak Lake and holds a Berry Fest in which residents pick berries (blackberries, elderberries, thimble berries) on the common area and prepare desserts for a social event at the clubhouse and a campout at our park and recreational facility, Beek's Field.

### Section 3.2 - Air Quality

EA/EIR: "Odor is subjective and in most cases not quantifiable. "

Mitigation: Odors are not "subjective" when the ARV is outside your bedroom window. I don't know if the "clean-outs" will cause noxious odors, but if they do, nearby residents and passersby will be affected.

Change text under "Odor" to read: "Choosing Alternative A or C will cause significant noxious odors to outstanding areas of native vegetation and landmark trees, wildlife habitats and corridors, riparian corridors and residences. This significant harm cannot be mitigated."

Eliminate Alternatives A and C in order to avoid impacts to Hidden Valley open space.

**EA/EIR: Alternative C Hidden Valley Pipe Upsizing** The total duration of construction activities under Alternative C would be approximately 24 months during Phase I and 8 months during Phase II, which is two months longer than Alternatives A and B.

24 months is a long time for all of the construction impacts of trenching and fencing to be inflicted on Hidden Valley residents. Recommend eliminate Alternatives A and C

### Section 3.3 – Biological Resources

#### ***Migratory Bird Treaty Act***

Comment: Impacts to the Migratory Bird Treaty Act from this project are unclear because the EIR is not clear as to when construction will take place

in specific places. Mating season is March to September. The season for stream flooding is also not defined. Perhaps there would be no time when this project can go forward. This needs to be clarified.

Salmon have been seen in Miners' Ravine Creek, but they are certainly rare. Therefore they need special protection. Bird nests are built all over the Cottonwood Lake area, many are ground birds. There are many herons and cranes as well as winter birds in the lake areas. A detailed inspection in the right season would have to be made.

When this project steps into Hidden Valley's common property, the County is subjected to all kinds of significant impacts to wildlife and riparian areas. Much wildlife would be affected. It would be best to have a consultation with CA Fish & Game before going forward with this version of the project.

#### Section 3.4 – Cultural Resources

##### ***Archaeological Resources Protection Act of 1979, 16 U.S.C. 470, et seq.***

***Full Compliance.*** This act prohibits the removal, sale, receipt, and interstate transportation of archaeological resources obtained illegally (without permits) from public lands. **The Proposed Project would not involve any such archaeological resources**

Comment: The County cannot state that there are no archaeological resources. That is an unknown. An archaeological survey would have to be conducted along the entire pipeline to determine any archaeological sites. There are "official" archaeological sites in Miners' Ravine Nature Reserve. Why would Native American artifacts stop there? This whole area was populated by the southern Maidu.

Auburn Folsom Road was excavated when the road was constructed, and apparently no archaeological resources were found. Therefore Auburn Folsom Road may be the best route for the County to build a forced sewage pipeline without running into any archaeological resources.

What was the route of the historic Auburn Folsom Road? Hidden Valley's ancient water well was on that road and is now located in HV's Cottonwood Pasture. When Native Americans populated this area, there were no "roads." Undoubtedly the historic road wandered over the countryside and

thus archaeological resources may be found anywhere in the vicinity of the modern road.

Change in EA/EIR: State "the proposed project may or may not involve any archaeological resources."

### Section 3.5 Geology, Soils

Placer County General Plan: The County shall discourage grading activities during the rainy season, unless adequately mitigated, to avoid sedimentation of creeks and damage to riparian habitat.

Comment: The dirt road that runs parallel to Miners' Ravine Creek along Railroad Pastures is a raised road, Miners' Ravine Creek having cut its path into the surface of the land. In winter when there is a flood warning, the water level in the past has risen to include the Railroad road. This is where the forced sewage line would be built. This flooding would cause erosion from the road during construction and transfer sediment from the road into the creek.

Mitigation: During a winter flood, the raging waters of Miners' Ravine Creek go over Auburn Folsom Road at the bridge near Cottonwood Lake, and continue through Hidden Valley at such depth that a kayaker can put in at Auburn Folsom Road and kayak down the creek to the bridge as it leaves Willow Lane. State the reality of "erosion into Miners' Ravine Creek in winter flooding." State this would be a "significant environmental impact that could not be mitigated unless the dirt roadway could be capped with 3" of concrete asphalt or other adequate material that would be waterproof."

### Section 3.8 – Land Use

EA/EIR: Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses.

Comment: If Placer County were to be successful in forcing HVCA to open its private open space for the construction of a forced sewage pipeline, such a declaration could cause an opportunity for the general public who might conclude that there is a public easement in HV that they could use. There is no public easement in HV's open space.

EAEIR: Generally, the environmentally superior/preferred alternative is the alternative that would cause the least impact to the biological and physical environment

Comment: Building a forced sewage pipeline through privately held, legally designated open space land owned by the members of HVCA would result in significant impacts. HVCA has purposefully nurtured a natural common area. You will not see a golf course, fancy swimming pool, tennis courts, or other man made recreation items.

The result of constructing a pipeline across HV's common property would cause disruption of the migratory pattern for purposes of forage and reproduction to wildlife in this part of Placer County HVCA Open Space is clearly a large part of the **wildlife movement corridor** from south Placer County, to the American River, and up through the foothills to the Sierras.

Hidden Valley has sheltered deer, coyotes, as well as the occasional bear and mountain lion on its common property. Otters, beavers, weasels, salmon and steelhead live, eat, and reproduce in Miners' Ravine Creek.

Hidden Valley open space is the site of Maidu grinding holes, and is the likely location of Maidu relics which are known to exist in Miners' Ravine Nature Reserve which is just across Auburn Folsom Road from Hidden Valley.

The EAEIR needs to state that "HVCA's common property is zoned for open space and is protected by the privileges and restrictions of such zoning. Choosing Alternative A and/or C for the pipeline construction would violate Placer County zoning laws and cause harm to wildlife. Another alternative will be chosen for the forced sewage pipeline."

### 3.10 Recreation

#### Sensitive Receptors

. . . Sensitive receptors include facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent homes, **parks and recreational facilities, and residential areas are examples of sensitive receptors.**

Comment: The EA/EIR comments regarding the SMD3 plant site, and describes the area of SMD3, as if it was the only area impacted by this project. When one considers the many miles of the forced sewage pipeline from SMD3 to Joe Rodgers Road, other sensitive receptors should be included.

In Alternative A and/or C, construction passes through Hidden Valley backyards at Cottonwood Lake and all along Willow Lane with houses on both sides of the lane. Hidden Valley's common area includes a park (Beek's Field – just across Miners' Ravine Creek from Railroad Pasture) with baseball backstop, horseshoe pits, volleyball court, dog's beach, and swimming lake, and the recreational facilities of the Hidden Valley Clubhouse Area: playground equipment, diving platform and slide, picnic tables, BBQ equipment and outside restrooms. This park is used extensively throughout the year by the HV membership.

18-1  
Cont.

Mitigation: Change to "Because pipeline construction would damage wildlife and wildlife movement corridors, and have a significant impact on the use of HV's recreation facilities, other less damaging pipeline alternatives will be constructed."

In summary, please consider Alternative B as the only viable alternative offered. The District 3 force main sewer line proposed belongs only in the public easements on the public highway Auburn Folsom Road. \_

Sincerely,

Barbara A. Pepper  
8020 Morningside Drive  
Granite Bay CA 95746  
[bapepper@aristata.net](mailto:bapepper@aristata.net)

Attachments: A, B, C, and D

Prior community service:

HV Long Range Plan, 1975  
HV Common Area Management Plan, 1999  
Bullfrog Society  
Progressive Beaver Committee

## Attachment A

HIDDEN VALLEY COMMUNITY ASSOCIATION  
COMMON AREA MANAGEMENT PLANS

DRAFT

WOODLAND MANAGEMENT PLAN  
PASTURE MANAGMENT PLAN  
GATES, TRAILS, ROADS, AND BRIDGES  
MANAGEMENT PLAN

Prepared By

COMMON AREA SITE COMMITTEE

FEBRUARY 8, 1999

## COMMON AREA SITE COMMITTEE

Alan G.K. Solbert (Chair)  
(Gates, Trails, Roads, and Bridges Management Plan Leader)

Frank Adkins

Mike Bennet

Chuck Crosby

Frank Finch

Bill Grenfell

Alan Hjellum

Kevin Kemper

Bill Lorber

Milt Payne

Barbara Pepper (Woodland Management Plan Leader)

Pat Peterson (Pasture Management Plan Leader)

Chris Richter

Harry Valler

Shelley Weisickle

February 8, 1999

**HIDDEN VALLEY COMMUNITY ASSOCIATION  
COMMON AREA MANAGEMENT PLANS  
1999**

**INTRODUCTION**

In 1949 Joseph A. Beek began the community of Hidden Valley with 370 acres of orchard and grazing land purchased from Martin Ludwig and Joseph Mooney. Today the community consists of one hundred sixty two residential lots (159 single family residences) around the outside borders surrounding 180 acres of natural common area.

Hidden Valley lies in the foothills of western Placer County and is a part of the one hundred square mile Dry Creek Watershed. Starting near Newcastle, seven tributaries (Cloverdale Creek, Antelope Creek, Secret Ravine Creek, Miner's Ravine Creek, Cirby Creek, Strap Ravine Creek and Linda Creek) descend through the foothills into Dry Creek through Roseville and Rio Linda, and finally enter the American River in Sacramento County. Approximately 150,000 people currently live in the watershed, and in the next twenty years the watershed population is expected to double.

The area described, from the western County line to above Auburn, includes valley grasslands, riparian woodlands, and heritage oak groves. Hundreds of species of native plants, fish, and wildlife call the area home. The water and riparian habitat that lie along the creeks provide a sanctuary for wildlife and a place for watershed residents to recreate and enjoy the outdoors. Hidden Valley's immediate neighbor to the southwest is a Placer County park, Miner's Ravine Nature Reserve, that contains twenty-six acres of natural area and historical artifacts along the riparian corridor.

Hidden Valley is also adjacent to Folsom Lake and the Folsom Lake Recreation Area which stretches for many miles into the foothills and ultimately connects to the Sierra Nevada. Both the Dry Creek watershed and the Sierra Nevada contain wildlife corridors that provide a link between various habitat types necessary for food, shelter and reproduction. These corridors also serve birdwatchers, hikers, bicyclists, equestrians, naturalists, children and anyone who wants to be in a natural setting away from the city

All of these factors, together with the vision of the founder Joseph A. Beek, has created in Hidden Valley a unique "pasture land, wildlife and recreation area" for families to "enjoy the charm and quiet of primitive surroundings, without abandoning the conveniences of civilization..." Beek's vision has been continued in its governing documents and by community agreement and the attached management plans further that vision.

## **GENERAL ADMINISTRATIVE PROCEDURES**

The Common Area Site Committee recommends that the following General Administrative Procedures be followed for the Common Area Management Plans below:

- WOODLAND MANAGEMENT PLAN
- PASTURE MANAGEMENT PLAN
- GATES, TRAILS, ROADS, AND BRIDGES MANAGEMENT PLAN

### **GENERAL ADMINISTRATIVE PROCEDURES:**

- A. The Management Plans will be a Board Agenda item and will be discussed, as appropriate, at the monthly Board meetings.
- B. All improvements and repairs to the Hidden Valley infrastructure will meet the construction standards in the Management Plans.
- C. The Architecture Committee will be chartered to assist the Maintenance Chair to ensure that the construction standards are enforced and will maintain the construction standards.
- D. The Board of Directors will review the Common Area Management Plans annually and a Board-appointed Common Area Site Committee will conduct a comprehensive review of the Management Plans every three (3) years.

# DRAFT - 1999 COMMON AREA WOODLAND MANAGEMENT PLAN

## ABSTRACT

The Woodland Management Plan describes management actions regarding the use and maintenance of the common area of oak woodlands and riparian corridor, as well as with the flora and fauna that inhabit the property.

### GOALS & OBJECTIVES:

1. Maintain and regenerate the woodland oak forest; remove fuel to prevent major forest fires
2. Preserve the integrity of the riparian corridors
3. Preserve and enhance the wildlife habitat
4. Enhance the natural areas for multiple use and enjoyment by members
5. Remove invasive exotic plants; replant with native grasses, wildflowers, and shrubs

### ACTION PLAN:

The Woodland Management Plan includes action plans to:

- Preserve and regenerate woodland; remove fuel to prevent major forest fires;
- Preserve the integrity of the riparian corridors;
- Preserve and enhance wildlife habitat;
- Enhance natural areas for multiple use and enjoyment by members; and
- Remove invasive exotic plants; replace with native grasses, wildflowers, and shrubs.

Some of the key recommendations of the Plan include:

- Control of ladder fuel, especially in the Arena Common Area
- Riparian corridor enhancement and floodplain protection and erosion control measures
- A bank stabilization project on Miners Ravine Creek using deep-rooted native perennial grasses and native shrubs
- Creation of an Arena Common Area Natural Area
- Control of exotics (e.g. star thistle, broom, and Himalayan blackberry)

### APPENDICES:

- Appendix A. Planting Procedures and Standards
- Appendix B. Recommended Plant List
- Appendix C. Recommended Pasture and Erosion Control Seed List
- Appendix D. Bradley Method of Eliminating Exotic Plants from Natural Reserves
- Appendix E. Yellow Star Thistle Control
- Map: See Gates, Trails, Roads and Bridges Management Plan

February 8, 1999

# DRAFT - 1999 COMMON AREA PASTURE MANAGEMENT PLAN

## ABSTRACT

The Common Area Pasture Management Plan describes use and maintenance of the community pastures on common property.

### GOALS AND OBJECTIVES:

1. Improve the health of the grasslands and oak woodlands on common property for pasture and habitat enhancement.
2. Provide fire control by grazing of annual and perennial grasses and noxious shrubs wherever possible.
3. Provide fenced and gated pasture areas that are safe and secure.
4. Provide uncontaminated reliable non-creek water sources for horses.
5. Allow for horse feeding stations in the pastures to maximize healthy feeding and minimize pasture damage.

### ACTION PLAN:

The Pasture Management Plan lists:

- requirements for horse owners using the common area pastures and
- management standards for all pastures.

The Plan recommends:

- Re-seeding, mowing for star thistle, and irrigation of certain pastures
- Repair / replacement of all pasture fences over time and introduction of temporary holding corrals
- Provision of piped in drinking water for horses for Railroad and Cottonwood Pastures to reduce pressure on Miner's Ravine Creek riparian area
- Feeding stations in all pastures to prevent sand ingestion by horses and to improve impacted feeding areas
- Establishment of an Arena Pasture for fire control
- Pasture irrigation and summer monitoring to increase the quantity of grass and the appearance of late summer pastures.

### APPENDICES:

Appendix A. Planting Procedures and Standards

Appendix B. Recommended Plant List

Appendix C. Recommended Pasture and Erosion Control Seed List

Appendix D. Bradley Method of Eliminating Exotic Plants from Natural Reserves

Appendix E. Yellow Star Thistle Control

Pasture Map 1. Location of piped-in water, temporary holding corrals, & new Arena Pasture

Pasture Map 2. Location of numbered pasture repairs

Pasture Fencing Material List

February 8, 1999

**DRAFT - 1999 COMMON AREA GATES, TRAILS, ROADS AND BRIDGES  
MANAGEMENT PLAN**

**ABSTRACT**

The Gates, Trails, Roads and Bridges Management Plan describes management actions regarding the use and maintenance of vehicle access, horse, and pedestrian gates; roads and trails; and bridges within the Common Area.

**GOALS & OBJECTIVES:**

1. Maintain and preserve Common Area infrastructure (e.g., gates, roads, and bridges).
2. Provide for and maintain adequate access to the Common Area for control of potential fires.
3. Provide for and maintain adequate access to the Common Area for maintenance of the Common Area and Common Area facilities.
4. Prevent unauthorized access to the Common Area.
5. Maintain roadways and levees so as to minimize erosion.

**ACTION PLAN:**

The Gates, Trails, Roads, and Bridges Management Plan includes the following:

- Map showing location of all existing and proposed gates, proposed roads, and erosion control areas.
- Table which includes an inventory of all gates and recommended actions.
- Gates Action Plan
- Trails and Roads Action Plan
- Bridges Action Plan

Some of the key recommendations of the Plan include:

- Upgrading of the Oak Glen Lane maintenance road to provide fire access through the Arena Common Area to the maintenance road west of Laurel Lake.
- Creation of a fully accessible fire access and maintenance road to the west of Oak Lake Pasture by moving the pasture fence 10' to the east.
- Identification of 8 priority gate actions and 22 erosion control repair actions and specifications for repair.

**EXHIBITS:**

- Map: Locations of all Gates and Erosion Control repair sites  
Table 1: Hidden Valley Common Area Gate Inventory and Action Items  
Exhibit 1: Specifications for Vehicle and Horse Gates  
Exhibit 2-11: Fire District Road Specifications; Erosion Control and Bridge Specifications

February 8, 1999

## Attachment B

**THE BULLFROG SOCIETY**  
**IN**  
**HIDDEN VALLEY COMMUNITY**  
**GRANITE BAY, CA.**

**PHILOSOPHY AND PURPOSE:**

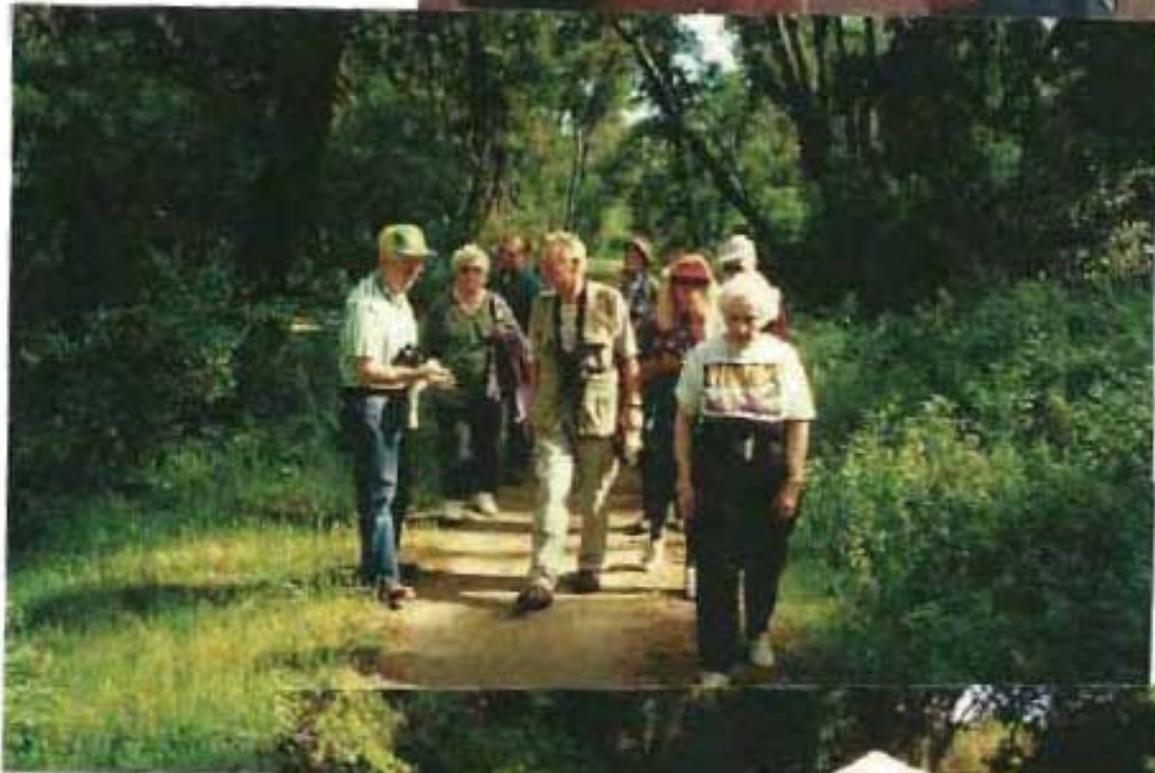
The natural environment of Hidden Valley offers residents a unique opportunity to enjoy and learn about nature. The quality of life in Hidden Valley is enriched by the natural beauty of the common property and by the wildlife that inhabit it.

The Bullfrog Society encourages the appreciation of Hidden Valley as a nature reserve through the study and the enjoyment of its flora and fauna. We believe that all aspects of nature are connected: the people, the plants, and the animals. Therefore, we wish to foster compassion and respect for all the beings that inhabit Hidden Valley and we support living in harmony with the wildlife here and elsewhere on our planet.

**ACTIVITIES:**

1. The Society will have quarterly general meetings, open to all Hidden Valley residents, to disseminate information about a variety of nature topics, indigenous as well as world wide.
2. The Society will offer nature activities for the youth of Hidden Valley.
3. The Society will sponsor nature outings in Hidden Valley and in other locations which may be of interest to Society participants.

## Attachment C







## Attachment D

# **HIDDEN VALLEY RESTORATION/MANAGEMENT PLAN**

**Prepared For:  
Hidden Valley Community Association  
Folsom, CA**

**Prepare By: Natural Resources Conservation Service  
Auburn, CA**



## INTRODUCTION

The Hidden Valley restoration project is located within the Hidden Valley Community Association Common Area near Folsom Lake immediately east of Auburn-Folsom Rd in Placer County. This project will be funded by the Wildlife Habitat Incentive Program (WHIP) and the Hidden Valley Community Association. The Wildlife Habitat Incentive Program is a NRCS cost share program that funds projects which create, restore, and enhance wildlife habitat.

The 75 acre project site ranges in elevation from 370 feet to 470 feet and lies at the base of the Sierra Nevada foothills. The existing habitats include oak woodlands interspersed with riparian corridors (Miner's Ravine and other seasonal creeks), lakes, and perennial ponds. The riparian corridors are found along seasonal creeks and a larger intermittent stream "Miner's Ravine" that flow throughout the landscape. These habitats are in stable condition. However, they have been impacted by Himalayan blackberry (*Rubus discolor*) and in one area, red sesbania (*Sesbania punicea*). They are invasive shrubs that have spread through portions of the seasonal creeks, and the understory of the oak woodlands and the majority of the riparian habitat. The invasive shrubs compete with native understory and regenerating overstory riparian and oak woodland vegetation. As a result habitat for native species has become degraded. Surrounding land includes similar habitats, but also includes Folsom Lake to the east. Land use primarily includes wildlife areas, recreational, esthetic, and some grazing. Housing development is around the perimeter of the project site.

This plan is not intended to address all resource needs in the 75 acre common area. It does provide an initial group of restoration practices which includes removing the invasive shrubs with a masticator, followed by long term practices to keep the shrubs under control. Long-term control measures include live stock grazing and/or herbicide application. Once it is determined that invasive shrubs are under control, the understory of the habitats will be planted with native plant species. Ideally, once the native species are established they will be strong enough to compete with the invasive shrubs.

Benefits from these practices include an increase in plant and animal diversity and a reduction in fire hazards. The habitats will be planted with a variety of native plants. In addition to the plantings, a variety of native plants are also expected to naturally establish on site. The wildlife species associated with these plants are also expected to increase. The project should have a positive effect on various species of mammals, amphibians, reptiles, and birds. The most positive effect should be on avian use of the enhanced habitat. Special status species that will most likely benefit from the project include valley elderberry long-horn beetle (*Desmocerus californicus*), western pond turtle (*Clemmys marmorata*), Lawrence's goldfinch (*Carduelis lawrencei*), yellow warbler (*Dendroica petechia*); and various species of special status raptors.



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1010 F Street, Suite 100 · Sacramento, CA 95814

August 6, 2012

**VIA U.S. MAIL AND EMAIL. (cdraecs@placer.ca.gov)**

Ms. Maywan Krach  
Environmental Coordination Services  
Placer County  
Community Development Resource Agency  
3091 County Center Dr., Suite 190  
Auburn, CA 95603

Re: Hidden Valley Community Association Comments on Draft EIR/EA for SMD 3 Regional Sewer Project

Dear Ms. Krach:

This firm represents the Hidden Valley Community Association (“HVCA”) with respect to the Placer County Sewer Maintenance District Regional Sewer Project (“Project”). These comments on the Draft Environmental Impact Report/Environmental Assessment (“DEIR”) are submitted for the purposes of ensuring that all impacts of the Project on Hidden Valley, its residents and the surrounding environment are minimized to the extent feasible as required by the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq. (“CEQA”), and also in compliance with similar requirements articulated in the National Environmental Policy Act (42 U.S.C. §§ 4331, et seq. (“NEPA”).

19-1

**I. HVCA SUPPORTS THE ANTICIPATED CHANGE IN THE FINAL EIR TO PREFERRED ALTERNATIVE B**

At the August 1, 2012 Granite Bay Municipal Advisory Committee (“MAC”) meeting, County staff provided an update with respect to the preferred Project analyzed in the DEIR. According to staff, the Final EIR will present a variation of Alternative B, rather than Alternative A, as the preferred project alternative for purposes of CEQA. Under Alternative B, the existing Sewer Maintenance District (“SMD”) 2 gravity sewer line through Hidden Valley would continue to be relied upon for the next 15-25 years until additional capacity is needed. At that time, the 10-inch expanded line would be built along Auburn-Folsom Road, rather than through Hidden Valley. According to County staff, there is sufficient capacity for the existing SMD 2 Sewer line to convey

19-2

wastewater from the near term, including the addition of approximately 200 additional sewer connections to accommodate future growth.<sup>1</sup>

19-2  
Cont.

HVCA fully supports the shift in emphasis from Alternative A to Alternative B, which is consistent with the mandate of CEQA to adopt alternatives and mitigation measures to substantially lessen the significant effects of projects. (Pub. Resources Code, § 21002.) Some of the benefits of Alternative B as compared to other alternatives identified in the DEIR include:

- Fewer impacts to sensitive biological resources, including habitat for chinook salmon and steelhead;
- Reduced disturbance to Hidden Valley residents during construction; and
- Delay of some ratepayer investments until those demands can be funded by new ratepayers.

Prior to receiving the update at the recent MAC meeting, HVCA had already begun compiling information (including consulting with experts), as to how the DEIR inadequately analyzed the impacts to the environment associated with Alternatives A and C. In particular, the DEIR failed to recognize the existence and the gravity of impacts of construct and operation of an expanded sewer main within the Miners Ravine sensitive stream environment in Hidden Valley. With the emphasis now on Alternative B, however, HVCA does not find it necessary to provide a detailed analysis as to all the ways in which the DEIR fails to adequately analyze the environmental impacts of Alternatives A and C. These comments on the DEIR therefore focus on issues that must be addressed in the Final EIR to support approval of Alternative B. If the preferred project alternative changes to include an expansion of the SMD 2 sewer line through Hidden Valley in any form, HVCA would submit additional comments regarding the inadequacies of the DEIR with respect to analysis of those alternatives.

19-3

**In this regard, consistent with the representations of staff, the Final EIR must be clear that any consideration of expansion of the SMD 2 sewer line within Hidden Valley (to which HVCA strenuously objects) would require a completely new Draft EIR, which would need to be recirculated for public review.**

---

<sup>1</sup> In this regard, the phasing of Alternative B described in the DEIR is slightly different, as implementation of the SMD 2 FM expansion in the vicinity of Hidden Valley (along Auburn-Folsom Road) would occur in Phase 1, by 2014. (See DEIR, p. 2-17, Table 2-3.) HVCA anticipates that the revised description of Alternative B will include the correct phasing.

While HVCA is generally supportive of Alternative B as described at the recent MAC meeting, clarification is still needed on:

- Exact configuration and location of project components, including location of all areas where construction activities will occur;
  - Specifically, how the new expanded line will connect with Forcemain (“FM”) G43 and what construction activities will be necessary for that to occur;
- Which staging areas are necessary and how they will be utilized in a manner that minimizes disturbance to the environment and Hidden Valley residents and HVCA facilities (including water plant and pipelines);
- Whether there will be any crossings of Miners Ravine, and if so, what types of crossings will be utilized (see DEIR, p. 2-18);
- What specific measures will be utilized during construction to prevent water quality impacts specifically to Miners Ravine, and generally to minimize impacts to sensitive biological resources in the Project area; and
- The adequacy (capacity and condition) of existing FM sewer lines through HV to convey current SMD 3 Wastewater Treatment Plant (“WWTP”) discharges, along with effluent from up to 200 new hookups in the future.
- The need for any odor relief valves within Hidden Valley.
- Exactly when Phase II of Alternative B would occur; and how HVCA will be consulted to ensure construction activities in A – F Road result in minimal disturbances to Hidden Valley residents.

19-4

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The Final EIR must present a thorough description of the Project that includes these details. HVCA would like to meet with County engineering and environmental review staff in the coming weeks to clarify our understanding of these issues and assist staff in ensuring that the Project design minimizes impacts on the environment to the extent feasible, as required by CEQA.

19-11

## II. COMMENTS ON DEIR

### A. Overview of CEQA Requirements

#### 1. Project Description

“An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” (*San Joaquin Raptor/Wildlife Rescue Center v.*

19-12

*County of Stanislaus* (1994) 27 Cal.App.4th 713, 730, quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) As a result, courts have found that even if an environmental document is adequate in all other respects, the use of a “truncated project concept” violates CEQA and mandates the conclusion that the lead agency did not proceed in a manner required by law. (*San Joaquin Raptor/Wildlife Rescue Center, supra*, 27 Cal.App.4th at 730.) Furthermore, “[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” (*Ibid.*) Thus, the inaccurate and incomplete project description renders the analysis of potentially significant environmental impacts inherently unreliable.

19-12  
Cont.

The DEIR prepared for the Project lacks sufficient detail to meaningfully comment. In particular, alignment and location of Project and specific areas that would be impacted during construction are not specifically disclosed. The figures provided in the DEIR are patently inadequate to apprise the public of what activities are being proposed in which geological area. This lack of basic information makes it difficult to comment on the adequacy of the analysis and to propose feasible mitigation to reduce the significant impacts of the Project.

## 2. Project Setting and Impacts

Properly describing the setting for the Project is essential under CEQA. (See CEQA Guidelines, § 15125.) Moreover, an EIR cannot rely on unacceptable baseline conditions to diminish a project’s environmental impact. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718 (EIR inadequate as an informational document that concluded ozone emissions are less than significant because the project’s emissions are small in comparison to existing unacceptable conditions in the air basin); see also *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 121 (striking down CEQA Guidelines provisions determined to be inconsistent with “controlling CEQA law because they measure a proposed project’s de minimis incremental impact relative to the existing cumulative impact, rather than focus on the combined effects of these impacts”).) Here, the DEIR fails to establish what the baseline conditions are. The HVCA’s comments are aimed at helping the County identify and correct the deficiencies in describing the Project’s baseline environmental setting.

19-13

CEQA encourages lead agencies to develop and publish thresholds of significance. (CEQA Guidelines, § 15064.7.) Even if a lead agency does not formally adopt thresholds of significance, it must develop thresholds that assist it in evaluating the environmental impacts of a given project. (See, e.g., *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 899.)

19-14

Appendix G “is only an illustrative checklist and does not set forth an exhaustive list of potentially significant environmental impacts under CEQA or standards of significance for those impacts.” (*City of San Diego v. Board of Trustees of California State University* (2011) 201 Cal.App.4th 1134, 1189-1192 (*San Diego*), citing *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1110-1111.) The DEIR, however, refers primarily to the sample questions contained in Appendix G of the Guidelines without regard to the types of impacts most likely to occur as a result of implementation of the Project. Of particular concern here, the DEIR does not adequately address the potential for impacts as a result of decreased flows to Miners Ravine, only addressing the issue in Appendix I of the DEIR.

19-14  
Cont.

While perfection is not required in an EIR, the EIR is required to set forth a good faith disclosure and analysis of environmental impacts. (*Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 399.) The EIR must provide sufficient information to allow decision-makers and the public to understand the environmental consequences of the project. (*In re Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 706.) A draft EIR must clearly identify and describe “[d]irect and indirect significant effects” to the environment that include “physical changes, alterations to ecological systems, . . . health and safety problems caused by the physical changes.” (See CEQA Guidelines, §§ 15126.2, subd. (a); 15358, subd. (a)(2) (defining “effects” to include “[i]ndirect or secondary effects”).) An EIR must also describe any significant environmental effects that cannot be avoided if the project is implemented. (Pub. Resources Code, § 21100, subd. (b)(2).) Under the CEQA Guidelines, significant effects that cannot be mitigated must be described as well as effects that can be mitigated but not reduced to a level of insignificance. (CEQA Guidelines, § 15126.2, subd. (b).)

19-15

Under NEPA, discussion of impacts should include those that are ecological, aesthetic, historic, cultural, economic, social, or health-related, whether direct, indirect, or cumulative. (40 C.F.R., § 1508.8.) Under NEPA, an EIS must address environmental consequences of impacts, including unavoidable adverse environmental effects that would result from the project, the effect that short-term use of the environment could have on “the maintenance and enhancement of long-term productivity,” and “any irreversible or ir retrievable commitments of resources which would be required to carry out the Project.

### 3. Mitigation Measures and Alternatives

Once a Project is adequately described, and the potentially significant impacts identified, mitigation of identified environmental impacts is a key requirement for a sufficient EIR. CEQA Guidelines, section 15126.4 requires that significant impacts be

19-16

mitigated to the extent feasible. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (CEQA Guidelines, § 15126.4, subd. (a)(2).) While formulation of mitigation measures should not be deferred until some future time, measures “may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.” (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).)

After a project is properly described and its impacts have been identified, CEQA requires the adoption of mitigation measures and/or alternatives to reduce the identified impacts of the Project. (Pub. Resources Code § 21002.) Once an EIR has been prepared, a public agency cannot approve or carry out a project with one or more significant effects on the environment unless that agency can make the following findings with respect to each significant effect:

- Changes or alterations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment;
- 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; or
- Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the EIR.

19-16  
Cont.

With respect to significant effects that must be overridden, the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. (Pub. Resources Code, § 21081.) Thus, CEQA requires that public agencies adopt mitigation measures and alternatives wherever feasible. As described below, the DEIR inadequately describes several potentially significant impacts and additional feasible mitigation measures and alternatives are available to reduce the significant impacts of the Project.

## **B. Specific Comments on DEIR Analysis**

### **1. Biological Resources (DEIR section 3.3)**

Additional biological setting information is needed to properly analyze the potentially significant impacts of the Project on biological resources. The DEIR fails to reference or rely on the Miner’s Ravine Habitat Assessment, prepared by the Department of Water Resources in 2002.<sup>2</sup> This report includes important information about habitat

19-17

<sup>2</sup> Available at: <http://www.water.ca.gov/fishpassage/docs/miners.pdf>.

values for fish and other wildlife within Miners Ravine, including a list of special status species occurring in the area.

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Cont.

The DEIR fails to identify a number of listed and special status species that are already documented to occur within the Project area. In particular, the Swainson's hawk and burrowing owl were not discussed in the DEIR, and yet have the potential to occur in the Project area. Protocol level surveys are required for these two species to determine whether they occur, and if so, what actions are necessary to avoid take of these species. Biological resources staff should be aware that these surveys are not "preconstruction surveys" as were included in the Mitigation Monitoring and Reporting Plan ("MMRP") (DEIR, Appendix A); rather, the required surveys are full-year investigations.<sup>3</sup> Moreover, with respect to bats, an acoustic study is necessary because field surveys are difficult to execute and often inaccurate.

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The DEIR recognizes Essential Fish Habitat ("EFH") for Chinook salmon and critical habitat for steelhead occurs in the Project area. (DEIR, p. 3.3-16.) The DEIR, however, only considers potential restrictions on migration for steelhead, and concludes based on the Hydrologic Study in Appendix F, that there is not even a potential impact to consider. The January 25, 2012 technical assistance letter provided as a scoping comment from NOAA Fisheries Service, however, explicitly states that both fish species need to be considered in light of flow reductions to Miners Ravine that would occur as a result of decommissioning the SMD 3 WWTP. Moreover, NOAA recommended that three distinct flow regimes would be assessed (not two). NOAA also recommended eight additional studies to assess impacts: none of these studies were included or referenced in the DEIR. (NOAA Scoping Letter, pp. 3-4.) The DEIR does not explain why these studies were not undertaken. NOAA also identified 14 construction BMPs in an enclosure to its letter, only one of which appears to be included in the DEIR (development of a spill response plan).

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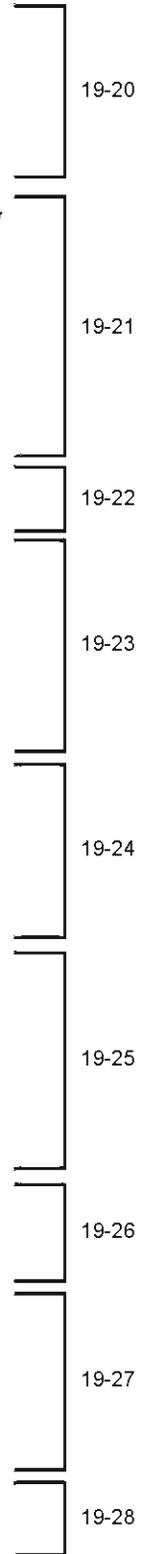
Considering the area's status of EFH/critical habitat and the scope of this extensive construction project, the Final EIR must be corrected to address the issues raised and recommendations of the NOAA technical assistance letter. Moreover, the DEIR's claims that the Project will result in an "increase" in water quality as a result of cessation of SMD 3 WWTP discharges into Miners Ravine is questionable given flow reductions. (DEIR, p. 3.7-17.) Given the lack of detail in the Hydrologic Study, this conclusion is not adequately supported and should be clarified in the DEIR.

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<sup>3</sup> See DFG Website for further information regarding protocol level surveys: [http://www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html).

HVCA's biological and hydrologic experts' review of the Hydrologic Study in Appendix I concluded that it does not adequately analyze the potential of the Project to result in flow reductions in Miners Ravine. Specifically, the study is not sufficient to accurately or adequately make conclusions regarding direct and indirect impacts to aquatic and riparian resources in Miners Ravine associated with the proposed Project. HCVA's experts identified the following deficiencies in the Hydrologic Analysis of flow in Appendix I:

1. For a dry to a very dry winter, the relative flow contribution from the discharge facility will be much greater than that modeled. This is because the discharge flow would occur regardless of hydrologic conditions, since discharges are based on a consistent population.
2. Flow-temperature relationships and their potential effects on the aquatic resource from the changing of discharge volumes are not described.
3. The flow contribution effect on fish diet is not described. The aquatic, and to a lesser degree riparian, organisms that the fish are reliant on for food are also more reliant on those predictable flows in dry winters. Thus, while the might possibly be fish passage without the discharge flow, the effects on the fish diet are unanalyzed and are likely to be significantly affected by the loss of that water in dry years.
4. There are too few cross-sections. Specifically, there needs to be an upstream cross-section above discharge point, and several more along the creek until the backwater. The analysis focuses on three cross-sections, none of which are clearly located on a scaled figure or shown in sectional view.
5. Flow is an important variable, but the study needs tables also showing the stage heights. None are provided. What is the stage discharge relationship not using the false correlation (see last bullet point below)? This cannot be independently determined since the cross-sections were also not provided. Even if it was appropriate, it would only be useful for the cross-section, and then only for the two observed flows.
6. A HEC analysis would be much more accurate because of the non-linear changes in stage difference between different flows, due to variation in roughness and local channel shape.
7. The influence of shallow groundwater flow from ponds confounds the presented results and is identified in the analysis as a potential problem. This is likely to have resulted in a masking of the contribution to stage from the discharge, which is further exacerbated by short discharge period (created locally extreme hydraulic head difference(s)).
8. Statistics provided for the T-test are un-replicable, unsubstantiated assumptions of normality, and incorrectly described as having a high  $R^2$ .



The DEIR also includes inadequate study of habitat impacts from potential sediment releases during construction. Sediment impacts could occur from: (1) frackout from any creek undercrossings (jacking and boring); (2) sediment releases from staging and excavation; and (3) the potential for sediment and sewage releases from overcrossing piping failures. These and other direct and indirect impacts of the Project must be analyzed in a detailed ecologic study.

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The DEIR also mistakenly concludes that there are not more significant biological impacts associated with Alternatives A and C, which involve extensive construction activities adjacent to and within Miners Ravine. This is indicative of the DEIR's inadequacy with respect to analyzing biological impacts. (See, e.g., DEIR, Table ES-1, Biological Impacts.) Pursuant to the CEQA, a lead agency must make a mandatory finding of significance whenever a "project has the potential to . . . *reduce the number or restrict the range of an endangered, rare or threatened species*["] (CEQA Guidelines, § 15065, subd. (a) (emphasis added).) The Final EIR should disclose that any alternatives that include major construction work within Hidden Valley (Alternatives A and C) would result in a mandatory finding of significance with respect to impacts on chinook salmon and steelhead, at a minimum. Such construction work would also be inconsistent with the Granite Bay Community Plan Biological Resource Policy 11, among other related goals and policies. (DEIR, pp. 3.3.8.)

19-30

#### Suggested Mitigation for Flow Impacts to Miners Ravine

To mitigate for aquatic habitat impacts as a result of cessation of discharges into Miners Ravine from the SMD 3 WWTP and potential increases in sediment from construction activities, the following mitigation measures should be considered:

19-31

- Providing replacement water discharges into Miner's Ravine from another source; and/or
- Implementing high priority aquatic habitat improvement projects in the watershed, to be identified and planned in consultation with NOAA Fisheries Service and the California Department of Fish and Game .

#### **2. Project Construction Impacts**

According to the DEIR, there will be approximately 14 months of construction to complete the project. (DEIR, p. 3.11-7.) Much of this construction will occur near (within 50 feet or closer) sensitive residential receptors. As a result, it is imperative that the DEIR fully analyze and mitigate construction impacts.

19-32

a. **Noise and Vibration (DEIR, section 3.9)**

The DEIR fails to provide sufficient detail in its analysis of noise requirements, impacts, and mitigation. The DEIR states that “typical construction activities (equipment use factor of 25% or more) could result in noise levels up to 88 dBA,” referencing a chart listing various pieces of equipment that generate estimated noise levels ranging from 80-88 dBA (rock crusher, back hoe, excavator, concrete mixer truck, concrete pump truck, etc.). However, during construction, more than one piece of equipment will be used at one time. For example, a concrete mixer truck and a concrete pump truck are likely to operate concurrently, and they generate 85 dBA and 82 dBA, respectively. The DEIR completely fails to analyze the additive effect of the use of multiple pieces of equipment and instead impermissibly isolates each source for purposes of comparison to the threshold of significance. Stated plainly, construction sound levels are likely to be much higher than the DEIR asserts. Additionally, the DEIR fails to consider the additive effect of total construction noise combined with the already existing baseline noise levels.

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The DEIR notes that Placer County Ordinance 9.35.060 makes it “unlawful” to to exceed the sound levels specified in the ordinance or to exceed the sound level by 5 dBA in the vicinity of sensitive receptors. The DEIR observes that those levels will be exceeded, but then asserts immediately after that discussion that “County Ordinance 9.36.030 exempts construction noise” between hours specified in the ordinance. (DEIR at p. 3.9-12 through 9-13.) The exemption in Ordinance 9.36.030, however, applies only “[i]f the applicant can show . . . that a diligent investigation of available sounds suppression techniques would be impractical or unreasonable.” The DEIR fails to state how the required showing of impracticality or unreasonableness has been made. The DEIR also fails to note that Ordinance 9.36.030 requires that when the “exception is associated with a discretionary permit, the exception shall be processed concurrently.” To the extent an exception to the County’s noise requirements is necessary, the Final EIR must disclose why the exception applies and actually apply for an exception.

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Policy 9.A5 of the Placer County General Plan also requires “submission of an acoustical analysis as part of the environmental review process so that noise mitigation may be included in the project design.” The General Plan requires that the acoustical analysis “[r]ecommand appropriate mitigation to achieve compliance with the policies and standards of this section” and that the analysis “[e]stimate noise exposure after the prescribed mitigation measures have been implemented.”<sup>4</sup> (Placer County General Plan,

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<sup>4</sup> The General Plan also requires that the acoustical analysis “Be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics” and it is unclear from the DEIR whether that requirement has been met. (DEIR 5-1, List of Preparers.)

Table 9-2 “Requirements for an Acoustical Analysis.”) The DEIR’s noise analysis and mitigation measures do not appear to meet this requirement because the measures do not estimate noise exposures after implementation of mitigation measures. The only language attempting to estimate exposures is vague, stating that “Noise levels . . . would exceed the County’s maximum noise level standard of 70 dB, Lmax at sensitive receptors located within 750 feet of construction activities” and that mitigation measures “would reduce noise-related construction impacts . . . to avoid adverse effects.” (DEIR, p. 3.9-13.)

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Cont.

The DEIR states that under Mitigation Measure 3.9-1, construction “should be limited to . . . 6 am to 8 pm Monday through Friday and 8 am to 8 pm Saturday and Sunday.” (DEIR, p. 3.9-14.) However, as recognized in the DEIR, the Granite Bay Community Plan prohibits construction after 6 p.m. on Saturdays, and forbids it altogether on Sundays. (DEIR at 3.9-9 to 3.9-10.) The DEIR lacks any explanation of why the Mitigation Measure fails to align with the requirements of the Granite Bay Community Plan.

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The DEIR moreover did not assess existing noise levels within Hidden Valley. (DEIR, Figure 3.9-1.) Only four sites outside of the WWTF were monitored, and all of those four are located 50 feet or less from Auburn-Folsom Road, where the “ambient noise environment . . . is dominated by traffic noise.” (DEIR, p. 3.9-3, Figure 3.9-1, Table 3.9-2.) The lack of monitoring within Hidden Valley or other potentially affected neighborhoods further off Auburn-Folsom Road with lower ambient noise results in an artificially high baseline that does not adequately describe the noise impacts of construction on sensitive receptors. Any noise impacts of any work within Hidden Valley (which should be minimal under Alternative B), must be measured in relation to noise levels within Hidden Valley, not noise along Auburn-Folsom Road.

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Even where background levels are high, the DEIR also may not rely on high background/baseline noise levels to conclude that the Project’s incremental contribution to cumulative noise levels is less than significant. (See, e.g., *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718 (finding EIR inadequate that concluded ozone emissions were less than significant because project emissions were small in comparison to existing unacceptable conditions in the air basin); see also *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 121 (striking down CEQA Guidelines provisions determined to be inconsistent with “controlling CEQA law because they measure a proposed project’s de minimis incremental impact relative to the existing cumulative impact, rather than focus on the combined effects of these impacts”).)

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Suggested Mitigation for Noise Impacts

Additional mitigation measures should be implemented to reduce noise impacts to the extent feasible, as required by CEQA. Such additional mitigation measures include:

- Phasing of construction work during construction hours to limit the magnitude of construction noise at any one time.
- Installing noise barriers/curtains that break the line-of-sight between the noise source and the receptors, and that is free of holes or gaps.<sup>5</sup>
- Shroud or shield all impact tools; muffle or shield all intake and exhaust ports on power construction equipment; use of other noise attenuating devices or materials such as covers on generators, walls, and other sound-producing or sound-reflecting sources.
- Limiting construction to weekdays 8:00 a.m. to 5:00 p.m.
- Using rubberized asphalt to reduce the noise levels produced, and/or vegetative plantings or an earth berm to lessen noise impacts at sensitive receptors.

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Mitigation Measure 3.9-1 must be corrected to include all feasible mitigation for the noise impacts of the Project. Moreover, to the extent the County is relying on construction contract provisions to reduce noise impacts, those measures must be included in the Final EIR and MMRP.

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**b. Air Quality Impacts (DEIR, section 3.2)**

The Project EIR observes that construction of the Proposed Project will result in emissions, including particulate matter, and suggests emissions and dust reduction through Mitigation Measure 3.2-1, and for asbestos, 3.2-3a, 3.2-3b. (DEIR, p. 3.2-20 through 3.2-25) However, additional mitigation measures are available to reduce construction particulate emissions.

19-41

Suggested Construction Mitigation Measures

- Water exposed earth surfaces as necessary to eliminate visible dust emissions (at least one water truck will be available for every three pieces of earthmoving equipment);

<sup>5</sup> The fourth bullet in Mitigation Measure 3.9-1 appears to only require use of “existing” barrier features. There is no reason this measure should be limited in this way, as use of temporary barriers to reduce noise levels at sensitive receptors is feasible.

- Pave, use gravel cover or spray a dust control agent on all haul roads;
- Wash down all earthmoving construction equipment daily, and wash down all haul trucks leaving the site;
- Cover all trucks delivering or exporting soil, sand, and other loose materials to ensure that all trucks hauling such materials maintain at least two feet of freeboard;
- Institute measures to reduce wind erosion when site preparation is completed;
- Install sandbags or other erosion control measures to prevent silt runoff onto public roadways;
- Provide graveled, paved or grass-covered areas for construction employee vehicle parking; and
- Retaining a CARB certified individual to routinely perform Visible Emissions Evaluations (VEE) to ensure compliance with Rule 228, Fugitive Dust. Fugitive dust shall not exceed 40% opacity and shall not go beyond property boundaries at any time. These restrictions apply to holiday and weekend periods when work may not be in progress.

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Cont.

### 3. Public Services (DEIR, section 3.12)

Planning is underway to upgrade the HVCA privately owned and operated water supply system, which is functional but aging. With HVCA moving forward on water supply system upgrades, there is also a need to coordinate placement of future utilities. This is particularly important given the intent to construct Phase II of Alternative B at some point in the future when the additional capacity is needed.

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HVCA is also concerned that the proposed staging area at Cavitt Stallman Road and Auburn-Folsom Road is directly on top of HVCA water system pipelines. (DEIR, Figure 2-3; see also Exhibit B, Proposed Staging Areas, photos 1 and 2.) HVCA is concerned that use of this staging area by heavy equipment and for material storage may damage HVCA water infrastructure beneath the surface. The DEIR's section on Utilities and Service Systems does not address the potential for the Project to interfere with HVCA water supplies.

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Moreover, the location of the Twin Rocks Road staging area is too close to sensitive habitat in the vicinity of Miners Ravine, leading to potential habitat degradation and water quality issues. (See also Exhibit B, Proposed Staging Areas, photo 3.) It would also be impossible to comply with applicable Biological Resource protection policies in the Granite Bay Community Plan if the Twin Rocks Road staging area is used. (See DEIR, p. 3.3-7 to 3.3-8.)

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The County should also be on notice that HVCA does not concede that the County currently maintains the necessary property interests to utilize either the proposed Twin Rocks Road or Cavitt Road staging areas during construction as described in the DEIR. (See *ante*, Section III, for additional information.) Moreover, under Alternative B, the Phase II 10" FM would be delayed until the additional capacity is needed. Thus, it is not clear that staging areas at Twin Rocks Road or at Cavitt Stallman Road would be appropriate central staging areas that could support Project construction activities to the north. Both areas also are too close to sensitive residential uses and suffer from visibility issues for purposes of construction vehicles entering and exiting onto Auburn-Folsom Road.

19-45

#### 4. Environmental Hazards and Fire Risk (DEIR, section 3.6)

The DEIR fails to identify or analyze potential increased fire risk that could arise due to reduced stream flow in Miners Ravine. The Hidden Valley does not have fire hydrants in the 180-acre common area, and hydrants on HVCA private roads can be subject to pressurization issues. This area is therefore reliant on the lakes fed by Miners Ravine for fire protection.<sup>6</sup> Local fire trucks are equipped to pump water directly from the lakes within Hidden Valley when fires occur.

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While the DEIR considers fire risk during construction (Impact 3.6-4), it fails to address the potential for reduced water supplies for fighting fires as a result of elimination of WWTP discharges to Miners Ravine. At a minimum, this issue should be addressed in the FEIR under Cumulative Impact 3.6-7. If the Project increases the risk of fire by interfering with HVCA's firefighting capabilities, mitigation must be adopted as part of the Project.

19-47

### III. PROPERTY RIGHTS CONCERNS WITH PROJECT

#### A. Easement for Sewer Main Restricts County Activity in Hidden Valley

Certain easements were granted to the County in order to build the existing combination gravity/pressure sewer line through common areas and individual parcels in 1973. According to that easement, the right of entry terminated upon completion of the work, though the easement also referenced an intent on the part of the County to maintain the sewer line. (See, e.g., Exhibit C, Sewer Easement.) The 1953 Articles of Incorporation provide additional limitations on the ability of HVCA to grant easements

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<sup>6</sup> HVCA water right licenses expressly include "fire protection uses." (Licenses for Diversion and Use of Water, # 5430 and # 5431.)

for utilities through Hidden Valley. They also specifically provide that “no person shall destroy, remove or plant any tree, shrub or other vegetation upon the Common Area without the express approval of the Association.” (Article VI, Section 3.)

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Staff discussion at the August 1, 2012 MAC meeting provided some acknowledgment that existing easements do not grant the County adequate access to construct an expanded sewer line through Hidden Valley, as contemplated in Alternatives A and C. While Alternative B appears to include significantly less construction activities within Hidden Valley, and particularly the 180-acre common area, than Alternatives A and C, it appears some activities within Hidden Valley may be necessary. For instance, the necessary connection to the G16-43 FM appears to be within Hidden Valley. It is also possible that additional investigations and/or improvements to the existing sewer line in Hidden Valley may be necessary to implement Alternative B. County staff should be on notice that the scope of Sewer Easement granted in 1973 does not necessarily authorize these types of activities.

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HVCA requires a detailed diagram of all proposed construction activities within and near Hidden Valley to determine whether additional easements and/or licenses will be necessary to undertake the Project. While HVCA will cooperate with the County to the extent possible, HVCA will zealously guard the property rights of its residents as well as the common property interests in the commonly held open space in Miners Ravine and at HVCA’s water treatment plant. No easements or licenses will be granted to undertake activities that conflict with the intent of the HVCA Articles of Incorporation, cause impacts to the environment, or otherwise undermine the quality of life for Hidden Valley residents. We look forward to working with staff to clarify the extent to which additional access within Hidden Valley is necessary, and will afterwards make a determination as to whether HVCA and/or Hidden Valley Landowners can accommodate the requested access.

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## **B. Potential Impacts to Hidden Valley Water Rights**

Miners Ravine traverses the Center of Hidden Valley, providing open space, wildlife habitat and also filling a series of lakes. To this end, HVCA holds water licenses, first issued in 1956, to use water from Miners Ravine for irrigation, domestic, recreation, stockwater, and fire protection uses. (Licenses for Diversion and Use of Water, # 5430 and # 5431.) Individual parcels and commonly owned land within Hidden Valley also are riparian to Miners Ravine and several lakes fed by it.

19-51

The State Water Resources Board (“SWRCB”) must approve a change in point of discharge of water. (DEIR, p. 1-14; see also Wat. Code, § 1211, subd. (a).) The SWRCB reviews these changes according to the provisions of the Water Code commencing with

19-52

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Water Code section 1700. Those provisions state that a change may not be granted if it will cause "injury of any legal user of the water involved," and the applicant must demonstrate that no injury to any legal user will occur. (See Wat. Code, §§ 1702, 1701.2, subd. (d), 1701.3, subd. (b)(1).)

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Cont.

Thus, any changes in discharge as a result of the Project may not injure the licensed HVCA uses. Reduced streamflows greatly concern the HVCA because of the possibility Miners Ravine could be changed from a perennial watercourse to an ephemeral stream in the summer months. The ponds within Hidden Valley provide stock watering for horses, wildlife habitat, needed water supplies for fire suppression, and recreational opportunities to the community. Any changes to the ponds as a result of reduced inflows from Miners Ravine would reduce residents' enjoyment of their property and as well as their property values.

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## CONCLUSION

The DEIR needs significant reworking in order to consider, analyze and properly mitigate all of the potentially significant impacts of the Project as required under CEQA and NEPA. By clarifying the description of Alternative B, expanding the analysis of impacts on key resources and developing a more robust MMRP, the Final EIR can be both legally adequate and describe a sewer expansion Project that the community can support. HVCA welcomes the opportunity to work with the County to ensure wastewater treatment needs can be met while preserving the environment and protecting the local community from undue disturbance.

19-54

Very truly yours,

**SOLURI MESERVE**  
A Law Corporation

By:   
Osha R. Meserve

Enclosures:

- Exhibit A, Alternative Alignment Slide from MAC Meeting
- Exhibit B, Photos of Proposed Staging Areas
- Exhibit C, Sewer Easement (Example)

Ms. Maywan Krach

August 6, 2012

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cc: Supervisor Kirk Uhler, District 4 Field Representative Linda Brown,  
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**EXHIBIT B**  
**PROPOSED STAGING AREAS**



**1. HVCA Water Plant Adjacent to Proposed Cavitt Stallman Road Staging Area**



**2. Proposed Cavitt Stallman Road Staging Area with HVCA Water Pipes Running Beneath**



**3. Proposed Twin Rocks Road Staging Area Within of 50 feet of Miners Ravine**

A PART OF 1492/1404  
(#12770)

SEWER EASEMENT

Hidden Valley Community Association

**GRANT** to the County of Placer, an easement for pipeline purposes and incidents thereto, upon, over, under and across that certain real property in the County of Placer, STATE OF CALIFORNIA, described as follows:

A portion of Section 35, Township 11 North, Range 7 East, N.D.M., being a portion of the Hidden Valley Community Association parcel recorded in Volume 689, at Page 322, Placer County Official Records; more particularly described as follows:

A strip of land 25.00 feet in width, the centerline of which is described as follows:

Commencing at the easterly one-quarter corner of said Section 35, thence North 89° 36' 00" West, 488.00 feet to the northeast corner of said parcel, thence West 870.00 feet along the northerly line of said parcel to the point of beginning.

Thence along the following five (5) courses:

1. South 17° 50' 55" West, 200.00 feet
2. South 19° 51' 53" West, 325.00 feet
3. South 41° 12' 08" West, 335.00 feet
4. South 58° 24' 58" West, 315.00 feet
5. South 58° 43' 45" East, 23.00 feet to the westerly line of said parcel.

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The sidelines of said easements being shortened or lengthened to form a continuous strip.

Together with the right to enter upon the remaining portions of said parcel for construction purposes. The right-of-entry shall terminate on completion of the work.

The GRANTOR further understands that the present intention of the GRANTOR is to construct and maintain a gravity or pressure sewer line on the lands hereby conveyed.

(As used above, the term "GRANTOR" shall include the plural, a Corporation, or Partnership as well as the singular number and the words "Herself" or "His" shall include the feminine gender and/or a corporation and/or the several members of a partnership as the case may be.)

Dated this 16<sup>th</sup> day of May, 1979.

Signed and delivered in the presence of:

<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>

PLACER COUNTY

ACKNOWLEDGMENT OF SUBSCRIBING WITNESS

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State of California )  
County of Placer )

On this 9<sup>th</sup> day of May, 1973

before me Walter Sady, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Barton C. Nelson known to me to be the person whose name is subscribed to the within instrument as a subscribing witness thereto, who being by me duly sworn, deposed and said that he resides in the County of Placer, State of California; that he was present and saw David R. White, Raymond J. Meyer, W. H. Montgomery, C. R. Simpson, Clinton A. Rice Jr.

R. H. Ward personally known to him to be the person S described in, and who executed the said within instrument as part of thereof, sign and execute the same; that he, the affiant, then and there, at the request of said person \_\_\_\_\_, subscribed his name as a witness thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Walter Sady  
Notary Public in and for the County of \_\_\_\_\_, State of California