FINAL ENVIRONMENTAL IMPACT REPORT: DIABLO GRANDE SPECIFIC PLAN

June 15, 1993

Prepared for:

Stanislaus County

DIABLO GRANDE SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT

June 15, 1993

Prepared for:

Stanislaus County
Department of Planning and
Community Development
1100 H Street
Modesto, CA 95354

Prepared by:

LSA Associates, Inc.
157 Park Place
Pt. Richmond, California 94801
(510) 236-6810
LSA Project #STC202

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I. INTRODUCTION AND APPROACH

A. CEQA PROCESS

This Response to Comments Addendum to the Diablo Grande Specific Plan Draft Environmental Impact Report (DEIR) presents the written comments received on the DEIR along with responses to each comment. The DEIR was circulated for public review from September 4 to October 19, 1992. During the review period, the Lead Agency (Stanislaus County Department of Planning and Community Development) received several letters containing comments on the DEIR. All written comments received by the lead agency regarding the adequacy and accuracy of DEIR are presented in this document. Oral public comments also were received at a public meeting on October 1, 1992.

This Responses to Comments Addendum, along with the DEIR, constitutes the Final EIR (FEIR) for the proposed project. The FEIR is an information document prepared by the Lead Agency that must be considered by decision makers before considering project approval. California Environmental Quality Act (CEQA) Guidelines Section 15132 specifies that:

"The Final EIR shall consist of:

(a) The Draft EIR or a revision of that draft.

(b) Comments and recommendations received on the Draft EIR either verbatim or in a summary.

(c) A list of persons, organizations, and public agencies commenting on the Draft EIR.

(d) The response to the Lead Agency to significant environmental points raised in the review and consultation process.

(e) Any other information added by the Lead Agency."

This document has been prepared pursuant to CEQA guidelines.

B. METHOD OF ORGANIZATION

This Response to Comments Addendum for the FEIR contains information in response to concerns raised during the public comment period.

Section II of this document contains a list of all persons and organizations that submitted written comments on the Draft EIR during the public review and comment period. This section also contains each of the written comment letters received by the Lead Agency followed immediately by the response. Each response is keyed to a specific comment as identified in the margin of the comment letter.

II. COMMENTS AND RESPONSES

A. *WRITTEN COMMENTS AND RESPONSES*

Comments received and the responses to them are identified by page number below.

Commenter	Comment Date	Comment Page	Response Page
State Agencies			
California Department of Fish and Game	9/29/92	5	8
California Department of Conservation, Government and Environmental Relations	10/13/92	9	11
U.S. Department of the Interior, Fish and Wildlife Service	10/16/92	13	20
California Department of Transportation	10/16/92	36	41
Department of the Army, Corps of Engineers	10/19/92	45	46
California Department of Fish and Game	10/19/92	47	49
Governor's Office of Planning and Research	10/19/92	53	55
Department of the Navy	11/13/92	56	57
Regional and Local Agencies			
Stanislaus County Parks Department	9/9/92	58	59
Santa Clara County Department of Planning and Development	9/10/92	60	66
Stanislaus Medical Center	9/11/92	68	69
West Stanislaus County Fire Protection District	9/20/92	70	71
San Joaquin County Community Development Department	10/1/92	72	81
Stanislaus County Department of Public Works	10/2/92	87	89
Stanislaus County Sheriff's Department	10/2/92	91	92
Merced County Department of Public Works	10/7/92	93	94
Stanislaus County Department of Public Works	10/7/92	95	97
San Joaquin Valley Unified Air Pollution Control District	10/7/92	100	106

DEPARTMENT OF FISH AND GAME
REGION 4
4 E. Shaw Avenue
Fresno, CA 93710
(209) 222-3761

September 29, 1992

Mr. Robert Kachel
Stanislaus County Department of
Planning and Community Development
1100 "H" Street
Modesto, California 95354

Dear Mr. Kachel:

Draft Environmental Impact Report-Diablo Grande
Specific Plan/General Plan/Rezone

The Department of Fish and Game has reviewed the Draft Environmental Impact Report (DEIR) for the Diablo Grande Specific Plan/General Plan/Rezone. The DEIR analyzes a proposed project for construction of approximately 5,000 residential units and associated recreational, commercial and industrial development on approximately 29,500 acres in western Stanislaus County on Oak Flat Road.

We agree with the conclusion stated in the report that the project will have a significant impact upon the current wildlife and associated habitat. The project will remove approximately 29,500 acres from sport hunting or other recreation and likewise remove or degrade much of the wildlife habitat on the same acreage. 1

In specific areas, we do not feel that the chosen alternative fully realizes the potential to lessen the identified impacts. We feel that the mitigated project alternative description which starts on page VI-9 of the report is a less damaging alternative to the project than the one chosen and as such could be more readily supported by our Department. The inclusion of cultural resource sites into open space designation, elimination of estate residential units and reduced grading of slopes are all positive mitigation actions from a wildlife habitat standpoint. 2

Our specific concerns with the described project are as follows:

IV-15.39 Riparian corridors of a minimum width of 100 ft. on each side of the centerline of all creeks should be maintained free of development. Road crossings of creeks should be kept to a minimum and no exceptions to the setback should be granted for any other purpose, including golf courses. Deed restrictions should be placed on all parcels containing creeks to preserve the minimum setback. 3

IV-19.33 The conservation areas are proposed to provide open space and wildlife habitat. Allowing residential estates to be established on lands designated for this purpose is not consistent or compatible with the intent for which they were created. No development should occur in designated conservation areas. 4

IV-35.30 See IV-19

IV-122.5 Corridors for wildlife are proposed to average 1/4 mile
IV-126.39 in width with no minimum. We recommend that a minimum
IV-131.45 1/4 mile corridor between all conservation areas be incorporated into the Open Space Plan. 5

IV-126.34 All springs should be retained and incorporated into open space to enhance wildlife. Water from the community water system should be used to enhance water availability for wildlife in conservation areas where water is the factor limiting the value of the remaining undeveloped habitat to wildlife. 6

IV-126.16 We would recommend that the proposed fencing which would allow passage of only kit fox and not other larger wildlife species across roadways be subject to further review. We do concur with the mitigation feature of wildlife "underpasses" as proposed. 7

IV-130 & 132 Formal surveys for the plant species of special concern listed in Table IV D-A were not conducting as part of the DEIR and as acknowledged on page IV-109, they could potentially occur throughout the project site. Therefore, detailed botanical surveys should be completed over the entire project area prior to any ground disturbance. All botanical surveys will need to be conducted using investigative techniques and field methods as stated in the Department of Fish and Game's Guidelines for Assessing Effects of Proposed Developments on Rare and Endangered Plants and Plant Communities - May 4, 1984 (Copy Attached). The Department is available for consultation during the development of the required Management Plans for any sensitive plants documented on the site. 8

We agree that all other wildlife mitigation measures and the recommendations above should be made enforceable conditions of the permit. 9

We would further request that all future specific plans developed in conjunction with this project and subject to County approval be reviewed by and mitigation agreed upon by our Department as a condition of permit issuance by the County.

Please note that separate notification of the Department by the project proponent may be required to evaluate the need for and conditions of Streambed Alteration Agreements (Fish and Game Code Section 1601-1603) and Endangered Species Management Permits (Section 2081). 10

Should you have further questions regarding these comments, please contact Mr. Holman King, Associate Wildlife Biologist, or Dr. Jeff Single, Environmental Specialist III, at the address or telephone listed on this letterhead.

Sincerely,

George D. Nokes
Regional Manager

RESPONSES TO STATE DEPARTMENT OF FISH AND GAME SEPTEMBER 29, 1992 COMMENT LETTER

1. Comment noted.

2. Comment noted.

3. Page IV-15 of the EIR, line 47, is changed to read as follows: "Setbacks of development of at least 100 feet from the major creek centerlines shall be adhered to. Deed restrictions shall be placed on all parcels containing creeks to preserve the minimum setback. The only exceptions to this rule will be for: (1) roadway purposes where a minimum setback of 50 feet shall be adhered to except at creek crossings, and only upon acquisition of all appropriate permits from the Corps of Engineers and the California Department of Fish and Game. For the purpose of this comment, "development" shall include fenced yards, landscaping, grading, paving, buildings, and any other construction or use which will degrade the value of the riparian corridor as determined by the Stanislaus County Department of Planning and Community Development; and (2) golf fairways and greens, where a minimum setback of 50 feet shall be adhered to."

4. Comment noted. This "mitigation" was considered by the County to be a substantial alteration of the project and is included in the Mitigated Project Alternative (see EIR pages VI-9 and VI-12).

5. Refer to United States Fish and Wildlife Service October 16, 1992 comment letter, response to comment 10.

6. Comment noted. Refer to mitigation 5 on page IV-126 of the EIR.

7. Comment noted.

8. Refer to comment 8 of the United States Fish and Wildlife Service October 16, 1992 comment letter.

9. Comment noted.

10. Comment noted. All future specific plans will be submitted to the Department of Fish and Game for review and agreement on mitigation as a condition of the County's permit approval. Separate notification will need to be provided as requested by the Department of Fish and Game.

State of California

THE RESOURCES AGENCY OF CALIFORNIA

M E M O R A N D U M

To: Mr. Douglas P. Wheeler
Secretary for Resources

Date: October 13, 1992

Mr. Bob Kachel
Stanislaus County Planning Department
1100 H Street
Modesto, CA 95354

From: **Department of Conservation**
Governmental and Environmental Relations

Subject: Draft Environmental Impact Report (DEIR) for the Diablo Grande Project. **SCH #91032066**

The Department of Conservation, which is responsible for monitoring farmland conversion on a statewide basis, has reviewed the County of Stanislaus' Draft Environmental Impact Report (DEIR) for the project referenced above which affects 29,500 acres of Williamson Act contracted land including 400 acres of prime agricultural land.

The Department is concerned about the impacts of this project on the prime agricultural land and the Williamson Act contracted land within the project area. The DEIR eludes to the fact that the contracted land will be canceled for the development of the project, however, the document does not identify the significance of this action. According to CEQA, "a project which would result in the cancellation of an open space contract made pursuant to the California Land Conservation (Williamson) Act for any parcel of 100 acres or more" would pose implications of Statewide significance. This project meets this criteria. 1

The Williamson Act is "a legislative effort to maximize the preservation of agricultural land and discourage the premature conversion of such land to urban use." (County of Orange v. Cory (1979) 97 Cal.App.3d 760. As a general rule, lands can be withdrawn from the Williamson Act only through the nine year process on non-renewal. Cancellation is reserved for unusual, "emergency" situations. (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-853.) Cancellation must be based on specific findings that are supported by substantial evidence.

The Supreme Court has stated that cancellation is not appropriate where the objectives served by cancellation could be served by nonrenewal. (Sierra Club, at 855.)

Therefore, the nine-year nonrenewal process has been identified as the legally preferred alternative to cancellation for removing the land from its current restricted status.

In addition, the loss of prime agricultural land should be identified and treated as a significant environmental impact. The California Administrative Code (Section 15000 et seq., Appendix G (y)) states that a project will normally have a significant effect on the environment if it will convert prime agricultural land to a non-agricultural use or impair the agricultural productivity of prime agricultural productivity of prime agricultural land.

The following mitigation measures should be considered in order to lessen the impacts of the "new town" development once nonrenewal of the contracts is completed.

- Directing urban growth to lower quality soils in order to protect prime agricultural land.
- Protecting other, existing farmland of equivalent, or better, quality through planning policy that relies on an active and strategic use of the Williamson Act.
- Establishing buffers such as setbacks, berms, greenbelts, and open space areas to separate farmland from urban uses. Many communities have considered 300 feet as a sufficient buffer for impacts such as pesticide spraying, noise and dust.
- Implementing right-to-farm ordinances to diminish nuisance impacts of urban uses on neighboring agricultural operations, and vice-versa.
- Imposing development impact fees to help fund a farmland protection program that utilizes such land use planning tools as transfer of development rights, purchase of development rights or conservation easements, and farmland trusts.

In summary we reiterate that the Supreme Court has stated that cancellation is not appropriate where the objectives served by nonrenewal. (Sierra Club, at 855.) Therefore, the Department of Conservation recommends that the Williamson Act contracts be terminated by the nonrenewal process. If you have any questions, or need additional information, please feel free to contact me at (916) 445-8733.

Deborah L. Herrmann
Environmental Program Coordinator

cc: Kenneth E. Trott, Manager
Land Conservation Unit
West Stanislaus Resource Conservation District

RESPONSES TO CALIFORNIA DEPARTMENT OF CONSERVATION, GOVERNMENT AND ENVIRONMENTAL RELATIONS OCTOBER 13, 1992 COMMENT LETTER

1. As of February 1993, Phase 1 is the only project phase that may potentially require cancellation of the Williamson Act in order to meet the development schedule; the other phases are expected to be removed from the contract by non-renewal. The following mitigation is hereby incorporated into the EIR as Mitigation 5 on page IV-36:

> "The project sponsor shall schedule the development of the overall project in such a way to maximize non-renewal rather than cancellation of existing on-site Williamson Act contracts, to the extent feasible without jeopardizing project objectives."

The fingers of on-site prime farmland in phases 4 and 5 are isolated areas totaling 200 acres. Page IV-13 indicates that the overall site including Phase 1 is suitable for ranching activities, but is unsuitable for other more-intensive agricultural uses. Potential prime agricultural land in phases 4 and 5 has poor access, steep slopes, and limited size, which prevents it from functioning as prime agricultural land. Page IV-35 states that project impacts to the County's inventories of existing ranching activities/rangeland/ agricultural preserves are considered unavoidable and significant. Mitigation is suggested to help reduce this impact, although not below a level of significance.

Concerning the five suggested mitigations included in this comment:

(1) Protecting the on-site prime farmland is not considered necessary, due to the reasons stated above; (2) the County already has several important agricultural policies generally supporting the concept of # (2) suggested mitigation; (3) the project includes extensive open space which would buffer development and which are further strengthened with mitigation recommended in the EIR. However, this EIR recommends that on-site grazing should continue and/or be reestablished in the open space area. In order to support post-development on-site grazing, the following mitigation is hereby incorporated into the EIR for the overall project as Mitigation 6 on page IV-36:

> "The project shall establish buffers of at least 300 feet between development areas and open space areas. Grazing would be permitted in this buffer area..
>
> "A 'right-to-graze' regulation shall be established for the overall site."

(4) Due to the magnitude of the project site and the expanse of open space as buffer, off-site farming activities are not expected to interfere with the project population or land uses. Concerning #(5), the EIR

identifies the project as potentially having a mitigating effect on growth pressures in prime farmland areas in the San Joaquin area, and therefore special impact fees to offset impacts of the project to farmland would not be appropriate.

2. Refer to response to comment 1 of this letter.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Fish and Wildlife Enhancement
Sacramento Field Office
2800 Cottage Way, Room E-1803
Sacramento, California 95825-1846

TAKE PRIDE IN AMERICA

In Reply Refer To:
1-1-92-TA-1409

October 16, 1992

RECEIVED
OCT 21 1992
STANISLAUS COUNTY
PLANNING COMMISSION

Mr. Robert Kachel
Stanislaus County Department of
Planning and Community Development
1100 H Street
Modesto, California 95354

Subject: Draft Environmental Impact Report - Diablo Grande Specific Plan, Stanislaus County, California

Dear Mr. Kachel:

We have reviewed the Draft Environmental Impact Report for the Diablo Grande Specific Plan dated August 31, 1992. The document describes a plan to develop 29,500 acres of foothills of the inner coast range near the western boundary of the San Joaquin Valley in Stanislaus County. The site includes gently-sloping to steep ridge-like terrain at elevations ranging from 250 feet to over 2,600 feet at Mike's Peak. Development of five "villages" and an entry area are proposed including recreational, residential, open space, resort, office, commercial, agricultural, and other land uses.

We are concerned that this environmental document does not adequately address impacts of the project on biological resources. The impacts of this project on federally protected species and wetlands are not fully identified due to the following:

1. Biological surveys of the site have been inadequate to address project impacts. No surveys were conducted for the presence of sensitive plants or animals on site, with the exception of surveys on portions of the project site for San Joaquin kit fox (*Vulpes macrotis mutica*). 1

2. Biological resources are described in a cursory manner. No maps are provided showing the biological resources. No quantification of the acreages of wetland and other wildlife habitats on site or the amounts which may be impacted. 2

3. The mitigation plan contains no specific measures to avoid, minimize, or compensate adverse impacts to biological resources. 3

4. No analysis of the cumulative effects of this project combined with other proposed projects in the region is provided. 4

Due to the gross inadequacy of this document, we recommend that the document be revised and circulated for additional comments prior to certification. 5

Specific Comments:

Federally Protected Species. The document presents evidence that the project site is occupied by the endangered San Joaquin kit fox (*Vulpes macrotis mutica*). Therefore, the proposed development would likely result in "take" of this federally protected species. Section 9 of the Endangered Species Act of 1973, and its implementing regulations, prohibit the "take" of a federally 6a

listed wildlife species. Take is defined by the Act "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such wildlife species. Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR § 17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of this project, then initiation of formal consultation between that agency and the Service pursuant to Section 7 of the Act is required if it is determined that the proposed project may affect a federally listed species. Such consultation would result in a biological opinion that addresses anticipated effects of the project to listed species and may authorize a limited level of incidental take. If a Federal agency is not involved with the project, and federally listed species may be taken as part of the project, then an "incidental take" permit pursuant to Section 10(a) of the Act should be obtained. The Service may issue such a permit upon completion by the permit applicant of a satisfactory conservation plan for the listed and candidate species that would be affected by the project. 6b

For either authorization procedure, a mitigation plan must be developed to avoid, minimize, and compensate effects the project may have on the San Joaquin kit fox. The environmental document should include such a plan to enable review of the overall effects of the project on this federally listed species. To develop an adequate plan, we recommend that you conduct a study to assess the patterns of use of the site by kit foxes. Photo stations should be employed in addition to the typical techniques of ground searches, track stations, and spotlighting. Because this species is also listed by the state, the Department of Fish and Game should also be consulted.

We reviewed kit fox survey reports found in Appendix D and LSA Associates (1991). These surveys only covered the access road and phase 1 of the project. Only the survey of the access road included the use of photo stations to detect kit fox presence. Photo stations have detected kit foxes in some instances in San Joaquin County where other survey techniques failed. Therefore, we recommend the addition of at least 4 photo stations per square mile of survey area to the standard Region IV survey guidelines. This technique was not used in the phase 1 surveys. Nevertheless, an unidentified small canid was seen during spotlighting, and a small unidentified canid track was observed during tracking, indicating the need to conduct additional surveys of the entire project site. 6d

Cumulative effects of the project in combination with other developments in the region are not adequately addressed. An incomplete list of other projects in the region is provided, but they are not provided on a map to show the tendency for projects in the region to fragment kit fox habitat. We recommend a map be provided showing all existing and planned developments in Merced, Stanislaus, and San Joaquin County. In addition, a plan to maintain a continuum of habitat is needed in western Stanislaus County to avoid impairing the continued existence of this species. 7

Page IV-109. Plants. Impacts on sensitive plant species are not adequately addressed. Surveys were not conducted for sensitive plants; therefore, no impacts can be identified or quantified. The Service recommends that a complete botanical inventory be taken of the project site. Special attention should be paid to searching for the species listed in Enclosure A but surveys should not be restricted to those species. Botanical surveys should be conducted by a qualified botanist at intervals throughout the growing season, 8

in order to maximize the likelihood of encountering each species during the season most appropriate for accurate identification. Surveys should be based on field inspection, and not on prediction of occurrence based on habitat or physical features of the site. Guidelines for conducting adequate botanical surveys are available from the Natural Heritage Division of the California Department of Fish and Game. 8 (Cont'd)

Page IV-115 to IV-121. Specific surveys were not performed to assess presence of candidate species. We recommend that effects on candidate species, and especially proposed species, be addressed in this document because they may become listed prior to conclusion of this project. A list of those species that may occur in the project area is attached (Enclosure A). 9

Page IV-122. Wildlife Corridors. The document states that corridors of various widths will allow dispersal of terrestrial wildlife and that a 1/4 mile wide corridor is adequate for this purpose. No evidence is provided to support this assertion. The minimum corridor width needed for wildlife dispersal depends on various factors including the species for which dispersal is being provided, the adjacent land uses, the nature of barriers or buffer areas between the dispersal habitat and developed lands, the size of habitat areas to be connected, and management of the dispersal areas. These factors and probably others need to be considered together to assess the adequate dispersal corridor width for a given situation. 10

Page IV-123 and IV-125. Wildlife. This section does not adequately describe the impacts of the proposed project on the San Joaquin kit fox. In addition, impacts to riparian habitat is inadequately described. The potential loss of riparian habitat could adversely impact three amphibian and reptile species that are candidates for federal listing. Because no quantification of this impact is provided, nor map showing the riparian areas, description of the areas, or discussion of the extent that these impacts can be avoided, it is impossible to assess the significance of this impact. 11

Page IV-130 Number 28. The mitigation plan includes surveys for kit fox presence prior to development of Villages 4 and 5. We believe adequate surveys have not been performed on the entire site to adequately assess the effects of this General Plan Amendment on the endangered San Joaquin kit fox. Surveys should be conducted and appropriate analyses performed prior to certification of this EIR. 12

Page IV-132 Number 44. The mitigation plan requires that the project comply with Fish and Wildlife Service requirements for the loss of kit fox habitat. This requirement assumes that an adequate mitigation plan can be developed for this project. However, the potential barrier to kit fox movement caused by this project may preclude an adequate mitigation plan. The county should not assume that a mitigation plan is possible for this project prior to the development of an adequate analysis of the project's impacts and discussions with the Fish and Wildlife Service and California Department of Fish and Game. 13

Page IV-133 Number 46. The mitigation plan states surveys will be conducted later for three sensitive amphibian and reptile species, and that mitigation measures will be taken for these species if found. We recommend that surveys be conducted and an analysis provided of the impacts of this project on these species prior to finalization of this environmental document. Without more information, the effects of this project on sensitive species cannot be assessed. We have recently been petitioned to list these species due to documented declines in their numbers. 14

Wetlands and Other Aquatic Resources. Under the Fish and Wildlife Coordination Act, the Fish and Wildlife Service advises the U.S. Army Corps of Engineers on projects involving dredge and fill activities in waters of the United States, of which wetlands and some riparian habitats are subcategories. Because portions of this proposal may ultimately require a Corps permit, we suggest, if you have not already done so, that you consult the Corps of Engineers regarding onsite wetlands and related habitats that may fall under their jurisdiction. This information should be included in the environmental document. 15

Over 90 percent of California's wetlands have been lost due to past agricultural conversion, urban development, and flood control activities. Wetland habitat provides important resting, feeding, and nesting habitat for many species of birds including migratory waterfowl and shorebirds. Because of the value of wetland habitat to migratory birds and the scarcity of this habitat, the Service recommends there be no net loss of in-kind habitat values or acres, whichever is greater. 16

The Fish and Wildlife Service encourages all efforts to protect, improve and restore fish, wildlife and naturally functioning aquatic and wetland ecosystems of our Nation. Because of our interest in the biological integrity of our Nation's waters, we generally recommend against a project when its construction would result in the destruction of wetland habitat values and is not water dependent.

The Council of Environmental Quality regulations for implementing the National Environmental Policy Act define mitigation to include: 1) avoiding the impact; 2) minimizing the impact; 3) rectifying the impact; 4) reducing or eliminating the impact over time; and 5) compensating for impacts. The Service supports and adopts this definition of mitigation and considers the specific elements to represent the desirable sequence of steps in the mitigation planning process. Accordingly, we maintain that the best way to mitigate for adverse biological impacts is to avoid them altogether. 17

When projects impacting waterways or wetlands are deemed acceptable to the Service, full mitigation is recommended for any fish and wildlife value losses shown to be unavoidable. However, as directed by Section 404(b)(1) of the Clean Water Act, the project proponent must first demonstrate that there are no other less damaging, practicable alternatives to the proposed project that would achieve the basic project purpose.

For any questions concerning this response, please contact Laurie Stuart Simons at (916) 978-4866.

Sincerely,

Wayne S. White
Field Supervisor

Enclosure

cc: Regional Director (AFWE), FWS, Portland, OR
Dave Zezulak, Department of Fish and Game, Region II, Rancho Cordova, CA
Larry Eng, Department of Fish and Game, Sacramento, CA

Literature cited:

LSA Associates, Inc. 1991. San Joaquin kit fox assessment Diablo Grande Phase I site and the Oak Flat Road alignment, Stanislaus County, California. Report prepared for Diablo Grande dated February 21, 1991.

ENCLOSURE A

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN THE AREA OF THE PROPOSED DIABLO GRANDE SPECIFIC PLAN AND GENERAL PLAN, STANISLAUS COUNTY, CALIFORNIA (1-1-92-TA-1409, OCTOBER 16, 1992)

Listed Species

Fish

winter-run chinook salmon, *Oncorhynchus tshawytscha* (T)

Mammals

San Joaquin kit fox, *Vulpes macrotis mutica* (E)

Invertebrates

valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)

Plants

palmate bird's-beak, *Cordylanthus palmatus*, (E)

Proposed Species

Fish

delta smelt, *Hypomesus transpacificus* (PT)

Invertebrates

vernal pool fairy shrimp, *Branchinecta lynchi* (PE)
California linderiella, *Linderiella occidentalis* (PE)

Candidate Species

Fish

Sacramento splittail, *Pogonichthys macrolepidotus* (2)
green sturgeon, *Acipenser medirostris* (2R)
longfin smelt, *Spirinchus thaleichthys* (2R)

Amphibians

California tiger salamander, *Ambystoma californiense* (2)
California red-legged frog, *Rana aurora draytonii* (1•)
western spadefoot toad, *Scaphiopus hammondi hammondi* (2R)

Reptiles

northwestern pond turtle, *Clemmys marmorata marmorata* (2)

Birds

tricolored blackbird, *Agelaius tricolor* (2)

mountain plover, *Charadrius montanus* (2)
California horned lark, *Eremophila alpestris actia* (2)
loggerhead shrike, *Lanius ludovicianus* (2)

Mammals

Pacific western big-eared bat, *Plecotus townsendii townsendii* (2)
greater western mastiff-bat, *Eumops perotis californicus* (2)

Plants

forked fiddleneck, *Amsinckia furcata* (2)
Sharsmith's harebell, *Campanula sharsmithiae* (2)
Mt. Hamilton thistle, *Cirsium fontinale* var. *campylon* (2)
hispid bird's-beak, *Cordylanthus mollis* ssp. *hispidus* (2)
Mt. Hamilton coreopsis, *Coreopsis hamiltonii* (2)
Hospital canyon larkspur, *Delphinium californicum* ssp. *interius* (2)
diamond-petaled California poppy, *Eschscholzia rhombipetala* (2)
talus fritillary, *Fritillaria falcata* (2)
Mt. Diablo phacelia, *Phacelia phacelioides* (2)
hairless popcornflower, *Plagiobothrys glaber* (2)

(E)--Endangered (T)--Threatened (P)--Proposed (CH)--Critical Habitat
(1)--Category 1: Taxa for which the Fish and Wildlife Service has sufficient biological information to support a proposal to list as endangered or threatened.
(2)--Category 2: Taxa for which existing information indicated may warrant listing, but for which substantial biological information to support a proposed rule is lacking.
(1R)-Recommended for Category 1 status.
(2R)-Recommended for Category 2 status.
(•)--Listing petitioned.
(*)--Possibly extinct.

RESPONSES TO U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE OCTOBER 16, 1992 COMMENT LETTER

1. Surveys for special status plant species potentially present in the Oak Flat Valley have been completed. Follow-up surveys along the Oak Flat Parkway alignment to search for several summer blooming species which could be present in an area of alkali habitat will be necessary and will occur prior to certification of this EIR. These surveys will be included as Appendix A of this FEIR.

   Surveys for special status reptiles and amphibians have been conducted and two special status species were observed, western pond turtle and western spadefoot toad.

   At the time of the surveys, California horned lark and loggerhead shrike were not formally listed as category 2 candidates. Both species were observed on the Phase 1 area. Impacts to loggerhead shrike and horned lark would not be significant because they are regionally common. The cumulative loss of habitat for both species could be significant. The preservation of the Conservation Areas as undisturbed open space would mitigate this impact.

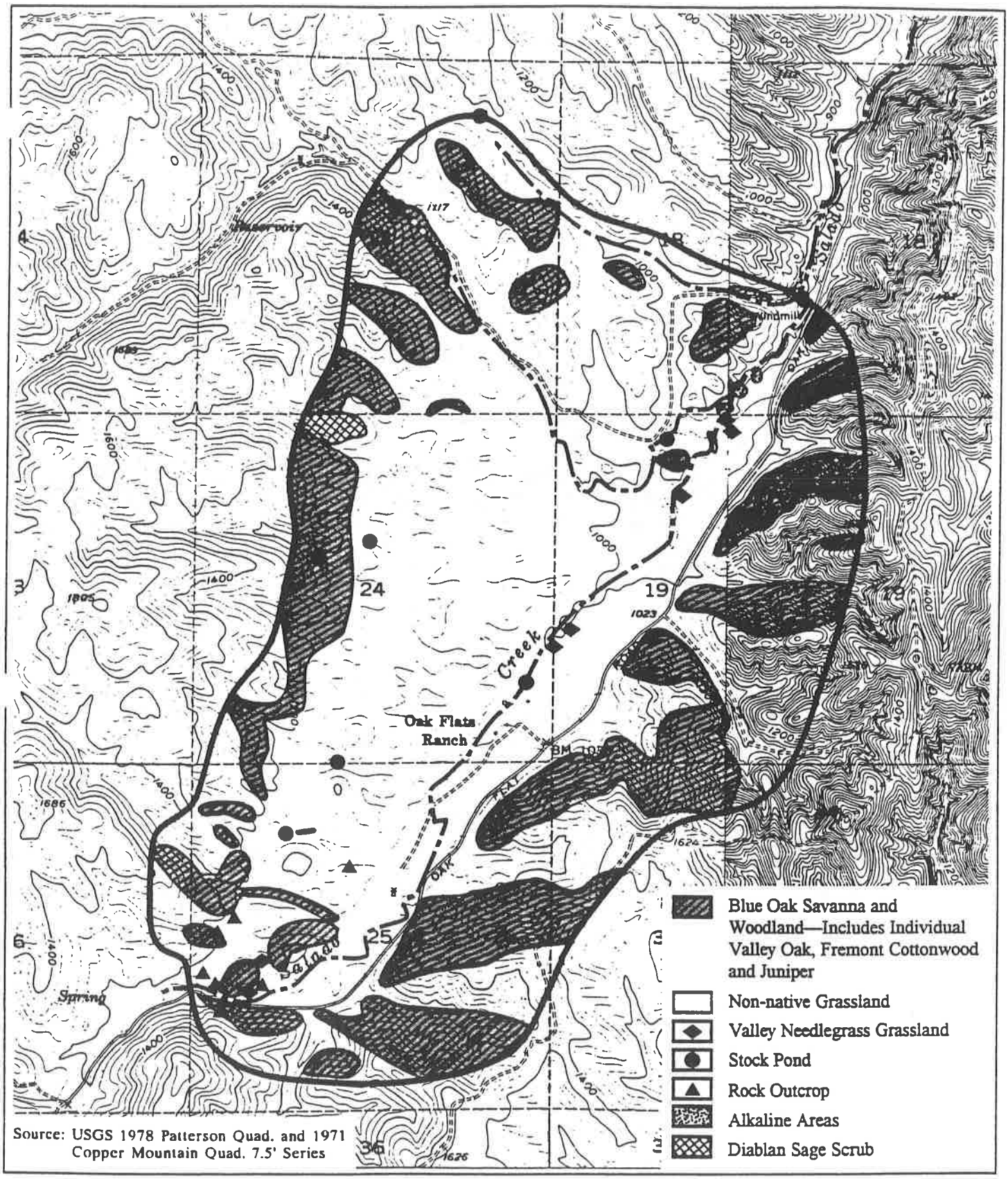
   For Phases 2-5 (overall site), because of the phasing for implementation of the development, surveys for special status species will occur prior to consideration of any specific development plans.

   Additional special status wildlife species addressed by the U.S. Fish and Wildlife Service include winter-run chinook salmon, delta smelt, valley elderberry longhorn beetle, vernal pool shrimp, California linderiella, mountain plover, Pacific western big-eared bat, Sacramento splittail, green sturgeon, and longfin smelt.

   None of these species were observed on the Phase 1 site nor is habitat present for these species. Impacts to the five species of fish noted are difficult to determine. Diversion of 12,900 acre-feet of water annually from the Yuba River drainage may result in a cumulative increase in water diverted from the Sacramento River. Identification of impacts of such a diversion on biological resources is speculative and beyond the scope of this EIR.

2. The acreages of habitat types present in Phases 2-5 (overall site) were not provided because surveys of biological resources in these areas were conducted as a program-level assessment of potential impacts.

   New Figures IV.E-1, IV.E-2, and IV.E-3, attached, showing the locations of habitat types in the Phase I and primary access areas, are added to the EIR as follows. On page IV-102, line 22, add the following text (in bold):



01-14-93(STC202)

Figure IV.E-1

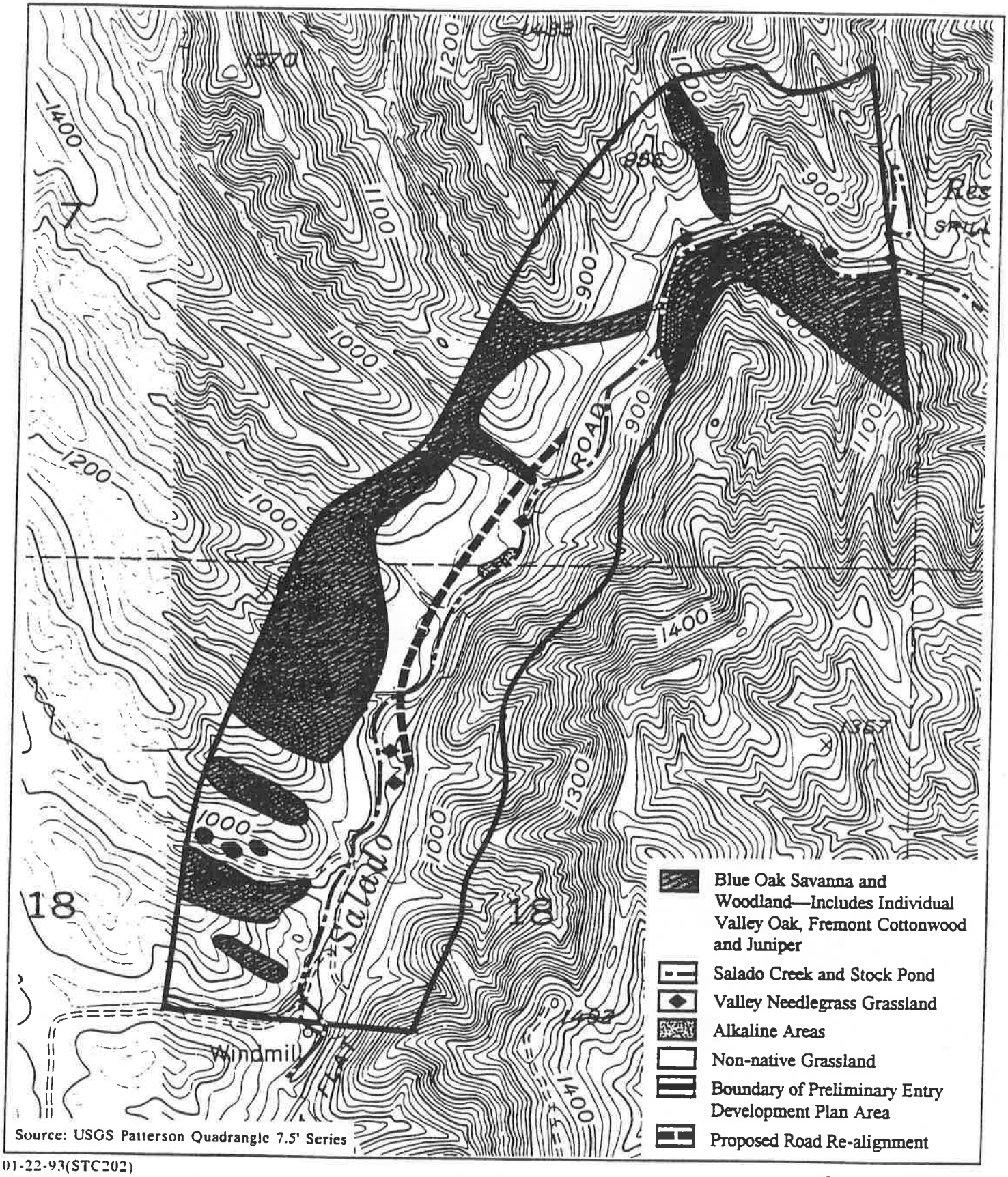
N

LSA

Scale in Feet

0 2000

Phase 1:
Locations of Habitat Types



01-22-93(STC202)

Figure IV.E-2

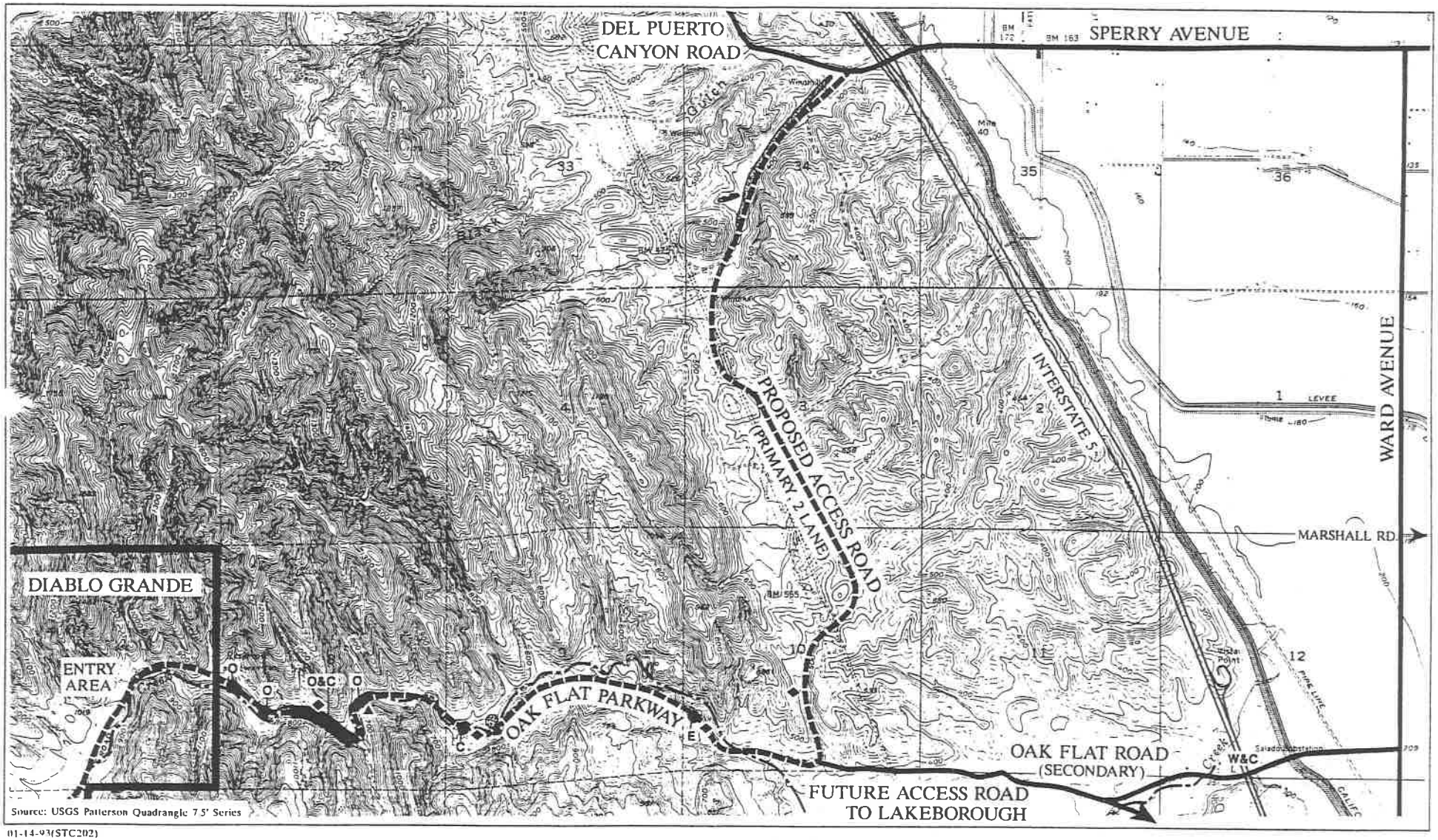
N

LSA

Scale in Feet

0 1000

Entry Area Development Plan:
Location of Habitat Types



01-14-93(STC202)

N

LSA

Scale in Feet
0 1000 2000

Non-native Grassland
Valley Needlegrass Grassland
Alkaline Areas
Rock Outcrop

O Oak—Blue and Valley
C Fremont Cottonwood
E Mexican Elderberry
W Willow sp.

Figure IV.E-3

Proposed Entry Road System:
Location of Habitat Types

"Woodland. **As shown in Figure IV.E-1**, oak woodland occurs..." and insert Figure IV.E-1, Locations of Habitat Types, on page IV-103.

On page IV-105, line 26, add the following text (in bold):

"**As shown in Figures IV.E-2 and IV.E-3**, vegetation along ..." and insert Figures IV.E-2 and IV.E-3 on pages IV-106 and IV-107.

Habitats in the Phase 1 area (Oak Flat Valley) are shown in Figure IV.E-1. Habitats include approximately 1,625 acres of non-native grassland; 565 acres of blue oak savanna and woodland; 5.6 acres of Diablan sage scrub (dominated by California sagebrush (*Artemisia californica*); and, approximately 7.1 acres of riparian areas (including 5.4 acres of drainages and 1.7 acres of stock ponds). Areas of valley needlegrass grassland, rock outcrops and alkaline areas are present primarily within the Salado Creek drainage channel and include less than two acres. The blue oak savanna present on the site is open, with widely spaced trees.

In the Preliminary Entry Development Plan Area (Figure IV.E-2), non-native grassland encompasses approximately 135 acres; blue oak savanna, approximately 45 acres; and riparian areas, approximately 2 acres. Areas of valley needlegrass grassland and alkaline areas include less one acre, primarily along Salado Creek.

In the Oak Flat Road Access and proposed Primary Access Road (Figure IV.E-3), non-native grassland encompasses approximately 88 acres; Alkaline areas approximately 5.5 acres; blue oak savanna approximately 2 acres; and riparian areas, approximately 3.6 acres. Areas of valley needlegrass grassland and rock outcrops include less than one acre.

Non-native grassland is the dominant understory in the blue oak woodland.

In the Phase 1 area, areas of open oak savanna present within the proposed project footprint include approximately 620 individual trees. Areas of oak woodland mapped (which mapped as groups of trees and not individually) include approximately 28.25 acres. The number of trees present within the oak woodland could be similar to the 620 individual trees identified in the oak savanna. The number of trees and areas of woodland discussed above represent the maximum number of trees potentially removed. A number of these trees are present on areas proposed for development as single family lots and may not be removed.

In the Preliminary Entry Development Plan Area, the number of trees potentially removed in the oak savanna present include approximately

8 blue oaks. An additional 6-8 trees (blue oaks, cottonwood, and possibly valley oak) will be removed in construction of the Oak Flat Road Parkway within the Entry Development Area.

Within the Oak Flat Parkway, a maximum of 16 blue and Valley oaks, and two Mexican elderberry could be removed as a result of construction of the road. No trees are present in the proposed primary access road between Del Puerto Canyon and the existing Oak Flat Road.

3. Please see United States Fish and Wildlife Service comment letter, responses to comments 1, 4, and 11; California Department of Fish and Game September 29, 1992 comment letter, responses 3, 4, and 5; California Department of Fish and Game October 19, 1992 comment letter, responses 2, 3, 4, 5, 6, and 8; and Yokuts Group-Mother Lode Chapter October 14, 1992 comment letter, response 1.

4. The Phase 1 portion of the project would retain approximately 700 acres as natural open space, or approximately one-third of the project area. The Phases 2-5 portions encompass approximately 27,000 acres, of which about 12,000 acres will be retained as natural open space.

At least seven other large projects are proposed along the I-5 corridor in San Joaquin, Stanislaus, and Merced counties (see revised Table V.G-A, "Cumulative Impacts", of the EIR). The total area encompassed by these projects is approximately 22,000 acres.

The cumulative impacts of the Diablo Grande site to biological resources would be unavoidably significant if all projects are built out.

5. Comment noted.

6. a. As noted in this comment, the EIR presents evidence that the San Joaquin kit fox is present on the project site. A recent confirmed observation (1990) approximately two miles south of Oak Flat Road and west of I-5, and the potential sighting of a kit fox adjacent to Del Puerto Canyon Road approximately 1,000 feet west of I-5 during surveys for this project, and historical observations to the north and south in the valley floor, foothill grassland west of I-5 indicate that kit fox are present in this band of grassland habitat which parallels the west side of I-5. This area extends west along Oak Flat Road to approximately the 600-foot elevation. This area coincides with the kit fox range for this area mapped by Morrell (1975). Above the 600-foot elevation along Oak Flat Road the Salado Creek Canyon narrows to a V shape, the surrounding hills become steeper (average slope over 25 percent) and exceed the 1,000-foot elevation and the vegetative cover changes from grassland to a mosaic of grassland, blue oak woodland, chaparral, and Diablan sage scrub. This area of steeper slopes, thin

rocky soils, and a change in vegetative cover is not considered to be suitable kit fox habitat.

The Oak Flat Valley where the Phase I development is proposed contains approximately 1,200 acres of physically suitable grassland, oak savannah, kit fox habitat. The topography of the valley floor is flat to gently rolling. The elevation of the valley ranges from approximately 1,000 feet at its lower end to approximately 1,200 feet at its upper end. The valley is surrounded by hills which exceed 1,600 feet in elevation. The vegetative cover of the surrounding area is a mosaic of grassland, oak woodland, chaparral and Diablan sage scrub. The 1990 U.S. Fish and Wildlife Service kit fox range map includes the Oak Flat Valley in the mapped range as well as the remainder of the Diablo Grande property. The Oak Flat valley and Oak Flat Road corridor were surveyed for kit fox presence using the Department of Fish and Game Region 4 survey methodologies in 1990. No evidence of San Joaquin kit fox was detected during the survey. The study concluded that kit fox do not regularly use the Oak Flat Valley. The factors contributing to this include its separation from what appears to be the primary occupied habitat to the east along the border of the San Joaquin valley, the relatively small amount of suitable habitat, in the valley (1,200 acres), the presence of several potential kit fox predators (coyote, bobcat, mountain lion, golden eagle) and the large amount of surrounding unsuitable habitat and steep terrain. Dispersing kit fox could find and use the Oak Flat Valley but there are no other equivalent larger areas of habitat to the north, south, or west and long-term residency would be precluded by the factors listed above.

The construction of access roads to the project site through occupied kit fox habitat appears to result in a "take" of this federally listed endangered species. The actual determination of take must be made by the U.S. Fish and Wildlife Service. Road construction could eliminate kit fox habitat, result in possible mortalities from road kills, and possibly present a barrier to the north-south movement of kit fox in this remaining narrow band of habitat.

b. This comment describes the process whereby take incidental to an otherwise lawful activity may be authorized. The project would be placing fill in areas subject to the jurisdiction of the U.S. Army Corps of Engineers and would be required to obtain a permit from the agency. Other federal action may also be necessary for improvements to the I-5/Del Puerto Canyon Road interchange. These actions would require consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act.

c. The project sponsors are in the process of preparing a Mitigation Monitoring Plan which will address impacts to San Joaquin kit fox. The EIR generally addresses impacts to loss of habitat and provides specific measures for reducing the potential of road kills along the

access road corridor (pages IV-127 and IV-132). Generally, the Service will review a mitigation plan for the following components:

1. *Compensation for loss of habitat*. The Service will require compensation for habitat that will be temporarily and permanently disturbed. Compensation for temporarily disturbed habitat has generally been at a 1.1:1 ratio. Compensation for permanently disturbed habitat has been at a 3:1 ratio.

2. *Habitat Enhancement*. Enhancement of mitigation lands is generally required to attempt to improve the habitat suitability of these lands for kit fox. Enhancement measures may include installing artificial dens, prohibiting rodenticide use, and modifying grazing management practices.

3. *Project Design Measures to Minimize Take*. Specific measures will be necessary along access roads to minimize the long-term potential for road kills. These measures, as described on pages IV-127 and IV-132, will include installation of fencing and road undercrossings.

4. *Preconstruction Surveys and Construction Period Operational Conditions*. The Service has prepared a list of standardized recommendations for the protection of kit fox (4/89). This includes a number of construction period measures that the project will be required to incorporate.

d. Two surveys to detect kit fox presence have been conducted on the project site. The Phase I development area (Oak Flat Valley) and existing Oak Flat Road corridor was surveyed in 1990 using the standard Department of Fish and Game Region 4 methodologies. An access road corridor linking Del Puerto Canyon Road with Oak Flat Road was surveyed in 1992 using the Region 4 methodologies supplemented with the use of camera stations. The Service has indicated they will require the use of camera stations as part of a survey of the Phase I development area. This survey will need to be conducted according to the Services's new survey protocols for the northern kit fox range. This study has been initiated and is projected to be completed in August.

7. See response to comment 4, above.

8. General biological surveys were undertaken for the site as part of the DEIR studies, including general botanical surveys. Sensitive plant surveys have been completed for all of Phase I with the exception of an area along the parkway connector to Del Puerto Canyon Road, where summer surveys in an area of alkaline habitat are necessary

(Appendix A). No sensitive plant species were found in the Oak Flat Valley.

The sensitive plant species identified in the EIR as potentially occurring on the site typically occur in specialized habitats, including riparian areas, rock outcrops, serpentine soils, alkali pools, and talus slopes. Phase I development generally avoids these areas. Sensitive plant surveys will be required for all other areas of the site proposed for development prior to approval of tentative maps. Avoidance will be required as mitigation for any sensitive species found. To ensure that this occurs, the following mitigation is added as number 32 on page IV-131:

> "Floristic surveys for all sensitive plant species identified in the EIR shall be prepared for each proposed development area prior to approval of any development in that area. If any sensitive species are found, disturbance of those species shall be mitigated by avoidance to the satisfaction of a qualified biologist to be retained by the County and funded by the applicant."

9. Surveys were conducted this spring for California tiger salamander, California red-legged frog, western spadefoot toad, and western pond turtle. All water bodies within the Phase I development area (including the length of Salado Creek to I-5) were surveyed. The surveys recorded the presence of two of these species, western spadefoot toad and western pond turtle. The western spadefoot toad is a category 2 candidate species. Spadefoot toad tadpoles were found in pools along the length of Salado Creek, in four stock ponds in the Oak Flat Valley, and in two stock ponds adjacent to the entry road. Western pond turtles were observed at one location, the pond located at the eastern end of the Oak Flat Valley known as "Frog Pond."

The development of the Oak Flat Valley will result in the loss of upland spadefoot toad habitat and the degradation of breeding habitat in Salado Creek and stock ponds. Adult spadefoot toads spend the majority of their lives in upland locations. They emerge to breed after periods of heavy winter/spring rains in ephemeral pools and streams. Larval growth is rapid so that they transform to the juvenile stage before the water dries up. Adults are only present in water to breed, whereupon they return to their upland retreat sites. The juveniles, after transformation, also seek out upland retreat sites.

The construction of residential development, golf courses, and associated development will result in the removal of upland retreat habitat. Breeding sites will be degraded by the addition of irrigation runoff and other sources of runoff by increasing the length of time water is present in the existing breeding sites. The longer water is present the greater the probability that other species which could prey

on spadefoot toad eggs and larvae would colonize the Salado Creek pools and stockponds. The loss of spadefoot toad upland retreat sites and the degradation of breeding sites is a significant project impact.

The DEIR recommends as mitigation that if a reptile or amphibian species of concern is found to be present, a management plan be prepared which ensures the long-term habitat viability and residency of the species on the Diablo Grande site. The management plan for this species should include:

1. Preservation of open space areas within the Diablo Grande site inhabited by spadefoot toads.

2. Identification of sites which would expand or enhance spadefoot toad habitat by the construction of ephemeral breeding pools.

3. Measures to minimize the effects of urban runoff on the Salado Creek breeding pools. This should include rerouting stormwater and other urban runoff so that it is discharged into the creek in the vicinity of the "Frog Pond."

The construction of the access road appears to encroach on the upstream end of the pond occupied by western pond turtle. The loss of pond or buffer habitat will degrade pond turtle habitat conditions. Pond turtles are predominantly an aquatic species but require upland areas for egg laying. They are also very susceptible to collecting pressures, especially in small, isolated locations. As for the spadefoot toad, mitigation for impacts to a reptile species of concern is to develop a management plan which ensures the long-term habitat viability and residency of the species on the Diablo Grande site. The management plan for western pond turtle should include:

1. Preservation of the "Frog Pond" and implementation of measures to maintain or enhance existing habitat conditions for all native aquatic reptiles and amphibians which use this pond.

2. Design the access road so that the edge of the roadway easement is no closer than 100 feet to any portion of the pond.

3. If this area is used for flood storage detention, design the necessary dam structure so that it does not disturb the existing dam face (i.e., construct downstream of the crest of the dam) and that no physical disturbance of the detention basin area occurs.

4. Delete the housing study area immediately to the east of the pond to minimize human disturbance at the pond site.

The following mitigation measure is added as Measure 33 for the overall site on page IV-131 of the EIR:

> "Conduct surveys to determine the potential presence of sensitive reptile and amphibian species (California tiger salamander, California red-legged frog, foothill yellow-legged frog, western spadefoot toad, and western pond turtle) prior to consideration of development plans for each village. Suitable habitat for these species includes intermittent and perennial streams, ephemeral ponds and stock ponds, and surrounding upland habitat.
>
> "If reptile or amphibian species of concern are present, management plans shall be prepared for each species which ensures the long-term habitat viability and residency of the species on the Diablo Grande site."

10. The choice of 1/8- to 1/4-mile-wide corridors was partially a function of the length of the corridor (one to two miles) and a professional judgment approach.

The current body of literature of wildlife corridors provides general theories and few concrete parameters for wildlife corridor design. The function of the corridors on the project would primarily be for the linkage of undeveloped areas for the purpose of allowing for the dispersion of larger wildlife species such as mountain lion, bobcat, coyote, and badger.

Small wildlife species, such as reptiles, amphibians, and small mammals, require corridors which provide their life requirements because many spend their entire lives within these corridors. The smaller wildlife species displaced by the development may not find these corridors suitable habitats. To quantify and qualify the adequacy of each of these corridors would require extensive research efforts which are beyond the scope of this EIR.

11. The following discussion of impacts is added to the EIR following line 24 on page IV-123:

> "The construction of the Oak Flat Parkway and widening of Oak Flat Road will result in the elimination of approximately 82 1/2 acres of occupied kit fox habitat. This would be a significant impact and will require providing approximately 250 acres of compensation land at a 3:1 ratio. Mitigation habitat should be provided in the corridor of grassland habitat which lies between I-5 and approximately the 600-foot elevation of the hills to the west.

"The westerly portions of the access road and the Phase I development area are within the Services mapped range boundary for the kit fox. The Service will be requiring additional surveys of the Phase I development area. Potential kit fox mitigation requirements for this portion of the development will be determined upon completion of this survey and discussions with the Service. If the Service required mitigation at the 3:1 ratio up to 4,000 acres of mitigation lands would be necessary for the development of Phase I.

"The construction of project access roads would cross occupied kit fox habitat. Kit foxes would be subject to road kills, habitat fragmentation, and have barriers to their movement created. Constructing a road through kit fox habitat exposes the animals to a new source of potential mortality and depending on traffic speeds and road design could create barriers to movement. Kit fox in the northern portion of the range appear to require large contiguous tracts of suitable habitat for foraging, breeding, and dispersal. The known area of occupied habitat in the northern portion of the range is at its narrowest point from approximately Oak Flat Road north to the county line. Separation of kit fox populations to the north and south by access road construction could reduce genetic exchange, jeopardizing the northern populations. This is a potentially significant impact.

"Impacts to kit fox could occur during project construction. These impacts include inadvertent mortality during construction activity, road kills, harassment, and disturbance by construction activity. Inadvertent mortality could occur if an animal was trapped in a den and crushed by the collapse of its den or if one became trapped in a utility trench with no escape. Harassment of kit foxes could be done by construction workers or by their pets if dogs were allowed in the construction zone. Disturbance could occur if kit fox were using an area for denning or foraging and they were forced away by construction activity."

See response to comment 1, above, for riparian areas present in the Phase 1 area. Potential impacts to streams and ponds include:

Three stock ponds in the Phase 1 area and portions of several ephemeral drainages tributary to Salado Creek may be filled. Much of the portion of Salado Creek in the Phase 1 area would be included in areas designated as Open Space. Construction of the proposed Oak Flat Parkway would result in the road crossing Salado Creek in six locations between Highway 5 and the entrance to Oak Flat Valley and in at least five locations in the Oak Flat Valley Phase 1 area. The proposed Oak Flat Parkway and proposed arterial roads within the Oak

Flat Valley community would result in a number of road crossings over several ephemeral drainages and the potential filling of portions of several ephemeral drainages. These drainages have no scour and are dominated by non-native grassland.

The filling of the three stock ponds could potentially have a significant impact on California tiger salamander, California red-legged frog, and southwestern pond turtle. Surveys for these special status species will occur prior to approval of the project. If any of these species are encountered in the ponds, the ponds will remain intact with appropriate setbacks, or mitigation established in areas outside of the proposed development areas.

Streams and wetlands present in Phases 2-5 (overall site) will be described and mapped and potential impacts evaluated in detail in project-level environmental review to be undertaken when development plans progress beyond the program level.

12. The Diablo Grande EIR covers the Phase I development at a project level and the remainder of the site at a program or General Plan level. Kit fox surveys were done for all areas necessary for Phase I development and will be supplemented as requested by the Service. The overall site was not specifically surveyed due to the general level of General Plan Amendment/rezonings which are requested with no specific development plan approvals sought at this point.

    Kit fox surveys would be necessary when/if entitlements are sought for development of any further portions of the property. The issues raised by additional development are similar to those for the Phase I area. Access roads along Crow and Orestimba creeks would cross through occupied kit fox habitat. Development of interior portions of the ranch would be within the mapped range of the kit fox and potentially could be occupied by the species.

13. As noted in this comment, the EIR includes as a mitigation measure that the project comply with U.S. Fish and Wildlife Service requirements for loss of kit fox habitat. This will require consultation with the Service. This consultation has been initiated by Diablo Grande and, as a result, the outcome of these required discussions is not known. The Service has stated that additional field studies are necessary before they can determine mitigation requirements. These studies are planned to be undertaken and the results will be used to determine project mitigation requirements.

14. See response to comment 1, above.

15. See page III-25 of the EIR for general agency involvement and page IV-101, line 33 for specific language. The following is added following

the introduction paragraph on page IV-97 of the EIR to further explain regulatory responsibilities:

Regulatory Context

The Diablo Grande project site is within the general geographic range of special status plant communities and special status plant and wildlife species. Biological resources in the project site may fall under agency jurisdictions and regulations described below in addition to the California Environmental Quality Act (CEQA).

U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service has jurisdiction over formally listed threatened and endangered species under the federal Endangered Species Act. The act protects listed species from harm or "take", which is broadly defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct". An activity is defined as a "take" even if it is unintentional or accidental.

An endangered species is one which is considered in danger of becoming extinct throughout all or a significant portion of its range. A threatened species is one that is likely to become endangered within the foreseeable future. In addition to endangered and threatened species, which are legally protected under the state and federal Endangered Species Acts, there are a number of informal lists of species of special concern. Informal lists maintained by the Service include category 1 and 2 candidate species. Category 1 candidate species are those for which the Service currently has on file substantial information on the biological vulnerability and threats to support a proposal to list them as endangered or threatened. Category 2 candidate species are those for which substantial data on biological vulnerability and threats are not currently known or on file to support proposing them as threatened or endangered.

California Department of Fish and Game

The California Department of Fish and Game has jurisdiction over state-listed threatened and endangered species. The State and federal lists are generally similar, although a few species present on one list may be absent from the other list.

Informal lists maintained by the Department of Fish and Game include the Bird Species of Special Concern in California (Remsen 1978) and Mammalian Species of Special Concern in California (Williams 1986). A similar list for reptiles and amphibians is currently being developed.

The Department of Fish and Game also requires a Streambed Alteration Agreement for the fill or removal of any material from any natural drainage.

California Native Plant Society

The California Native Plant Society has developed lists of endangered plants in California (Smith and Berg 1988). Their List 1A represents species considered to be extinct. List 1B represents plants considered endangered in California and elsewhere. List 2 represents plants considered rare, threatened or endangered in California, but more common elsewhere. List 3 represents plants potentially endangered, but additional information on rarity and endangerment is needed. List 4 represents species with a limited distribution, but not presently endangered.

U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (Corps) is responsible under Section 404 of the Clean Water Act to regulate the discharge of material into the waters of the United States. The definition of "waters of the United States" was originally applied to navigable waters but has since been broadened to included tributaries to navigable waters, including adjacent wetlands.

The Corps' procedures for determining jurisdiction are described in their *Wetlands Delineation Manual*. Corps jurisdiction for drainages is determined by physical evidence of water flow which includes the presence of flowing water, a scoured channel bottom, silt deposits, or debris deposits. The extent of their jurisdiction is determined by locating the high water lines.

There are two categories of Corps permits; individual and nationwide (general) permits. Individual permits are normally required for the placing of fill material in waters of the United States except where specified activities would have minimal adverse impacts. Eligibility for a nationwide permit simplifies the permit review process. A nationwide permit (Nationwide 26) covers the discharge of fill material in streams which are located above headwaters and where the amount of fill is less than 10 acres. Headwaters is defined as the point where the average annual stream flow is five cubic feet per second (cfs) or less.

In order to qualify for a nationwide permit, a project needs to demonstrate that it has minimal adverse environmental effects. The San Francisco District of the Corps interprets this to mean that there will be no net loss of either habitat acreage or habitat value. This results in the need to provide mitigation for any creek fill which will occur.

16. Comment noted.

17. Comment noted.

STATE OF CALIFORNIA – BUSINESS, TRANSPORTATION AND HOUSING AGENCY PETE WILSON, *Governor*

DEPARTMENT OF TRANSPORTATION
P.O. BOX 2048 (1976 E. CHARTER WAY)
STOCKTON, CA 95201

(209) 948-7906

October 16, 1992

10-Sta-5-15.86
Stanislaus County
Diablo Grande Specific Plan
and DEIR
SCH #91032066

Mr. Michael Chiriatti
State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

Dear Mr. Chiriatti:

Caltrans has reviewed the Draft Environmental Impact Report and Specific Plan for a mixed use "new town" Diablo Grande. We offer the following comments:

Caltrans is concerned about the cumulative impacts on the transportation system which would result from the combination of traffic generated from developments, such as this one, as well as other proposed development in the county and surrounding counties. Our primary concern is the major impact this growth will have on the I-5 corridor. This includes impacts to the points of access (intersections/interchanges) as well as the overall effect on the mainline highway. The DEIR has identified Diablo Grande's impacts on I-5 and Route 33, however I-580 should also be addressed, at least to the Altamont Pass area. 1

Mitigation measures address the the need for lane improvements on the Highway 33 corridor between Crows Landing Road and Stuhr Road, north and southbound ramp improvements at the Sperry Road/I-5 interchange, as well as the need for future signalization at this interchange. The need for additional lanes is also addressed for I-5, but their is no mention of a funding contribution from this project or phasing to improve the highway in conjunction with build-out of the project. It is our policy that each development should pay a fair share for highway improvements based on the amount of traffic loading caused by each development. The DEIR does not address a funding mechanism or clearly state how and when these mitigations will be implemented. 2

We view impacts as: (1) using up any existing or planned future reserve capacity or (2) traffic loadings which result in unacceptable levels of service (less than LOS "C" in this case) or (3) further impacting an already undesirable level of service (LOS). We believe that for project and cumulative traffic cases one and two pertain to this EIR.Therefore, mainline mitigation should be a computation of the project's related traffic proportion (percentage) of freeway lane capacity at the required standard or level of service concept. We expect mainline mitigation for Diablo Grande impacts to be based on their trip generation and distribution to the State Highway System (SHS) for the project itself. The EIR also needs to address how cumulative impacts to mainline I-5 will be addressed, both in terms of funding responsibility and timing of improvement levels of development. This same analysis and identification of responsibilities for the project and cumulative development is also necessary for State Route 33 and I-580. 3

To assume fifty-five percent of the trips will remain internal is an optimistic assumption, and one we do not believe is appropriate for use in the assumption of trip distribution. Further documentation and changes to this assumption are needed and the traffic analysis should be modified accordingly. For example, the cost of housing at this site and the service oriented nature of the jobs created suggests a significant component of out-commute trips by residents and in-commute trips by employees to Diablo Grande. We believe seventy-five percent of external trips to I-5 north appears more reasonable.

Considering the forty-five percent external trip distribution mentioned in the DEIR, Diablo Grande will add over 8,000 ADT to I-5 north of Sperry Road (an increase of 35% to 45% over existing volumes). The traffic from this proposed development would also add between 2200 to 3000 ADT to State Route 33, an increase of 42-50% higher than current volumes. At an assumed future 10% peak hour /60% peak direction, a traffic lane on I-5 can accommodate about 24,000 ADT at maximum "C" LOS capacity, with an assumed 10% trucks (currently 17%). This is about 1430 vehicles per lane per hour maximum. This means Diablo Grande could be responsible for a" fair share" of 35-40% of the cost of a lane on I-5 in each direction for some reasonable distance north of the Sperry Road interchange. Diablo Grande 's fair share percent to the I-5 corridor south of Sperry Road will be approximately 16-25%the cost of a lane in each direction at build-out. On a cumulative basis, other considerations including loadings from other development and interregional travel would also need to be considered. 5

The volumes to capacity (V/C) ranges and computed ADT's for freeways as shown on Table IV-H-C are inconsistent with V/C in the Highway Capacity Manual Report #209. The V/C range for "C" LOS is 0.55-0.77 and for "D" LOS is 0.78-0.93, not the maximum 0.85 and 0.95 as shown in Table H-C. With an assumed future 10% trucks in peak hour (currently 17%) and an assumed 10% peak hour/55%peak direction, the maximum "C" and "D" LOS would be 52,000 ADT and 62,000 ADT for a 4-lane freeway. A 6-lane freeway would have a maximum of 78,000 ADT for LOS "C" and 94,000 ADT for a LOS "D". These technical corrections are significant and need to be made to the traffic analysis and reflected in identified impacts and required mitigations to the project. 6

The revised statements of mitigation in the FEIR need to include an estimate of costs for proposed mitigations to SHS mainline, as well as points of access. As a mitigation measures, Project Study Reports (PSR) will need to be completed and approved for improvements to the SHS and any impacted interchanges/intersections identifying specific improvements. If the PSR cannot be prepared by Caltrans in the timeframe necessary, the proponents working through the County as lead agency will cause the PSR to be prepared at their expense. The PSR will be prepared at the direction of a Caltrans project manager. These PSR's need to be completed very early in the development of Diablo Grande. 7

The PSR will be used to determine the detailed cost and timing of the needed improvements to the intersections/interchanges on the SHS, as well as improvements to the mainline to accommodate the traffic from the project as well as accumulative development. It will also be used to determine fair share cost of these improvements that are the responsibility of the proponents based on future traffic loadings at the time the project is warranted.

Where a highway mitigation will be fully or jointly funded, a further condition is needed to collect, at least, a portion of the project development costs (i.e. engineering costs,etc.) for the improvements. 8

Figures IV, H-3 and H-4 show two volumes on the segment of I-5 between Fink Road and Stuhr Road interchanges. This would indicate an interchange between Fink Road and Stuhr Road, which is consistent with improvements proposed for Lakeborough but not consistent with the analysis done in the Specific Plan. In addition, Figures IV. H-3 and H-4 are not consistent with Figures 3 and 4 in the Specific Plan. 9

Page IV, 251 , Trip distribution assumptions are based on Lakeborough assumptions which were basically agreed upon with Caltrans in the last stages of the Lakeborough EIR review. It is appropriate and requested that an independent market analysis be done for Diablo Grande since it does have features that are different from Lakeborough project. 10

Figure IV, H-2, Page IV-255 should be revised to reflect the new/revised primary access via a frontage road type facility west of I-5 connecting Oak Flat Road with Del Puerto Canyon Road, unless Diablo Grande is proposing to implement the Lakeborough proposed interchange access improvements. This needs to be clarified in the FEIR. Section 2 contains a corrected figure (we assume) for a revised primary access and should replace Figure IV, H-2. 11

Figure IV, 3 has the same volumes as Figure 3 in Appendix C, but Figure IV.3 is without Lakeborough and figure 3 is with Lakeborough. Figure H-4 has the same volumes as Figure 4 Appendix C, but Figure 4 is without Lakeborough with project versus with Lakeborough without project for Figure H-4 . This needs correction and the assumptions/implications clearly explained. Table IV, H-D should be revised to show the existing 4-lane I-5 as the minimum required number of lanes. 12

Circulation Policy 4 on page IV-18 should include mainline I-5, State Route 33, and I-580 lane additions when required, not only interchange/intersection improvements. This section should recognize and discuss a fair share mitigation approach for assessing fees for Diablo Grande's participation in the cost of future widening of these highway corridors as discussed previously. 13

Page IV-247, the I-5 median is 84 feet wide, not 70 feet as stated on this page (median is from inside edge of pavement to inside edge of pavement). 14

The I-5 corridor through the project area is a designated Scenic Highway with certain requirements relative to the viewshed from the highway. 15

The Specific Plan DEIR Traffic Analysis has included the revised Patterson General Plan (Draft-FEIR, February 1992), but there is no mention of the recently approved Newman General Plan Revision, the Villages at Laguna San Luis (VLSL) GPA in the Merced County General Plan, the Santa Nella Community Specific Plan and Fox Hills GPA, as well as substantial new growth in southwest San Joaquin County. All of these proposals,there may be others, will have significant impacts on the cumulative future traffic volumes along I-5 and I-580. It does not appear that these potential impacts have been included in the DEIR traffic analysis. These projects and their cumulative impacts need to be included in the revised traffic analysis for this project. 16

The Specific Plan DEIR should include a discussion of the I-5 Strategic Transportation Plan (STP), which is currently underway (a joint MCAG, SAAG, SJCCOG, and Caltrans, District 10 Study). A review of the I-5 STP work to date would also help in identifying other projects which could effect projected I-5 traffic volumes, and the potential measures for mitigating the related cumulative impacts. 17

In conclusion, it would seem that some fairly extensive clean-up and revision of the Traffic and Circulation Section of the DEIR will be required for the FEIR.

Transit and Transportation Demand Management (TDM)

Caltrans supports development and implementation of an integrated multimodal transportation system. Development of a transportation plan to promote the use and offer incentives for ridesharing and transit are good concepts; however, early implementation should be addressed. Transportation Management Associations (TMA's) should be formed to effectively implement these programs. Park and Ride lots need to be a required mitigation and should be identified. In part, park and ride lots are needed in proximity to freeway interchanges. These concepts are not an effective implementation program and will not reduce any impacts to air quality without the tangible implementing mechanisms (i.e., funding, operational responsibility, coordinated with build-out, funding to provide for a rideshare program, etc.). Caltrans requests definite timelines and operational details and funding commitments on when and how these measures will be implemented. When do you plan on being linked to the existing transit system? This existing system should be clearly identified in the FEIR. As stated in this DEIR , the TDM strategies will not reduce project emissions to insignificant levels. 18

Under the new ISTEA requirements, projects which are 100% locally funded may need to be in the Federal Transportation Improvement Program (FTIP) of SAAG if federal funds are involved or it requires an action by the Federal Government, like changes in access on the Interstate System. In cases where new development is concerned, mitigation projects will have to be amended into the FTIP and go through the air quality conformity analysis (SAAG would be lead on this). Any improvements which apply may also need to be amended into SAAG's Regional Transportation Plan and undergo conformity requirements where there is no reference to the project in the RTP.

We strongly recommend that the proponent of Diablo Grande, Caltrans and the SAAG reach a consensus on the project's planning level design concept and scope prior to the initiation of a Project Study Report. This is critical for air quality conformity purposes. This should be done prior to the finalization of mitigation measures. Also, if this project is not in the Stanislaus Area Association of Government's Regional Transportation Plan or the Federal Transportation Improvement Plan, it will need to be amended into these documents before proceeding beyond the PSR stage.

We request a copy of the Final EIR when completed and a timely opportunity to review prior to project approvals.

If you have any questions or need additional information, please contact Bernadette Gatewood of my staff at (209)948-7481.

Sincerely,

DANA COWELL
Chief, Transportation
Planning Branch B

Attachment

cc: Greg Steel/SAAG
Ron Freitas/Sta Co
Bob Kachel/Sta Co
H R Callahan/Sta Co

Notice of Completion

Appendix F

See NOTE below

SCH # 91032066

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

Project Title: Diablo Grande

Lead Agency: Stanislaus County Planning Department

Contact Person: Bob Kachel

Street Address: 1100 H Street

Phone: (209) 525-6330

City: Modesto Zip: 95354

County: Stanislaus

Project Location

County: Stanislaus City/Nearest Community: Crows Landing

Cross Streets: Oak Flat Road, west of Interstate 5 Total Acres: 29,500±

Assessor's Parcel No. Numerous Section: Numerous Twp. 6S & 7S Range: 6E & 7E Base: MDBM

Within 2 Miles: State Hwy #: ____ Waterways: ____

Airports: ____ Railways: ____ Schools: ____

Document Type

CEQA: [ ] NOP [ ] Supplement/Subsequent [ ] Early Cons [ ] EIR (Prior SCH No.) ____ [ ] Neg Dec [ ] Other ____ Proposed [X] Draft EIR

NEPA: [ ] NOI [ ] EA [ ] Draft EIS [ ] FONSI

Other: [ ] Joint Document [ ] Final Document [ ] Other ____

Local Action Type

[ ] General Plan Update
[X] General Plan Amendment
[ ] General Plan Element
[ ] Community Plan
[X] Specific Plan
[ ] Master Plan
[ ] Planned Unit Development
[ ] Site Plan
[X] Rezone
[ ] Prezone
[ ] Use Permit
[ ] Land Division (Subdivision, Parcel Map, Tract Map, etc.)
[ ] Annexation
[ ] Redevelopment
[ ] Coastal Permit
[ ] Other ____

Development Type

[X] Residential: Units ____ Acres ____
[X] Office: Sq.ft. ____ Acres ____ Employees ____
[X] Commercial: Sq.ft. ____ Acres ____ Employees ____
[X] Industrial: Sq.ft. ____ Acres ____ Employees ____
[ ] Educational ____
[X] Recreational ____
[X] Water Facilities: Type ____ MGD ____
[ ] Transportation: Type ____
[ ] Mining: Mineral ____
[ ] Power: Type ____ Watts ____
[X] Waste Treatment: Type ____
[ ] Hazardous Waste: Type ____
[ ] Other: ____

Project Issues Discussed in Document

[X] Aesthetic/Visual
[X] Agricultural Land
[X] Air Quality
[X] Archeological/Historical
[ ] Coastal Zone
[X] Drainage/Absorption
[ ] Economic/Jobs
[ ] Fiscal
[ ] Flood Plain/Flooding
[ ] Forest Land/Fire Hazard
[X] Geologic/Seismic
[ ] Minerals
[ ] Noise
[ ] Population/Housing Balance
[X] Public Services/Facilities
[X] Recreation/Parks
[X] Schools/Universities
[ ] Septic Systems
[ ] Sewer Capacity
[ ] Soil Erosion/Compaction/Grading
[ ] Solid Waste
[ ] Toxic/Hazardous
[X] Traffic/Circulation
[X] Vegetation
[X] Water Quality
[X] Water Supply/Groundwater
[X] Wetland/Riparian
[X] Wildlife
[X] Growth Inducing
[X] Landuse
[ ] Cumulative Effects
[ ] Other ____

RECEIVED SEP 3 1992 STATE CLEARINGHOUSE

Present Land Use/Zoning/General Plan Use

Site is presently a ranch, general planned Agriculture and zoned A-2-160 (General Agriculture).

Project Description

This is a specific plan project for a mixed use "new town." There would be approximately 5,000 residences, a destination resort including several golf courses, commercial, industrial and open-space uses. The project will be phased with the DEIR focusing on the first phase, along with overview of late phases.

CLEARINGHOUSE CONTACT: [redacted]
(916) 445-0613

STATE REVIEW BEGAN: 09-04-92

DEPT REV TO AGENCY: 10-13

AGENCY REV TO SCH : 10-19

SCH COMPLIANCE : 10-19

PLEASE NOTE SCH NUMBER ON ALL COMMENTS

PLEASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

AQMD/APCD: 24 (Resources: 9 / 5)

("S" = sent by lead / "*" = sent by SCH)

CMT SNT
X Resources
[redacted] Bd
X Conservation
X Fish & Game 4
[redacted]
X Reclamation
[redacted]
X Caltrans # 10
[redacted]

CMT SNT
[redacted]
X OLA (Schools)
X ARB
[redacted]
X Reg. WQCB #5sac
[redacted]
X State Lands Comm
[redacted]

RESPONSES TO CALIFORNIA DEPARTMENT OF TRANSPORTATION OCTOBER 16, 1992 COMMENT LETTER

1. It was not within the scope of work of the EIR to address traffic impacts on Route 580 or near the Altamont Pass. Because the I-5 Corridor model was not available when the cumulative traffic analysis was conducted, it was not possiole to identify accurately the volume of project traffic on specific segments of Route 580 or other regional transportation facilities. Therefore, the cumulative analysis was limited to those portions of I-5 within Stanislaus County.

2. Comment noted. The project sponsor subsequent to the publication of the DEIR has developed a recommendation based upon traffic contribution for providing fees to widen I-5 within Stanislaus County. Refer to later responses to this letter for details.

3. See response to comment 2, above.

4. The traffic consultant for the EIR used market research and other data to develop a set of on-site and off-site trip generation values. In any region, the total number of trip productions must equal the total number of trip attractions. Therefore, details tables were developed to determine the trip production and attraction balance produced by the proposed project. Once the trips to and from on-site activities were determined the remaining traffic was assigned to off-site locations. The fifty-five percent value was determined to be the portion of the total site generation after internal travel has been accommodated. The EIR consultant and Stanislaus County staff met with Caltrans staff to discuss the trip generation and trip distribution assumptions. As the project analysis established specific thresholds for Phase 1 and full build out, the County will condition the project for additional environmental review when either of the following occurs.

   - The project traffic on the new frontage roadway connector between Oak Flat Road and Del Puerto Canyon Road reaches 750 vehicles per hour, or

   - The peak hour level of service on the new connector roadway between Oak Flat Road and Del Puerto Canyon Road or at the intersection of Sperry Road and SB I-5 operate below level of service "C" at a volume to capacity ratio of 0.77 (77 percent of capacity).

5. The project sponsor developed a fee contribution recommendation based upon the project's contribution to the I-5 cumulative traffic impacts. The EIR traffic consultant has reviewed these forecasts in light of the most current projections from the I-5 Strategy Plan technical analysis.

6. The DEIR used average daily capacity values from various sources. In response to Caltrans a new set of roadway capacity values based upon the Highway Capacity Manual have been developed to evaluate the traffic impacts along the I-5 corridor. A modified cumulative traffic analysis, which replaces the analysis presented on pages IV-254 through IV-281 of the Draft EIR, is included as Appendix B of this FEIR.

7. The following mitigation is added to page IV-245 of the EIR:

> "5. The project sponsor shall develop and gain Caltrans approval of a Project Study Report (PSR) for all project related mitigation measures within Caltrans jurisdiction. The timing of the PSR shall be determined by Caltrans and the County Department of Public Works."

8. The project sponsor has developed a recommendation to pay for freeway mainline improvements based upon project impacts. See below for the EIR traffic consultant review and recommendations of the project sponsor fee program.

9. The Lakeborough traffic assessment does include a new freeway interchange between Stuhr Road and Fink Road. The new interchange is shown on Figure III-E-31 of the Lakeborough EIR. The new interchange is located near the realignment of Davis Road and provides major access and egress for the southern portion of the Lakeborough project. The traffic forecasts shown in the Diablo Grande EIR include the segments of I-5 to the north and south of the new Lakeborough freeway interchange.

10. A market study was conducted by ERA for the project. The study detailed the residential types and potential for residential mix within the site. The EIR started with the trip distribution values used in the Lakeborough EIR and refined them to reflect the estimated trip characteristics for the project. The trip distribution values used in the Lakeborough EIR were developed through a consensus process between Caltrans and County staff. The final trip distribution values are based upon the best professional judgement of the Stanislaus County staff, the EIR team and the project sponsors economic consultant.

11. This appropriate figure has been included in the FEIR as part of Appendix B. The new connector roadway between Oak Flat Road and Del Puerto Canyon Road is intended to be the major access for the site. However, only 57% of the project traffic at full build out is expected to use the new frontage road. The remainder of the project traffic will access I-5 and other regional roadways either through Lakeborough or from Orestimba Canyon. The project's contribution to cumulative traffic along these access routes will be used to set

project contribution to off-site roadway improvements. The amount of these contribution, however, can not be determined at this time as the portions of the project beyond Phase 1 have not been adequately detailed.

12. The figures in the DEIR were not correctly titled. The figure titles have been changed.

13. The Diablo Grande project should be required to pay a percentage of the costs for all off-site roadway improvements based upon the ratio of the project traffic to total future cumulative traffic. However, the total cumulative traffic number should not include any existing traffic currently on these facilities. In other words, the project should be responsible for its fair share of any roadway improvements needed to accommodate future growth along off-site roadways.

14. Comment noted.

15. The following mitigation is added to page IV-245 of the EIR:

"6. The I-5 corridor near the project area is a designated Scenic Highway. Final project plans for activities potentially within the viewshed of the corridor (i.e., Oak Flat Parkway in the vicinity of I-5) must address visual quality issues. All potential visual impacts to the I-5 corridor should be reduced by utilizing setbacks, landscaping, and/or vegetative screening to be approved by the County Public Works Department."

16. Caltrans, MCAC, SAAG and SJCCOG are developing a strategy plan for the I-5 corridor. The plan has not been completed however two future year 2010 travel forecasts have been generated by Fehr and Peers, traffic consultants for the study effort. The Diablo Grande traffic consultant contacted Fehr and Peers and have secured the most recent traffic forecasts for I-5 within Stanislaus County. These data have been incorporated into the cumulative traffic analysis and presented in response to comment 6 of this letter.

17. Refer to response to comment 16, above.

18. The project sponsor will be responsible for the development of internal transportation systems between on-site housing and jobs. Travel between on-site recreational activities include provision for on-site transportation services. The project includes a research and development complex along Oak Flat Road, shuttle bus service between this on-site jobs location and the sites housing will be provided. At the time regional and local transit services are provided to the Sperry Road interchange, some provision for shuttle services to freeway bus stops will be required. Until then, the provision for park and ride lots within the interchange do not appear practical.

19. The improvements to the I-5 interchange and the project contribution to the widening of local county roads, and regional highways are identified in the DEIR and FEIR. It is the responsibility of SAAG to amend mitigation projects into the Federal Transportation Improvement Plan. Relative to project mitigation fees for fair share contributions to local, County and regional transportation facilities, SAAG should include these fees as part of the funding sources for the FTIP.

20. A new condition should be added to the project mitigation that a specific list of Diablo Grande off-site improvements and/or percent contribution to roadway projects be included in the final set of project conditions. This list should be revisited at the completion of all project phases and tentative map approvals.

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO ATTENTION OF

October 19, 1992

San Joaquin Basin Branch

Mr. Robert Kachel
Stanislaus County
Department of Planning and Community Development
1100 H Street
Modesto, California 95354

Dear Mr. Kachel:

We appreciated the opportunity to review the Draft Environmental Impact Report - Diablo Grande Specific Plan/General Plan/Rezone, involving a new community of about 5,000 dwellings on 29,500 acres on Oak Flat Road, west of Interstate 5, west of Crows Landing.

We have reviewed the DEIR with respect to our two functional areas of interest, flood control and regulatory. The DEIR discusses impacts to riparian areas and drainages, but does not mention wetlands. Wetlands and mitigation for wetlands, if applicable, need to be addressed in the DEIR. 1

If there is fill placed in any jurisdictional wetland or water of the U.S., a Corps of Engineers' permit will be required. The type of permit will depend on the quantity of impacts and the kind of waters being impacted. 2

If we can be of further assistance, please contact Mr. Art Champ of our Regulatory Section at (916) 557-5252. Thank you for the opportunity to provide comments.

Sincerely,

for Walter Yep,
Chief, Planning Division

RESPONSES TO DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS OCTOBER 19, 1992 COMMENT LETTER

1. In the Phase 1 area and Preliminary Entry Development Plan area, wetlands are present within the Salado Creek drainage only, in the form of seeps. These seep areas would be subject to Corps jurisdiction. If the project proposes to avoid these wetland areas, Corps permitting would not be required. Along the Primary Access Road, a large alkaline area encompassing approximately 5.5 acres is present near Del Puerto Canyon Road. Springs and wetlands present in Phases 2-5 ("Overall Site") will be mapped in detail when development plans progress beyond the program level.

2. The Corps' permit requirements are noted.

1416 NINTH STREET
P.O. BOX 944209
SACRAMENTO, CA 94244-2090
(916) 653-1738

October 19, 1992

Mr. Robert Kachel
Department of Planning and Community Development
Stanislaus County
1100 H Street
Modesto, California 95354

Dear Mr. Kachel:

Subject: Draft Environmental Impact Report - Diablo Grande Specific Plan, General Plan and Rezone

The Department of Fish and Game provides the following comments on the Draft Environmental Impact Report (DEIR) for the Diablo Grande Specific Plan, General Plan and Rezone, and these comments are provided to Stanislaus County in addition to the earlier Department comments provided by Mr. George D. Nokes, Regional Manager, Region IV. The focus of these comments will be the potential adverse impacts identified in the DEIR from the proposed project to the wildlife resources inhabiting the blue oak (Quercus douglasii) and valley oak (Q. lobata) woodlands and savannahs in the project area. 1

The DEIR did not fully disclose the total acreage and wildlife habitat values of the oak vegetation communities in the 29,500 project area. The DEIR did not present baseline (pre-project) and post-project acreages of the vegetation communities, including the identified oak types. This information is needed to fully disclose the amount of wildlife habitat lost with the proposed project, and allow the adequate assessment of the impact's significance. There are numerous studies documenting the wildlife values of blue oak-dominated habitats in California, and the DEIR presented a very minimal list of typical wildlife species likely to inhabit oak habitats in the proposed site. A detailed list of wildlife species expected to utilize the oak-dominated habitats is a necessary first step in describing wildlife values. 3 4

The DEIR failed to fully disclose and discuss the significance of the loss of blue oak woodland identified on pg. IV-121. Stating that the project will result in the loss of up to 50% of the existing habitat does not identify which habitat types and vegetation communities will be affected by the project, nor were the impacts to wildlife fully identified. The statement on pg. IV-121.39-40, "The development would result in the loss of significant blue oak woodland," is entirely inadequate to fully disclose the significance of the impact. Much more information and analysis regarding potential impacts is needed before the DEIR fully discloses the level of adverse impact to oak resources. 5

The DEIR did not adequately discuss the rationale for the 5:1 tree replacement ratio. Does Stanislaus County have a tree planting ordinance on which this ratio is based, or is it based on known ratios from other existing ordinances. Some of the tree replacement ratios I am familiar with range from 3-50:1 depending on many factors. Many ordinances strive to replace the total diameter(s) of the tree(s) lost, therefore the number of trees required by a ratio is irrelevant. The 5:1 ratio specified on pg. IV-126.9 failed to state whether these will be bare root seedlings or 1 gallon or 5 gallon trees. Will 6

the planted trees be the same species as the lost trees? In addition, the DEIR failed to discuss what is the desired survival of the replacement trees? 6

The purpose of the tree plantings was not disclosed. Are the plantings designed to replace the aesthetic values of individual trees, or the overall wildlife habitat values? These goals require divergent planting schemes, and I recommend that the plantings be primarily designed to offset adverse impacts to wildlife habitat values. A description of the replacement planting scheme is needed to evaluate its adequacy. Information on the size and location of potential planting areas, plant species, irrigation systems, and monitoring efforts will assist in this evaluation. 7

The potential cumulative and growth-induced impacts of the proposed project appear to be significant and were not adequately disclosed in the DEIR. The Diablo Grande project will fragment a largely intact oak-dominated ecosystem through construction of homes, golf courses, and businesses. To date, the ecosystems and landscapes of east slope of the Diablo Range have remained largely pristine and intact because of the large ranches that occur there. This development could result in habitat fragmentation and a significant reduction in the wildlife values of this area. The DEIR should discuss these impacts more fully in order to disclose the potential for long-term cumulative losses and fragmentation of oak habitats in this area. Further, mitigation efforts appear inadequate to offset cumulative impacts. Planting trees at a 5:1 ratio will not mitigate for habitat loss and fragmentation unless it is part of habitat restoration efforts. 8

Thank you for the opportunity to provide these comments on the Diablo Grande DEIR. Please feel free to contact me at 916-653-1738 if you have any questions.

Sincerely,

Barrett A. Garrison
Associate Wildlife Biologist
Hardwood Program Coordinator

BAG:bag

cc: Dr. Jeff Single
California Department of Fish and Game
Fresno, California

Mr. Rod Goss
California Department of Fish and Game
Fresno, California

Mr. Holman King
California Department of Fish and Game
Denair, California

Mr. Ken Mayer
California Department of Fish and Game
Sacramento, California

Ms. Cathy Bleier
California Department of Forestry and Fire Protection
Sacramento, California

RESPONSES TO CALIFORNIA DEPARTMENT OF FISH AND GAME OCTOBER 19, 1992 COMMENT LETTER

1. Comment noted. Specific comments on the Blue Oak are addressed below.

2. The acreages of habitat types present in Phases 2-5 ("Overall Site") were not provided because surveys of biological resources in these areas were conducted as a program level assessment of potential impacts.

   In the Phase 1 area (Oak Flat Valley) (Figure IV.E-1), habitats present include approximately 1,625 acres of non-native grassland; 565 acres of blue oak savanna and woodland; 5.6 acres of Diablan sage scrub (dominated by California sagebrush (*Artemisia californica*); and, approximately 7.1 acres of riparian areas (including 5.4 acres of drainages and 1.7 acres of stock ponds). Areas of valley needlegrass grassland, rock outcrops and alkaline areas are present primarily within the Salado Creek drainage channel and include less than two acres. The blue oak savanna present on the site is open, with widely spaced trees.

   In the Preliminary Entry Development Plan Area (Figure IV.E-2), non-native grassland encompasses approximately 135 acres; blue oak savanna, approximately 45 acres; and riparian areas, approximately 2 acres. Areas of valley needlegrass grassland and alkaline areas include less one acre, primarily along Salado Creek.

   In the Oak Flat Road Access and proposed Primary Access Road (Figure IV.E-3), non-native grassland encompasses approximately 88 acres; alkaline areas approximately 5.5 acres; blue oak savanna approximately 2 acres; and riparian areas, approximately 3.6 acres. Areas of valley needlegrass grassland and rock outcrops include less than one acre.

   Non-native grassland is the dominant understory in the blue oak woodland.

   In the Phase 1 area, areas of open blue oak savanna present within the proposed project footprint include approximately 620 individual trees (mostly blue oak). Areas of blue oak woodland mapped (which mapped as groups of trees and not individually) include approximately 28 acres. The number of trees present within the oak woodland could be similar to the 620 individual trees identified in the oak savanna. The number of trees and areas of woodland discussed above represent the maximum number of trees potentially removed. Many of these trees are present on areas proposed for development as single family lots and may not be removed.

In the Preliminary Entry Development Plan Area, the number of trees potentially removed in the oak savanna include approximately 8 blue oaks. An additional six to eight trees (blue oaks, cottonwood, and possibly valley oak) will be removed in construction of the Oak Flat Road Parkway within the Entry Development Area.

Within the Oak Flat Parkway, a maximum of 16 blue and valley oaks two Mexican elderberry could be removed as a result of construction of the road. No trees are present in the proposed primary access road between Del Puerto Canyon and the existing Oak Flat Road.

3. See response to comment 2, above.

4. See response to comment 2, above.

The following is a list of wildlife species which were observed or are likely to occur in the Oak Woodland on-site. Species observed are noted with an asterisk.

Herpetiles include western fence lizard*, southern alligator lizard, Gilbert's skink, racer snake, gopher snake*, king snake, and western rattlesnake.

Birds include red-tailed hawk*, golden eagle*, American kestrel*, mourning dove*, western screech owl*, great horned owl*, Lewis' woodpecker, Acorn woodpecker*, Nuttall's woodpecker*, ash-throated flycatcher*, western king bird*, scrub jay*, yellow-billed magpie*, American crow*, plain titmouse*, white-breasted nuthatch*, western bluebird*, northern mockingbird*, phainopepla*, loggerhead shrike*, European starling*, lark sparrow, savannah sparrow*, western meadowlark*, Brewer's blackbird*, northern oriole*, house finch*, and lesser goldfinch.

Mammals include black-tailed jackrabbit*, California ground squirrel*, Botta's pocket gopher*, pocket mouse (species), Heermann's kangaroo rat, deer mouse, California vole, coyote*, American badger*, striped skunk*, bobcat*, mountain lion, feral pig*, black-tailed deer*, and elk (introduced).

5. As noted in response to comment 2, above, the Phase 1 site encompasses approximately 2,200 acres. Approximately 74 percent of the site (1,625 acres) is non-native grassland and approximately 25 percent (565 acres) is blue oak savanna. The remaining one percent includes Diablan sage scrub (approximately 5.6 acres), drainages and stock ponds (approximately 7.1 acres), and valley needlegrass grassland and alkaline areas (approximately one acre).

The non-native grassland is the dominant understory in the blue oak savanna and woodland and has been subject to heavy grazing for decades.

Blue oak woodland and savanna are present in the proposed development footprint. Areas of woodland in the footprint includes approximately 28 acres. In areas of blue oak savanna, individual trees were identified and include approximately 620 trees. An undetermined number of trees are present in areas planned for single family residential units. Some trees may not be removed. The number of trees and areas of woodland discussed represent the maximum number of trees potentially removed.

The major drainages in the Phase 1 area will be included in areas proposed as open space, including parks and golf courses. Three of the nine stock ponds present within the Phase 1 area will be filled.

Valley needlegrass grassland and alkaline areas are present in and immediately adjacent Salado Creek. These areas would be identified prior to construction and fenced so they can be avoided during the construction process.

6. The rationale for establishing an oak tree replacement ratio of 5:1 is based upon evaluation of two city tree preservation ordinances. The City of Folsom, Sacramento County, California, under ordinance 592, states: "Healthy mature trees that are removed shall be replaced by tree species that are genetically appropriate at a rate of three new trees for each tree removed. Replacement trees shall be a minimum of 15 gallons in size, unless otherwise specified by the Community Development Department."

   The City of San Jose, Santa Clara County, California, under chapter 13.32 of the San Jose Municipal Code, states that "trees which are slated for removal between the diameter of 8" and 17" will be replaced at a ratio of two trees planted for every one removed ... and trees 18" or greater in diameter removed will be replaced at a ratio of 4:1."

   Blue oaks are a species of special concern because of the poor regeneration experienced by this species. Oaks used to replace those removed or damaged will come from seed stock collected from the vicinity of the project site. Replacement tree container size would be 5- to 15-gallon with supplemental irrigation, which is determined to be the most likely seedling stock to survive.

7. The purpose of tree plantings is to replace trees removed or damaged during the construction process. These trees would serve to restore habitat value to wildlife. See also response to comment 6, above.

8. Refer to responses 2, 3, 4, and 5 above. The acreage of the blue oak woodland and savanna which would be lost in the Phases 2-5 acres cannot be calculated until final specific development plans are made. The number of blue oaks removed by the project would be a significant loss of blue oak habitat and a significant impact.

Other projects proposed in the region, particularly the grasslands near the edge of the San Joaquin Valley, contain little blue oak woodland or savannah.

STATE OF CALIFORNIA

PETE WILSON, Governc

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET
SACRAMENTO, CA 95814

Oct 19, 1992

RECEIVED
OCT 20 1992
STANISLAUS COUNTY
PLANNING COMMISSION

ROBERT KACHEL
STANISLAUS COUNTY PLANNING DEPARTMENT
1100 "H" STREET
MODESTO, CA 95354

Subject: DIABLO GRANDE
SCH # 91032066

Dear ROBERT KACHEL:

The State Clearinghouse has submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is now closed and the comments from the responding agency(ies) is(are) enclosed. On the enclosed Notice of Completion form you will note that the Clearinghouse has checked the agencies that have commented. Please review the Notice of Completion to ensure that your comment package is complete. If the comment package is not in order, please notify the State Clearinghouse immediately. Remember to refer to the project's eight-digit State Clearinghouse number so that we may respond promptly.

Please note that Section 21104 of the California Public Resources Code required that:

> "a responsible agency or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency."

Commenting agencies are also required by this section to support their comments with specific documentation. These comments are forwarded for your use in preparing your final EIR. Should you need more information or clarification, we recommend that you contact the commenting agency(ies).

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact Russell Colliau at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Christine Kinne

Christine Kinne
Acting Deputy Director, Permit Assistance

Enclosures

cc: Resources Agency

Notice of Completion — Appendix F

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

See NOTE below
SCH # 91032066

Project Title: Diablo Grande

Lead Agency: Stanislaus County Planning Department — **Contact Person:** Bob Kachel

Street Address: 1100 H Street — **Phone:** (209) 525-6330

City: Modesto — **Zip:** 95354 — **County:** Stanislaus

Project Location

County: Stanislaus — City/Nearest Community: Crows Landing

Cross Streets: Oak Flat Road, west of Interstate 5 — Total Acres: 29,500±

Assessor's Parcel No. Numerous — Section: Numerous — Twp. 6S & 7S — Range: 6E & 7E — Base: MDBM

Within 2 Miles: State Hwy #: ____ Waterways: ____

Airports: ____ Railways: ____ Schools: ____

Document Type

CEQA: ☐ NOP ☐ Early Cons Proposed ☐ Neg Dec ☒ Draft EIR ☐ Supplement/Subsequent ☐ EIR (Prior SCH No.) ____ ☐ Other ____

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI

Other: ☐ Joint Document ☐ Final Document ☐ Other ____

Local Action Type

☐ General Plan Update ☒ General Plan Amendment ☐ General Plan Element ☐ Community Plan ☒ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan ☒ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.) ☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☐ Other ____

Development Type

☒ Residential: Units ____ Acres ____
☒ Office: Sq.ft. ____ Acres ____ Employees ____
☒ Commercial: Sq.ft. ____ Acres ____ Employees ____
☒ Industrial: Sq.ft. ____ Acres ____ Employees ____
☐ Educational ____
☒ Recreational ____
☒ Water Facilities: Type ____ MGD ____
☐ Transportation: Type ____
☐ Mining: Mineral ____
☐ Power: Type ____ Watts ____
☒ Waste Treatment: Type ____
☐ Hazardous Waste: Type ____
☐ Other: ____

Project Issues Discussed in Document

☒ Aesthetic/Visual ☒ Agricultural Land ☒ Air Quality ☒ Archeological/Historical ☐ Coastal Zone ☒ Drainage/Absorption ☐ Economic/Jobs ☐ Fiscal ☐ Flood Plain/Flooding ☐ Forest Land/Fire Hazard ☒ Geologic/Seismic ☐ Minerals ☐ Noise ☐ Population/Housing Balance ☒ Public Services/Facilities ☒ Recreation/Parks ☒ Schools/Universities ☐ Septic Systems ☐ Sewer Capacity ☐ Soil Erosion/Compaction/Grading ☐ Solid Waste ☐ Toxic/Hazardous ☒ Traffic/Circulation ☒ Vegetation ☒ Water Quality ☒ Water Supply/Groundwater ☒ Wetland/Riparian ☒ Wildlife ☒ Growth Inducing ☐ Landuse ☐ Cumulative Effects ☐ Other ____

RECEIVED SEP 1992 STATE CLEARINGHOUSE

Present Land Use/Zoning/General Plan Use

Site is presently a ranch, general planned Agriculture and zoned A-2-160 (General Agriculture).

Project Description

This is a specific plan project for a mixed use "new town." There would be approximately 5,000 residences, a destination resort including several golf courses, commercial, industrial and open-space uses. The project will be phased with the DEIR focusing on the first phase, along with overview of late phases.

CLEARINGHOUSE CONTACT: [redacted]
(916) 445-0613

STATE REVIEW BEGAN: 09-04-92

DEPT REV TO AGENCY: 10-13

AGENCY REV TO SCH: 10-16

SCH COMPLIANCE: 10-19

PLEASE NOTE SCH NUMBER ON ALL COMMENTS

PLEASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

AQMD/APCD: 34 (Resources: 9 / 5)

(* = sent by lead / ** = sent by SCH)

CMT SNT

X Resources

[redacted] Bd

X Conservation

X Fish & Game 4

[redacted]

X Reclamation

[redacted]

X Caltrans # 10

[redacted]

CMT SNT

[redacted]

X OLA (Schools)

[redacted]

X ARB

[redacted]

X Reg. WQCB #5sac

[redacted]

X State Lands Comm

[redacted]

RESPONSES TO GOVERNOR'S OFFICE OF PLANNING AND RESEARCH OCTOBER 19, 1992 COMMENT LETTER

1. Comment noted.

DEPARTMENT OF THE NAVY

NAVAL AIR STATION

MOFFETT FIELD, CA 94035-5000

IN REPLY REFER TO

13 NOV 92

Ser 189E/ 0015

Stanislaus County
Department of Planning and Community Development
1100 H Street
Modesto, CA 95354

Gentlemen:

This letter is in response to the Draft Environmental Impact Report on the Diablo Grande Specific Plan/General Plan/Rezone Project. On page IV-8, the first paragraph states that the bombing site 1.5 miles west of the proposed project location has been cleared of all debris. Although much of the remnants may have been removed over the years, it may be inaccurate to indicate that the site is completely clear. 1

This matter has been referred to the Formally Utilized Defense Sites (FUDS) program for any action regarding the site. A point of contact for the FUDS program is Mr. Larry Bergmooser at (916) 557-7671. If you have any further questions, please call LTJG Catheryne Nicholson at (415) 404-6540.

Sincerely,

S. E. OPENSHAW
LT, CEC, USN
Staff Civil Engineer
Environmental Director
By direction of the
Commanding Officer

RESPONSES TO DEPARTMENT OF THE NAVY NOVEMBER 13, 1992 COMMENT LETTER

1. Comment noted. The second paragraph on page IV-8 shall be changed to read as follows (changes in bold):

> Approximately 1.5 miles west of the site is a former U.S. Navy practice bombing range, leased from the Department of the Interior from 1951 to 1968. Since operations have ceased, the site has **virtually** been cleared of all remnants and debris. (Lt. Commander Kelly, pers. comm.)

After the above paragraph, the following text should be inserted:

> The area was cleared via a visual search which may have resulted in shells or debris being overlooked. (Mr. Larry Bergmooser, FUDS Program Coordinator, pers. comm.) As such, measures should be undertaken to prevent public safety hazards due to the close proximity of the bombing range to the project site. Because the former bombing range is adjacent to the site, measures should involve limiting access to the site by residents of the proposed project.

The site is not currently included in the Formerly Utilized Defense Sites (FUDS) program. However, it is currently being investigated to determine its eligibility for the program. Should the site be determined to be eligible and funding allocated, then clean-up procedures would begin. This process could take many years. (Mr. Larry Bergmooser, FUDS Program Coordinator, pers. comm.)

The following mitigation measure should be added to page IV-35:

"6. Measures shall be undertaken to limit access to the former bombing range which is adjacent to the project site by use of signs and other means of informing the public. These measures shall not interfere with wildlife movement between the project site and the former bombing range."

PARKS DEPARTMENT

1716 MORGAN ROAD MODESTO, CALIFORNIA 95351 PHONE (209) 525-4107

September 9, 1992

TO: Bob Kachel, Planning and Community Development

FROM: Stephanie J. Larsen, Park Planner SJL

SUBJECT: ENVIRONMENTAL REFERRAL

I have reviewed the Draft EIR for Diablo Grande. It is our determination that the project will have a moderate impact on the Stanislaus County Parks Department.

The factors which would affect the Parks Department are population growth, growth in the housing stock, effects on parks or recreation facilities, impacts on historic or cultural resources, or impacts on fish and wildlife. At full development, Diablo Grande is expected to add 50,000 dwelling units--or 11,920 residents--to the local housing stock. Even though Diablo Grande includes extensive plans for parks, recreation facilities, golf courses, and open space, I would still expect increased usage at the nearby Frank Raines Regional Park, plus increased boating and camping activities at Modesto and Woodward Reservoirs. 1

An increased number of visitors results in additional human erosion of the land and waterways. There will be additional cost to our Department to clean up after the visitors and attempt to maintain the parks' natural environments.

The parks and recreation facilities within Diablo Grande are to be operated and maintained by the Diablo Grande Community Services District.

sjl

DIABLO-G

RESPONSES TO STANISLAUS COUNTY PARKS DEPARTMENT SEPTEMBER 9, 1992 COMMENT LETTER

1. On page IV-203 the following mitigation measure is added:

   "4. The Diablo Grande Community Services District should operate and maintain the parks with recreation facilities within the site."

Note that 5,000 dwelling units, not 50,000, are proposed.

unty of Santa Clara
partment of Planning and Development

unty Government Center, East Wing
0 West Hedding Street
San Jose, California 95110
(408) 299-4132

September 10, 1992

Stanislaus County
Dept.of Planning & Com. Devel.
c/o Robert Kachel
1100 'H' Street
Modesto, CA 95354

Subject: Diablo Grande DEIR

Dear Sirs:

We have reviewed the subject DEIR and have the following comments.

• Traffic Access to the West - According to the DEIR, access to the existing ranch is available via an existing private road to Del Puerto Canyon Road. This road ultimately connects with the San Antonio Valley in eastern Santa Clara County. However, your traffic analysis assumes no traffic traveling on Del Puerto Canyon Road in either direction. Please explain on what basis, out of 53,000 daily trips, no one from this 5,000 unit new town would choose to make a leisure or other purpose trip for some 10 miles through the nearby mountains to Santa Clara County. 1

Assuming there would be some traffic, evaluate the impact of project traffic along Del Puerto Canyon Road on Santa Clara County and the substandard roads in the Diablo Range east of San Jose. Indicate how the development will pay for the greater maintenance of these roads due to the impact from increased traffic associated with this development. Discuss the safety impact associated with increased accidents from more traffic on these substandard roads.

• Santa Clara County Ranchlands - Development of this project could create pressure for similar development in the remote ranchlands of Santa Clara County adjoining the Stanislaus County border. Discuss the growth inducing impact of such development on the retention of Santa Clara County's General Plan policies supporting the preservation of the rural ranchland landuse. Discuss the consistency of the almost 30,000 acre development in the rural mountain areas adjacent to Santa Clara County with Santa Clara County's 'Ranchlands' policies [policies attached]. 2

• Cumulative Water impact - Discuss the impact on the limited State water supplies of encouraging development in this arid region where residential development will make a much greater per unit demand on the state's water supply. 3

Sincerely,

Robert L. Sturdivant

Robert L. Sturdivant
Chief Planning Officer

cc; Rex Lindsay, Mt. Hamilton Range Assn.
Vicky Moore, Greenbelt Alliance
Mike Evanhoe, Congestion Management Agency
Jim Lightbody, Transportation Agency
Bob Van Etten, County Transportation Agency
Leode G. Franklin, Director, DPD
Hugh Graham, Senior Planner, DPD
Don Weden, Senior Planner, DPD

E. RANCHLANDS

Description

LU 28 Lands which are predominantly used as ranches in areas which are far from the urban portions of the county. These lands are watersheds and provide such important resources as grazing lands, minerals, forests, animal habitat, rare or locally unique plant and animal communities, historic and archeologic sites, areas of scenic beauty, and recreational areas.

LU 29 The existing very low intensity uses, rural lifestyle, and limited public access shall be maintained. Development policies shall protect the continued use of the land for ranching.

LU 30 Population shall be held to a minimum, and land uses shall be of a nature and intensity which do not require higher levels of service than those presently provided.

LU 31 Ranchland policies will be reviewed in one year. Monthly subdivision and certificate of compliance data will be collected. If at the end of one year activity in the Ranchlands approaches the limits for subdivisions, it will be necessary to revise the Ranchlands policies.

Allowable Uses

LU 32 The primary use shall be ranching. Other uses may include agriculture, low intensity recreation, mineral extraction, land in its natural state, hunting, and wildlife refuges. Very low intensity residential, commercial, industrial, and institutional uses may also be allowed if they primarily support ranching activities or are necessary for the enhancement, protection, or study of the natural resources of the area.

Development Policies

LU 33 Development shall be guided by the following concepts:

1. No large ranches shall be allowed to fully subdivide into small lots.

2. The function of allowed lot splits should be: a. to help ranchers trade land, b. to raise capital in time of need, c. to settle estates, d. to provide for family divisions, but to limit the growth to very little added population.

3. The right of ranchers to build residences and to divide Williamson Act property under the terms of the existing contracts is affirmed.

4. There shall be a limit to the number of lots created within the Ranchland area.

5. The rural character of the area shall not be changed and land use decisions shall prevent an influx of people into the area.

Density and Limitations of Lot Splits

LU 34 Minimum lot sizes shall be either those of the 20 to 160 acre slope density formula, or 160 acres, and shall be subject to the following limitations and criteria:

1. At the time of application, the entire area of land held in contiguous ownership by the applicant shall be included in the application even though the proposed land division might affect only a small area of the holding.

2. Major subdivisions (more than 4 lots) shall be discouraged.

3. No division of land into parcels less than 160 acres shall be granted on a land holding where the division would result in the creation of more than four lots within the land holding during a three year period.

Splits:

4. The Ranchlands shall be separated into two geographic areas: Area A to the north of Coe State Park and Area B to include the remainder of the Ranchlands.

5. Within Area A, the number of lots of less than 160 acres in size shall be limited to no more than 40 in a calendar year and no more than 75 within any consecutive three years. In addition, there shall be a limitation on the creation of lots over 160 acres in size, with no more than 20 such lots per calendar year.

6. Within Area B, the number of lots of less than 160 acres in size shall be limited to no more than 20 in a calendar year and no more than 38 within any consecutive three years. In addition, there shall be a limitation on the creation of lots of 160 acres or more in size, with no more than 10 such lots per calendar year.

7. Lots which are created without building site approval must be restricted from building site use, and shall count as lots created for the purpose of the annual subdivision limit for Ranchlands.

8. Ranch roads serving the internal needs of the ranches may be of gravel or hard dirt surface, and of widths suitable for ranch use. Such roads shall not be considered as acceptable for the purpose of subdivision unless they meet applicable County standards for the Ranchland area. Routine maintenance of ranch roads shall not require grading permits so long as the alignment of the roads is not changed.

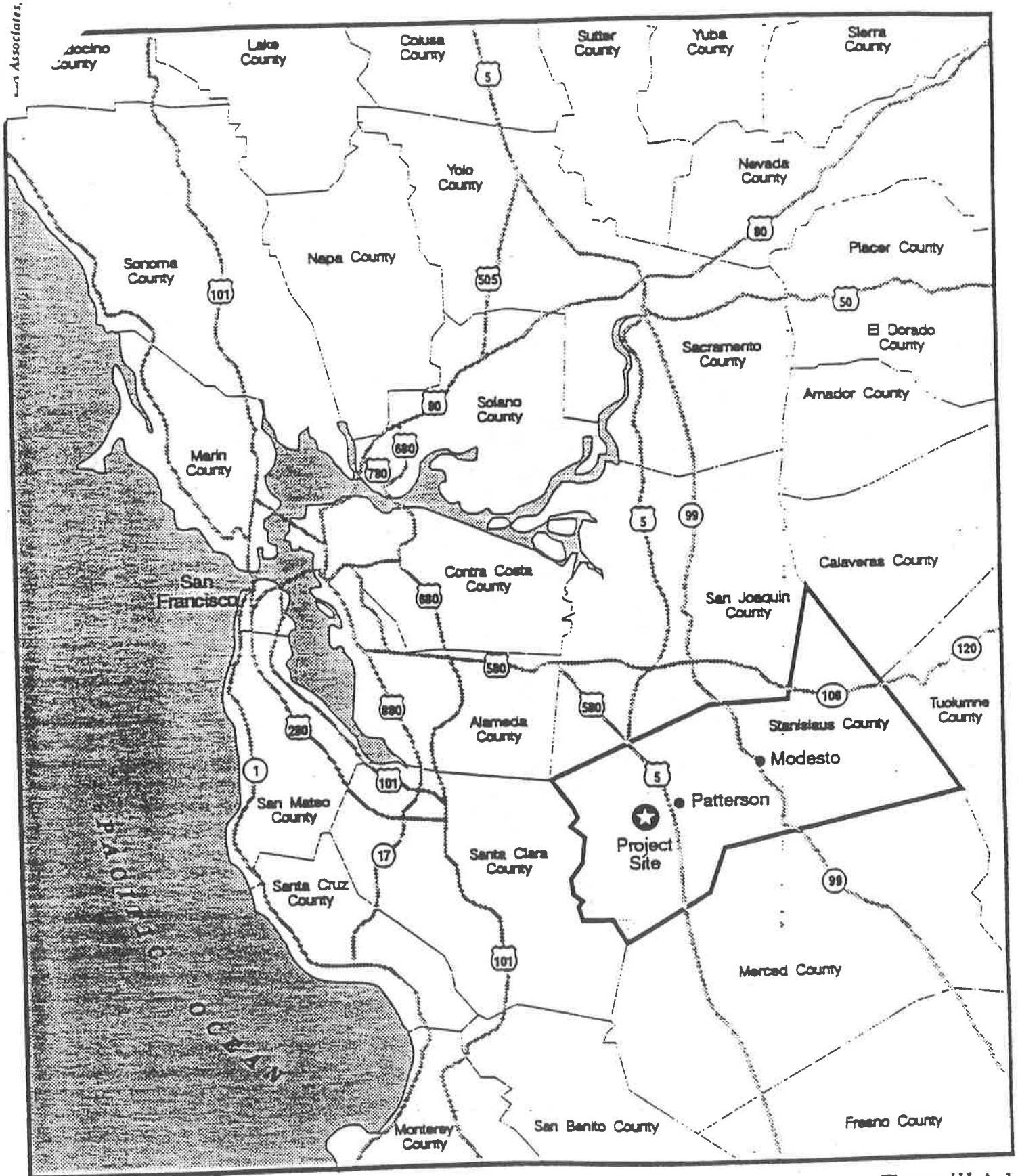
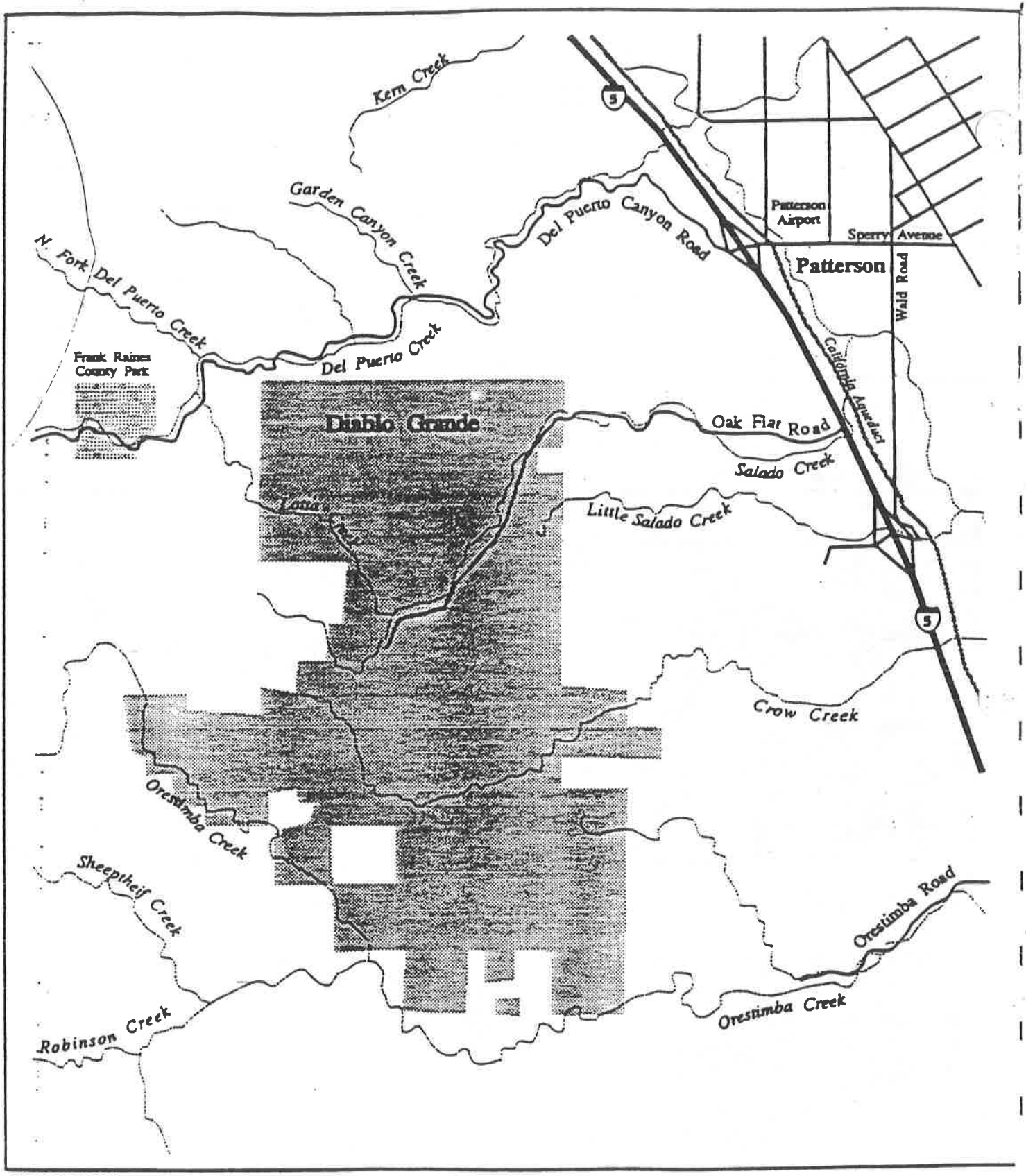


Figure III.A-1

03-04-92(STC102)

Scale in miles

Regional Location



03-04-92(STC102)

Figure III.A-1

LSA

Scale in miles

0 3

Project Site

RESPONSES TO SANTA CLARA COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT SEPTEMBER 10, 1992 COMMENT LETTER

1. The travel times between Santa Clara County and the site via Del Puerto Canyon Road were considered too long to justify the allocation of traffic. Therefore, no traffic was assigned to this facility westerly of the intersection of the new Oak Flat Road alignment and Del Puerto Canyon Road. As the project sponsor is recommending access to the Sperry Road/I-5 interchange via Del Puerto Canyon Road, the project would be responsible for the widening of Del Puerto Canyon Road between Oak Flat Road and I-5 to Stanislaus County standards.

2. The comment suggests that development of the project would result in growth pressure which may affect Santa Clara County ranchlands and be inconsistent with South Santa Clara County Joint Area Plan policies designed to protect the rural character of the ranchlands areas.

   West of the project site, the Santa Clara-Stanislaus County line follows the crestline of the Diablo Range. Because of the rugged country between the counties, it would not be feasible to extend infrastructure from the project into Santa Clara County ranchlands. Therefore, the project would not induce growth pressure caused by extending infrastructure and develop into Santa Clara County.

   The project would include a connection with Del Puerto Canyon Road, which extends to San Antonio Valley Road in Santa Clara County. San Antonio Valley Road provides access to Livermore to the north and San Jose to the south. The roadways are paved but rugged, and require generally over two hours from the project site to San Jose or Livermore. Due to its condition, location, and topography, the roadway is not likely to be used on a regular basis by most project residents. However, it is known that some motorists currently, regularly use this roadway between Patterson and San Jose or Livermore. It is not unlikely that some project residents may also use the roadway for similar, regular uses. This additional usage potentially has bearing on South Santa Clara County Joint Area Plan policy SC 17.10a, which states that the South County jurisdictions should develop a process to anticipate and manage the cumulative impacts of land use, including critical environmental and other community impacts such as traffic.

3. The project would add incrementally to statewide water consumption. It is noted that the project's per-user water consumption in an arid area would be greater than for a similar development in wetter regions. This could be considered a wasteful use of natural resources. The project's impact on statewide water resources would be small; however, as noted in the EIR, because adequate water supplies for the project at full buildout have not been secured, provision of those supplies could result in potentially significant impacts. Additional

environmental review of further water acquisition projects will be required as part of the water acquisition process or as part of further detailed project-level review for future phases of development.

Also, see response to comment 12 of the San Joaquin County Community Development Department October 1, 1992 comment letter, response to comment 25 of the Stanislaus County Department of Environmental Resources October 19, 1992 comment letter, and response to comment 19 of the Thomas Reid Associates October 16, 1992 comment letter.

Also, see response to comment 19 of the Thomas Reid Associates October 16, 1992 comment letter.

STANISLAUS
MEDICAL CENTER

830 Scenic Drive
P.O. Box 3271
Modesto, Ca 95353
(209) 525-7000

September 11, 1992

MEMO TO: Bob Kachel
Planning Department

FROM: Beverly M. Finley
Chief Executive Officer

SUBJECT: ENVIRONMENTAL REFERRAL

I have reviewed Environmental Referral "DRAFT ENVIRONMENTAL IMPACT REPORT - DIABLO GRANDE SPECIFIC PLAN/GENERAL PLAN/REZONE" and determined that this proposal will not have a significant effect on Stanislaus Medical Center. 1

RESPONSES TO STANISLAUS MEDICAL CENTER SEPTEMBER 11, 1992 COMMENT LETTER

1. Comment noted.

WEST STANISLAUS COUNTY FIRE PROTECTION DISTRICT

P.O. Box 565, Patterson, CA 95363
(209) 892-5621

Richard G. Gaiser
Fire Chief

September 20, 1992

Stanislaus County
Department of Planning and Community Development
1100 "H" Street
Modesto, California 95354

Re: West Stanislaus County Fire Protection District's response to Draft Environmental Impact Report-Diablo Grande Specific Plan/General Plan/Rezone

After review of the above mentioned document, the West Stanislaus County Fire Protection District still has some concerns about specifics in fire protection for the proposed project. Therefore, it is worth mentioning that the project will have to comply with all local, county, and state requirements on building and fire safety standards. Additionally, the development will have to agree to pay the Fire Districts standard fire service impact fee as well as to agree to pay its standard annual benefit assessments. 1

Should there be any further questions on this matter, please refer them to this office.

Respectfully,

Richard G. Gaiser
Fire Chief

RESPONSES TO WEST STANISLAUS COUNTY FIRE PROTECTION DISTRICT SEPTEMBER 20, 1992 COMMENT LETTER

1. On page IV-188, the following mitigation measure is added as the first measure (therefore, all other numbers increase by one):

> "1. The project should comply with all local, county, and state requirements on building and fire safety standards."

On page IV-188, the following is added after the last sentence of mitigation measure 3 (renumbered 4):

> "The developer should pay the Fire District's standard fire service impact fee. If the District adopts a standard annual benefit assessment fee, Diablo Grande should pay a fair share of that fee, to be negotiated with the District."

RICHARD

SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

1810 E. HAZELTON AVE., STOCKTON, CA 95205-6232
DEVELOPMENT SERVICES PHONE: (209) 468-3120
PLANNING PHONE: (209) 468-3120
BUILDING PHONE: (209) 468-3123
NEIGHBORHOOD PRESERVATION PHONE: (209) 468-3021

October 1, 1992

Bob Kachel, Senior Planner
County of Stanislaus
Planning and Community Development Department
1100 H Street
Modesto, CA 95354

RE: Comments on Diablo Grande DEIR

Dear Mr. Kachel:

The following are the County's comments on the Diablo Grande Specific Plan Draft EIR.

Overall, we do not believe that the DEIR has adequately analyzed and addressed the impacts upon wildlife, specifically San Joaquin kit fox, due to urbanization of approximately 29,500 acres. 1

We note that the issues of a verifiable water supply and of cumulative transportation impacts on the I-5 corridor, have not been adequately addressed and resolved. 2

Also, a major problem with the structure of the DEIR document itself is that detailed descriptions of the individual chapters of the applicant-submitted Specific Plan have not been provided. 3

Lack of Description of the Specific Plan and Confusing Project Description

As noted above, the DEIR appears to be deficient in terms of accurately describing the policies, development standards, and mitigation measures that have been proposed by the developer in the Specific Plan he has already submitted to the County. The lay reader has no information, based upon a summary of the appropriate chapters, of what is being proposed in the Specific Plan and how it is related to the analysis in the DEIR. It is not enough to state, as the DEIR does, that the draft Specific Plan is available for public review in the County Planning Department. 4

The lack of any summary of policies and standards in the Specific Plan cause confusion throughout the DEIR.

For example, it is difficult to determine how and whether any of the specific mitigation measures recommended in the DEIR could be implemented in terms of the Specific Plan. There is no clear connection made by the DEIR authors between the policies and development standards included in the draft Specific Plan and the analysis and mitigation measures in the DEIR. 4 (cont'd)

A related problem is that the DEIR is somewhat confusing in its description of the "project" under CEQA. Is the "project" the draft Diable Grande Specific Plan (page I-1), as the title of the document indicates? Or is the "project" the application for a General Plan Amendment and Phase 1 Preliminary Development Plan (page III-5)? Or is the "project" the draft Specific Plan, in addition to the accompanying applications for a General Plan Amendment, rezoning, and Phase 1 Preliminary Development Plan? 5

While the DEIR indicates that it "provides progam-level environmental analysis of the Specific Plan as well as project-level analysis of the proposed Phase 1 of the development" (page I-2), in some chapters of the DEIR it appears that mitigation measures are included which attempt to mitgate impacts related only to the Phase 1 Development Plan, not the whole project. How can the DEIR justify mitgating only the first phase of the project, which seems to be in conflict with the mandatee of CEQA to consider all of the cumulative impacts of an entire development project? 6

Related "project" questions which should be answered in the Final EIR are the following: Is there only one Specific Plan, covering the entire buildout of the project, or are there a series of phased Specific Plans? Will additional or supplemental EIR's be prepared for the other post-Phase 1 development plans? 7

<u>San Joaquin kit fox Habitat Conservation Plan</u>

As background for our comments on impacts to the San Joaquin kit fox, we have included information below regarding our County's ongoing kit fox Habitat Conservation Plan program.

The County has embarked upon a program to prepare a Habitat Conservation Plan (HCP) for the kit fox in the western San Joaquin County area, following Federal guidelines, including the U.S. Endangered Species Act. The San Joaquin kit fox is a species that has been identified as residing in western San Joaquin County, primarily in the low hills west of I-580. There is also evidence that the fox forages for food on lands to the east of the I-580 freeway.

The primary goal of the HCP is to provide the County, affected

trustee agencies (primarily the California Department of Fish and Game and the U.S. Fish and Wildlife Service), and developers with a management document which will outline the framework for conservation and enhancement of kit fox habitat in the western San Joaquin County area.

The Study Area to be covered by the kit fox plan is approximately 128 square miles, and is bounded by the Delta Mendota Canal, and the Alameda and Stanislaus County lines (see attached map).

In preparing the Habitat Conservation Plan, it is the intent of the County to eliminate the need for a case-by-case review of any future development proposals within the Study Area (such as subdivision applications or quarry excavation permits). In the absence of an adopted plan, individual land owners who seek any land use permits would be required by the Federal government to fund the cost of their own biological surveys and to mitigate any identified impacts upon kit fox habitat. By adopting a County proposed Habitat Conservation Plan, individual property owneres will not have to bear the cost of surveys, but would mitigate any impacts to habitat by contributing to a fee program or other mitigation program set up by the plan.

The Habitat Conservation Plan is being prepared by County staff and consultants, working in cooperation with local property owners, other public agencies, and members of the public.

Wildlife biologists hired by the County are now completing the process of identifying habitat areas used by the kit fox. During the last eighteen months, the biologists have surveyed sample properties included throughout the large study area for evidence of kit fox, their dens, and for likley foraging habitat.

After most of the biological surveys have been completed, the County will establish a Citizens Advisory Committee which will have input into the development of policies for the actual Habitat Conservation Plan. This citizens committee will be composed of those individuals or organizations expressing an interest in the plan, including local property owners, developers, quarry companies, Federal, State and City of Tracy officials, representatives of local environmental groups, etc.

Impacts to Kit Fox Habitat

In general, the survey work which is included in the Diablo Grande DEIR adequately discusses the potentially significant impacts to the San Joaquin kit fox. However, the discussion fails to mention the provisions of the Endangered Species Act (ESA), and the

8a

mitigation measures that are recommended to address the issue fall far short of the other mitigation programs that have been approved by the federal government for urban development in other kit fox habitat areas in California. Additional discussion of the ESA should be included, and the kit fox mitigation measures should be significantly augmented in the Final EIR, as outlined below.

The DEIR, as currently written, fails to discuss the ramifications of both the U.S. and California Endangered Species Acts on the wildlife loss associated with the proposed project. The DEIR text fails entirely to discuss how a potential "take" of a species and/or its habitat under the U.S. Endangered Species Act must be mitigated by either: receiving a Section 10(a) permit through the preparation of a Habitat Conservation Plan, or seeking a Section 7 consultation with the U.S. Fish and Wildlife Service.

The DEIR, as written now, contains only one generic ESA-based mitigation measure that states "the project should be required to comply with USFWS requirements for loss of kit fox habitat" (page IV-132 at line 43). This is clearly inadequate in detailing the steps that the developer will be required to take to provide mitigation of impacts to a less than significant level.

As part of the kit fox analysis, the DEIR should be significantly revised to discuss the probability that the developers would be required by the federal government, as part of the HCP or Section 7 process, to set aside on-site lands or purchase off-site conservation easements at a ratio of three acres for every acre "taken."

The DEIR authors correctly note that "because of the presence of kit fox south of Oak Flat Road and the presence of similar suitable habitat on the project site, and because the proposed primary access road and eastern portion of the Oak Flat Road Alignment is within the mapped range of the San Joaquin kit fox, it is likely that kit fox occur in these areas" (page IV-115 at line 6).

The DEIR authors also note that 19 "potential" kit fox dens were found in Oak Flat Valley, and another 30 potential dens were found along the proposed primary access road.

Based upon this documented evidence, there should be little doubt in anyone's mind that the U.S. Fish and Wildlife Service will likely make a determination that a "taking" of kit fox habitat may occur if the project is constructed as proposed, and thus, a mitigation program based upon a 3 to 1 mitigation ratio should be adopted, based upon the standard U.S. Fish & Wildlife Service mitigation procedures implemented in other areas of the State.

We strongly suggest that the consultants be directed to significantly revise the kit fox discussion of impacts and mitigation measures in the Final EIR to take into account the provisions of the Federal ESA, as applied to kit fox habitat in the State (e.g., Kern and Contra Costa Counties). 10

We also advise that the County to begin developing a Habitat Conservation Plan or similar mitigation program prior to any approval of any General Plan Amendment, project Specific Plan, or rezoning. There is a strong and obvious need for both Stanislaus and San Joaquin Counties to coordinate any kit fox conseravtion plan efforts, since the species is found along the narrow corridor west of the I-5 freeway, and genetic migration routes must be preserved if the species is to survive. 11

The project sponsor risks spending large amounts of money drawing up detailed development plans, before the proponent even knows which areas of the site will be required to be conserved, or if a 3 to 1 mitigation program of off-site lands will financially affect the remainder of the project.

The DEIR analysis of the kit fox issue is also seriously deficient in terms of adequately identifying impacts and mitigation measures that relate to the migration patterns of the local and regional kit fox populations. For example, the discussion should analyze whether the very large project site has the potential to cut off, or adversely impact, the kit fox migration corridor that runs along the hills west of the I-5 freeway (see Figure 1 in Appendix D). The DEIR fails to map the documented sightings of kit fox in the larger area, so that an assessment can be made of the probable migration routes between San Joaquin and Merced Counties. 12a

The cconsultants should provide more background information and analysis regarding the need to preserve a wide enough corridor through both the Diablo Grande and Lakeborough project sites, so that foxes are not precluded from migration.

The mitigation measures regarding oversizing culverts to provide travel corridors underneathe access roadways, and providing a minimum two hundred twenty yard wide corridors connecting the planned Conservation Areas (page IV-126 at line 43) should be better justified as to the practical impacts they might have upon travel behavior of the fox. Will these measures truly have a beneficial effect, based upon previous experiences in the State? Is a 220 yard corridor wide enough? The DEIR should also provide a detailed map showing the mapped Conservation Areas, with connecting corridors, and how the corridors would match up with any corridors provided in the Lakeborough project. 12b

Water Supply

We note that the DEIR documents the fact that the Diablo Grande developers have yet to identify a verifiable water supply for the total buildout of the project. The project sponsors have devised an interim system to pump agricultural groundwater to the site for the first phase golf course and related housing and winery development, yet there is only a vague discussion of how the latter phases of the project could be served with a water supply, including the remote possibilities of purchasing excesss water supplies from Yuba County, or participating in a highly complex and speculative Madera County underground aquifer storage program, co-managed with the Metropolitan Water District. 1

The only mitigation measure offered to address this lack of a verifiable water supply is quite weak: "...development requiring over 1,200 acre-feet per year of water shall not be permitted unless the applicant can show to the County that adequate water supplies have been made available..." (page IV-178 at line 27).

How is this measure expected to be implemented? Does the measure suggest that the County should not approve any Specific Plan(s) for phased development beyond the first phase? It is difficult to determine how this measure could be implemented since a description of the applicant-submitted Specific Plan has not been provided. Does the draft Specific Plan text discuss how development could not be approved for subsequent phases, before a verified water supply had been identified?

Transportation

While the DEIR does a credible job in terms of analyzing the cumulative transportation impacts of the project with and without assuming development of the Lakeborough "new town," the "on-site" mitigation measures (pages IV-283 and IV-284) fail to address incremental impacts to the I-5 corridor.

Although the project is expected to add only about 8,250 daily trips to the I-5 freeway near Westley (Figure IV.H-2), the project sponsors have a duty to contribute their fair share of the cost of the identified Caltrans transportation improvements which will be needed to mitigate cumulative development in the region. Mitigation measures should be added which acknowledge this obligation to work with Caltrans, perhaps on a mainline Project Study Report, triggered by this and other large projects. 15

The DEIR should also discuss the recent efforts and results of the

I-5 Strategic Plan Study, the joint effort between San Joaquin, Stanislaus, and Merced Counties. Are the cumulative traffic volumes for I-5 documented in this DEIR similar to the 2020 volumes, interpolated to 2010, which are forecast by that study? More importantly, are the DEIR's 2010 forecasts similar to the traffic volumes that our County has projected? 16 (Cont'd)

Also, will the developers be required to pay any regional traffic impact fees set by the County which would be applied to Caltrans projects? The DEIR should discuss this, as well. 17

Cumulative Impacts

The cumulative impacts section of the DEIR acknowledges several large scale projects in Merced County (Table V.G-A, page V-9), but completely ignores similar large scale projects located in the Tracy and Lathrop areas of San Joaquin County. These San Joaquin County projects are located closer to the Diablo Grande site than some of the those listed in the table!

Table V.G-Ashould be revised to include the recently approved New Jerusalem and Riverbrook "new towns," the Gold Rush City project in Lathrop, as well as the pending Mountain House "new town" and draft Tracy Urban Managment Plan. You may contact our office to receive the relevant data regarding these San Joaquin County projects. 18

We hope these comments on the Draft Environmental Impact Report are helpful in your review. If you have any further questions regarding the comments, you may contact me at (209) 468-3153.

Sincerely,

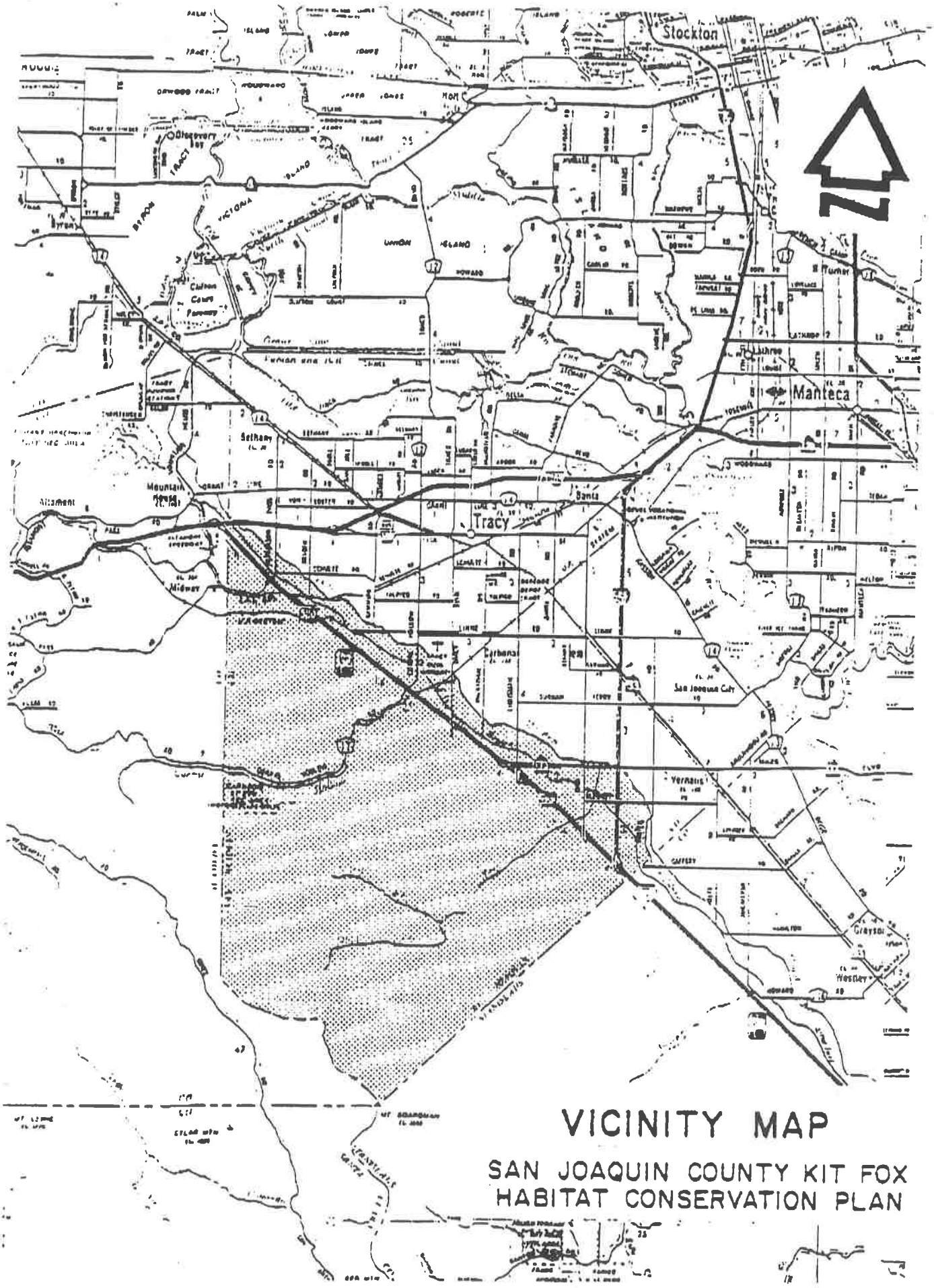
Eric Parfrey
SENIOR PLANNER

Letter to Bob Kachel
October 1, 1992

cc: Laurie Simons, US Fish & Wildlife Service
Dan Gifford, Dave Zezulak, Calif. Dept. of Fish & Game
Dana Cowell, Caltrans, District 10
Andy Chesley, San Joaquin County COG
Greg Steele, Stanislaus County COG
Bill Nichols, Modesto Planning & Comm. Devmt. Dept.
Malcolm Sproul, LSA

file: Diablo Grande OA-EIR

eric\diablo.ltr



VICINITY MAP

SAN JOAQUIN COUNTY KIT FOX HABITAT CONSERVATION PLAN

RESPONSES TO SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT OCTOBER 1, 1992 COMMENT LETTER

1. Refer to response to comments 6a and 11 of the U.S. Fish and Wildlife Service October 16, 1992 comment letter.

2. See response to comment 14, below.

3. The specific plan is summarized in the EIR project description. The policies and development standards included in the Draft Specific Plan are considered part of the project. The Draft Specific Plan is available for review at the County Department of Planning and Community Development.

4. The County considers the project description in this EIR to be adequate. Plans and policies in the Specific Plan are considered in this EIR as they relate to physical environmental impacts of the proposed project.

5. See response to comment 1 of the Merced County Planning Department October 15, 1992 comment letter.

6. The mitigation sections of the EIR provide mitigation for both Phase 1 and overall plan development. In some cases, Phase 1 mitigation is provided in greater detail than overall project mitigations, because greater detail is available regarding that phase and, consequently, its impacts.

7. There is only one specific plan proposed for the overall site. However, the applicant has agreed to prepare supplemental CEQA environmental review for each future phase at the time it is proposed for development.

8. a. Refer to responses to comments 6b, 6c, 11, and 13 of the U.S. Fish and Wildlife Service October 16, 1992 comment letter.

b. Refer to response to comment 2 of the Sierra Club October 14, 1992 comment letter.

c. Refer to responses to comment 6c of the U.S. Fish and Wildlife Service October 16, 1992 comment letter. As noted in response to comment 11 of the U.S. Fish and Wildlife Service October 16, 1992 comment letter, the construction of access roads will result in the loss of occupied kit fox habitat and require providing compensation at a 3:1 ration. The need for providing compensation for the development of the Phase I area (Oak Flat Valley) has not been determined and will be a part of the Section 7 consultation. The option to set aside on-site land or purchase off-site land or conservation easements is dependent on whether the Service determines that the ranch is occupied kit fox

habitat. If the ranch is not determined to be occupied or potential kit fox habitat, acquisition of mitigation lands will need to take place off site and will be mitigating for habitat lost due to access road construction. If grassland/oak savannah habitat on the ranch is considered by the Service to be kit fox habitat, mitigation will need to be provided for almost all proposed development. This would allow the use of on-site areas for kit fox mitigation.

9. Refer to response to comments 6a and 6c of the U.S. Fish and Wildlife Service October 16, 1992 comment letter.

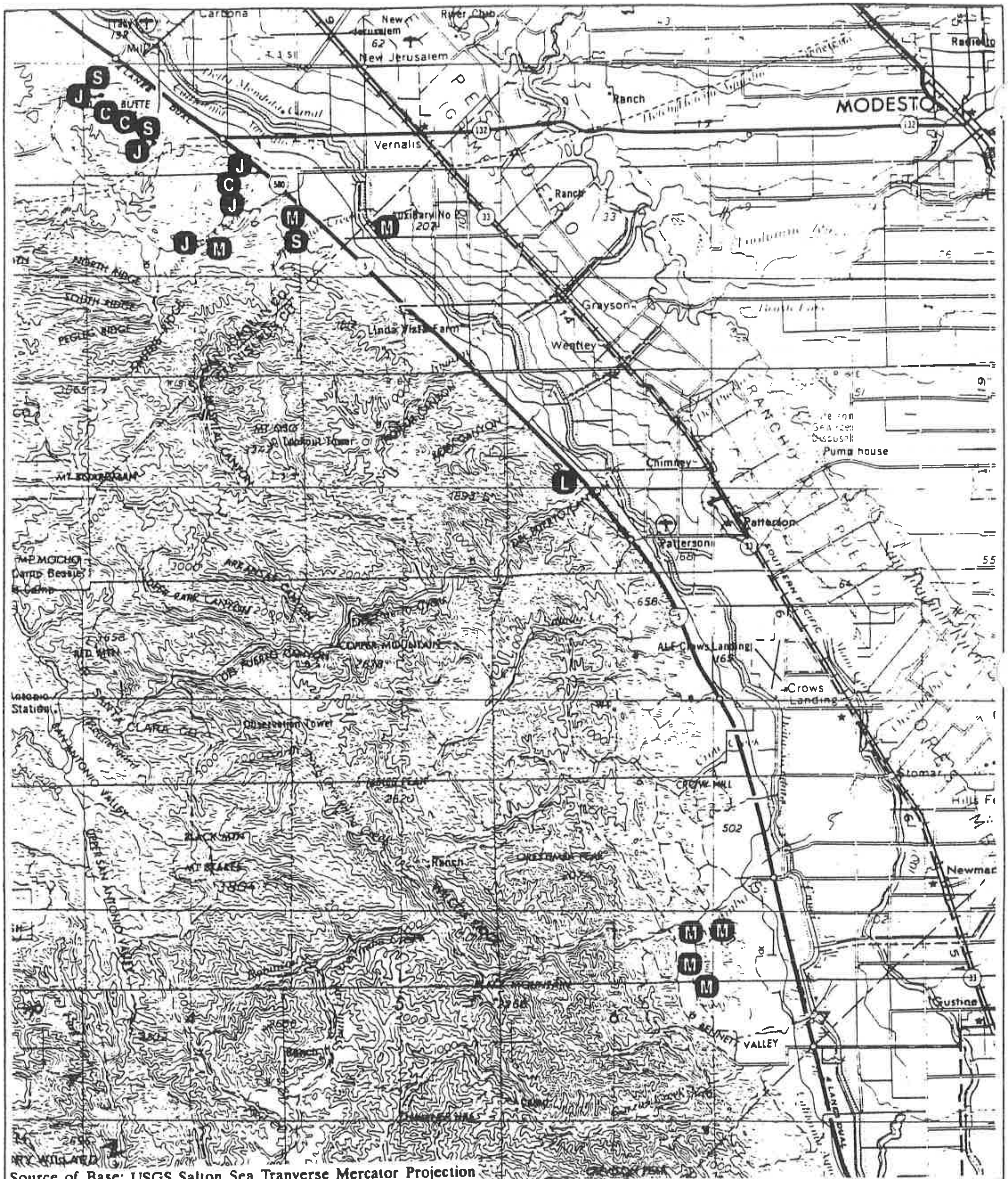
10. Refer to response to comments 6 and 13 of the U.S. Fish and Wildlife Service October 16, 1992 comment letter, and comment 2 of the Sierra Club October 14, 1992 comment letter.

11. As described in this commenting letter, San Joaquin County is in the process of preparing a Habitat Conservation Plan (HCP) for western San Joaquin County. The study was initiated by the County and covers a large area with multiple land ownerships. The undertaking of a similar study in western Stanislaus County prior to approving any land use changes would be a decision to be made by the County Board of Supervisors.

12. a. Historic records of kit fox sightings in the general project area are presented in Figure 1 on the following page and are discussed in Appendix C. To the north, Swick (1973) reported kit fox at an active den south of Hospital Creek in 1973. Studies for the Carnagie New Town in 1983 reported kit fox observations from the hills separating the Lone Tree Creek and Deep Gulch drainages. The San Joaquin County HCP includes a 1991 sighting south of Deep Gulch and track records and camera station photos from the Lone Tree Creek drainage in 1991 and 1992. LSA observed a small canid in 1992 which was potentially a kit fox on the north side of Del Puerto Canyon Road, immediately west of I-5.

To the south, Morrell reported four kit fox observations from the south side of Orestimba Creek and the Bennett Valley area made between 1972 and 1975. In 1989 Wesco observed a kit fox on the Lakeborough project site off of Fink Road, approximately one mile west of I-5.

All of these observations were made west of I-5 in the area which is predominantly grassland and lies between the freeway on the east and the steeper slopes of the Mt. Hamilton range to the west, where vegetative cover changes to a mosaic of grassland, Diablo sage scrub, chaparral, and oak savannah/woodland. This area closely corresponds to the kit fox range mapped by Morrell in 1975 for this portion of the San Joaquin Valley. This segment of the range is the narrowest



Source of Base: USGS Salton Sea Tranverse Mercator Projection

03-29-93(STC102)

Figure 1

N

- M Morrell, 1975
- W Wesco, 1990
- L LSA, 1992
- S Swick, 1973
- J San Joaquin County, 1993
- C Bio-Tech, 1983

LSA

Scale in Feet

Historical Kit Fox Observations

segment known to be occupied by kit fox. It extends from approximately Orestimba Creek on the south to the Stanislaus/San Joaquin County line on the north.

Development of the Diablo Grande project would result in the construction of three access roads which would cross this corridor. These roads, in the absence of any other development, would be two- to four-lane roadways. None of the actual Diablo Grande project site is within this corridor and proposed on-site development would not form a barrier to kit fox movement through it.

The EIR (pages IV-123 and IV-125) mentions the possibility that the access roads could form a barrier to the north-south movement of kit fox. The impact of road construction is further discussed in response to comment 6 of the U.S. Fish and Wildlife Service October 16, 1992 comment letter. Several measures are proposed to mitigate this impact (see mitigations 3, 9, 39, and 43 on pages IV-126 through IV-132 of the EIR). The mitigation measures for road undercrossings and fencing are based on proposed measures for the Vasco Road relocation project in Contra Costa County. These measures have been discussed with the Service as part of the Vasco Road consultation, but final design criteria have not been established. It is anticipated that changes to these measures could be made during Diablo Grande's consultation with the Service.

The proposed access roads would inhibit the free north-south movement of kit fox. They would not form a barrier with the incorporation of the proposed mitigation measures and genetic exchange between populations to the north and south would still be able to occur. Off-site development within this corridor, such as the former Lakeborough proposal, would produce a major barrier to kit fox movement, essentially blocking movement through the developed areas.

b. The mitigation measures referred to in this comment of requiring oversized culverts or bridges for creek crossings and the minimum width of 220 yards for corridors connecting the Conservation Areas are not intended for the kit fox. These are measures designed to mitigation potential impacts to other, primarily on-site wildlife species. Specific measures to allow kit fox movement are contained in mitigation measures 9 and 43 on pages IV-127 and IV-132 of the EIR. Figure III.D-1 of the EIR shows the locations of the conservation areas and the corridors which connect them.

13. Comment noted. See response to comment 14, below.

14. Implementation of all mitigation measures are detailed in a Mitigation Monitoring Program, as required under CEQA. The County would condition approval of any building permits or final maps beyond the

first five years of Phase 1 development (1,200 acre-feet of water demand) on the applicant showing, to the County's satisfaction, that adequate water supplies are available for future developments proposed as part of Phase 1, and for future phases.

Long-term water supplies are discussed on pages IV-167 and IV-168 of the EIR. Concerns about vaguely defined long-term water supplies are addressed on pages IV-178, mitigations 1 and 4.

There would be no development within the Diablo Grande Specific Plan area without a long-term water service commitment from a California Water District, and verification by the County of Stanislaus of a long-term water supply source. Diablo Grande currently has a "can serve" and "will serve" letter from Western Hills Water District (the "District") which entitles Diablo Grande to 1,200 acre-feet of water per year from the District. This supply is sufficient to serve the Five-Year Development Plan Area which includes the following land uses: an 18-hole Oak Flat golf course and clubhouse, a winery and up to 40 acres of vineyards on site, 200 single-family dwelling units, a hotel/ conference center, a maintenance center, and the first phase of the swim and tennis club.

The supply would be transported by the District from wells located east of Interstate 5 at the intersection of Marshall Road and Davis Road. The EIR includes specific mitigation measures associated with the use of this water source for the Five-Year Development Plan Area. There would be no use of the Marshall-Davis well sites for development outside the Five-Year Development Plan Area, and use of the Marshall-Davis site to serve the Five-Year Development Plan Area must conform to the provisions of the mitigation measures.

Development of the balance of the Diablo Grande Specific Plan Area would occur over the next 25 years in at least four separate phases. The District has issued a "will serve" letter and thus committed to provide adequate water supply to the remainder of the Phase 1 Development Plan Area. While the District has many water resource alternatives to supply water to the remainder of the Phase 1 Development Plan Area, the ultimate water source for this area has not been selected, and that source is likely to shift from season to season and year to year as the District seeks the best available terms in the water resources marketplace. Therefore, final development plan approval by the County would be conditioned upon issuance of a "can serve" letter by the District and verification to the satisfaction of the County Department of Environmental Resources that the District's "can serve" letter is supported by a long-term water supply, other than Stanislaus County groundwater, for the area included in the final development plan.

It is noted that the State Water Project (SWP) does not have adequate supplies to meet all requests for entitlements. As noted above, the project may or may not use SWP water. The EIR, page V-2, therefore considers the lack of a firm water supply beyond the first five years of buildout to be a potentially significant impact.

15. The traffic assessment conducted by Dowling Associates for input into the EIR provided a two phase analysis. Page IV-284 of the EIR indicates the mitigation measures needed within the Sperry/I-5 interchange for Phase 1. Other portions of the EIR address full build out mitigation measure requirements. No phase 1 analysis of the I-5 corridor was requested in the traffic work scope.

    Refer to response to comments 5 and 13 of the California Department of Transportation October 16, 1992 comment letter for a discussion of fees for I-5 improvements.

16. Stanislaus County has directed the EIR consultant to review the cumulative traffic evaluation relative to the I-5 strategic plan. At the time the traffic section of the EIR was prepared, the I-5 Corridor traffic modelling efforts had not been completed. Subsequently, the traffic consultant for the EIR has contacted Fehr and Peers to secure the latest I-5 corridor traffic projections for use in the FEIR. Refer to responses to comments 5 and 16 of the California Department of Transportation October 16, 1992 comment letter.

17. The cumulative traffic volumes used in this EIR were extracted from the Lakeborough EIR. Refer to responses to comments 6 and 16 of the California Department of Transportation October 16, 1992 comment letter.

18. See response to comment 34 of the Thomas Reid Associates October 16, 1992 comment letter.

Stanislaus County

Department of Public Works

1100 H STREET
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ROAD DIVISION (209) 525-4130
SANITARY LANDFILL (209) 837-4800
EQUIPMENT DIVISION (209) 525-4145
BUILDING MAINTENANCE (209) 525-4108
- FAX (209) 525-6507

TO: Bob Kachel, Senior Planner

FROM: Troy Holt, Transit Manager

DATE: October 2, 1992

SUBJECT: **Diablo Grande DEIR**

Thank you for the opportunity to review the Diablo Grande DEIR. I examined specific transit issues, including:

Page	Comment	
IV-192	All medical facilities listed are located in other communities. Not only is emergency transportation necessary, but also transportation for routine medical appointments. Who will operate this transit service, and how will it be funded? Where will the vehicles be maintained?	1
IV-194	The mitigation measures list "space" for an emergency medical vehicle. Who will fund the operation of this vehicle? Who will purchase it? How much of the burden of cost will fall on the recipients of ambulance service? Stanislaus County residents are already upset regarding expensive ambulance fees.	2
IV-198	Mitigation measure #2 states, "Additional financing, if needed, should be coordinated with the school districts to pay for new school facilities and services such as bussing" (emphasis added). A specific plan for the financing of school bus service should be listed. Schools within Stanislaus County are reducing school bus service. How will school bus service be provided, despite school district budget cuts?	3
IV-200	Line 13 states that no parks or recreation areas exist in the project site. The following lines state that Stanislaus County maintains over 10,000 acres of parks. Who will fund and operate transit services from Diablo Grande to parks and recreational areas?	4
IV-298	Mitigation measure #2, bullet #1: a transportation plan is necessary, as stated. However, the plan should not only provide incentives for transit, it should also outline the development of a transit system. See comments for mitigation measure #2, bullets #4, #5, and #6 below.	5

Mitigation measure #2, bullet #2: This paragraph should be amended to state, "Appoint an on-site Transportation Coordinator to coordinate and implement employee and resident transportation programs, and the Diablo Grande transit system." (Emphasis not necessary in DEIR) 6

Mitigation measure #2, bullet #3: The only existing "regional mass transit systems" are the Westside Stage and the Westside Dial-A-Ride. Neither system can absorb the impact of an additional community at present service levels. Who will fund enhancements to these two services, if necessary? 7

Mitigation measure #2, bullet #4: Who will fund and operate this transit system? What kind of system will it be: dial-a-ride or fixed route? How will this system meet the standards set forth by the Americans with Disabilities Act? How will this system meet both the intra-community and inter-city needs of the Diablo Grande residents? Who will maintain the vehicles of this system? Where will the maintenance and operation facilities be located? 8

Mitigation measure #2, bullet #5: Where will the community maintenance facilities for electric vehicles be located? It is unreasonable to assume that residents will haul golf cart-like vehicles to Modesto for service. The transportation plan referenced in mitigation measure #2, bullet #1 should also detail the means by which residents can obtain electric and natural gas vehicles (e.g., the typical neighborhood car dealer usually doesn't stock these products). 9

Mitigation measure #2, bullet #6: The transportation plan referenced in mitigation measure #2, bullet #1 should also show planned bicycle paths. Bicycle paths must be built, not just "promoted." 10

Thank you again for the opportunity to review the Diablo Grande DEIR. Please call me at 525-6552 if you have any questions.

cc: H. R. Callahan, Director, Public Works

RESPONSES TO STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS OCTOBER 2, 1992 COMMENT LETTER

1. Provision of an emergency transportation system has not been proposed as part of the project. Diablo Grande has noted that they would be willing to negotiate provision of such a system with a responsible agency. At that time funding and maintenance responsibilities would be determined.

2. See response to comment 1 of this letter, above.

3. Development of specific financing plans for school busing or other services is not within the scope of this EIR. Funding for school busing and other school services would be provided through developer fees, as discussed in response to comments 1 and 5 of the Newman-Crows Landing Unified School District October 13, 1992 comment letter.

4. The statement on page IV-200, line 13, that no parks or recreational facilities exist on the project site refers to the existing condition. As stated on page IV-201, lines 5 through 7,

> "Proposed parks and recreation areas and facilities at the site include seven parks, six golf courses, a swim and tennis club, a polo center, an equestrian staging area, creekside and hillside trails."

The quantity and variety of parks and recreational facilities proposed would minimize use of off-site parks and recreation areas by residents of the Diablo Grande site.

5. Comment noted. Development of a transit system should be the result of coordination between the applicant and county transit providers (Westside Stage and Westside Dial-A-Ride). The EIR is amended to include the following on page IV-281, line 9:

> "To reduce the number of vehicle trips in and around the project site the following mitigation measure applies to the overall project and Phase 1:
>
> > "The applicant and county transit providers shall assess the feasibility of extending existing transit service to the project site. Should system expansion be determined to be feasible, the applicant and county transit providers shall coordinate transit service and facilities to the site. The applicant shall be responsible for funding installation of transit facilities, such as bus waiting areas and bicycle paths."

While the developer would be responsible for funding installation of on-site transit system improvements, transit system operations should be funded by operating revenues and other funds available to the transit agencies. To ensure that operating revenues are sufficient, transit service to the project site should not begin until sufficient buildout has occurred on the project site to generate demand, and, in turn, revenues for the transit operator.

6. Comment noted. Page IV-298, line 14, of the EIR shall be changed as follows (changes in bold):

> "...implement employee and resident transportation programs, **and the Diablo Grande transit system.**"

7. Please refer to response to comment 5, above.

8. Please refer to response to comment 5, above.

9. Public electric vehicles would be serviced in the maintenance center which is proposed to be located north of the Town Center, as discussed on page III-18 of the EIR and shown in Figure III.D-6.

   Diablo Grande is currently studying the logistics of providing private electric vehicles to residents, which may include sale or lease of vehicles by Diablo Grande. Maintenance services for these vehicles would be provided at the town center, and service centers on the Phase I site.

10. Please refer to response to comment 5, above.

SHERIFF'S DEPARTMENT
County of Stanislaus

Memo.

October 2, 1992

To: BOB KACHEL, PLANNING DEPARTMENT

From: PAT GLATTKE, BUSINESS MANAGER Pat

SUBJECT: DRAFT E.I.R. - DIABLO GRANDE PROJECT

I have reviewed the Diablo Grande Specific Plan Draft environmental impact report of August 31, 1992. The draft E.I.R. adequately states the position of the Stanislaus County Sheriff in regards to the significant impact of the project on law enforcement services.

This project will add a new dimension to law enforcement needs in this portion of the County. Therefore, we request that the mitigation measures that were recommended by the Sheriff and outlined in the E.I.R. be included as official mitigation measures and be adopted. 1

The additional patrol staff and the sub-station will enable us to meet the law enforcement needs for the project.

/jc

RESPONSES TO STANISLAUS COUNTY SHERIFF'S DEPARTMENT OCTOBER 2, 1992 COMMENT LETTER

1. Comment noted. The mitigation measures will be included in the Mitigation Monitoring Program and will be adopted once the EIR is certified.

OCT - 9 '92

COUNTY OF MERCED

DEPARTMENT OF PUBLIC WORKS

INTERDEPARTMENTAL MEMORANDUM

To: Jon Johnson
Planning Department

October 7, 1992

From: Stephen Hamilton
Deputy Director - Road Division

Subject: New Town in Stanislaus County, Diablo Grande.

We have done a brief review of the project description and have reviewed the location of the proposed new town in Stanislaus County known as Diablo Grande. The residential nature of the project will result in little or no effect on roadways within Merced County. The bulk of the traffic generated from the project will be directed to the north. Therefore, we do not anticipate any adverse impacts from this project on the transportation system within Merced County.

RESPONSES TO MERCED COUNTY DEPARTMENT OF PUBLIC WORKS OCTOBER 7, 1992 COMMENT LETTER

1. Comment noted.

Stanislaus County

Department of Public Works

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  SANITARY LANDFILL (209) 837-4800
  EQUIPMENT DIVISION (209) 525-4145
  BUILDING MAINTENANCE (209) 525-41(
- FAX (209) 525-6507

October 7, 1992

RECEIVED
OCT 19 1992
STANISLAUS COUNTY
PLANNING COMMISSION

MEMO TO: Steve Erickson, Assistant Engineer

FROM: Charles Barnes, Assistant Engineer

SUBJECT: Diablo Grande DEIR

I have the following comments. Please incorporate them with your comments on traffic/circulation.

Page	Comment	
II-9	"Project drainage system shall be regularly cleaned and maintained to ensure adequate drainage flow." This will require the formation of a flood control district or county service area prior to recording a final maps.	
II-10	"Street and parking areas shall be frequently cleaned and collected materials properly disposed of." Stanislaus County does not have a street sweeping program. One will have to be established and a funding source identified. Perhaps a community services district should be formed prior to recording a final maps.	2
II-15	"Primary and collector road construction and improvement shall include undercrossings ...." What are primary and collector roads? The circulation plan (Figure III-3) uses arterial parkways, major collectors and minor collector. Are "primary and collector roads" one of these? The Department of Public Works will not maintain the undercrossings?	3
II-16	"Set maximum enforced vehicle speed limits at 35 to 45 miles per hour on the primary access roads and 25 miles per hour on the connector roads to reduce road-kills." What are primary access and connector roads? I do not believe the California Vehicle Code will allow Stanislaus County to set speed limits to "reduce road-kills".	4
II-18	Undercrosssings and speed limits to reduce road-kills are discussed. See above for comments.	

Page	Comment	
IV-17	"Policy 22: Future growth shall not exceed the capabilities/ capacity of the provider of services such as sewer, water, fire, solid waste management, road systems, schools, etc." There is no discussion on the ability of Stanislaus County to adequately maintain the new road system. Will Diablo Grande generate sufficient gas tax to allow Public Works to adequately maintain the road system?	6
IV-93	15. "To help reduce the amount of runoff containing urban pollutants, streets and parking areas should be frequently cleaned using street sweeping equipment, and the collected material properly disposed." Stanislaus County does not have a street sweeping plan. Sweeping public maintained streets and non-public maintained parking areas will probably require separate funding sources and programs.	7
IV-127	9. Wildlife underpasses and speed limits to reduce road-kill. See above comments on this issue.	8
IV-129	14. "Driveway widths should not exceed 12 feet (except turnouts)." 12 feet is too narrow for a driveway.	9
IV-129	19. "Roadways accessing any estate lot shall not exceed 1,000 linear feet per lot served (from their connection with in village roadways)." Are "roadways" driveways or public roads? Will a "roadway" serve more than one estate lot? The County Zoning Ordinance sets the maximum length of a cul-de-sac at 500 feet. This statement is not clear.	10

RESPONSES TO STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS OCTOBER 7, 1992 COMMENT LETTER

1. Comment noted. According to the applicant, the Western Hills Water District will ensure proper maintenance of the project drainage system. Refer to Table 8 of the Diablo Grande Specific Plan, attached.

2. Comment noted. The proposed street and parking areas will be cleaned by either a Diablo Grande Community Service District or by a County Service Area. This decision is currently under review by the applicant.

3. Comment noted. Primary and collector roads include all roads shown on the circulation plan. The primary and collector roads are the "arterial parkways" and the "major collectors" identified in the circulation plan (Figure III-3). See response to comment 2, above, for maintenance responsibilities.

4. See response to comment 3, above, for clarification of road definitions. Wildlife road kills are a safety concern for which the County Board of Supervisors could have authority to set speed limits. If the County cannot set speed limits, then the parkways and major collector roads shall be designed for a maximum speed limit of 35 mph for parkways and 25 mph for major collectors.

5. Comment noted. Refer to responses 3 and 4, above.

6. The comment requests a fiscal analysis of the projects impact on the cost of maintaing the project road system. Such analyses are not within the scope of this EIR.

7. See response to comment 2, above.

8. See response to comment 4, above.

9. Mitigation 14 on page IV-129 of the EIR should be changed to read as follows:

> "No more than 0.5 acre (excluding driveways) shall be developed with structures or impervious surfaces on any estate lot. Driveway widths should not exceed 16 feet (except at turnouts)."

10. These "roadways" are lengthy driveways serving one or more estate lots. They would be privately maintained. Paragraph 19, page IV-129, should be changed to read: "Driveways accessing any estate lot shall not exceed 1,000 linear feet per lot served..."

DIABLO GRANDE PUBLIC SERVICES & FACILITIES PLAN, PHASE 1
Table 8
May, 1993

SERVICE & FACILITY General Description	LOCATION (see Preliminary Development & Entry Area Plans)	RESPONSIBLE AGENCY	CAPITAL FACILITIES* COST ESTIMATE	% OF TOTAL COST	METHODS OF FUNDING	ESTIMATED PHASING (15 YEAR PERIOD)
UTILITIES						
WATER	Entry Road & Oak Flat Village	WHWD (1)	55,740,000	- 50		
Interim & Emergency			36,190,000		Utility Bonds WHWD	
Entry road			1,300,000			First 5 Years
On-site			14,990,000			First 5 Years
Irrigation			12,810,000			Over 15 Years
			7,090,000			Over 15 Years
WASTEWATER	Entry Road & Oak Flat Village	WHWD	9,460,000		Utility Bonds	One or Two Plants in 7-10 Year Increments
GAS & ELECTRIC	Entry Road & Oak Flat Village	PG&E	8,400,000		Diablo Grande	Over 15 Years, Transmission line First 3 Years-Entry Road
TELEPHONE	Entry Road & Oak Flat Village	Evans Telephone Co.	540,000		Diablo Grande	Over 15 Years, Transmission line First 3 Years-Entry Road
TV CABLE	Entry Road & Oak Flat Village	DGCSD (2) or Televents	1,150,000		DGCSD or Private	Over 15 Years, Transmission line First 3 Years-Entry Road
OTHER FACILITIES						
ROADS			14,670,000	- 13		
Oak Flat Parkway	Entry Road & Oak Flat Village		8,070,000			
Entry Road (Includes Sperry Road access)		Stanislaus County	5,320,000		Diablo Grande	First 2 Years
Oak Flat Village		Stanislaus County or DGCSD	2,750,000		Diablo Grande	Phase 1-2 Lanes First 10 Years, Phase 2-4 Lane-Over 15 yrs.
Other Roads (May be private)	Oak Flat Village	DGCSD or Private	6,600,000		Diablo Grande, and Other Developers	Over 15 Years
STORM DRAINAGE	Entry Road Oak Flat Village	Stanislaus County DGCSD or WHWD	12,180,000	- 11		
PARKS, RECREATION & OPEN SPACE			1,520,000		Utility Bonds WHWD or DGCSD	First 2 Years
			10,660,000			Over 15 Years
			12,390,000	11		

Sources: Diablo Grande, Draft Specific Plan and Phase 1 Plan
Bookman-Edmonston Engineers, Utilities
Rochester Associates, Entry Road and Phase 1 Roads
Normoyle & Newman, Public Health and Safety and Schools

* Does not include engineering, design and administration fees (15%) or contingency fees.

Note: Capital facilities costs are "first run estimates" that the applicant considers to be conservative and high. Funding methods and timing are still under study.

(1) Western Hills Water District (WHWD)
(2) Diablo Grande Community Services District (DGCSD)
(3) Newman-Crows Landing Unified School District (NCLUSD)
(4) Resource Management Plan Corporation (RMPC)

DIABLO GRANDE PUBLIC SERVICES & FACILITIES PLAN, PHASE 1

Table 8

May, 1993

(Continued)

SERVICE & FACILITY	LOCATION	RESPONSIBLE AGENCY	CAPITAL FACILITIES* COST ESTIMATE	% OF TOTAL COST	METHODS OF FUNDING	ESTIMATED PHASING (15 YEAR PERIOD)
Parks (4)	Oak Flat Village	DGCSD (2)	2,090,000		Diablo Grande	Over 15 Years
Golf Courses (2)	Oak Flat Village	Private, Open to Public	7,000,000		Diablo Grande	First 2 Years-Oak Flat Golf Course, Second 5 Years-Salado Creek Golf Course
Swim & Tennis Club	Oak Flat Village	Private & Guests	1,000,000		Diablo Grande	First 5 Years - Phase 1 - $500,000
Salado Creek	Oak Flat Village	WHWD (1) OR RMPC (4)	400,000		Utility Bonds or Diablo Grande	Two 7-10 Year Increments
Hillside Conservation Areas (Trails Primarily)	Oak Flat Village	RMPC or Diablo Grande	50,000		Diablo Grande,	Two 7-10 Year Increments
Oak Flat Parkway	Entry Road & Oak Flat Village	DGCSD or Stanislaus County	1,850,000		Diablo Grande, DGCSD	First 2 Years Entry Rd. First 5 Years - 2 Lane
SCHOOLS						
Elementary	Off-site, short & Midterm future: possibly on site long term future	NCLUSD (3)				Existing School, or Initially, Lakeborough or onsite over 25 Years
Intermediate	Off-site	(School District Fees) @ $1.65/Sq.Ft.	8,140,000 **	7	School Impact Fees With Building Permit	Existing School, or Lakeborough over 25 Years
High	Off-site					Existing School, or Lakeborough over 25 Years
PUBLIC HEALTH & SAFETY						
Safety Center			8,280,000 ***	8		
Fire Station	Town Center	West Stanislaus Fire Protection District	1,200,000		Diablo Grande Turnkey to District	To be Determined
Police Station	Town Center	County Sheriff's Department	280,000		Diablo Grande TurnKey to County	To be Determined
Ambulance Station	Town Center	To be Determined	To be Determined		Diablo Grande Turnkey to Responsible Agency	To be Determined
Town Administration	Town Center	DGCSD	200,000			Temporary Offices First 5 Years, Permanent over 15 Years
Other County Services	County Facilities Modesto and County wide	Stanislaus County	6,600,000		County Impact Fees no Credit for Safety Center	Fees for County Off-site mitigation as applicable over 15 years
TOTAL PHASE 1			$111,400,000	100%		Five Year Development Plan and balance over 15 years

Sources: Diablo Grande, Draft Specific Plan and Phase 1 Plan
Bookman-Edmonston Engineers, Utilities
Rochester Associates, Entry Road and Phase 1 Roads
Normoyle & Newman, Public Health and Safety and Schools

* Does not include engineering, design and administration fees (15%) or contingency fees.

** See December 1992, Supplemental Fiscal Analysis, Diablo Grande

*** Includes Land Cost.

Note: Capital facilities costs are "first run estimates" that the applicant considers to be conservative and high. Funding methods and timing are still under study.

(1) Western Hills Water District (WEWD)
(2) Diablo Grande Community Services District (DGCSD)
(3) Newman-Crows Landing Unified School District (NCLUSD)
(4) Resource Management Plan Corporation (RMPC)

San Joaquin Valley
Unified Air Pollution Control District

October 7, 1992

Robert Kachel
Senior Planner
Stanislaus County
Department of Planning and
Community Development
1100 H Street
Modesto, CA 95354

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT - DIABLO GRANDE SPECIFIC PLAN/GENERAL PLAN/REZONE

The District has reviewed the above-titled document. The District has the following comments and recommendations:

1. San Joaquin Valley's air quality relative to National and State Ambient Air Quality Standards has been designated as a non-attainment area by the California Air Resources Board as follows: 1

PM-10	-	Non-attainment
CO	-	Non-attainment (for Modesto Metropolitan Statistical Area only)
Ozone	-	Non-attainment

2. The California Clean Air Act, AB 2595, requires counties which are designated non-attainment to achieve a 5% annual reduction in emissions until the standards are met. 2

3. The District concurs with the statement that this project will have a significant adverse impact which can not be mitigated to a less than significant level. As a result, the mitigation measures stated in the draft environmental impact report should include, but not be limited to those measures. The mitigation measures selected for certain projects will complement land use decisions made by planning agencies in attempting to mitigate any significant environmental impacts to a less than significant level. 3

4. The San Joaquin Valley Unified Air Pollution Control District has stated in the 1991 Air Quality Attainment Plan that its goals are to reduce emissions through the "all feasible control measures" strategy. As a result, there is clear applicability of specific projects, i.e. 4

David L. Crow - Executive Director/APCO
2321 W. Washington St., Suite I, Stockton, CA 95203 - (209) 468-3470 - FAX (209) 943-7248

the Diablo Grande Specific Plan to implement all feasible mitigation measures to reduce the emissions associated with this proposed project pursuant to the District's 1991 Air Quality Attainment Plan. In addition to the mitigation measures as stated in the draft environmental impact report, the District recommends the implementation of all feasible mitigation measures to include, but not be limited to the mitigation measures as described in the attachments. 4 (Cont'd)

5. Applicants should be aware of the PM-10 Fugitive Dust Rule and the Indirect Source Review Rule, both of which are currently proposed by the District for adoption in the near future. Both of these rules may affect the applicant's project. Copies of these rules are available upon written request to the District. 5

6. Emissions generated during the construction/grading process are of concern to the District. The attached dust control practices are recommended mitigation measures to reduce construction/grading related dust. 6

7. The District foresees a problem with Carbon Monoxide and fine particulate matter (PM-10) if the Project includes the burning of wood in fireplaces and stoves. The new EPA certified fireplace inserts have been shown in laboratory with emissions of particulate matter ranging from 70% to 90% less than conventional stoves. Installation of EPA certified fireplace inserts and stoves is recommended as a mitigation measure for Carbon Monoxide and PM-10. 7

8. Rules and regulations of the New Source Review Rule will apply to certain commercial and industrial sources. Equipment which causes or has a potential for air pollution or has equipment for the controlling of such air pollution may need to apply for an Authority to Construct and Permit to Operate according to the rules and regulations of the San Joaquin Valley Unified Air Pollution Control District. It will be the source's responsibility to be in compliance with these rules and regulations prior to operation. 8

9. The Urbemis3 projections in the draft environmental impact report does not indicate the assumptions used in the modelling run. The final environmental impact report should list assumptions for verification of the results. In addition, the District is also inquiring into whether the modelling run has included all other proposed land 9

uses as well, i.e. commercial, institutional, etc.... The institute of transportation engineers Trip Generation, 5th edition can assist in more accurately describing the associated trips generations with the proposed land uses. These values can in turn be utilized in the Urbemis3 program. 9 (Cont'd)

10. The District reserves the right to comment on further environmental documentation as it relates to this project. 10

11. The draft environmental impact report describes the National Emissions Standards for Hazardous Air Pollutants and the AB2588 - Air Toxics Information and Assessment Act of 1987. On that same vein the final environmental impact report should indicate whether any sources of toxic emissions are within the project site, and if so, whether there are any buffer zones in existence or proposed between the differing land uses. 11

The District appreciates the opportunity to comment. If you have any questions regarding this matter, please do not hesitate to contact David Kwong at (209) 468-3470.

Robert C. Dowell
Valley Air District
Director of Environmental Planning

BY: David W. Kwong
Environmental Planner
Valley Air District
Northern Region

Attachments

Suggested Air Quality Dust Mitigation Measures

(for Construction Sites)

Pre-Construction - Emissions generated during the pre-construction process are of a concern to the District. The following dust control practices should be implemented:

- All material excavated or graded should be sufficiently watered to prevent excessive amount of dust. Watering should occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day.
- All clearing, grading, earth moving, or excavation activities should cease during periods of high winds greater than 20 mph average over one hour.
- All material transported off-site should be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- The area disturbed by clearing, earth moving, or excavation activities should be minimized at all times.
- The developer should mow, instead of disking, for weed control, thereby leaving the ground undisturbed and with a mulch covering.

During Construction - After clearing, grading, earth moving, or excavation operations, during the construction phase, fugitive dust emissions should be controlled by the following methods:

- All inactive portions of the construction site should be seeded and watered until grass growth is evident.
- All active portions should be sufficiently watered to prevent excessive amounts of dust.

General Fugitive Dust - At all times, fugitive dust emissions should be controlled using the following procedures:

- On-site vehicle speed should be limited to 15 mph.
- All areas with vehicle traffic should be watered periodically or have petroleum-based palliatives[1] applied for stabilization of dust emissions.
- Streets adjacent to the project site should be swept at least once per day to remove silt which may have accumulated from construction activities.
- Build a paved "apron" into project from ajoining paved roadways.

Ozone Precursors - At all times, ozone precursor emissions should be controlled by the following methods:

- All internal combustion engines driven equipment should be properly maintained and well tuned according to manufacturer's specifications.
- During the smog season (May through October), the construction period should be lengthened so as to minimize the number of vehicles and equipment operating at the same time.

SJVUAPCD 8/26/92

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[1] *Use of petroleum-based palliatives shall meet the road oil requirements of the District's Rule 409.5 - Cutback Asphalt Paving Materials.*

Suggested Air Quality Transportation Mitigation Measures

(for Residential Projects)

The following list of mitigation measures should be evaluated and used where applicable and feasible. This list should not be considered all-inclusive, the District encourages innovation.

Accessibility - Provide direct pedestrian and bicycle access to neighborhood shopping areas, existing bike paths, and transit stops. Such access should consist of paved walkways, ramps, or stairways and should be physically separated from parking areas and vehicle access routes.

Bus Turnouts *(Where Transit Exists)* - Where transit services exist, construct bus turnouts and loading areas with shelters acceptable to the local transit provider at a location acceptable to the provider.

Transit Easements - Where transit does not exist but the project is within the transit district's sphere of influence, provide a site at least 5000 square feet at a location acceptable to the transit provider. This area will provide future easement for bus turnouts and shelters.

Street Design - Provide road or traffic flow improvements to avoid the exceedences of surface street capacity. Examples, if applicable, could be: design center lanes and left turn lanes, install traffic signals, or utilize traffic synchronization.

Fireplaces - Install low-emitting, EPA-certified fireplace inserts and/or wood stoves or natural gas fireplaces.

Tree Planting - Provide trees around the residences. This provides several air quality benefits such as reducing carbon monoxide, anchoring soil and providing wind breaks, and conserving energy by providing shade. Trees should be drought tolerant and planted at a density of at least one tree per 1000 square feet of land.

Park-and-Ride - Provide park-and-ride lots or commuter lots with easy access to residents.

Bike Paths - Provide bicycle paths (Class I, II, and III) and ensure residents easy access to these paths.

Schools - Provide a primary school within a close proximity to the population center or provide easy and safe pathways to existing schools.

Neighborhood Parks - Provide a neighborhood park within a close proximity to the population center or provide easy and safe pathways to existing parks.

Natural Gas Lines - Provide natural gas lines or electrical outlets to backyard to encourage use of natural gas or electric barbecues.

Water Heaters - Provide low nitrogen oxide (NOx) emitting and/or high efficiency water heaters.

Suggested Air Quality Transportation Mitigation Measures

(for Industrial, Retail and Service, Office, and Institutional Projects)

The following list of mitigation measures should be evaluated and used where applicable and feasible. This list should not be considered all-inclusive, the District encourages innovation.

Pedestrian Access - Provide direct pedestrian access to the main entrance of the project from existing or potential public transit stops and the sidewalk. Such access should consist of paved walkways, ramps, or stairways and should be physically separated from parking areas and vehicle access routes.

Preferential Parking for Rideshares - Provide priority parking for employees who rideshare.

Bicycle Enhancements - Provide bicycle racks with space for at least ten bicycles, and enclosed and locked bicycle storage amounting to at least twenty percent of the vehicle parking.

Showers and Lockers - Employee shower and locker area should be constructed for bicycles and pedestrian commuters, providing one full size locker per ten employees.

Tree Planting - Tree planting provides several air quality benefits such as reducing carbon monoxide, anchoring soil and providing wind breaks, and conserving energy by providing shade. Trees should be planted at a density of one tree per 1000 square feet of land.

Eating Areas - Provide on-site cafeteria services, lounge, and eating areas.

On-site Banking and Postal Services - Provide on-site Automatic Tellers Machines (ATMs) and postal services.

On-site Child Care - Provide on-site child care facilities.

On-site Bus Turnouts *(Where Transit Exists)* - Where transit services exist, construct on-site bus turnouts and loading areas with shelters acceptable to the local transit provider at a location acceptable to the provider. Shelters should include benches, bus schedules, secure bicycle lockers, and a public telephone.

Transit Easements - Where transit does not exist but the project is within the transit district's sphere of influence, provide a site at least 5000 square feet at a location acceptable to the transit provider. This area will provide future easement for bus turnouts and shelters.

Paving Dirt Roads - Pave dirt roads in developments which will generate over 100 vehicle daily trips.

RESPONSES TO SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT OCTOBER 7, 1992 COMMENT LETTER

1. On page IV-290, lines 33-35, the EIR notes the non-attainment status of the San Joaquin Valley with respect to federal and state ozone, CO, and PM_{10} standards.

2. On page IV-289, lines 19-20, the EIR notes the five percent annual reduction of air pollutant emissions required by the California Clean Air Act (CCAA).

3. The SJVUAPCD notes that, because project emissions are significant and unmitigable, the project should implement all feasible mitigation measures. They include a list of such measures, some of which are already recommended in the EIR. The following measures are added to the Mitigation Measures section:

   "• Install low-emitting, EPA-certified fireplace inserts and/or wood stoves or natural gas fireplaces.

   • Provide natural gas lines or electric outlets to backyards to encourage use of natural gas or electric barbecues.

   • Provide low NO_x emitting and/or high efficiency water heaters.

   • Provide preferential parking for employees who rideshare while commuting to the project site.

   • Provide on-site eating, banking, and postal service facilities at major employment centers on the project site.

   • Facilitate the reduction of vehicular travel by planning a utility infrastructure adequate to support high-capacity electronic communication system links."

4. Refer to response to comment 3, above.

5. Many of the control measures which would be imposed on the project by the adoption of the SJVUAPCD's proposed Fugitive Dust Rule and Indirect Source Review Rule have already been included in the EIR Mitigation Measures section.

6. Almost all of the construction-phase dust control measures which the SJVUAPCD is recommending have already been included in the EIR Mitigation Measures section.

7. A mitigation measure recommending the installation of low-emitting, EPA-certified fireplace inserts and/or wood stoves or natural gas

fireplaces has been added to the EIR in response to Comments #3 and #4.

8. A discussion of the SJVUAPCD's proposed Indirect Source Review Rule has been added to the EIR Setting. See the new section, entitled *Air Quality Planning and Control in the San Joaquin Valley*. Many of the control measures which would be imposed on the project by the adoption of the Indirect Source Review Rule have already been included in the EIR Mitigation Measures subsection.

9. URBEMIS3 was used for estimating project mobile source emissions. The trip generation data upon which the air pollutant emissions estimates were based were developed by Dowling Associates. The project's URBEMIS3 output will be included as Appendix D to this FEIR.

10. Comment noted.

11. At this stage of project planning, it is not known whether any of the R&D or other uses proposed for the project site will include sources of air toxics. However, the EIR did point out, on page IV-298, lines 32-35, that such sources may come under SJVUAPCD rules and regulations.

STANISLAUS COUNTY
FREE LIBRARY

1500 I STREET
MODESTO, CALIFORNIA 95354 (209) 558-7800

MEMO TO: BOB KACHEL, PLANNING DEPARTMENT

FROM: STARRETT KREISSMAN, INTERIM COUNTY LIBRARIAN

SUBJECT: DRAFT E.I.R., DIABLO GRANDE SPECIFIC PLAN

DATE: OCTOBER 12, 1992

Any new community of 5,000 dwellings will have an enormous impact on library services. The applicant estimates that the total population at design capacity would be about 11,920. At the current standard of .4 feet per capita, this population would need a library of approximately 5,000 square feet. If public facility fees continue, they would provide a way of paying for the library building.

A collection of 25,000 books would also be needed, using the current standard of 2.1 books per capita. At current prices, such a collection would cost over $500,000. Of course, books could be purchased in increments as the population of the new town grows. 1

Public facility fees cannot be used for ongoing operational costs, so it is difficult to see how the county could operate this new library. These ongoing costs should be addressed in the E.I.R. It is important that the library needs of this new community be considered.

RESPONSES TO STANISLAUS COUNTY FREE LIBRARY OCTOBER 12, 1992 COMMENT LETTER

1. Diablo Grande residents using library facilities will include school-aged children and elderly people who may not be able to travel to the existing libraries in Patterson. In addition, students living in Diablo Grande who are bussed to schools would not have the flexibility to visit libraries near the schools because they will have to return to Diablo Grande on buses.

   As stated in Section 15131 of the *CEQA Statues and Guidelines*, an EIR is not required to analyze social and economic impacts if those impacts do not have the potential for secondary impacts on physical environmental features. The County has not elected to study socioeconomic issues, such as the adequacy of library funding, in this EIR. The County Board of Supervisors may wish to consider, based on fiscal impact analyses provide by the applicant and the opinion of the Stanislaus County Free Library, if funds generated by the project will be sufficient to fund the ongoing operating expenses of new library facilities. Should the Board find that operating funds are insufficient, and that this disparity will worsen with an increase in population, they may wish to add project library funding as a condition of project approval.

NEWMAN-CROWS LANDING UNIFIED SCHOOL DISTRICT

STATEMENT ON PROPOSED DIABLO GRANDE PROJECT

TO: Stanislaus County Department of Planning & Community Development

FROM: Ed Williams, Superintendent
Newman-Crows Landing Unified School District

DATE: October 13, 1992

RE: Diablo Grande Project - Draft E.I.R. July 13, 1992

The Newman-Crows Landing Unified School District Board of Education has some concerns about the impact that the Diablo Grande planned community will have on the school district for the following reasons:

1. The Diablo Grande planned community will become part of the Newman-Crows Landing Unified School District system as it now exists adding to student housing problems as the project builds-out.

2. The district's current source of money to help purchase land and build school facilities is based on developers fees of $1.65 per square foot, which is only about 25% of financing additional and/or new school construction. The State will provide 50 percent of the cost of facilities if the District has 50 percent. 1

3. Some kind of additional financing needs to be in place such as additional developer fees and Mello-Roos bonds to pay for the new school facilities without creating a financial burden of any kind on the Newman-Crows Landing Unified School District.

4. A Mello-Roos Community Facilities District could finance all costs related to new schools in this development if costs of schools and ancillary costs due to impact were taken out of Mello-Roos revenue prior to any other call on these funds, e.g. development infra-structure.

5. Potential number of schools and ancillary costs such as buses, transportation operational costs, maintenance, kitchen, storage, etc. required would depend upon the number and types of residential units to be built. In a separate development of the size and type of Diablo Grande, planning for a construction of schools prior to the completion of homes can and should take place. Further, some site acreage for ancillary services need to be addressed. 2

6. School size in terms of enrollment and site should conform to District and State Standards. Details such as proximity to attendees, traffic ingress and egress, traffic patterns from residential and commercial in the vicinity of each school is important. Ancillary items such as sidewalks, bike path, etc., need to be addressed. 3

7. Limit the number of elementary students impacting the existing schools by building a new elementary school initially in the early part of Phase I housing construction in the Diablo Grande development. The new school should be ready to house Diablo Grande students as they arrive. 4

8. Additional junior and senior high school students will impact existing school facilities in Newman. Financial assistance will be needed to help house these new students on a temporary or possibly a permanent basis. 5

9. The Newman-Crows Landing Unified School District facilities will already be impacted due to the tremendous growth occurring in current and projected single family housing development within the City of Newman. This projection estimates over 200 single family homes over the next two years. 6

10. Busing Diablo Grande students to current school facilities would be an additional financial burden on the district which already has a yearly transportation encroachment on the general fund. 7

11. The size the District wishes its elementary schools to be is at 600 each. The site, acreage appears to be too small. There must be assurance that adequate ultimate size is provided at the outset, e.g. 22 acres for 7-8. 8

12. A study of the .7 school-aged children per household should be determined and agreed to as an accurate enrollment projection for this Project's impact. It is recommended these demographic and facility cost figures be calculated each year so as to ascertain current impact on the District and appropriate adjustments be made as warranted. 9

13. Revenue from increased assessed value will not assist the school district except in areas such as repayment of bonds. General operations will not receive funds directly from the development except for such purposes as repayment of debts. 10

14. Final project approval should be contingent on all the mitigating factors being acceptable and agreed to by the Newman-Crows Landing Unified School District Board of Trustees. 11

RESPONSES TO NEWMAN-CROWS LANDING UNIFIED SCHOOL DISTRICT OCTOBER 13, 1992 COMMENT LETTER

1. The EIR acknowledges that there is a dispute between the applicant and the Newman-Crows Landing Unified School District (School District) regarding impacts on the school district and the amount of school impact fees necessary to fully mitigate these impacts. The School District contends that an impact fee of approximately $6.60 per square foot of residential construction is needed to fully mitigate impacts. This number becomes $3.30 per square foot if a 50/50 state match of funds is assumed. The applicant has prepared a Fiscal Impact Analysis (see Diablo Grande Specific Plan, Technical Appendix) of project impacts on the School District. This analysis concludes that impacts will be fully mitigated with an impact fee payment of $1.28 per square foot on all residential construction in the project.

   The point of departure in the disagreement between the School District and the applicant is the anticipated student generation rate, that is, the average number of students per household, for residential dwellings constructed as part of the proposed project. The applicant bases the Fiscal Impact Analysis on a total of between 461 and 640 students for Phase 1 of the project, which was determined by two Market Analyses prepared on behalf of the applicant. These market analysis assume a percentage of homes will be occupied by seasonal or retired residents who will not have children attending schools in the District. The School District contends that the total number of students may be higher than 640, because the accuracy of the Market Analyses is indeterminable and every home has the potential to generate students.

   Since the DEIR was circulated, Senate Bill 1287 (SB 1287) became law on January 1, 1993. This bill establishes a maximum statutory fee for school impacts of $2.65 per square foot of residential development. The bill remains operative from January 1, 1993 until June 1994, when Assembly Constitutional Amendment 6 (ACA 6) must receive voter approval for SB 1287 to remain the law. While this statutory fee exceeds by more than 200 percent the amount that the applicant's Fiscal Impact Analysis determines to be appropriate, it represents only approximately 80 percent of that which the School District contends is necessary based on the 50/50 state match funds program, and only 40 percent if there is no state match.

   The Board of Supervisors should determine, upon review of the information presented in the applicant's Fiscal Impact Analysis and the opinion of the NCLUSD, if the statutory fee provides sufficient mitigation. Should the Board conclude that fees are sufficient to fund improvements to school facilities necessitated by the proposed project, the project impact to schools would not be significant. However, if the Board determines that fees would be insufficient, then, due to the

limitations established by SB 1287, the impact to schools would be potentially significant and unavoidable, unless other legal funding mechanisms are found.

The statutory limits on school fees will only be in effect for two years, at which time SB 1287 will be reviewed. If the bill is overturned or revised, there may be the opportunity to further mitigate impacts to schools at that time. As such, the judgement of the Board would have greatest bearing on Phase 1 of the proposed project, since other phases would not begin within two years of project approval.

The applicant plans to build elementary school facilities only after completion of Phase 1 and prior to project build out. The School District may have to first expand existing facilities to accommodate bussed students and, then, construct facilities on the project site. Such an approach may be an inefficient application of developer fees, which may result in timing problems with funding and, possibly, insufficient funds necessary to mitigate school impacts.

Once Phase 1 is constructed and occupied by residents, it will be possible to more accurately predict the actual number of students per household. At that time, the issue of sufficiency of developer fees for school facilities should be revisited by the County Board of Supervisors.

On page IV-198 of the EIR, mitigation measure 2 is deleted and mitigation measure 3 is renumbered measure 2. Mitigation measure 1 is changed to read as follows:

1. The County Board of Supervisors shall consider the sufficiency of the developer fees for provision of school facilities based on the information provided by the applicant and the Newman-Crows Landing Unified School District. If the Board determines that fees in addition to statutory fees are required, and such fees do not violate statutory limitations, then the developer shall pay additional fees as determined to be appropriate by the Board. If the Board determines that additional fees are necessary, but such fees are legally prohibited, then the developer shall pay the statutory per square foot fees for financing new school construction, and the Board may consider the project's impacts on schools to be unmitigable.

   The County Board of Supervisors shall revisit the issue of the adequacy of school impact fees paid by developers after completion of Phase 1 of the proposed project. At that time, resolution of the disagreement between the applicant and the Newman-Crows Landing

Unified School District shall be based on actual demographic characteristics of Phase 1 residents, and statutory fee requirements/limitations in effect at that time.

2. Planning for the number and location of schools and ancillary costs will be addressed prior to construction of residences. Such planning will coincide with each of the development phases, as stated in mitigation measure 3 on page IV-198 of the EIR.

3. On page IV-198, the following sentence is added after "specifications" on line 36.

> "The enrollment capacity and acreage of schools constructed by the developer should conform to District and State standards. Locations of schools shall be determined in conformance with these standards."

Sidewalks, bike paths, and other ancillary items will conform to Diablo Grande design standards in consultation with the District.

4. Because existing area elementary schools would not have sufficient capacity to accept enrollment of students from full buildout of the project, additional facilities would have to be provided. Provision of facilities by the project applicant should be considered when the school district is determining developer fee payments, which are discussed in response to comment 1, above.

5. The developer fees for school impacts are intended to provide financial assistance to school districts impacted by the proposed project. The junior and senior high schools in the Newman are part of the Newman-Crows Landing Unified School District. The District will receive the developer fees. For a discussion of the amount of fees to be paid, and the sufficiency of these fees to offset costs incurred by the School District as a result of the proposed project, see response to comment 1 of this letter.

6. Comment noted. Each development potentially impacting schools is required to pay developer impact fees or provide school facilities in lieu of fees. These fees were defined to alleviate the impact on schools to a level of insignificance. Cumulatively, the developments should result in insignificant school impacts. If developer fees for schools are insufficient to offset school impacts, then the developer fee program should be revisited. This task, however, is not within the scope of this EIR.

7. Comment noted. For a discussion of the sufficiency of these and other developer fees to offset costs incurred by the School District as a result of the proposed project, see response to comment 1 of this letter.

8. Refer to response to comment 3 of this letter. The developer will design schools with a capacity and acreage to meet District and State Standards. Newman-Crows Landing school board policy for school capacities and acreage is as follows (Ed Williams, pers. comm., December 1992):

Grades	Enrollment Capacity	Acreage
K-6	650	10
7-8	850	22
9-12	1500	40

9. As stated on page IV-196, lines 31-37, the consultant for the Newman-Crows Landing School District has used a factor of 0.71 students/unit on other developments. The factor of 0.7 students per household is that which is generally used by the State of California.

   The District estimates that currently there are .741 students per household (Ed Williams, pers. comm., December 28, 1992).

10. Comment noted. The EIR makes no reference to use of such revenues to mitigate potential school impacts resulting from the proposed project.

11. On page IV-198 the following mitigation measure is added:

    "4. Final project approval should be contingent upon the applicant and the District reaching agreement on all the school-related mitigation measures."

TURLOCK DISTRICT AREA
City of Ceres, CA
City of Hughson, CA
City of Newman, CA
City of Patterson, CA
City of Turlock, CA
County of Stanislaus, CA

Turlock
Mosquito Abatement District

TELEPHONE (209) 634-1234
4412 NORTH WASHINGTON ROAD
TURLOCK, CALIFORNIA 95380

MANAGER
JERRY M. DAVIS

October 13, 1992

Robert Kachel, Associate Planner
Stanislaus County Department of Planning
and Community Development
1100 "H" Street
Modesto, CA 95354

RE: Draft Environmental Impact Report - Diablo Grande Specific Plan/General Plan/Rezone

Dear Mr. Kachel,

The Turlock Mosquito Abatement District (District) has reviewed the Draft Environmental Impact Report for Diablo Grande Specific Plan (Plan). The District is responsible for protecting the public health from disease carrying mosquitoes and pest mosquitoes. The Plan does not consider the impact that this development will have upon public health from exposure to mosquitoes and other vectors.

The District has found over the last several years that the following mosquitoes are found in the plan area:

Western Treehole mosquito, Aedes sierrensis, vector for dog heart worm. This mosquito is found in tree cavities that hold rain water. The Western Treehole mosquito has been found in oak tree cavities at the plan site.

Encephalitis mosquito, Culex tarsalis, vector for Western Equine Encpehalitis and St. Louis Encephalitis. This mosquito was found breeding along Salado Creek. Empheral streams and springs are other locations where this species of mosquito can be found. 1

Culex pipiens complex which is considered a secondary vector for St. Louis Encephalitis has been found breeding along Salado Creek. This mosquito is usually found in water that contains organic matter. Often empheral streams, springs and waste water holding ponds are sites where this species is found.

The District has provided limited mosquito control in the plan site because the exposure of the above mosquitoes to people have been limited. As development occurs the publics exposure to

MEMBER

these mosquitoes will increase causing the District to allocate more resources to control these mosquitoes.

The District recommends that mitigation measures be included to provide access to empheral streams, springs, creeks and other man made drainage structures for mosquito surveillance and control. Also that provisions me made that provide for maintenance of any natural or man made structure that breeds mosquitoes. Enclosed for your information is the "1986 Vector Prevention in proposed developments: Guidelines, Standards, and checklists.

Another vector of public health importance that the District has found in adjacent Del Puerto Canyon the Western Black-Legged Tick, Ixodes pacificus. This tick is the known vector of lyme disease. The District plans to survey the plan area in the spring of 1993 to determine the presence of the Western Black-legged tick and send samples to Department of Health Services to find out if these ticks are infected with Borrelia burgdorferi. The District has not found any of infected ticks todate. Enclosed is a brochure on "Lyme Disease in California". Should the Western Black-legged tick be infected with Borrelia burgdorferi the District may consider including ticks as another vector and provide public educational programs to reduce the public exposure to this disease.

Should you have questions or if the District can be of further services please call (209) 634-1234. The District appreciates the opportunity to express concerns of mutual importance.

Sincerely,

Jerry M. Davis,
Manager

fdc/ws/diablo.deir/101292

VECTOR PREVENTION IN PROPOSED DEVELOPMENTS:

GUIDELINES, STANDARDS, AND CHECKLISTS

California Conference of Directors of Environmental Health,

California Mosquito and Vector Control Association,

and

California State Department of Health Services
Vector Surveillance and Control Branch

Technical Committee for the
Development of Vector
Prevention Standards

February 1986

TABLE OF CONTENTS

INTRODUCTION

The purpose of this document is to serve as an aid to professionals and technicians in public health, planning, and other disciplines involved in the preparation or review of land use project reports[1]. Such reports, especially environmental impact documents required by the California Environmental Quality Act (CEQA), serve not only as a means for project evaluation, but also provide an opportunity for public awareness, scrutiny, and input. Protection of the public health requires that full advantage be taken of this opportunity.

Environmental health and mosquito/vector control agencies are aware of potential vector[2] conditions affecting areas within their jurisdictions. This awareness and the agencies' professional expertise on specific vectors places on them the responsibility for reviewing reports of proposed projects and requiring that certain vector prevention standards be met.

There are two principal types of potential vector impacts that should be addressed when preparing or reviewing a project report: (1) those that may create a favorable condition or habitat for vectors, e.g., water projects that may produce mosquitoes, and (2) those that may be impacted by an existing vector population or disease potential, e.g., subdivisions in rural areas.

In order to maximize the usefulness of this document, it is divided into three sections: (1) A Guidelines section identifies the most common vectors in California and the diseases they can transmit; (2) A Standards section sets forth general requirements usually necessary to minimize vector problems in proposed developments; and (3) A Checklist provides a list of concerns that should be addressed in project reports.

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1. "Project Report" means any report, proposal, or document intended to set forth plans for the use or development of land or water resources and includes planning and environmental impact documents.

2. "Vector" means any insect or other animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury including, but not limited to, mosquitoes, flies, other insects, ticks, mites, and rodents.

GUIDELINES

I. Aquatic Vectors

A. Mosquitoes are vectors of diseases such as malaria and encephalitis. Their bites can also cause great discomfort and misery. Mosquitoes breed wherever water collects: in gutters, catch basins, artificial containers, holes in trees, ponds, slow-moving streams, flood control channels, off-street drains, flooded fields, marshes, etc.

1. A project report should address any significant mosquito history in the area, especially if the completed development will attract a considerable number of people.

2. A report for any project which has a potential for producing mosquitoes should include appropriate mitigative measures.

B. Midges, gnats, and black flies can be a severe nuisance. The biting species can also cause allergic reactions in humans. They can breed in either ponded or running water.

1. A project report should address any significant midge, gnat, or black fly history in the area.

2. The report for any project which has a potential for producing midges, gnats, or black flies should include appropriate mitigative measures based on the biology and reproductive cycles of the insects.

C. Aquatic snails may be hosts of schistosome dermatitis (swimmer's itch). Mitigative measures usually include control of snails and aquatic vegetation when the disease is known or suspected.

II. Terrestrial Vectors

A. Flies are a nuisance and vectors of certain intestinal diseases.

1. A project report should address any permanent nearby fly source that could be detrimental to human populations.

2. Projects which include animal confinement or other sources of organic waste adjacent to residential or commercial areas will usually result in fly complaints. The project report should discuss this potential problem.

B. Biting gnats which breed in river bottoms, saturated soils, and cracked clay soil can be a severe nuisance. Project reports should address any history of gnat problems in the area.

C. Ticks are vectors of numerous diseases of man and animals. They may also cause tick paralysis and allergic reactions by their bite.

1. Ticks are common in many rural and suburban areas of the State and impact humans and domestic animals when they venture into tick-infested areas.

2. Project reports for residential and recreational developments adjoining rural areas where ticks are likely to occur should address any tick-associated health concerns.

D. Conenose or kissing bugs are the vectors of Chagas' disease, may cause severe allergic reactions, and are a nuisance.

1. Conenose bugs are prevalent in rural and suburban areas where woodrats occur.

2. Project reports for residential or recreational developments near areas where woodrats are present should consider measures designed to reduce their numbers.

E. Yellowjackets and other stinging insects are a nuisance and may cause severe allergic reactions.

1. Stinging insects are often prevalent in rural and suburban areas. They may also be found in large numbers in and around solid waste disposal sites.

2. Project reports for residential or recreational developments adjoining areas where stinging insects are known or suspected to occur in large numbers should include mitigative measures.

III. Domestic Rodents

Rats and mice cause severe economic damage, contaminate food, and can be reservoirs for diseases such as plague and murine typhus which are usually transmitted through their fleas.

A. A project report should address any rodent history in the area.

B. The report should also address the potential for rodent migration during redevelopments, demolitions, and land clearings, and identify preventive measures to be taken. Where active rodent infestations are evident, control programs should be implemented prior to the start of any planned work.

IV. Sylvatic and Field Rodents

Ground squirrels, field mice, and other wild rodents are reservoirs of diseases such as plague. These animals, along with gophers and moles,

cause erosion of hillsides and destruction of landscapes. Project reports for developments proposed in areas with a history of plague and high rodent flea populations should address the need for reducing the number of rodents or flea densities.

STANDARDS

The following is an overview of standards commonly required for the prevention of vectors in land and water developments. These standards and other requirements can vary significantly for different areas of the State, depending on climate, vector activity, and severity of effect on human populations. Most county agencies and special districts concerned with vector prevention have developed specific criteria designed to meet the needs of their own geographical areas.

Preparers and reviewers of project reports are urged to contact local environmental health agencies and mosquito/vector control districts for technical assistance. These agencies prefer to prevent problems from developing rather than try to deal with them after the fact.

MOSQUITO AND MIDGE PREVENTION STANDARDS

I. Design Criteria

A. Developments, Grading, Streets, and Utilities.

1. All ground surfaces should be graded to prevent ponding.

2. Street gutter drop inlets and storm drains should be free of either sediment or trash collection devices that can trap and hold water during low flow conditions.

3. All drainage should flow into approved natural drains, flood control systems, or temporary storage basins.

4. Subsurface utility vaults should not be placed where high groundwater tables exist or where excessive surface waters may enter enclosures.

5. Bottoms of subsurface utility vaults should be self-draining to prevent water from collecting.

6. Building design and landscaping should be planned to decrease the attractiveness to and reduce the harborage for adult mosquitoes.

   The local mosquito/vector control agency can offer specific recommendations.

B. Flood Control Channels and Natural Drains

1. Flood control channels should be lined with concrete or other suitable material and graded to prevent ponded areas.

2. Where concrete lining is not planned, a comprehensive maintenance program over and above that required for lined channels should be provided to maintain weed-free channels and proper grades.

3. Low flow channels, preferably "V" type, should be provided within flood control facilities to concentrate and drain small summer flows.

4. Subsidence of structures should be anticipated and design allowances made for future correction of bottom elevations.

5. The local mosquito/vector control district or health agency should be consulted when proposed flood control or drainage facilities may have an impact on its statutory responsibilities.

C. Reservoirs, Lakes, Ponds, and Lagoons

1. Water holding basins should be at least four feet deep. Banks should be steeply sloped and lined to three feet below the water level with a suitable material such as concrete or clay, or be sterilized to prevent emergent vegetation.

2. Water or wastewater impoundments may be of any shape but should not contain small coves or irregularities where debris can accumulate.

3. Raised embankments should have a minimum width of 12 feet and be adequately constructed to support maintenance vehicles.

4. Ponds, lagoons, and other man-made water impoundments should be designed with graded bottoms so that all water can be removed by gravity or pumping for maintenance purposes.

5. Lagoons or ponds used primarily for wash water from animal confinement areas (dairies, feedlots, etc.) should contain presumps or solids separators designed to prevent most organic solids from reaching the impoundments.

6. Wastewater evaporation and percolation systems should have a minimum of one additional cell over and above the system's requirements in order to facilitate periodic draining, drying, cleaning, disking, and repair of cells.

7. Some aquaculture systems, e.g., those utilizing water hyacinth for wastewater reclamation, create mosquito problems and are not recommended at this time.

D. Marsh Restorations and Marine Developments

1. Marsh restoration and fish and wildlife enhancement projects should provide for free tidal flow through deep channels and small connecting laterals.

2. Marsh levees or embankments capable of trapping water during high tides should have adequate breaks or tide gates to ensure tidewater circulation.

3. Low areas of marsh fringes that are subject to flooding and cannot be made self-draining should either be filled in to prevent ponding or be deepened to ensure fish survival.

4. Marinas and other commercial developments should not contain small coves or shallow areas where debris can be trapped or emergent vegetation can thrive.

5. Sites for disposal or storage of dredged material should be properly diked, and should have adequate drainage to dewater the dredged deposits. As the material consolidates, periodic spreading and disking may be required to prevent mosquito breeding in cracks and depressions.

E. Agriculture

1. Land grades should have sufficient fall to prevent midfield ponding, especially in soils with high clay content.

2. Graded ditches should be provided at the low ends of fields for draining and proper management of tail water.

3. Tail water return systems or the capability to utilize tail water in other fields should be incorporated whenever possible.

4. Provisions should be made to drain irrigation ditches and pipelines after each use to prevent breeding habitats within these facilities.

5. Projects incorporating disposal of wastewater on land should contain provisions for grading, rotating, drying, and disking of parcels to prevent excessive weed growth and algae mats.

6. Projects calling for wastewater application to crops should provide for adequate preparation of land, proper irrigation facilities, rotation of parcels, and strict water management.

7. Dairies, feedlots, and other mass animal confinement operations should be designed with sloped loafing and feeding corrals for proper drainage.

8. Water allotments to farming operations should be limited to reasonable needs for the size of fields, type of soil, and crop requirements.

II. Operations and Maintenance Criteria

A. Programs and responsibility assignments for maintenance and cleaning of facilities should be included in any development proposal.

B. Flood control channels, canals, siphons, detention basins, etc., should be maintained in such a way that small flows are not blocked by sand, silt, vegetation, or debris.

C. Water conveyance and storage projects should include provisions for prompt attention to facility leakage or seepage to prevent water-logged areas.

D. Unsewered wastewater from commercial or industrial uses should be adequately managed to prevent ponding or the creation of wet soggy conditions.

E. Lakes, ponds, and lagoons should be stocked with appropriate fish types that will prey on mosquito and midge larvae.

F. Ponds and lagoons should be kept free of debris, algae blooms, organic floatage, and vegetation.

G. Wastewater impoundments should be drained, dried, and cleaned periodically, depending on design capacity and incoming solids loading.

H. Mosquito prevention requirements for project developments should be approved by the local mosquito control/vector control agency.

I. Mosquito control costs directly attributable to any land use are the responsibility of the project developer, owner, or operator.

TERRESTRIAL VECTOR AND RODENT PREVENTION STANDARDS

I. Planning and Design Criteria

A. Land Use and Zoning

1. The planning process should fully consider the compatibility of land uses when a potential for vector production exists.

2. Requests for land use clearances should be reviewed by local environmental health or vector control agencies. These agencies may require surveys for the presence of vector populations and their hosts. If necessary, control measures may be required.

B. Structures and Redevelopments

1. Prior to issuance of construction permits, the pest exclusion integrity of building designs should be considered by the building department in consultation with the local environmental health or vector control agency. Building design should prevent rodents, bats, and pest birds from gaining access into and infesting structures.

2. The following factors are important in the prevention and control of domestic rodents which have the ability to:

a. Enter buildings through openings as small as 1/2 inch square (1/4 inch for mice).

b. Climb horizontal and vertical wires and pipes.

c. Climb the inside of vertical pipes 1-1/2 to 4 inches in diameter.

d. Crawl horizontally on any size pipe or conduit.

e. Jump vertically up to 36 inches from flat surfaces.

f. Jump horizontally up to 48 inches from flat surfaces.

g. Burrow vertically in earth to depths of 4 feet.

h. Climb brick or other rough exteriors offering footholds.

i. Climb vines, shrubs, and trees adjacent to structures.

2. Warehouses and other buildings should be free of inaccessible spaces (e.g., between walls, floors, above ceilings, under floors, stairways, and cabinets) which may provide rodent harborage.

3. Rodent control programs should be undertaken when old residential neighborhoods are to be razed for redevelopment.

4. Upon redevelopment, old sewer laterals should be plugged at the junction with main sewer lines to prevent rat harborage.

5. Wave reduction barriers, commonly composed of rip-rap, should comply with rodent proofing requirements of local environmental health agencies; especially if food handling establishments are nearby.

C. Solid Waste

1. A minimum separation of 1/2 mile, or as required by the local environmental health agency, should be maintained between developments for human habitation and active landfills, dairies, poultry ranches, feedlots, and commercial stables. Human habitation should also be located upwind of such uses.

2. A program for minimum once-a-week garbage, trash, animal waste, and other solid waste pickup should be established for all developments.

3. All trash containers should be rodent and fly proof and approved by the local environmental health agency.

D. Utilities

1. Underground utility service is recommended since it prevents roof rat access to buildings via service wires and cables.

2. In areas where sewers are infested with rats, installation of sewer line gates or other devices to check upstream travel of rodents should be considered.

E. Landscaping

1. Ground cover, plants, and trees that produce dense foliage ideal for rats and other rodents should be avoided.

   a. Algerian ivy (Hedera canariensis) is a major source of harborage and food, particularly in thick vertical growth on fences, trees, or buildings.

   b. Other plants such as pyracantha, honeysuckle, juniper shrubbery, bougainvillea, and Himalayan blackberry thickets offer excellent nesting places.

2. Following is a list of ground covers that are not attractive to rats and, therefore, preferable for use in landscaping:

   a. Bronze Ajuga (Ajuga reptans atropurpurea)

b. Giant Ajuga (Ajuga crispa)

c. Camomile (Anthemis nobilis)

d. Capeweed (Arctotheca calendula)

e. Creeping Speedwell (Veronica repens)

f. Creeping Thyme (Thymus serphyllum)

g. Dichondra (Dichondra repens)

h. Gazania hybrids

i. Germander (Teucrium chamaedrys)

j. Goldmoss Stonecrop (Sedum sp.)

k. Hans Ivy (Hedera helix)

l. Indian Mock Strawberry (Duchesnea indica)

m. Needle Point Ivy (Hederahelix sp.)

n. Mondo Grass (Ophiopogon japonicum)

o. Sand Strawberry (Fragaria chiloensis)

p. Snow-in-Summer (Cerastium tomentosum)

q. Spring Cinquefoil (Potentilla verna)

r. Trailing African Daisy (Osteospermum fruticosus)

s. Woolly Yarrow (Achillea tomentosa)

II. Operations and Maintenance Criteria

A. It is the responsibility of a property owner or occupant operating an animal confinement facility to comply with standard operation, maintenance, and sanitation practices as required by local ordinances and/or state law. The following guidelines may be used in reviewing such projects:

1. Fly Control on Dairies

a. Effective drainage should be maintained for all confinement areas through proper grades and frequent removal of manure, especially during winter months.

b. Graded areas that are damaged during the rainy season should be regraded for proper drainage as soon as conditions permit.

c. Feed troughs and feed storage areas should be kept free of wet decaying feed.

d. During warm weather, accumulations of manure should be removed at least twice a week from behind feed mangers, enclosed calf pens, and other locations where wet manure is evident.

e. Corrals and other graded areas should be cleaned of manure, inspected for proper grades and, if necessary, regraded prior to the onset of winter rains.

f. Wash water should be managed in a manner that prevents over-flow into manure or feed storage areas.

g. Corrals and other areas where manure is deposited should be kept free of weeds to promote drying of moist material.

h. Processing or removal of manure should be conducted in a manner that will not create a fly nuisance.

2. Fly Control on Poultry Ranches

a. Poultry housing should provide protection from the weather and should be designed in a manner that promotes drying of manure through adequate space allotment and ventilation. Design of structures should also facilitate complete removal of manure.

b. Poultry watering and cooling systems should be designed so that any overflow or leakage does not occur on feed or manure.

c. Adequate drainage and disposal of wastewater should be provided.

d. Feed storage facilities should be designed and maintained in a manner that prevents fly and rodent problems.

e. Processing or removal of manure should be conducted in a manner that will not create a fly nuisance.

f. Disposal of waste eggs and dead poultry should be conducted in a manner consistent with accepted practice for the protection of the public health.

CHECKLISTS

Project Type: Each question may apply to one or more types of project categories, i.e., residential, recreational, industrial, and commerical, water impoundment, and conveyance systems, and agriculture. The project type designations are shown by Xs in the columns to the right.

Responses: Yes = Item has been considered in report.

No = Item has not been adequately addressed; it may require comment to mitigate potential vector problems.

N/A = Item not applicable.

Project Type							
Residential	Recreation	Ind. and Comm.	Water	Agriculture	Yes	No	N/A
I. Aquatic Vectors:							
A. Mosquitoes.							
1. Is adequate project drainage provided for?	X	X	X	X	X		
2. Are drainage facilities designed to drain minor flows and prevent ponding?	X	X	X				
3. Is the design of water impoundments (reservoirs, lakes, lagoons, holding ponds, percolation basins, spreading grounds) adequate to minimize mosquito production?	X	X	X	X	X		
4. Are project maintenance and weed abatement provisions adequate?	X	X	X	X	X		
5. Is the probability of leakage or seepage from water conveyance or storage systems considered?			X	X	X		
6. Will any abandoned structure that could retain water be removed or reworked staisfactorily?	X	X	X		X		
7. Are nearby agricultural, dairy, feedlot, or waste disposal operations identified?	X	X	X				

	Project Type								
	Residential	Recreation	Ind. and Comm.	Water	Agriculture	Yes	No	N/A
8. Are existing nearby swamps, wetlands, or salt marshes considered as potential breeding sources?	X	X	X					
9. Is there adequate access and clearance for motorized mosquito and weed control equipment?	X	X	X	X	X			
10. Does the impoundment have a drain to completely empty the structure, or can it be pumped dry adequately?	X	X	X	X	X			
11. Does the project minimize the amount of surface water runoff carrying nutrients into the impoundment from its bank?	X	X	X	X				
12. If the impoundment will hold waste water that is high in organic nutrients, has the greater potential for breeding vectors been considered?			X	X	X			
13. If the project restores wetland or salt marsh habitat, has the probability of increased mosquito breeding been considered?		X		X				
14. If the impoundment will support mosquitofish for the control of mosquitoes, will the proper agency be notified upon completion of the project to ensure stocking of these fish?	X	X	X	X	X			
15. Will land grading be adequate to prevent ponding within and at tail end of fields?				X				
16. For agricultural projects, are tail water return systems considered?				X				

	Project Type									
	Residential	Recreation	Ind. and Comm.	Water	Agriculture	Yes	No	N/A
17. Are there provisions for holding ponds to maintain wastewater on-site?			X	X	X			
B. Midges, Gnats, and Blackflies.								
1. Does the project report address any history of problems with these insects in the area?	X	X	X					
2. If the project is water-oriented, is the probability of vector problems considered, especially for shallow mud-bottom lakes or waters with high organic contents or when filling and emptying of impoundment will take place?	X	X	X	X	X			
C. Snails.								
If the project includes a lake or river cove to be used for swimming, does the report consider the potential for swimmer's itch and the bird and snail hosts for the schistosome parasite?	X		X					
II. Terrestrial Vectors:								
A. Flies.								
1. Does the report address any nearby fly sources or potential sources, such as:								
a. Open dumps, transfer stations, landfills, or waste recycling centers?	X	X	X					
b. Confined animal facilities, such as feedlots, poultry operations, dairies, stables, or hog farms?	X	X	X					

	Project Type						
	Residential	Recreation	Ind. and Comm.	Water	Agriculture	Yes	No	N/A
c. Agricultural, cannery, or food processing waste disposal facilities?	X	X	X		X			
d. Solid waste storage facilities?	X	X	X					
e. Liquid waste disposal areas?					X			
f. Sludge disposal through soil injection or land spreading?					X			
2. On poultry ranches and hog farms, is a concrete slab under animals provided in the plan?					X			
3. Are adequate solid waste and manure disposal methods addressed?					X			
4. Is adequate drainage provided in corrals, loafing pens, and manure stockpiling areas?					X			
5. Are nearby swamps or lagoons where organic material is exposed to decay during low water levels considered?		X	X		X			
B. Ticks.								
If the project site is in foothills, coastal, or mountain areas, does the report consider the potential for tick-associated problems?	X	X						
C. Conenose Bugs (kissing bugs).								
Does the report consider the potential for conenose-associated problems?	X	X						

	Project Type							
	Residential	Recreation	Ind. and Comm.	Water	Agriculture	Yes	No	N/A
D. Yellowjackets.								
Has any known significant yellowjacket problem near the project site been considered?	X	X						
E. Fleas.								
If there are domestic animal-keeping facilities in the vicinity of the project, have flea problems been considered?		X						
III. Domestic Rodents:								
A. Rats and Mice.								
1. If the project site is within a known infested area, is the problem addressed satisfactorily?	X	X	X		X			
2. If the project involves redevelopment of neighborhoods with documented rat histories, is a survey and control program prior to redevelopment outlined?	X	X	X		X			
IV. Sylvatic and Field Rodents:								
A. Ground Squirrels.								
1. If the project is for a development near foothills or open space lands where there is a history of plague activity, is this concern mentioned in the report?	X	X		X	X			
2. If plague activity is a concern, is there a plan outlined to determine and, if necessary, reduce rodent populations and/or flea densities?	X	X		X				

	Project Type							
	Residential	Recreation	Ind. and Comm.	Water	Agriculture	Yes	No	N/A
3. Is ongoing surveillance provided for?	X	X						
B. Chipmunks and Other Forest Rodents.								
1. If the project site is in an area with a history of plague activity, is this addressed in the report?	X	X						
2. Is mitigation or surveillance proposed?	X	X						

RESPONSES TO TURLOCK MOSQUITO ABATEMENT DISTRICT OCTOBER 13, 1992 COMMENT LETTER

1. Comment noted. The following mitigation should be added to the list of mitigation measures on page IV-194 in the Public Services and Utilities section of the EIR:

   > 5. The applicant shall follow recommendations contained in *Vector Prevention in Proposed Developments: Guidelines, Standards, and Checklists*, February 1986. This will enable the Turlock Mosquito Abatement District to survey and control mosquitos and ticks within the project site. However, care shall be taken to ensure that measures to control mosquito and tick populations do not result in health impacts on other wildlife.

2. See response to comment 1 of this letter.

3. See response to comment 1 of this letter.

SALADO WATER DISTRICT
PATTERSON, CALIFORNIA

MAILING ADDRESS:
P.O. Box 98
Westley, CA 95387
Phone: 209-894-3581

October 13, 1992

Mr. Robert Kachel
Stanislaus County Planning & Community Development
1100 "H" Street
Modesto, CA 95354

Re: Diablo Grande Specific Plan Draft Environmental Impact Report

Dear Mr. Kachel:

The District has some definite, serious concerns regarding the proposed project in the area of water supply particularly as this relates to the mining and export of groundwater supplies from from beneath District lands. Such a proposal has the potential for further decreasing groundwater levels in neighboring wells and the overdrafting of the local groundwater basin. 1

The ongoing drought has led to increased groundwater pumping in the area and there is evidence of lowered groundwater levels as a result. Increased pumping may have a deliterious effect on neighboring domestic and agricultural wells. The potential for soil subsidence and susequent loss of groundwater holding capacity is also a major concern. 2

Several agricultural wells in the immediate area are of sufficient quality to have been approved to utilize the Delta-Mendota Canal for storage and conveyance purposes. In an effort to protect the local groundwater aquifers, Board policy does not allow this "banked" groundwater to be conveyed or delivered beyond the boundaries of the Salado or an immediately adjacent district. Export of groundwater supplies to any other area would be contrary to this policy and any deterioration in the water quality or quantity of these wells as a result of increased extractions jeopardizes this necesary program and carries with it the potential for the loss of agricultural land including permanent crops. 3

Sincerely,

William D. Harrison, Manager
SALADO WATER DISTRICT

cc: Board of Directors

WDH:h

RESPONSES TO SALADO WATER DISTRICT OCTOBER 13, 1992 COMMENT LETTER

1. The second sentence of the first full paragraph on page IV-166 of the EIR is revised to read as follows:

> "It is possible that project groundwater pumping from the Marshall Davis well could adversely affect water levels in nearby wells; if this occurs, surface water entitlements for the property would be made available to impacted well owners."

Preliminary studies referenced in the EIR indicate that withdrawal of up to 1,200 acre-feet per year would not result in long-term overdrafting of the local groundwater basin (see page IV-173). These withdrawals could, however, result in cumulative pressures on the basin in drought years, or if irrigation practices reduce inflow into the basin. Mitigations 2, 3, and 4 on page IV-178 of the EIR are intended to limit the impacts of groundwater withdrawal.

Although no records exist of past water use on the Marshall Davis property, it is reasonable to assume that approximately 4.5 acre-feet of water per acre would typically be applied annually to the 310-acre Marshall Davis property in agricultural use (alfalfa). Of this 4.5 acre-feet, approximately 17 percent would return to the groundwater basin through deep percolation. This is equivalent to an average annual net extraction of groundwater of approximately 1,150 acre-feet. The EIR presently states that groundwater pumping for Diablo Grande would be limited to 1,100 to 1,200 acre-feet, unless suitable mitigation is implemented, so there would be no increase in net groundwater extraction for the development over that which could be reasonably expected for farming the 310-acre property.

Additionally, a typical applied water schedule for alfalfa, a crop commonly grown in the area, and the estimated delivery schedule to Diablo Grande, are very similar, as illustrated in the table below. The operation of this well to serve the initial Phase 1 development is not expected to vary significantly from potential typical irrigation operation.

Water Delivery Schedule

Month	Alfalfa (percent)	Diablo Grande (percent)
January	0.0	0.3
February	0.0	0.3
March	3.8	4.0
April	9.0	9.2
May	16.9	16.1
June	19.3	19.8
July	19.6	19.6
August	17.0	16.4
September	13.0	11.5
October	1.4	1.9
November	0.0	0.5
December	0.0	0.4
TOTAL	100.0	100.0

2. Refer to comment 1, above.

3. The project proposes to convey water from the Marshal Davis well via a private pipeline, which would not be subject to Salado Water District policy. No plans exist to use "banked" water supplies from the Delta-Mendota Canal.

CITY OF PATTERSON
P.O. Box [illegible]

October 15, 1992

Stanislaus County Planning Department
1100 "H" Street
Modesto, CA 95354
Attention: Robert Kachel, Senior Planner

RE: Draft Environmental Impact Report - Diablo Grande Specific Plan/General Plan/Rezone

Dear Mr. Kachel:

The City of Patterson staff has reviewed the Diablo Grande Specific Plan Draft Environmental Impact Report. It appears that there are several issues associated with the proposed project that would significantly effect the City of Patterson and that mitigations appear inadequate or are in need of upgrading. The following comments are submitted in response to the Draft EIR.

Storm drainage flow into Salado Creek is of major concern. The proposed drainage plans may have adverse effects on the City given the historic flood problems within and around the City of Patterson. Therefore, preliminary drainage plans should be required prior to approval of any specific plan/tentative map. 1

Also of concern with the storm drainage issue is the proposed location of the access road to the project in relation to the location of storm water retention basins proposed by the approved Patterson Gateway Project. This issue appears to needs clarification and study. 2

In regards to the proposed mitigations for unacceptable peak hour levels of service on Sperry Road/Ward Avenue, it appears that some clarification is needed. Other streets connect to Ward Avenue that are not mentioned in the report. Will improvements be made to those intersections? The proposed improvements should also coordinate with the City's adopted General Plan regarding travel lanes needed to maintain a level of service C. In addition, there is no mention of the SAAG expressway plan that proposes a bypass south of Sperry Road, across Ward Avenue in an east-west direction. It would appear 3

necessary for this project, based on the impacts, to pay their fair share of the bypass. 3 (Cont'd)

The proposed wastewater plan appears to need further study. As proposed, discharge would be flowing through sections of open ditch through the City of Patterson. This impact and it's potential increased impact to the flooding issue appears to be inadequately addressed. Preliminary wastewater plans for discharge into Salado Creek should be required prior to approval of specific plans/tentative maps. 4

Also of concern is the proposal for an off-site groundwater supply system during the first five years of development. It appears that more information is needed on the actual impacts this may have on the groundwater supply for surrounding areas. 5

Thank you for the opportunity to review the Diablo Grande Specific Plan Draft EIR and to provide comment on some very important issues.

Sincerely,

Rod R. Simpson
`lanning Director

cc: City Manager
Public Works Director

RESPONSES TO CITY OF PATTERSON PLANNING DEPARTMENT OCTOBER 15, 1992 COMMENT LETTER

1. Comment noted. The following mitigation measure is hereby incorporated within the flooding mitigation measures on page IV-92, line 32:

> "The preliminary project drainage plans for each phase of development shall be completed and approved prior to the approval of any tentative map within that phase."

2. Comment noted. The following measure is added to the flooding mitigation measures on page IV-92, line 29:

> "The applicant shall coordinate with the County to ensure no conflicts in the siting and development of the project access road and the stormwater detention basins along Black Gulch associated with the Patterson Gateway project located at the eastern side of I-10 at the Sperry Road/Rogers Road intersection."

3. The traffic projections from the City of Patterson were used for this analysis. Dowling Associates consulted with Mr. Joe Holland regarding the interpretation of the General Plan traffic projections and conversion of average daily traffic into peak hour traffic. In addition, the list of major intersections to evaluate was reviewed with County staff. It was determined that only the major intersections at the Sperry Road/I-5 interchange and along Ward Avenue would need to be included in the study. Finally, no detail regarding peak hour turn movement data was available for the by-pass. While the projected levels of daily and peak hour traffic were added to the cumulative assessment the project traffic was assumed to use Ward and Sperry rather than the by-pass. If direct access to the by-pass at Ward Avenue is developed the project could use this roadway to access I-5. With the planned connection between Oak Flat Road and Sperry Road, the major portion of the traffic destined for I-5 and the City of Patterson is estimated to use the new connector rather than Ward Avenue. Finally, the intersections identified in the DEIR for analysis were considered by the consultant and County staff as those most adversely effected by the project. The analysis was therefore limited to these intersections.

4. Comment noted. The applicant is considering an alternative wastewater plan (Algal Turf Scrub System) which would not have any release into the creek. Wastewater would be treated and stored in ponds, and then used for irrigation once reclaimed. All wastewater plans shall be subject to review at the tentative map stage.

5. See response to comment 1 of the Salado Water District's October 13, 1992 comment letter.

Stanislaus COUNTY FIRE Department

Stanislaus County Fire Safety Department
929 Oakdale Road
Modesto, California 95355
Phone (209) 525-4650
Russell D. Richards III, Fire Warden

October 15, 1992

Bob Katchel
Stanislaus County Planning
1100 H Street
Modesto, CA 95354

Dear Bob:

I have reviewed the "Specific Plan" for Diablo Grande dated September 1992 which I find lacking in several areas.

1. 2.09.3 Other Facilities
The plan states that an emergency vehicle access road would be highly desirable at a later time. This road must be provided before any work on the Phase #1 area is started. Due to the hilly terrain, the possibility of a seismic disturbance, wild fire or heavy rains could close the entrance road for an extended period. The emergency road shall be all weather and of a width and grade passable by large trucks with turn outs provided. 1

The heliport must be reserved for emergencies at all times. If the F.A.A. allows for private use, a second shall be provided. 2

2. 212.1 Fire Protection
Sprinklers for commercial areas are a must, and residential sprinklers per NFPA 13d would be highly desirable. 3

The (buffer zone) type and maintenance of it shall be approved and in operation before combustible construction starts. 4

The fire station and its employees shall also be provided at this time.

Sincerely,

Howard DeCavit
Fire Marshal

RESPONSES TO STANISLAUS COUNTY FIRE DEPARTMENT OCTOBER 15, 1992 COMMENT LETTER

Note: As stated in this letter, comments are based on the "Specific Plan" for Diablo Grande rather than the Specific Plan EIR. This Response to Comments document is usually based on comments on the EIR. However, because the comments relate to the EIR as well, responses are provided as appropriate. New mitigations are numbered taking into account a new mitigation 1 in response to comments from West Stanislaus County Fire Protection District (V).

1. On page IV-188, the following information regarding emergency access is added as the last paragraph to the Phase 1 impacts section:

   "An emergency vehicle access would be provided to Del Puerto Canyon via Murderers Gulch or alternative routes to the northwest. For Phase 1, the proposed Crow Creek Road could also be used as an emergency vehicle access. Figure III.D-3 shows the location of the Murderers Gulch emergency access road, labeled EVA, and the location of Crow Creek Road."

   On page IV-188, the following mitigation measure is added:

   "9. An emergency vehicle access road should be provided before any building permits are filed on the Phase 1 area."

   Mitigation 6 on page IV-188 addresses concern that roads be adequate for use by emergency vehicles.

2. On page IV-188, another mitigation measure is added as follows:

   "10. Adequate space at the helistop should be reserved for emergencies at all times."

3. Mitigation 4 on page IV-188 addresses the need for fire sprinklers.

4. On page IV-188, the following mitigation measure is added:

   "11. The landscape buffer zone types and maintenance responsibilities should be approved and in operation before combustible construction starts."

PLANNING DEPARTMENT

2222 "M" STREET
TELEPHONE (209) 385-7654
FAX (209) 725-3535
MERCED, CALIFORNIA 95340

ROBERT E. SMITH
Director
WILLIAM NICHOLS
Assistant Director

October 15, 1992

Robert Kachel, Senior Planner
Stanislaus County Department of Planning and Community Development
1100 H Street
Modesto CA 95354

Dear Mr. Kachel,

Merced County has some questions about what the document and project exactly are. Is the DEIR for the Diablo Grande Specific Plan? Or is it a program EIR for a General Plan Amendment, rezoning, and Phase I? Or is the DEIR just for the Phase I Preliminary Development Plan and corresponding GPA? The document describes the project in all three ways. 1

Under the consideration of cumulative impacts, the DEIR is deficient in the area of the project's impact on air quality in Merced County, in particular, traffic will access the project via Interstate 5, which transects Merced County on its west side. Merced County in non-attainment for PM 10 and ozone. The through traffic on that part of I-5 located in Merced County will exacerbate the County's non-attainment. What will be done to mitigate this impact? 2

The prevailing winds in the project area are from the northwest. Pollutants will therefore be blown into Merced County. As stated, the County is non-attainment for PM 10 and ozone. The increase in these pollutants that are "blown in" will worsen the County's air. 3

The through traffic on I-5 that is headed north to the project site will pass through Santa Nella. Santa Nella is proposing a significant expansion to its urban area. How will the increase in traffic on I-5 affect this expansion? Will the increase in highway traffic induce more highway-commercial development at a time when Santa Nella is endeavoring to become more of a residential community? 4

We request these issues be addressed in the Final EIR. Thank you for referring a copy of the DEIR to this department.

Sincerely,

D. F. Johnston

Desmond Johnston
Environmental Coordinator

DJ:JJ:jj

RESPONSES TO MERCED COUNTY PLANNING DEPARTMENT OCTOBER 15, 1992 COMMENT LETTER

1. The purposes of the EIR are fully described in the revised Introduction chapter of the EIR, presented below:

Introduction

This Environmental Impact Report (EIR) was prepared by LSA Associates, Inc. (LSA), under contract with the County of Stanislaus to provide environmental analysis of the proposed Diablo Grande Draft Specific Plan in conformance with the California Environmental Quality Act (CEQA) and its guidelines.

Background

The Diablo Grande Specific Plan proposes a planned residential and destination resort community in the western foothills of Stanislaus County. The overall project would encompass approximately 29,500 acres ("Overall Site") and would consist of 5,000 houses, six golf courses, a clubhouse, a hotel/conference center, a winery, a swim and tennis club, and associated commercial and service uses. The Overall Site would include a developed area of up to 10,800 acres, and over 18,700 acres of open space which include areas of passive and active recreational use. Up to 100 estate lots would be permitted in the open space area. The overall development would occur in five separate villages and is expected to be constructed over a period of 25 years, through four major construction phases.

A Preliminary Development Plan (PDP) for the first phase of development (Phase 1) has been prepared which encompasses approximately 2,000 acres and would consist of approximately 2,000 homes, two golf courses, the golf clubhouse, hotel/conference center, winery, swim and tennis club, entry area development (including a research campus), construction of the enlarged Oak Flat Road, development of the estate lots, and construction of associated commercial and service uses. Phase 1 would cover a developed area of up to 900 acres, and over 1,100 acres of open space, including areas of passive and active recreational use. Buildout of Phase I is expected to occur over a period of approximately 15 years.

Approach to Project Permitting and Environmental Review

The Diablo Grande Specific Plan has been prepared as both a policy document and a regulatory document. As a policy document for the entire Specific Plan area, the Specific Plan would guide all future requests for approval of PDP's which would be required prior to the approval of phased construction of the project. The Specific Plan would establish the County's land use policy for the Specific Plan area

and guide the County in reviewing future development requests within the Specific Plan area (e.g., approval of PDP's.)

As a regulatory document, the Specific Plan would control development in areas where a PDP has been approved. The Specific Plan is intended to aid in the systematic implementation of the County's General Plan, and has been prepared and adopted consistent with the enable statute (Government Code section 65450 et seq.).

Following approval of the Specific Plan, for each phase of development a Preliminary Development Plan would be required to be submitted to the County for approval. Each PDP would be required to be consistent with the policies expressed in the Specific Plan and would be subject to environmental review under CEQA. Although CEQA Section 15182 provides for en exception from environmental review for projects undertaken pursuant to and in conformity with an adopted specific plan if a policy agency has prepared an EIR on that specific plan, the project applicant has agreed to waive that right and undertake CEQA environmental review of all future PDP's for the project. Such environmental review would occur prior to adoption of the PDP and its incorporation into the Specific Plan.

Upon completion of the environmental review for each PDP, and the determination of the PDP's compliance with the Specific Plan, the PDP could be adopted by ordinance and incorporated into the Specific Plan. Once a PDP has been incorporated into the Specific Plan, the Specific Plan would become a regulatory document with respect to the development of the land covered by the approved PDP. As a regulatory document, the Specific Plan/PDP would set the rules by which all future land use entitlements within the PDP area would be issued (for example, tentative maps and site plan review).

Under this process, once the Specific Plan is adopted by ordinance as a regulatory document for the Phase 1 PDP area, any future development entitlements in Phase 1 which are consistent with the Specific Plan and Phase 1 PDP would be exempt from further CEQA review.

No development beyond the Phase 1 development area would be allowed to proceed without the following:

1. Submittal of a PDP to the County.

2. Environmental review of the PDP in compliance with CEQA.

3. Approval of the PDP and incorporation into the Specific Plan.

4. Adoption, by ordinance, of the Specific Plan for areas within the PDP.

5. Amendment, by ordinance, of the County's Zoning Map designation from A-2-160 to SP-PDP(__) for the areas within the PDP.

6. Approval of Petitions for Tentative Cancellation of Williamson Act Contracts for areas within the PDP under Williamson Act contract. (Not required if contracts have expired as a result of the filing of a Notice of Non-Renewal.)

The Project as Considered in This EIR

This EIR has been prepared in compliance with state, county, and local CEQA Guidelines. Its primary purpose is to serve as an objective informational document to be used by lead and responsible agencies, as well as the public, in their consideration of the project as outlined below.

The project as considered in this EIR includes the development that would occur from the County's approval of the following actions:

1. Adoption, by resolution, of the Diablo Grande Specific Plan.

2. Approval, by resolution, the petition for cancellation of Williamson Act contract for the Phase 1 area.

3. Amendment of the Land Use designation on the Stanislaus County General Plan Land Use Map, by resolution to SP (__) for the Overall Site.

4. Adoption by ordinance of the Phase 1 PDP and incorporation of the PDP into the Specific Plan.

5. Amendment of the County's Zoning Map designation for areas within the Phase 1 PDP to SP-PDP1, and to SP/A-2-160 for the balance of the Overall Site.

Consistent with the approach described earlier in this section, this EIR contains a program-level environmental review of the Specific Plan for the entire 29,500 acres in compliance with CEQA Guidelines section 15168. This EIR also contains a project-level environmental review of the PDP for the 2000-acre Phase I site. These two types of environmental review represent the appropriate levels of review for the two major aspects of the project under consideration. The EIR breaks out these two levels of review in the impact evaluation for each specific topic (i.e. geology, biology, etc.) as "Overall Site" and "Phase I", respectively. Distinct analysis of impact significance, and distinct mitigation measures are provided in the EIR for the Overall Site development and development of the Phase I PDP. Cumulative impacts

of full buildout of the Overall Site and approved, planned, or reasonably foreseeable projects are also assessed in the EIR.

This EIR addresses the Diablo Grande Specific Plan's potential impacts on applicable traffic and circulation, noise, air quality, biologic, geologic, hydrologic, cultural resources, visual quality, land use, and public services and utilities issues. The following alternatives to the project also are addressed in this EIR: a No Project Alternative, a General Plan Buildout Alternative, a Mitigated Project Alternative, and an Off-site Alternative.

This EIR accompanies the Diablo Grande Specific Plan, and, as such, incorporates by reference the information in that Specific Plan. The EIR is subject to review by the county, local, and federal agencies and organizations, and the public. The EIR, in combination with the Comments and Response document, forms the Final EIR presented to the County for certification.

2. The project's ozone precursor emissions would not necessarily remain in the immediate site environs. The project site is in the San Joaquin Valley air basin and pollutants emitted by the project could be carried to downwind portions of the air basin (i.e., south and east), including Merced County. On page IV-297, lines 4-5, the EIR notes that project emissions would have a significant impact on the Valley's ozone levels. On page IV-298, lines 4-26, the EIR outlines TDM measures whereby motor vehicle trips, and the air pollutant emissions therefrom, could be reduced. Project air quality analysis also included CO modeling at two receptor points near I-5 in Stanislaus County. Since no CO standard violations were demonstrated in Stanislaus County, it seems unlikely that the project traffic would produce standard violations in the I-5 corridor in Merced County.

3. Comment noted. See response to comment 2, above.

4. Refer to responses to comments 1 and 6 of the California Department of Transportation October 16, 1992 comment letter for a disussion of the regional I-5 traffic impact

Stanislaus County

Department of Public Works

1100 H STREET
MODESTO, CALIFORNIA 95354

- ADMINISTRATIVE DIVISION (209) 525-6550
- ENGINEERING DIVISION (209) 525-6552
  BUILDING INSPECTION (209) 525-6557
  TRANSIT OPERATION (209) 525-6552
  ROAD DIVISION (209) 525-4130
  SANITARY LANDFILL (209) 837-4800
  EQUIPMENT DIVISION (209) 525-4145
  BUILDING MAINTENANCE (209) 525-4108
- FAX (209) 525-6507

October 16, 1992

MEMO TO: Robert Kachel, Planning Department

FROM: Steve Erickson, Assistant Engineer

SUBJECT: Diablo Grande -- Draft Environmental Impact Report

The following are comments on the Draft Environmental Impact Report distributed for review for the Diablo Grande project:

Flooding, Page IV-71.

General position on off-site/down-stream drainage. There shall be no increase in the historical amount of flow and no increase in the length of time an area has historically been subjected to flooding. 1

Traffic and Circulation.

Figure IV.H-2. The proposed Oak Flat Connector Road to Sperry Road is not shown on this diagram. Oak Flat Road is shown to carry 13,762 vehicles per day, according to Appendix "C" Part 2, the connector relieves the east end of Oak Flat and Ward Avenue of 9,650 of these trips. This would seem to be too significant a carrier not to be shown on this diagram. It also misrepresents the Ward Avenue traffic numbers and is confusing when the numbers in the daily traffic forecast table, Table IV.H-D, are matched to this figure. 2

As the connector road is not shown, its intersection with Sperry Road and Oak Flat Road east of the connector does not appear in the list of intersections analyzed. How it connects to the County road system and any traffic control measures required needs to be addressed in this report.

We note that the intersections of Ward Avenue at Fink Road and Fink Road at Highway 33 were not in the analysis. Does the project create an operational problem at these locations? The report makes reference to mitigation items at the Fink/I-5 Ramps which are located near these locations. This leads me to suspect these locations may be adversely affected by the project. 3

On-Site Mitigation Measures, Page IV-283. The following item should be added to this list. 4

"All intersections of public, private roads and driveways shall be designed to provide adequate stopping sight distance per the requirements of the Public Works Department."

4 (cont'd)

General Comments

The roads and intersection analysis noted in this report only deal with the capacity and level of service of the item analyzed. There may be safety and operational mitigations required above those spelled out in this report. 5

When a rural farm road is converted into a more urban traffic carrier, utility poles may need to be moved, pavements and shoulders widened, bridge and culverts lengthened as well as curve alignments straightened. 6

Emergency access roads and their connections to the County road system, if any, will require an analysis to ensure the access road and the county road they attach to are adequate for the intended use. 7

Mr Chuck Barnes and Mr. Troy Holt have commented on the Draft E.I.R. Their comments are attached and incorporated into this department's response.

attachments
se:

(F:\traffic\diablo-g.eir)

RESPONSES TO STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS OCTOBER 16, 1992 COMMENT LETTER

1. Comment noted. The following sentence is hereby included at the end of mitigation measure F on page IV-92 of the EIR:

> "The project drainage plans shall be designed to ensure that areas historically subject to flooding will experience no increase in the historical amount of flow or increase in the length of time of inundation."

2. Figure IV.H-2 will be changed to show the new Oak Flat Road/Del Puerto Canyon Road connector. The intersection of Oak Flat Road and Del Puerto Canyon Road will be subject to detailed design after the project is approved; however, discussions with Stanislaus County and project sponsor staff suggest that the intersection at Oak Flat and Del Puerto Canyon Roads will be a "T" with major flows occurring along Oak Flat Road and stop sign controls on the minor approaches of Del Puerto Canyon Road.

3. At the outset of the traffic study, a set of trip generation and trip distribution assumptions were developed by the EIR traffic consultant and reviewed and approved by the Stanislaus County staff. The assumptions also included a list of the critical intersections to be evaluated in the EIR. The intersection of Highway 33 and Fink was not included. The effects of the project at this intersection will not be significant enough to warrant detailed analysis. At most only 7.5 percent of the project off-site traffic will travel through this intersection.

   The intersection of Ward Avenue at Fink Road will be substantially modified when the project is fully developed; therefore, the cumulative roadway conditions rather than existing configuration was used for the traffic impact analysis.

4. The new condition has been added to the list of on-site mitigation measures.

5. These comments relate to potential conditions of approval rather than specific project impacts and assessment. However, the following suggested project conditions are provided for use by the Stanislaus County staff.

   - Roadways and intersections should be designed using County and if appropriate Caltrans design standards.

   - The project sponsor will be required to enter into a development agreement with Stanislaus County. The agreement should detail any project requirments associated

with utility relation, pavement and shoulder widening, bridge and culvert alignments and design criteria.

- The project proposes a number of emergency vehicle connections. However, the exact location of these facilities is not currently defined. As part of the tentative maps for the project, provision for emergency access connections will be required. The project sponsor will develop all emergency access facilities such that all design requirements for response times, street design (including width of travel lanes, grades and surface condition) and intersection connections to County roadways are consistent with all appropriate jurisdictional policies and guidelines.

6. Refer to response to comment 5 of this letter.

7. Refer to response to comment 5 of this letter.

DEPARTMENT OF SOCIAL SERVICES

P.O. Box 42, Modesto, CA 95353-0042

FAX NUMBER (209) 525-6847

ACCREDITED

October 19, 1992

RECEIVED
OCT 19 1992
STANISLAUS COUNTY
PLANNING COMMISSION

Robert Kachel
Stanislaus County
Department of Planning and Community Development
1100 H Street
Modesto, CA 95354

Subject: Environmental Review Comments

Project Title: Draft EIR - Diablo Grande Specific Plan/General Plan/Rezone

Based on this agency's particular fields of expertise, our position on the project described above is:

- may have significant impacts

1

Residential development would be expected to lead to certain cumulative and growth inducing impacts. Public services provided by the Stanislaus County Department of Social Services are impacted by changes in county population, housing and transportation/circulation.

POPULATION

County population growth is directly related to social services caseload growth. Services are currently being provided to more than 19 percent of county residents (approximately one in five). Due to continued expansion of programs, this ratio is expected to increase.

2

Any growth in population which may be expected to result from development of this project would produce similar incremental increases in the need for social services. Costs related to this growth include staffing and overhead, as well as capital improvement costs to accommodate this expansion.

HOUSING

Department of Social Services clients may be members of any socioeconomic group, but a large number of those served are within the low income and transient populations. Public services provided include:

- emergency cash assistance to the homeless;
- ongoing grants to cover housing costs;
- job search, assessment and training;
- homemaker services to allow the aged and disabled to remain in their homes;
- protective services to children and dependent adults.

Each of these services may be impacted by the availability of very low, low and moderate income housing within the county. To the extent that the project under review will either provide or fail to provide for an appropriate amount of very low, low and moderate income housing, the provision of public services may be positively or negatively impacted.

3

TRANSPORTATION/CIRCULATION

While some social services business is conducted through the mail or over the phone, travel between client homes and our offices is also necessary. Public assistance programs - cash, Food Stamps, Medi-Cal - require client travel to and from the Department of Social Services for the face-to-face interview which is part of the application process. Job search and training services require client travel to our offices and to training sites or prospective employers. Child and adult protective services more usually involve travel by social workers from our offices to the homes of clients.

4

Provision of services within the project area would be affected by changes in traffic and parking. Also significant would be impacts upon existing transportation systems and the availability of public transportation. Many individuals rely upon public transportation to access public services.

Impacts of development may be difficult to quantify, but growth management issues affect the provision of public social services. Please contact this office if further information is needed.

5

Response prepared by:

John Turner
Program Manager II
(209) 525-6639

JT/ok

RESPONSES TO STANISLAUS COUNTY DEPARTMENT OF SOCIAL SERVICES OCTOBER 19, 1992 COMMENT LETTER

1. Comment noted. The project's growth-inducing impacts are discussed on page V-6 of the EIR. It should be noted that CEQA does not require analysis of social and economic impacts if those impacts do not have the potential for secondary impacts on physical environmental features. The County has not elected to study socioeconomic issues in this EIR.

2. It is acknowledged that the project could increase caseloads of the Department of Social Services. See also response to comment 1, above.

3. See responses to comments 1 and 2, above.

4. Pages IV-281 through IV-284 of the EIR outline mitigations for traffic impacts resulting from the proposed project. These mitigations include upgrades to the circulation system and provision of adequate parking. Therefore, potential impacts on the ability of the Stanislaus County Department of Social Services to travel between clients' homes and social services offices resulting from the proposed project would be mitigated.

   Refer to response to comment 5 of the Stanislaus County Department of Public Works October 2, 1992 comment letter for a discussion of provision of public transit.

5. Comment noted.

Stanislaus County

Department of Environmental Resources

1716 Morgan Road
Modesto, California 95351-5894
FAX# (209) 525-4163
(209)
525-4154

RECEIVED
OCT 19 1992
STANISLAUS COUNTY
PLANNING COMMISSION

October 19, 1992

BOB KACHEL, SENIOR PLANNER
STANISLAUS COUNTY PLANNING DEPARTMENT
1100 H STREET
MODESTO CA 95351

SUBJECT: DEIR-DIABLO GRANDE SPECIFIC PLAN/GENERAL PLAN/REZONE

The project's Draft Environmental Impact Report (DEIR) was circulated among the Department's various divisions for review and comment. In the interest of expediency, each division's responses are presented separately, thus there may be slight overlapping of concerns or questions.

Solid Waste Management

Contact person, **Kevin M. Williams**, Sr. EHS, 525-4160

1. Page IV-183, lines 13-18: The "...recent County ordinance..." which is referred to is actually as follows: Since 1989, County Ordinance has required that all properties with General Plan Land Use Designations, other than Agriculture, subscribe to weekly refuse collection service from the franchised refuse collector for their area. Weekly curbside collection of recyclable is available to these customers. 1

2. Page IV-183, lines 20-34 (comments from Jami Aggers, Senior Environmental Health Specialist):

   a. The "County's Integrated Waste Management Plan..." (CoIWMP) which is referenced, does not yet exist. This should be clarified.

   b. It would be more appropriate for this document to refer to the County's SRRE, rather than the CoIWMP. Since CoIWMP's are county-wide documents, information taken from them suggests county-wide application. Relative to this project's impact on the unincorporated area's ability to meet AB 939 waste reduction goals, county-wide disposal and diversion data would not appear relevant. 2

   c. Staff could not determine how or where the consultant came up with the disposal and diversion figures which are listed. Staff had no way of knowing whether the consultant

feels they portray county-wide or unincorporated area figures. If these figures were based on the County's SRRE (which most appropriately applies to this project), they should have stated that an average of 28% of the County's solid waste is landfilled and 72% is incinerated currently, and 26.6% is diverted*. Even if the consultant had averaged county-wide data to come up with this information, these figures would still be incorrect.

(*With the passage of AB 2494, this figure will be adjusted to 26.1%. Disposal ratios were averaged county-wide and remain unchanged for the baseline year of 1990.)

d. Staff could not determine how or where the consultant came up with a waste diversion projection for the year 2010, or that it would occur, "...at the point of origin." Draft SRRE's for Stanislaus County jurisdictions did not include waste diversion predictions for the year 2010, other than meeting or exceeding 50%, because program choices had not yet been made. When these figures are available, they will be calculated based upon the Solid Waste Generation Analysis and the waste diversion program choices made by the jurisdiction. In addition, nowhere in the Draft SRRE's were statements made that all waste diversion would occur at the point of origin.

e. The statement, "Discrepancies between the County's existing Integrated Waste Management Plan and AB 939 should be resolved in the Draft SRRE", is incorrect. Again, CoIWMP's have not yet been prepared or submitted to the state. Discrepancies between the Draft SRRE's and AB 939 will be resolved prior to local adoption of the SRRE's and submission to the County. Any discrepancies noted in the CoIWMP, after it is submitted to the state, will be resolved through the procedure specified by AB 939.

2 (Cont'd)

3. Page IV-183, line 38: change "garage" to "garbage".

3

4. Page IV-183, lines 39-41: it is stated that the Class II portion of the Fink Road landfill is used for the disposal of "similar materials with more restrictive disposal requirements." That statement is not correct. The Waste Discharge Requirements (issued by the Regional Water Quality Control Board) and the Solid Waste Facility Permit (issued by the Enforcement Agency, and concurred with by the California Integrated Waste Management Board) stipulate that the Class II portion may be used only for disposal of ash from the adjacent waste-to-energy facility.

4

5. Page IV-183, lines 43 and 47: the reader may think that size of the landfill will be increased by 100 acres, an increase from 219 to 319 acres. That impression is not correct. The 100 acre development of new waste management units will occur gradually in phases within the existing 219 acre site. No acreage will be added to the site. The Public Works Department estimates that the lifespan for the landfill is about 12-15 years, not 20 (this should be confirmed with Jerry Irons, Stanislaus County Public Works Department, 209-525-6552). 5

6. Page IV-184, line 5: the WTE facility is operating under a 20-year, not a 30- year, contract. The facility is required to process a minimum of 243,000 tons per year, but it is designed and currently permitted to process annually 292,000 tons. 6

7. Page IV-184, line 10: what is meant by the statement that "127,750 tons/year is recyclable"? That vague statement should be clarified. The WTE facility has back-end equipment to remove ferrous metal from the combustion ash. In 1991, almost 7,000 tons of such metal was removed from the ash. In 1992, through July, almost 3,000 tons had been removed for recycling. 7

8. Page IV-184, line 34: generation by the project of 22,000 tons per year of refuse would have significant impacts on the county's solid waste management system, and on the franchise company that would haul such refuse. These impacts must be mitigated by source reduction, recycling and composting methods incorporated into the project. 8

9. Page IV-184, lines 34-36: sludges may be disposed at the landfill only upon prior approval by the landfill operators and the enforcement agencies. Minimum requirements that must be met for consideration for approval include, among others: the sludge must be non-hazardous; it must contain more than 50 percent solids (they may not be liquid or semi-solid wastes, that is, containing less than 50 percent solids); the sludge may not contain free liquid or moisture in excess of the waste's moisture holding capacity. Without supporting documentation showing that the sludges from the project meet these requirements, the DEIR cannot make the statement that the sludges will be landfilled. 9

10. Page IV-185, lines 5-11: this paragraph does not commit the project to mitigating the impacts of the project on the solid waste management system in the county. It does not identify and discuss specific mitigation measures for the

impacts. In fact, it says that Diablo Grande "may establish programs to collect recyclable at curbside, separate recyclable from the mixed waste at a central material recovery facility, and compost yard waste." To show how significant impacts of the project on the county's solid waste management system will be mitigated to insignificance by measures incorporated into the project, the EIR must discuss specific programs to collect recyclable at curbside, separate recyclable from the mixed waste at a central material recovery facility, and compost yard waste.

Suggested mitigation measures that could be incorporated into the project include the following.

a. Minimize through source reduction, recycling and diversion the amount of waste from the project which will require landfilling.

b. During construction, provisions should be made to remove recyclable material from the construction debris, inerts should be diverted to inert disposal sites or to recyclers, and so on.

c. The project should incorporate, to the extent possible, products which contain post-consumer recycled materials in the construction of utilities, parking lots, trash receptacles, benches, sound barriers, sign posts, traffic control stops, landscape timbers, fencing, buildings, and so on.

d. Compost and soil amendments necessary for project landscaping should be obtained from permitted composting facilities which qualify for waste diversion credit, provided such landscaping material is available and meets specifications.

e. Space must be provided to facilitate the storage of recyclable material at businesses and multifamily dwellings.

f. The project proponent should work with representatives of the Solid Waste Management Division of the Stanislaus County Department of Environmental Resources, and Bertolotti Disposal on designs and systems that will facilitate collection of recyclable, yard trimmings and refuse.

10 (Cont'd)

11. Page IV-185, lines 17 and 18: it is stated that sludge from the water treatment plant and the wastewater treatment plant would be landfilled. See comment Number 7 above.

11

12. Page IV-185, lines 41-45: the DEIR does not assign to anyone the responsibility for conducting the landfill study that is discussed. 1:

13. Additional comments:

a. The DEIR does not discuss the impacts of the project on the county franchise hauler, Bertolotti Disposal. Development of the project will likely require adding new refuse collection routes, and purchasing new collection vehicles. These impacts should be discussed. 1:

b. The project will have impacts on the operations and the refuse handling capacities of the Bertolotti Transfer and Recycling Center. If recyclable and yard residue are commingled with household garbage, material will have to be hauled to the transfer station. There is no discussion in the DEIR on the size, permitted capacity and operational capabilities of that transfer station. Due to the long haul distance to the transfer station in Modesto, locating a small transfer station within the project is an alternative that should be discussed. 14

c. Please note that in our comments dated April 22, 1991, on the project in response to the Notice of Preparation, the Solid Waste Management Division asked that the EIR address the following:

"What specific projects and/or programs will be provided in the proposal to ensure that 25% of the waste stream will be diverted from disposal by 1995? 50% by 2000?"

"What policies, programs, and/or projects will be implemented to promote the use of recycled or recyclable products?" 15

"What policies, programs, and/or projects will be implemented to promote the concept of source reduction? Composting?"
"The EIR should discuss all waste management alternatives, with the idea of minimizing the use of landfilling and/or waste-to-energy."

The DEIR either does not address these items or does not address them in enough detail to allow analysis by staff.

Wastewater Treatment and Disposal
Contact person, Keith Munroe, Sr. EHS, 525-4154

1. Page IV-181, lines 47-48. The proposed Community Services District in addition to managing the wastewater treatment facilities and their collection system, should also oversee the funding for Operation and Maintenance of the entire project, once installed and operating. Stanislaus County should monitor collection and dispersement activities so as to ensure adequate funding of the District. 16

2. Page IV-181, lines 42-45. Which agency will receive monitoring reports for discharge of treated effluent into the creeks? Will the Central Valley Water Quality Control Board be the primary review agency under its' Waste Discharge Requirements? 17

3. Page IV-180. Treatment Plants - Design criteria should provide adequate acreage for the proposed facilities, so as to accommodate the physical plant and sludge treatment and disposal areas. The waste management plan should discuss alternatives for sludge disposal, to include agricultural land spreading and composting. Due to the isolated location of the proposed project, convenient disposal sites for grease trap pumpings and septage are lacking. The project's wastewater treatment plants should be designed so as to accommodate these wastes. 18

4. Page IV-181. Overall Site - The use of reclaimed water for irrigation is a recognized beneficial use of treated wastewater. It is important however, that the project proponent or the Service District has ownership of or long term use agreements covering all lands which will be used to apply the reclaimed water. 19

5. Page II-11. "Septic Systems for the 100 estate Lots proposed...," should read individual aerobic treatment units, so as to conform to Stanislaus County's primary and secondary treatment requirements (Measure X). 20

6. Page II-22, line 2. Under Mitigation Measures, text should read, "...California DOHS, Stanislaus County Department of Environmental Resources..." not Stanislaus County Department of Health Services. 21

7. Page II - 11, Hydrology and Water Quality - A NPDES permit for stormwater disposal should be applied for and obtained prior to starting construction activities, either on a phase 22

basis or by individual component projects. Due to the sensitive nature of the soil and topography, a stormwater/silt management plan must be in place before construction begins.

Domestic Water Quality and Quantity (Phase I)
Contact person, **Bryan Kumimoto**, Sr.E.H.S., 525-4154

1. Quality - With the proposed treatment of groundwater to meet State DHS Drinking Water Standards, quality does not appear to be a problem in Phase I of the project.

2. Quantity - Engineering data must support that needed source capacity and storage volume is provided which will enable compliance with applicable sections of the California Water Works Standards and Stanislaus County Improvement Standards.

Hydrology and Geology
Contact person, **Robert Fourt**, Sr. H.M.S., 525-4150

1. Groundwater Availability

The impact of the proposed groundwater extractions south of the city of Patterson, were determined to be minimal based on an earlier study for the City of Patterson, "Reconnaissance Evaluation of Groundwater Resources Available to the City of Patterson - Bookman-Edmonston Engineering, Inc. 8/1991." The study estimates a present day recharge of approximately 35,000 acre feet per year from the infiltration of irrigation water and groundwater extractions of 15,300 acre feet year. Possible long term groundwater impacts are reported as decreasing water quality due to the infiltration of lower quality irrigation return water.

I have several comments on the Bookman-Edmonston Engineering study and its applicability to the proposed use of imported groundwater from the Patterson area.

The groundwater recharge of 35,000 acre feet per year by infiltration of surface irrigation water assumes full delivery of the imported surface water allotment from the Central Valley Project through the Delta Mendota Canal. 1992 allocations from the Delta Mendota Canal were 24% of normal allotments. The decrease in imported surface water allotment on the west side has been compensated by increased groundwater pumpage.

Proposed revisions to the federal legislation governing the Central Valley Project may decrease water allotments to west side irrigation districts. Additional reductions in imported surface water allocations may also be mandated by the Endangered Species Act and the State Water Quality Control Board Bay-Delta hearings. 25 (Cont'd)

The infiltration rate (25%) does not appear to be appropriate for the heavier clay-rich soils found on the West Side. An estimated infiltration rate of fifteen per cent has been suggested by the West Stanislaus Conservation District (McElhiney, 10/8/1992). 26

Improved irrigation methods being developed by the West Stanislaus Hydrologic Unit to reduce the amount of irrigation tail water runoff may reduce the amount of recharge from irrigation infiltration. 27

The estimated increase in groundwater usage by the City of Patterson should be included in the water budget. 28

A revised water budget reflecting the current "drought conditions" and addressing the following issues is needed: 29

1. Reduced surface water allotments from the Central Valley Project.

2. Increased groundwater pumping for irrigation to offset the reduced surface water allocations.

3. Groundwater infiltration rates appropriate to West Side soils.

4. The estimated increase in the City of Patterson's groundwater needs.

The possibility that Diablo Grande will not expand beyond the proposed Phase I build out and that water will continue to be supplied from the Patterson area wells must be addressed. The project should be able to demonstrate sufficient groundwater availability to supply the Phase 1, Diablo Grande, at build-out, for the indefinite future. 30

Mitigation measures proposed to evaluate and address possible groundwater impacts include groundwater monitoring of adjacent properties and the supplying of surface water from the Delta Mendota Canal to properties impacted by groundwater pumping for Diablo Grande. 31

The amount of surface water necessary to replace neighboring

groundwater supplies should be calculated. If the possible demand exceeds the reduced allotment from the Central Valley Project 1(current 25% of 1100 ac/ft yr. - 275 ac/ft yr.) the availability of additional replacement water should be demonstrated. 3 (Cont'd)

2. Seismic Risk

The Tesla-Ortigalita Fault has been mapped as extending through the western portion of the project. To the south, the fault has been zoned as active by the Division of Mines and Geology. The northern extent of the active fault has not been determined. Possible ground accelerations from an earthquake along the Tesla-Ortigalita fault should be evaluated and incorporated into the design of the project. 32

The possible ground accelerations from an earthquake along the San Joaquin Fault should be evaluated and incorporated into the design of the project. 33

Possible surface rupture associated with a possible earthquake on the Tesla-Ortigalita Fault should be evaluated prior to approval of the build-out of Village 5, Orestimba.

Thank you for the opportunity to comment on this project.

Sincerely,

Keith C. Munroe

KEITH C. MUNROE, Sr.E.H.S.
SENIOR ENVIRONMENTAL HEALTH SPECIALIST
Division of Environmental Health

ck

cc: David Dolenar, Chairperson,
Stanislaus County ERC

RESPONSES TO STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES OCTOBER 19, 1992 COMMENT LETTER

1. On page IV-183, lines 13-18, the sentence beginning with "Under a recent County ordinance ..." is replaced with the following clarification:

> "Since 1989, County Ordinance has required that all properties with General Plan Land Use Designations, other than Agriculture, subscribe to weekly refuse collection service from the franchised refuse collector for their area. Weekly curbside collection of recyclables is available to these customers."

2. On page IV-183, lines 20-24 are deleted. The paragraph would then begin with "The Integrated Waste ...". Lines 30-34 are deleted and replaced with the following:

> "According to the County's SRRE, an average of 28 percent of the County's waste was landfilled, 72 percent was incinerated in the baseline year of 1990. For the unincorporated area, 26.6 percent was diverted; however, this figure was adjusted to 26.1% with the passage of AB 2494. An updated Integrated Waste Management Plan for the County is not yet available for consideration in this document. In addition, the SRRE is more applicable because county-wide disposal and diversion data would not be relevant for determining the impact of the project on the unincorporated areas's ability to meet AB 939 waste reduction goals."

3. On page IV-183, line 38, "garage" is corrected to "garbage".

4. On page IV-183, lines 40-41, "... and similar materials with more restrictive disposal requirements (Western Ecological Services)." is replaced with the following:

> "..., as stipulated by the Waste Discharge Requirements (issued by the Regional Water Quality Control Board) and the Solid Waste Facility Permit (issued by the Enforcement Agency, and concurred with by the California Integrated Waste Management Board)."

5. On page IV-183, lines 43-44 are clarified to read:

> "A 100-acre expansion of the Class III landfill will occur gradually in phases within the existing 219-acre site. The first phase began in 1992."

According to Jerry Irons, Stanislaus County Public Works Department, the lifespan of the landfill is still about 20 years because of a recent decision to raise the final elevation of the landfill.

6. On page IV-184, lines 4-6 are amended to read:

> "It is operating under a 20-year contract, which requires that the facility process a minimum of 243,000 tons per year, but it is designed and currently permitted to process 292,000 tons annually."

7. The last sentence of the first full paragraph on page IV-184 of the EIR is deleted.

8. Comment noted. Additional mitigations suggested in comment number 10 of this comment letter are included in the FEIR.

9. Comment noted. There are strict regulations controlling the landfilling of sludge. The ability of each landfill to accept sludge is dictated in the waste discharge permit issued by the Regional Water Quality Control Board. Regulation of sludge disposal is under the jurisdiction of the EPA, Water Resources Control Board, and the California Integrated Waste Management Board. The EPA has recently announced the release of their regulations. The Policy, Research, and Technical Assistance Committee of the California Integrated Waste Management Board is currently developing policy for the management of wastewater sludge. They are studying, among other uses, applying sludge as an alternative daily cover on landfills.

The commenter requests supporting documentation that the sludge is non-hazardous and has greater than 50 percent solids content. It is difficult to provide documentation of these parameters for a material that has yet to be produced. Alum coagulation slide is not considered a hazardous waste, and the moisture content can be reduced through drying in open beds and/or by mechanical means to the moisture content required by the local landfill.

To reflect this uncertainty as to whether the sludge can be landfilled, the second sentence of the last paragraph on page IV-184 has been revised to read as follows:

> "In addition, sludge from the water treatment plant and the wastewater treatment plant would be landfilled if approved by the Regional Water Quality Control Board and/or the Local Enforcement Agency."

See also response to comment 22 of the Thomas Reid Associates letter.

10. To ensure that significant impacts of the project are mitigated, lines 9-11 on page IV-185 are revised to read:

> "Therefore, Diablo Grande will establish programs to collect recyclables at the curbside, separate recyclables from the mixed

waste at a central recovery facility, and compost yard wastes (including those from the golf courses), as described in more detail in the mitigation measures."

The following mitigations are added after mitigation 3 on page IV-186:

"4. The amount of waste from the project which requires landfilling should be minimized through source reduction, recycling, and composting and other diversion mechanisms.

5. During construction, provisions should be made to remove recyclable material from the construction debris, inerts should be diverted to inert disposal sites or to recyclers, and so on.

6. The project should incorporate, to the extent possible, products which contain post-consumer recycled materials in the construction of utilities, parking lots, trash receptacles, benches, sound barriers, sign posts, traffic control stops, landscape timbers, fencing, building, and any other structures or amenities at the site.

7. Compost and soil amendments necessary for project landscaping should be obtained from permitted composting facilities which qualify for waste diversion credit, provided such landscaping material is available and meets specifications.

8. Space should be provided to facilitate the storage of recyclable material at businesses and multifamily dwellings.

9. The project proponent should work with representatives of the Solid Waste Management Division of the Stanislaus County Department of Environmental Resources, and Bertolotti Disposal on designs and systems that will facilitate collection of recyclables, yard trimmings, and refuse."

Page IV-186, line 8 is amended to read:

"Refer to measures 1, 4, 5, 6, 7, 8, and 9."

11. Comment noted. See response to comment 7, above.

12. The applicant would be responsible for conducting the landfill study. This responsibility would be formalized through the mitigation monitoring plan.

13. The following text is added to the EIR on page IV-185, line 4:

> "Bertolotti Disposal Service would need to expand service to include the project site. This would require purchase of one additional truck which would be used to haul non-recyclable solid waste approximately four times per week and recyclable waste once per week from the project site. Revenues from operations would be sufficient to fund purchase of the truck (Perreira, pers. comm.)."

14. Comment noted. Due to the long haul distance and volume of waste to be generated by the proposed project, it may be necessary to locate a transfer station on site. As such, the following mitigation measure should be added to the list of mitigations on pages IV-185 and IV-186:

> "10. As discussed in mitigation 9, above, design of a collection system shall include possible installation of an on-site transfer station in the event that the reviewing agency and disposal service provider determine it to be necessary. If necessary, the site, location, permitted capacity, and operational capabilities shall be defined during collection system design."

15. Mitigation measures suggested by this commenter are added in response to comment 10, above. Specific facilities and programs consistent with the County's AB 939 plan will be developed at the Final Map stage.

16. On page IV-181, lines 47-48, the mitigation measure is amended as follows:

> "A Community Services District shall be formed to provide the sewer service (or sewer service shall be provided by the Western Hills Water District). The District responsible for managing the wastewater treatment facilities should also oversee the funding for operation and maintenance of the entire project, once installed and operating. Stanislaus County should monitor collection and dispersement activities so as to ensure adequate funding of the District."

17. The Central Valley Regional Water Quality Control Board will be responsible for development waste discharge requirements for project wastewater discharges.

18. The water treatment plant for Phase 1 would most likely be a package plant. These plants are commonly housed in buildings of a few thousand square feet. Including parking and possibly some administrative office and/or laboratory space, a few acres should suffice for the plant exclusive of drying beds.

    The space required for water treatment sludge drying beds would depend on the water source and treatment methods employed. Preliminary design has not progressed to the point of sludge handling process selection and sizing. Available space often governs process selection, with air drying beds being cost effective where sufficient room is available, and mechanical means predominating when open space is at a premium.

    Based on water quality and treatment process assumptions used in estimating sludge volume, approximately one to four acres would be required for air drying beds. It should be noted that air drying would not necessarily be utilized, as mechanical dewatering methods are available.

    As an alternative, the applicant is considering a controlled turf scrubbing system which would eliminate sludge production and discharges of treated wastewater into local creeks. Under this alternative system, all wastewater and algel residue would be used for irrigation and fertilization of golf courses and other landscaped areas.

    It should be noted that any design variation from a conventional package treatment plant would necessitate review and approval by the Regional Water Quality Control Board and the County. It is conceivable that a State/County-approved back-up system would be required should the experimental system fail to perform to standards imposed (Keith Munroe, May 27, 1993).

19. Ownership of all wastewater collection and treatment facilities would be retained by the Western Hills Water District. In addition, all facilities that may use reclaimed wastewater will be retained by Diablo Grande or another umbrella organization. This includes the golf courses, parks, and winery, and most likely recipients of reclaimed water.

20. On page II-11, the second impact is corrected to read:

    "Individual aerobic treatment units (septic systems) ..."

21. On page II-22, first mitigation, "Stanislaus County Department of Health Services" is replaced with "Stanislaus County Department of Environmental Resources."

22. Comment noted. Mitigation measure 1 on page IV-91 (summarized on page II-8) is corrected to read:

> "NPDES permit requirements for stormwater discharge shall be complied with prior to starting any construction activities, either on a phase basis or by individual project components. The Stormwater Pollution Prevention Plan must be developed and required proection in place before earthwork begins. Additional NPDES permits for the proposed land uses, if required, shall be obtained prior to their operation. The project shall provide measures and practices to prevent pollution and prepare a stormwater discharge monitoring program to ensure compliance with state and federal water quality objectives."

23. Comment noted.

24. Comment noted. The applicant would supply the required engineering data to the County prior to tentative map approval.

25. Comments on water supply relate principally to (1) adequacy and impacts of using ground water from Western Hills Water District lands south of the City of Patterson and (2) the water supply sources for full development. Groundwater use would be limited to 1,200 acre-feet per year which would be adequate for the initial development. Further development after about the fifth year would be served by water secured from one or more potential sources now under study and negotiation.

Information from the report prepared by Bookman-Edmonston Engineering, Inc. (B-E) for the City of Patterson entitled "Reconnaissance Evaluation of Ground Water Resources Available to the City of Patterson", August 1991 (Patterson Report), which is appended to the EIR, was cited to demonstrate the magnitude of average annual groundwater recharge in relation to the need for Diablo Grande. The Stanislaus County Department of Environmental Resources (SDER) and others question certain elements of the groundwater supply and the impacts of pumping water for Diablo Grande.

The analysis for the City of Patterson was limited to recharge within three water and irrigation districts surrounding the City, i.e., Del Puerto, Patterson, and West Stanislaus. Recharge to ground water, from which water for Diablo Grande would be pumped, comes from a much larger area, however. In addition to recharge from irrigation water which passes below the root zone and canal seepage, as evaluated in the Patterson Report, there is recharge in many years from precipitation and from runoff of Salado and Crow creeks and other adjacent small drainages. The contribution of stream flow recharge is shown by groundwater contours on Attachments 3 and 4 of the

Patterson Report. About one-third of the Salado and Crow creeks drainage area is in Diablo Grande property.

On a broader scale, the entire area west of the San Joaquin River from about Tracy south to Los Banos, California Department of Water Resources Drainage Analysis Unit (DAU) 216, has significant long-term recharge in excess of pumpage. Data in Attachment 7 of the Patterson Report show average annual recharge for the 13-year period from 1970-1982 to be 592,000 acre-feet. Only in 1977 and 1981 did pumpage exceed recharge by 248,000 and 3,000 acre-feet, respectively.

The groundwater basin is a storage reservoir. Pumpage in excess of recharge for even several years does not necessarily create overdraft conditions. The attached figure shows the minimal water level changes in three wells in the vicinity of the proposed Diablo Grande well sites since 1970. (Data for one well in 1973 appear to be in error.) There is no consistent drop in water levels during the current drought.

SDER suggests that an appropriate rate for infiltration (deep percolation of applied water) would be 15 percent instead of 25 percent as used in the Patterson Report. Data developed by California DWR in Attachment 4 to that report show the following 13-year average annual percolation amounts for DAU 216 west of the San Joaquin River.

Irrigation Percolation	295,000 acre-feet	50%
Conveyance Seepage	202,000 acre-feet	34%
Excess Precipitation	71,000 acre-feet	12%
Other Losses	24,000 acre-feet	4%
TOTAL	592,000 acre-feet	100%

Attachment 7 to the Patterson report shows average annual supply from surface and groundwater to be 1,346,000 and 403,000 acre-feet, respectively, for a total of 1,749,000 acre-feet of applied water. Total recharge at 592,000 acre-feet is nearby 34 percent of the applied water. The 25 percent used in the Patterson Report is a conservative value for combined deep percolation and conveyance seepage of the water distributed and applied by the three districts surrounding the City of Patterson. It may be noted that about 60 percent, or 295,000 acre-feet, and 40 percent, or 202,000 acre-feet, is attributable to deep percolation and conveyance seepage, respectively. This indicates that about 15 percent of the 25 percentage can be attributed to deep percolation of applied water.

The SDER suggests a revised water budget which would reflect the possibility of reduced surface water allotments from the CVP and corresponding increased ground water pumping. Where there will be permanently reduced allotments and the amount of such reductions is

Ground Water Levels in Wells in the Vicinity of Proposed Diable Grande Well Sites

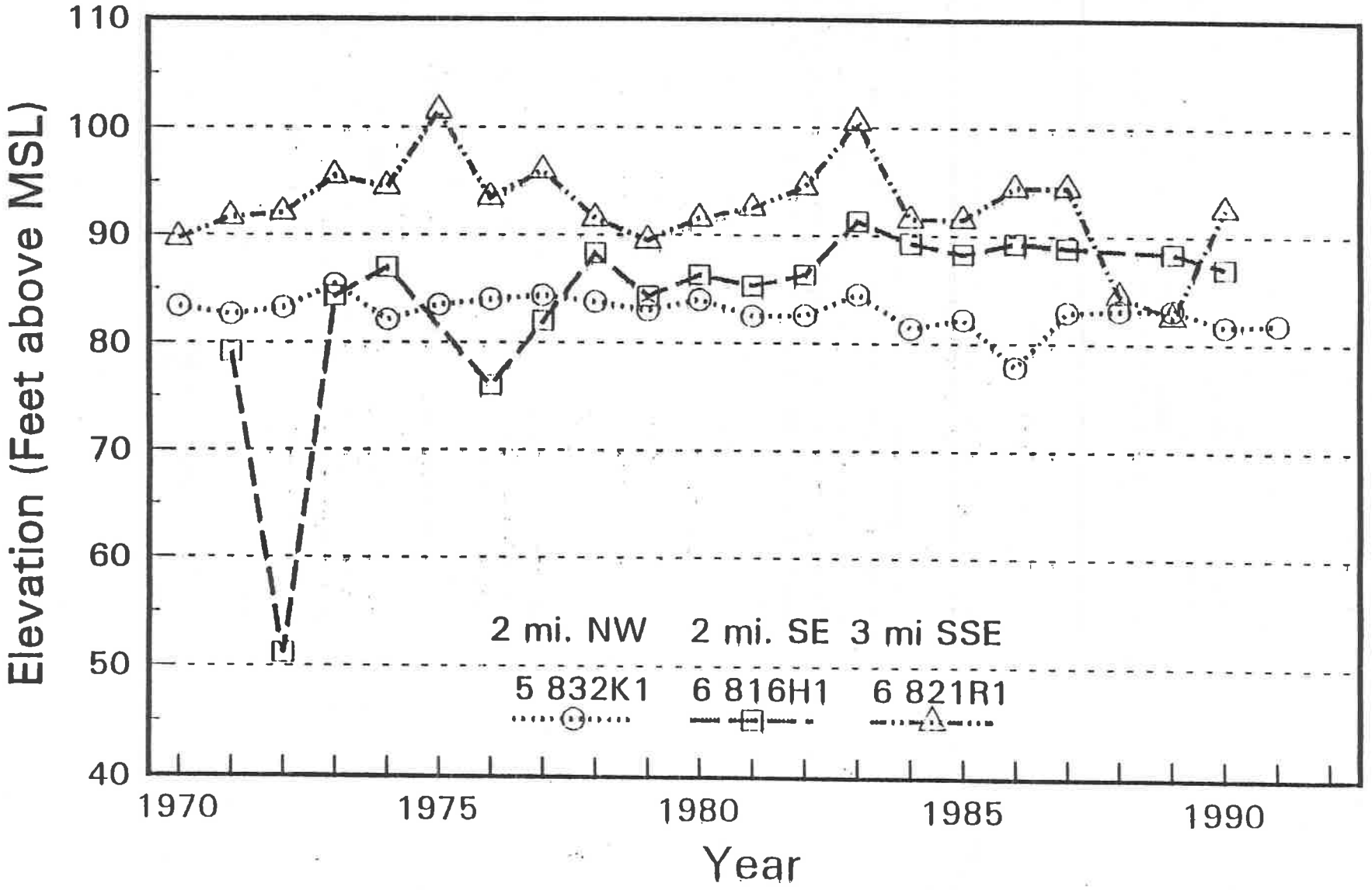


FIGURE 1

speculative. If there are cutbacks in normal and dry years there may also be extra allocations of water in above normal years and in such years all land may be served with surface water instead of partially with ground water. It is clear that there is currently a substantial amount of groundwater which moves out of western Stanislaus County toward the San Joaquin River and northward along the river (see the groundwater contours on Attachment 3 of the Patterson Report). It is not practical with the data that are available to quantitatively define the incremental impact of pumping 1,200 acre-feet annually out of a total groundwater pumping in western Stanislaus County that may be on the order of 100 times as great.

The SDER suggests that improved irrigation methods may reduce deep percolation of irrigation water. If such improvements are made they would presumably require less groundwater pumpage also and thereby not significantly change the amount of surplus groundwater.

See response to comment 1 of the Salado Water District October 13, 1992 comment letter for a further discussion of potential impacts to neighboring wells.

26. See response to comment 25, above.

27. See response to comment 25, above.

28. See response to comment 25, above.

29. See response to comment 25, above.

30. The groundwater study included as Appendix E of the Draft EIR appears to demonstrate that sufficient long-term groundwater is available for the first five years of buildout (see EIR page IV-166). See response to comment 14 of the San Joaquin County Community Development Department October 1, 1992 comment letter.

31. Comment noted. The following is added to the end of mitigation 3 on page IV-178 of the EIR:

> "Should this drawdown occur, the applicant shall fund the County's retaining of a hydrologic engineer to calculate the amount of surface water required annually to replace lost groundwater supplies and, if that quantity exceeds 275 AFY, the availability of additional replacement water shall be demonstrated to the County's satisfaction.

32. Concern regarding potential ground acceleration impacts from seismic events (especially those originated along the Tela-Ortigalita fault) are noted. For project level EIRs, the California Division of Mines and Geology typically requires on-site seismic ground acceleration be

calculated and project structures and utilities be built to withstand the expected ground accelerations during major seismic events along nearby active faults. The project applicant has been requested to include this task within the geotechnical investigations to be conducted as part of the project design process.

The second, third and fourth sentences in mitigation measure 1 on page IV-64 are revised to read as follows:

> "The evaluation shall include the exploration and assessment of soil, bedrock, groundwater, and other subsurface geologic conditions under both static and seismic conditions, and building- and roadway-specific foundation and structural engineering. Site-specific calculations on expected ground acceleration, amplitude and duration of seismic shaking shall be provided in the geotechnical study. The specific evaluation on the potential for secondary seismic impacts such as liquefaction, surface rupture and seismic-triggered landslides also will be assessed. Proposed cut and fill slopes shall be evaluated under both static and seismic conditions so that soil and slope engineering criteria for project grading, retaining wall structures, building and road foundations and drainage systems can be provided."

The following sentence is hereby added to mitigation measure 15 on page IV-66:

> "Should the geotechnical study determine that the project site could be subject to more severe seismic parameters than those that were used as the basis for the county-adopted design standards, the project components shall be built to withstand the most conservative measures."

These mitigation measure revisions are hereby corrected in the Summary section pages II-2 and II-6.

33. The possible ground accelerations from an earthquake generated along the San Joaquin fault would be evaluated within the geotechnical task described in the response to comment 32 above.

34. The potential for surface rupture within Village 5 would be evaluated as noted within the revisions to mitigation 1 on page IV-64, in response to comment 32 in this letter.

Stanislaus County

Chief Administrative Officer

P.O. Box 3404
Modesto, California
95353
(209) 525-6333
Fax (209) 544-6226

RECEIVED
OCT 21 1992
STANISLAUS COUNTY
PLANNING COMMISSION

October 21, 1992

Mr. Ron Freitas
Department of Planning
and Community Development
1100 H Street
Modesto, California 95354

RE: DRAFT ENVIRONMENTAL IMPACT REPORT - DIABLO GRANDE - SPECIFIC PLAN/GENERAL PLAN/REZONE

Dear Mr. Freitas:

The Stanislaus County Environmental Review Committee has reviewed the subject project and offers the following general comments. Additional concerns will be specifically addressed by individual County Departments.

Generally the Committee concluded that the impact on County services was not sufficiently identified and addressed and should be included as part of the Final Environmental Impact Report. The analysis should not only include the impact on County services, but should additionally address infrastructure, taxes, etc., on all affected agencies. In addition, it should include the cumulative impacts that will result regarding air quality and traffic. 1

The Committee is appreciative for the opportunity to comment on this project.

Sincerely,

David L. Dolenar
Deputy Administrative Officer
Environmental Review Committee

DLD:sbw
cc: Board of Supervisors
Al Beltrami
Reagan Wilson
Environmental Review Committee Members

RESPONSES TO STANISLAUS COUNTY CHIEF ADMINISTRATIVE OFFICER OCTOBER 21, 1992 COMMENT LETTER

1. Specific concerns regarding the project's potential impacts on County services are addressed in responses to specific comments for the county Parks Department, Community Development Department, Public Works Department, Sheriff's Department, Fire Department, Department of Social Services, and Department of Environmental Resources. The EIR and comments and responses address the projects' impacts on County infrastructure in the Public Services and Utilities section. Similarly, cumulative traffic and air quality impacts are addressed in the EIR, and revised cumulative assessments for these topics are included as appendices to this FEIR. Tax revenue impacts assessment is not required to be analyzed in an EIR by CEQA, and the County elected not to included such an assessment in this EIR.

Pacific Gas and Electric Company
650 O Street
Fresno, CA 93760-0001
209/442-0909

September 23, 1992

CERTIFIED MAIL
#P-452-924-122
RETURN RECEIPT
REQUESTED

Notice of Preparation of a
Draft Environmental Impact Report
Diablo Grande Specific Plan/General Plan/Re-zone
County of Stanislaus
603

Stanislaus County Department of Planning
and Community Development
County of Stanislaus
1100 "H" Street
Modesto, CA 95354

Gentlemen:

Thank you for the opportunity to review the above project. Our analysis of this project indicates potential impact to this company's electric system. These impacts are discussed below and should be addressed in the EIR.

This proposed development of 29,500 acres could potentially have cumulative impacts on our gas and electric systems and may require the expansion of PG&E facilities within and outside the proposed development boundaries. As mentioned in section IV-203 to 205, under the heading of "Gas and Electricity" necessary expansion of on-site and off-site utility facilities (such as, electric distribution lines, substations, gas distribution lines and regulator lots) will be required. However, these facilities should be identified (with studies initiated and funded by the developer) in the development planning stages. Actual development of these new facilities should be performed prior to the construction and permitting of any project. 1

Any environmental reviews required for the installation of these PG&E facilities should be conducted as part of the EIR process. Responsibility for these studies belong to the developer due to the fact that new impacts created by the construction of utility facilities would be caused solely and by virtue of the proposed development, therefore, should be considered a part of the overall project. On-site utility easement necessary to serve proposed projects should be required as a condition of approval. Care should be taken to ensure that the new zoning ordinances or deed restrictions do not exclude overhead or underground utility facilities from any areas. All future reviews should be submitted for comment as follows: 2

(Continued)

Pacific Gas and Electric Company
Region Land Department
650 "O" Street, 3rd Floor
Fresno, CA 93760

As mentioned in the Notice of Preparation, PG&E owns and operates several transmission lines that lie within the proposed project. General Orders 95, 112D and 128 of the California Public Utilities Commission (CPUC) code requires the maintenance of specific clearances around gas and electric facilities. For this reason, PG&E and the local agencies must enforce restrictions on development activities and improvements such as grading, holding ponds, roads and structures near PG&E facilities and within their associated rights-of-way and easements. To ensure that site development in the vicinity of PG&E operations, prior to a development, the Developer should be required to submit all plans for review as follows: 3

Pacific Gas and Electric Company
Stockton Division Land Department
P. O. Box 930
Stockton, CA 95201

If the proposed project meets PG&E's standards to protect our facilities, PG&E will grant the Developer a written consent outlining specific uses and development requirements. The following is potential wording to be included in the Environmental Impact Report Mitigation Requirements: 4

> "Provide a consent agreement from Pacific Gas and Electric Company prior to issuance of any permits for development within any PG&E easements".

Thank you for your time and assistance concerning this very important matter. Please contact me at (209) 263-5238 if you have any questions.

Sincerely,

Greg A. Parker
Region Land Planning Analyst

GAP:al

bc: Cliff Faith/Chuck Stinnett
Steve Koop/George Palermo
Chuck McClue

RESPONSES TO PACIFIC GAS AND ELECTRIC COMPANY SEPTEMBER 23, 1992 COMMENT LETTER

1. Specific facilities will be identified during the tentative map stage. Actual development of these facilities would be done prior to approval of any building permits. As such, the EIR shall be amended to include the following mitigation on page IV-204:

   "3. Gas and electrical facilities needs shall be identified and developed prior to approval of building permits."

2. This EIR is intended to address environmental impacts relating to utility facilities proposed in Phase 1. Utilities impacts for later phases will be addressed in environmental documentation to be prepared for those phases. That documentation will be funded by the applicant.

3. The developer would be required to send plans to PG&E as requested.

4. On page IV-204, the following mitigation measure is added:

   "3. The developer should obtain a consent agreement from Pacific Gas and Electric Company prior to issuance of any permits for development within any PG&E easements."

P.O. Box 7
Patterson, Ca. 95363
Oct. 4, 1992

Robert Rachel - Contact Person
Stan. Co Dept. of Planning & Development
1100 H. Street
Modesto, Calif 95354

Regarding: D.E.I.R. / Diablo Grande / Specific Plan / General Plan / Rezone

According to the D.E.I.R., the Diablo Grande people have plans for building a main access road parallel to I-5 from Oak Flat Salado Canyon to Del Puerto Canyon connecting to the Sperry Ave - I-5 Interchange

Since our property could be involved in their planning, I'd like to go on record at this time that we reserve the right for future comment, agreement or disagreement with this D.E.I.R. We definitely do not want to waive our future rights on this road issue should any concerns or problems arise. Plans are not definite enough to make proper comment at this point in time.

Most Sincerely,
Rudolph S. Hansen
Freda G. Hansen
2490 Sperry Ave.
Patterson, Ca. 95363

RECEIVED
OCT - 1992
STANISLAUS COUNTY
PLANNING COMMISSION

RESPONSES TO RUDOLPH AND FREDA HANSON OCTOBER 4, 1992 COMMENT LETTER

1. Comment noted.

October 12, 1992

Mr. Robert Kachel
Stanislaus County
Department of Planning
1100 H Street
Modesto, CA 95354

RE: DRAFT ENVIRONMENTAL IMPACT REPORT - DIABLO GRANDE

Dear Mr. Kachel:

The X-C Ranch owned by the Cox family wishes to be of record as to the following concerns.

1. Right of way acquisition affecting the X-C Ranch.
2. The effect on existing access to stock water for cattle. | 2
3. Restrictions on the pasturage and movement of cattle on both sides of the proposed and final public road. | 3
4. The right and nature of access to the final public road by the adjoining land of the (X-C) Cox family. | 4

Sincerely,

John D. Cox
Property Owner (X-C Ranch)

P.O. Box 247
Westley, CA 95387

RESPONSES TO JOHN COX OCTOBER 12, 1992 COMMENT LETTER

1. The Land Use section is amended to add the following mitigation measure:

   "5. Entry roadways should allow for access by the adjoining ranch land uses. The roadways should be designed to address the cattle ranching concerns of adjacent lands including access to stock water for cattle and movement of cattle on both sides of the roadways."

2. Refer to response to comment 1 of this letter.

3. Refer to response to comment 1 of this letter.

4. Refer to response to comment 1 of this letter.

Salado Creek Ranch
P.O. Box 1356
Patterson, Ca. 95363

October 14,1992

Stanislaus County Department of Planning and Community Development
1100 H Street
Modesto, Ca. 95354

I hereby wish to comment of the DEIR for the Diablo Grande project. Their plan to pump ground water from their property(ies?) ultmately from multiple wells will have an adverse environmental impact on existing groundwater supplies.

The continuing drought and shortfalls in water deliveries from the Federal and State water projects have caused farmers to make up water decifits by extensively pumping ground water. Water levels have already fallen, and I have had to lower the well that supplies my orchards. Continous pumping or mining of water from multiple wells to service the Diablo Grande development will adversely affect agriculture in this area, and I feel that these effects have not been adequately been addressed in the DEIR for the Diablo Grande project.

Very truley yours,

Henry A. Gnesa
Salado Creek Ranch

RESPONSES TO HENRY A. GNESA OCTOBER 14, 1992 COMMENT LETTER

1. See response to comment 1 of the Salado Water District October 13, 1992 comment letter.

SIERRA CLUB
CALIFORNIA

October 14, 1992

Robert Kachel
Stansislaus County
Department of Planning and
Community Development
1100 H Street
Modesto, CA 95354

Mr. Kachel:

The following comments are offered on behalf of the Sierra Club, California. I understand you have already received oral testimony and will receive additional written comments from the Yokuts Group of the Sierra Club. I also incorporate by reference the comments provided by Eric Parfrey, San Joaquin County Senior Planner in his letter dated October 1, 1992. 1

Significant Unavoidable Impacts

Vegetation and Wildlife

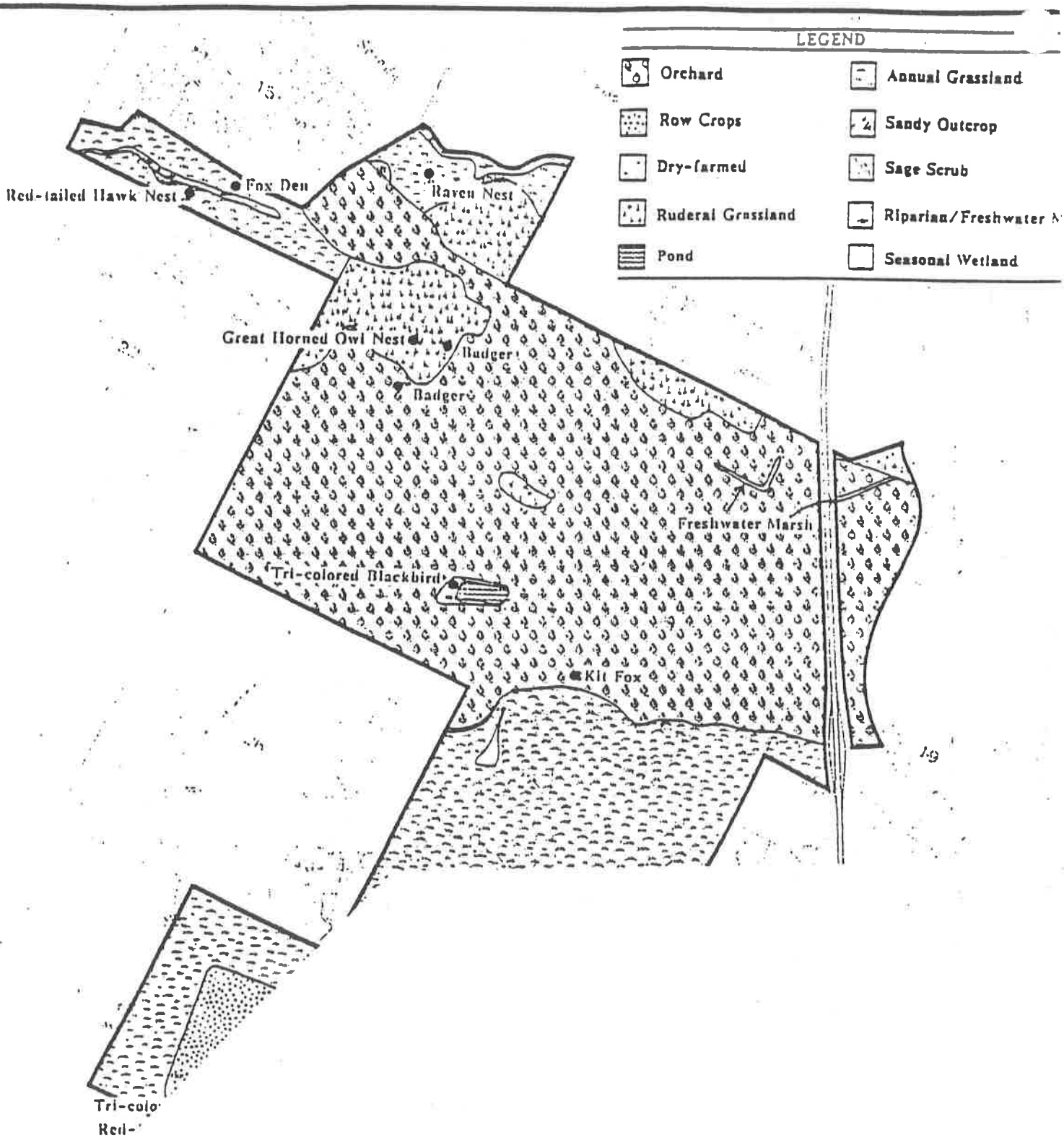
The DEIR fails to offer support for the conclusion that the loss of up to 50 percent of the site's existing habitat cannot be mitigated. To simply discount as unavoidable impacts of this magnitude to endangered species such as the prairie falcon and the San Joaquin Kit Fox is to ignore the intent of the Federal and State Endangered Species acts. The FEIR should include a description of why the DEIR did not call for genuine mitigation such as an HCP to protect the endangered species involved. 2

Public Services and Utilities

The prospect of Stanislaus County approving a project as huge as this one claims to become in the absence of a firm water supply begs for voluminous justification. How is the public good served by pretending that a verifiable water supply is not a threshold requirement for approving a human community? To "pursue water from several sources" is as promising as buying a lottery ticket. Forming a water district does not form water. However, if something is actually worked out later, the as-yet unknown off-site unmitigated impacts should at least receive speculation in this EIR. (line 10, page V-2) 3

Air Quality

Since the project proposed is clearly a bedroom community for Bay area jobs, it seems appropriate that the traffic impacts must be mitigated by the project. Continued degradation of the air quality in the San Joaquin Valley is a violation of the California Clean Air Act and the Federal Air Quality Act. I request that the FEIR analyze what must be done by the Diablo Grande project to upgrade the Southern Pacific's west side rail corridor between Fresno and Tracy to be compatible with the developing rail corridors of the San Joaquin Valley. As part of their development, the project should provide one or more station stops for the commuter trains. The downtown business center should, of course, be focused on the rail stop as a key component of the urban design. Such a community center will enhance the likelihood of air quality offsets created through the use of electric vehicles within the built-out new town.


LEGEND
Orchard
Annual Grassland
Row Crops
Sandy Outcrop
Dry-farmed
Sage Scrub
Ruderal Grassland
Riparian/Freshwater M
Pond
Seasonal Wetland
Red-tailed Hawk Nest
Fox Den
Raven Nest
Great Horned Owl Nest
Badger
Badger
Freshwater Marsh
Tri-colored Blackbird
Kit Fox
Tri-colo
Red-

RESPONSES TO SIERRA CLUB, CALIFORNIA OCTOBER 14, 1992 COMMENT LETTER

1. Comment noted.

2. The buildout of the project as proposed would result in the development of up to 50 percent of the project site, resulting in the loss of this area as undisturbed wildlife habitat. The EIR includes a number of mitigation measures to reduce the effects of this loss but the impacts of this loss cannot be fully mitigated. The conversion of natural habitat results in a net loss of the total amount of area available to support the native wildlife species. This is particularly true for the large, wide-ranging predatory species such as mountain lion, bobcat, and golden eagle, which require tracts of natural habitat free from regular human disturbance to inhabit an area. These species will see the amount of available habitat reduced by more than 50 percent. They do not use developed areas and the open space area around the perimeter has a reduced habitat value due to its proximity to people. The proposal to locate estate lot homes in the Conservation Areas reduces the value of these areas of open space by direct habitat loss and the introduction of human-related disturbance. These impacts are discussed in the EIR and are not discounted, but measures to fully mitigate these impacts are not available.

   This comment states that the prairie falcon is a listed endangered species. The prairie falcon has no formal federal or state status. The state includes it on its list of bird species of special concern.

   The EIR does not include as mitigation a recommendation to prepare a Habitat Conservation Plan. Habitat Conservation Plans are required of individual projects where a federal agency is not involved in the project and federally listed species may be taken as part of the project. In this situation, an "incidental take" permit pursuant to Section 10(a) of the Endangered Species Act should be obtained. The Diablo Grande project will need to obtain a Clean Water Act permit from the Corps of Engineers. Due to the involvement of a federal agency, consultation between the Corps of Engineers and the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act will be required. This consultation will result in a biological opinion that addresses anticipated effects of the project to listed species and may authorize a limited level of incidental take. Mitigation measure 44 on page IV-132 identifies the need for this consultation.

3. Comment noted. See response to comment 14 of the San Joaquin County Community Development Department October 1, 1992 comment letter.

4. On page IV-298, lines 16-17, the EIR includes the recommendation to "Provide a link to existing regional mass transit systems and subsidize employee and resident purchase of transit passes." The commenter's

Significant Effects Subject to Mitigation

Land Use

The growth inducing impacts of the problem are acknowledged. The EIR preparer mentions on page V-2 that "this could be offset by requiring adjacent lands to be maintained as open space/agricultural land uses." This statement doesn't explain who should be "required" to maintain the open space—is it the Diablo Grande project or are we to assume that the County of Stanislaus is likely to impose a permanent "Open-Space Overlay Zone on the property owners near Diablo Grande? The FEIR should remove the mystery about who pays to preserve the open space. 5

Cultural Resources

Acknowledging the adverse effect on known and unknown cultural resources at the site, the EIR is too nonspecific about what precise mitigation measures are proposed to protect the cultural resources. The FEIR should provide precise mitigation plans. 6

Water Supply

The EIR admits to a five-year water supply, and proposes acquisition of surface water from the California Aqueduct to compensate affected well owners. The FEIR should explain what the project proponents' plans are for securing water delivery after the fifth year. 7

Schools

The need to develop new schools is acknowledged. However, the mitigation suggests that developer fees and/or a special funding district "could" reduce the financial impacts to school facilities. The FEIR should offer evidence of the project proponents will to provide more than the minimum fee required by state law, which is woefully inadequate to build new facilities. 8

Transportation/Circulation

The EIR acknowledges unacceptable peak hour levels at several intersections. I refer the preparer of the FEIR to my earlier recommendations on Air Quality. California cannot continue to rely on road widening and signalization when the obvious answer to our traffic problems lies in mass transit. 9

I appreciate the opportunity to comment on this project and would also appreciate the opportunity to review the responses in the FEIR. Please let me know what I must do to receive a copy of the FEIR. My daytime phone number is (916) 322-6483. My home address is 1360 Perkins Way, Sacramento, CA 95818.

Sincerely,

Vicki Lee

Vicki Lee, State Land Use Chair
Sierra Club California

APPENDIX F
ENERGY SECTION

ENERGY

Setting

The project site is currently vacant; therefore, no energy is presently being consumed on the site.

The nearest National Weather Service station to the project site is in Modesto, approximately 30 miles northeast of the project site. Daily maximum temperatures occur in July, averaging 94.4° F, while the daily minimum temperatures occur in December, averaging 37.3° F. The average monthly mean temperature is 61.7° F. An average of 2671 heating degree days is recorded in Modesto. For purposes of comparison, Truckee has 7,500 heating degree days, and Palm Springs has 1,232 (California Energy Commission, 1983).[1]

Potential Impacts

Development of the proposed project would result in increased energy consumption. Initial direct energy consumption would result from construction activities: site clearing, grading, and access road, utility line and structure installation; indirect energy consumption would be incurred by fossil fuel refining and building material manufacture. Construction would entail the use of heavy earth-moving and grading equipment, electric and pneumatic tools, and various other energy-consuming equipment. Motor fuel requirements would depend upon the amount of fill and/or excavation of material, the trip distance and fuel consumption rate.

Long-term energy impacts would result from natural gas and electricity consumption by the project. Pacific Gas and Electric Company (PG&E) would provide gas and electric services to the proposed project site.

The closest gas lines to the project site are located east of Interstate 5 east of the California Aqueduct off of Fink Road. Natural gas service would be provided at the project site by means of the construction of a pressure regulation station at PG&E's high-pressure gas main located just east of and parallel to the California Aqueduct. Seven miles of eight-inch steel gas pipeline would be constructed from the regulation station to the site within the Oak Flat Road right-of-way.

Major electrical lines are located west of Interstate 5 near the Fink Road Landfill. According to PG&E representatives, a load of this magnitude would

---

[1] Heating and cooling degree days are the measure of space heating/cooling requirements. They are calculated as the difference between the average outdoor temperature on a given day from 65 degrees Fahrenheit. Every degree of difference equals one degree day.

require expansion of an existing PG&E substation located just west of the California Aqueduct on Oak Flat Road. Alternatively, a new substation would be constructed about two miles west of the existing substation where a high voltage PG&E line crosses Oak Flat Road. Up to seven miles of 12-kilowatt overhead power line would be constructed from the expanded or new substation to the project site. The power line would roughly parallel Oak Flat Road within the road right-of-way.

Project occupants would also consume energy for their transportation needs.

Such energy use for Phase I and Total Buildout of the project is summarized in Table IV.H-A.

All the natural gas and motor fuel used by project sources are non-renewable energy resources, as is that portion of the project's electricity demand provided by fossil fuel and nuclear power plants. Thus, project energy impacts would be significant because project implementation "... would encourage activities that result in the use of large amounts of fuel or energy" (CEQA Guidelines, 1986, Appendix G, Sections [n] and [o]).

Mitigation Measures

The following measure is required by State policy to reduce energy consumption:

- The project must comply with Title 24 Energy Conservation Standards of the California Administrative Code. Minimum requirements set by Title 24 include wall and ceiling insulation, infiltration control, properly sized space conditioning and hot water equipment, setback thermostats, requirements governing shower heads and faucets, and switching devices to control lighting. Future residential development must also meet the fixed budget requirements of Title 24 concerning space and water heating energy consumption.

In addition, the following measures are recommended to reduce energy consumption:

- Use of thermal mass materials (concrete, brick, plaster, adobe) in the interior of structures where the mass can absorb solar heat entering windows on the southernmost exposure.

- Use of insulated skylights to allow natural lighting of interior spaces to reduce electricity demand for lighting.

- Provide eaves and overhangs and deciduous trees on the south sides of structures to avoid excessive solar heating of interior space during the warm season and to allow penetration of winter sunlight.

Table IV.H-A: Diablo Grande Energy Use - Phase 1 Buildout (Year 2000)

Electricity Use

Land Use	Units		Consumption per Unit		Electricity Use	
Residential	2000	DU	6081	KWh/yr	1.22E+07	KWh/yr
Town Center	128000	sq./ft.	17.1	KWh/yr	2.19E+06	KWh/yr
Shopping Center	122000	sq./ft.	15.3	KWh/yr	1.87E+06	KWh/yr
Resort	230000	sq./ft.	13.1	KWh/yr	3.01E+06	KWh/yr
Research Campus	226000	sq./ft.	11.6	KWh/yr	2.62E+06	KWh/yr
Public Services	40000	sq./ft.	14.7	KWh/yr	5.88E+05	KWh/yr
Total					2.24E+07	KWh/yr

Natural Gas Consumption

Land Use	Units		Consumption per Unit		Natural Gas Use	
Residential	2000	DU	64890	cu.ft./yr	1.30E+08	cu.ft./yr
Town Center	128000	sq./ft.	24	cu.ft./yr	3.07E+06	cu.ft./yr
Shopping Center	122000	sq./ft.	34.8	cu.ft./yr	4.25E+06	cu.ft./yr
Resort	230000	sq./ft.	57.6	cu.ft./yr	1.32E+07	cu.ft./yr
Research Campus	226000	sq./ft.	24	cu.ft./yr	5.42E+06	cu.ft./yr
Public Services	40000	sq./ft.	24	cu.ft./yr	9.60E+05	cu.ft./yr
Total					1.57E+08	cu.ft./yr

Motor Fuel Use

Land Use	ADT	Trip Length	VMT	MPG	Motor Fuel Use	
Residential-On	7100	2	14200	30	1.73E+05	gal./yr
Commercial-On	5284	2	10568	30	1.29E+05	gal./yr
Residential-Off	5395	34.7	187207	30	2.28E+06	gal./yr
Commercial-Off	4015	28.6	114829	30	1.40E+06	gal./yr
Total					3.98E+06	gal./yr

Conversion to BTU Equivalents

Energy Source	BTU Equivalents	
Electricity	7.65E+10	btu/yr
Natural Gas	1.57E+11	btu/yr
Motor Fuel	5.08E+11	btu/yr
Total	7.41E+11	btu/yr

Electricity and natural gas consumption rates for the various project land uses were taken from the South Coast Air Quality Management District's CEQA Handbook (Final Draft, 1992). The motor fuel consumption rate for the various project land uses was taken from Caltrans' Energy and Transportation Systems (July, 1983).
A British Thermal Unit (Btu) is the amount of energy required to raise the temperature of one pound of water by one degree Fahrenheit.

- Finish exterior walls with light-colored materials to reduce cooling loads. Finish interior walls with light-colored materials to reflect more light and increase interior lighting-efficiency.

- Implement mitigation measures included in the Air Quality section which encourage the use of alternate means of transportation.

APPENDIX D
AIR QUALITY SECTION

I. AIR QUALITY

Setting

Meteorological Influences on Air Quality

An area's meteorology is often an important mediator of air pollutant impact severity. Atmospheric stability, wind speed, wind direction, and the influence of local terrain on these parameters control the speed with which pollutants disperse as one moves away from a pollutant release point to a receptor. Episodes of high atmospheric stability (also known as temperature inversions) severely limit the ability of the atmosphere to disperse pollutants vertically, while low wind speeds and confining terrain have a similar effect on horizontal dispersion.

Throughout the year, the strength (or weakness) of the Pacific High, a semi-permanent high pressure cell centered over the eastern Pacific, is a dominant influence on the climate of northern California. During the late spring, summer, and early fall, descending warm air from the Pacific High forms a stable temperature inversion over a cool coastal layer of air, inhibiting vertical mixing of the latter air mass. Even so, there is usually vigorous horizontal mixing in the surface layer because of the air flow produced by the Pacific High; strong northwest winds and relatively good air quality predominate at this time.

In the early fall and late spring, however, the surface winds weaken. As a consequence, the capacity for the horizontal dispersion of pollutants is limited. Since this slow-moving surface air mass is held in place vertically by the Pacific High, air pollutants which build up then are not readily dispersed. Lack of cloud cover and relatively high surface temperatures (both frequent occurrences in portions of the State east of the coastal mountain ranges) can promote photochemical pollutant formation if precursors, such as reactive organic compounds (ROG) and oxides of nitrogen (NO_x) are present.

Even though the overall inversion associated with the Pacific High weakens considerably in the winter, local inversions (caused by cooling of air close to the ground) can form in some areas (particularly sheltered valleys) during the evening and early morning hours. The combined effects of these inversions and the light winds typically experienced then creates a high potential for air pollutant buildup.

Regulatory Context

Criteria Pollutants

Pursuant to the federal Clean Air Act (CAA) of 1970 and subsequent revisions, the EPA established national ambient air quality standards (NAAQS) and set emission limits for many sources of air pollutants. The NAAQS were to be

achieved through a scheduled extension of emission controls to all pollutant sources which came under the CAA's mandates. While major stationary sources receive individual scrutiny from local regulatory agencies and operate under conditions specified in permits issued by those agencies, mobile sources (e.g., motor vehicles, by far the largest sub-category) are regulated much more generically, usually at the federal and state level only.

NAAQS were established for several major pollutants. These pollutants are termed "criteria" pollutants because the EPA's choice of NAAQS is supported by specific published evidence. The NAAQS are two-tiered: primary, to protect public health, and secondary, to prevent degradation to the environment (e.g., impairment of visibility, damage to vegetation and property, etc.). The NAAQS are shown in Table IV.I-A. The six criteria pollutants which have attracted the greatest regulatory concern nationwide - ozone, carbon monoxide (CO), suspended particulate matter (TSP), nit -en dioxide (NO_2), sulfur dioxide (SO_2), and lead; the specific health effec- -nich result from undue exposure to them are shown in Table IV.I-B. (Note -with regard to TSP, it must be said that the original ambient standards did not directly address the class of particles most able to harm human health. Subsequently revised standards, discussed below, focus on particles less than 10 microns in diameter, abbreviated PM_{10}, which can penetrate deep into human breathing passages.)

Historically, criteria pollutant control efforts have received the highest priority. A five-year deadline for NAAQS attainment was set by the 1970 CAA, but the attainment date was subsequently revised by the 1977 CAA Amendments. The 1977 CAA Amendments required each state to identify areas within its borders that did not meet the NAAQS and to develop an EPA-approved State Implementation Plan (SIP), which would demonstrate state attainment of all NAAQS by 1982. Subsequently, the attainment deadline was extended to 1987.

Several government agencies have been estab- -ed to improve California's air quality. The Air Resources Board (ARB) has -timate jurisdiction over all air pollution control programs in the State. The ARB sets State ambient air quality standards (CAAQS, also shown in Table IV.I-A), monitors air quality throughout the State, limits allowable emissions from motor vehicles, and serves as the official liaison with the EPA on air quality issues. The ARB has divided the State into many single and multi-county air basins. Significant local authority for air quality control within each air basin has been given to Air Pollution Control Districts (APCDs).

The ARB has designated the eight counties which make up the San Joaquin Valley (i.e., San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern) as an air basin under the jurisdiction of the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). Within the San Joaquin Valley the SJVUAPCD regulates stationary source emissions and formulates local air quality improvement plans.

Table IV.H-A: Diablo Grande Energy Use - Total Buildout (Year 2010)

Electricity Use

Land Use	Units		Consumption per Unit		Electricity Use	
Residential	5000	DU	6081	KWh/yr	3.04E+07	KWh/yr
Town Center	128000	sq./ft.	17.1	KWh/yr	2.19E+06	KWh/yr
Shopping Center	154000	sq./ft.	15.3	KWh/yr	2.36E+06	KWh/yr
Resort	310000	sq./ft.	13.1	KWh/yr	4.06E+06	KWh/yr
Research Campus	226000	sq./ft.	11.6	KWh/yr	2.62E+06	KWh/yr
Public Services	40000	sq./ft.	14.7	KWh/yr	5.88E+05	KWh/yr
Total					4.22E+07	KWh/yr

Natural Gas Consumption

Land Use	Units		Consumption per Unit		Natural Gas Use	
Residential	5000	DU	64890	cu.ft./yr	3.24E+08	cu.ft./yr
Town Center	128000	sq./ft.	24	cu.ft./yr	3.07E+06	cu.ft./yr
Shopping Center	154000	sq./ft.	34.8	cu.ft./yr	5.36E+06	cu.ft./yr
Resort	310000	sq./ft.	57.6	cu.ft./yr	1.79E+07	cu.ft./yr
Research Campus	226000	sq./ft.	24	cu.ft./yr	5.42E+06	cu.ft./yr
Public Services	40000	sq./ft.	24	cu.ft./yr	9.60E+05	cu.ft./yr
Total					3.57E+08	cu.ft./yr

Motor Fuel Use

Land Use	ADT	Trip Length	VMT	MPG	Motor Fuel Use	
Residential-On	16577	2	33154	30	4.03E+05	gal./yr
Commercial-On	12333	2	24666	30	3.00E+05	gal./yr
Residential-Off	13767	34.7	477715	30	5.81E+06	gal./yr
Commercial-Off	10243	28.6	292950	30	3.56E+06	gal./yr
Total					1.01E+07	gal./yr

Conversion to BTU Equivalents

Energy Source	BTU Equivalents	
Electricity	1.44E+11	btu/yr
Natural Gas	3.57E+11	btu/yr
Motor Fuel	1.29E+12	btu/yr
Total	1.79E+12	btu/yr

Electricity and natural gas consumption rates for the various project land uses were taken from the South Coast Air Quality Management District's CEQA Handbook (Final Draft, 1992). The motor fuel consumption rate for the various project land uses was taken from Caltrans' Energy and Transportation Systems (July, 1983).
A British Thermal Unit (Btu) is the amount of energy required to raise the temperature of one pound of water by one degree Fahrenheit.

Table IV.I-A - Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	Federal Standard	California Standard
Ozone	1-hour	0.12 ppm	0.09 ppm
Carbon Monoxide	1-hour	35.0 ppm	20.0 ppm
	8-hour	9.0 ppm	9.0 ppm
Nitrogen Dioxide	1-hour	—	0.25 ppm
	annual	0.05 ppm	—
Sulphur Dioxide	1-hour	—	0.5 ppm
	24-hour	0.14 ppm	0.05 ppm
	annual	0.03 ppm	—
PM^{10}	24-hour	150 ug/m^3	50 ug/m^3
	annual	50 ug/m^3	30 ug/m^3

ppm = parts per million, ug/m^3 = micrograms per cubic meter

SOURCE: California Air Resources Board

Table IV.I-B - Health Effects Summary of the Major Criteria Air Pollutants

Air Pollutant	Adverse Effects
Ozone	- eye irritation - respiratory function impairment
Carbon Monoxide	- impairment of oxygen transport in the bloodstream, increase of carboxyhemoglobin - aggravation of cardiovascular disease - impairment of central nervous system function - fatigue, headache, confusion, dizziness - can be fatal in the case of very high concentrations in enclosed places
Sulfur Dioxide	- aggravation of chronic obstructive lung disease - increased risk of acute and chronic respiratory illness
Nitrogen Dioxide	- risk of acute and chronic respiratory disease
Suspended Particulates	- increased risk of chronic respiratory disease with long exposure - altered lung function in children - with SO_2, may produce acute illness - particulate matter 10 microns or less in size (PM_{10}) may lodge in and/or irritate the lungs

The ARB and the APCDs operate numerous air quality monitoring stations throughout the State. Data collected at these stations are used to classify air basins and portions thereof, as "attainment" (if the primary NAAQS have been achieved) or "non-attainment" (if the primary NAAQS have not been achieved) for each criteria air pollutant. The APCDs are responsible for preparing local attainment plans for their county/air basin if NAAQS are being violated; the ARB incorporates these local attainment plans into the SIP.

The 1990 CAA Amendments represent a major revision of the original statute. They specify new strategies for attaining NAAQS, including mandatory 3% annual reductions of air pollutant emissions in areas exceeding NAAQS, offset requirements for new stationary sources of air pollutants, the scheduled introduction of low-emitting cars and trucks into the motor vehicle fleet, and the development of alternatives to the private automobile as the primary means of transportation.

The California Clean Air Act (CCAA), which became effective on January 1, 1989, provides a planning framework for attainment of California Ambient Air Quality Standards (CAAQS). Local APCDs and AQMDs in violation of state ambient air quality standards were required to prepare plans for attaining the CAAQS. The CCAA provided for the classification of air basins into three classes depending upon the findings of the attainment plans: moderate if CAAQS attainment could not be demonstrated before December 31, 1994; serious if CAAQS attainment could not be demonstrated before December 31, 1997; and severe, if CAAQS attainment could not be demonstrated at all. ~~For each class, the CCAA specifies attainment strategies that must be adopted. For all classes, attainment plans are required to demonstrate a five percent per year reduction in the emissions of non-attainment pollutants or their precursors, unless the ARB determines that all feasible measures are being employed~~.

For areas classified as severe, the CCAA specifies the following attainment strategies:

- Reduce non-attainment pollutant emissions by 5% per year (relative to 1987 baseline emissions) until either all CAAQS are attained or every feasible emission control measure has been implemented.

- Allow no net increase in pollutant emissions from stationary sources.

- Reduce motor vehicle trips, use, and miles traveled.

- Increase average motor vehicle ridership to 1.5 persons per vehicle during commute hours by January 1, 1999.

- Reduce population exposure to non-attainment pollutants by 25% by December 31, 1994.

- Establish Best Available Retrofit Control Technology (BARCT) requirements for existing stationary sources by December 31, 1993.

- Develop emission control programs for indirect and area sources.

~~In response to the 1988 California Clean Air Act and the 1990 Clean Air Act Amendments, the SJVUAPCD has recently adopted the Air Quality Attainment Plan (AQAP). The strategy to be pursued to reduce air pollutant emissions include: 1) new motor vehicle emission standards adopted by the State; 2) enhanced motor vehicle inspection and maintenance programs; 3) tighter controls on new and existing industrial sources; and 4) Transportation Control Measures (TCM) to reduce vehicle trips, vehicle miles traveled, and traffic congestion~~.

Toxic Air Contaminants

In addition to the major criteria air pollutants, many other substances are known or suspected to be highly injurious to human health. Their adverse health effects can manifest themselves either as acute, debilitating symptoms after a short-term heavy dose or by the development of various cancers after long-term low-level exposure. The EPA has established a list of over 400 "extremely hazardous" substances and has promulgated emission standards (known as National Emissions Standards for Hazardous Air Pollutants or NESHAPS) for nine of these compounds (i.e., arsenic, asbestos, benzene, beryllium, cadmium, coke oven emissions, mercury, radionuclides, and vinyl chloride). California had designated several substances as "toxic air contaminants" (termed TACs; the list includes asbestos, benzene, cadmium, chromium, dioxin, ethylene dichloride, and ethylene dibromide) and is reviewing many others under the process established by AB 1807 (Tanner).

Although no federal or State ambient air quality standards have been set for toxic air pollutants, a recently passed State law has relevance here. The purpose of AB 2588, the Air Toxics "Hot Spot" Information and Assessment Act of 1987, is to require the gathering of information on airborne compounds that may pose an acute or chronic threat to public health. The Act specifies that each local APCD/AQMD determine which facilities must prepare a health risk assessment. This assessment must include a comprehensive analysis of the dispersion of hazardous substances in the environment, the potential for human exposure, and a quantitative assessment of both individual and population-wide health risks associated with those levels of exposure.

Air Quality Problems in the San Joaquin Valley

The San Joaquin Valley is the largest air basin in California and its air pollution potential is one of the highest in the United States. Topographic and meteorological conditions there often reduce the ability of the atmosphere to disperse air pollutants and allow such pollutants to attain relatively high ambient concentrations.

Prior to the advent of this century, air in the San Joaquin Valley was relatively clean. Particulates entrained by wind blowing across the Valley floor, combustion products injected by fires caused by natural and human activity, and hydrocarbons emitted from vegetation were the only air pollutants. Present air quality problems come as a result of extensive industrial, agricultural, and urban development, especially from the widespread and growing use of motor vehicles by Valley residents.

The ARB and the SJVUAPCD operate a number of ambient air quality monitoring stations throughout the Valley which measure the ambient pollutant concentrations. The data show a general trend of worsening air quality as one moves from north to south in the Valley. On the basis of monitoring, all of the San Joaquin Valley is currently designated a non-attainment area for the ozone and CO NAAQS and for the ozone, CO, and PM10 CAAQS. Table IV.1-C summarizes the highest measured pollutant concentrations for ozone, CO, and particulates at monitoring stations in Stanislaus County and shows how they compare with standards.

The causes of the violation of the NAAQS and CAAQS for ozone in the San Joaquin Valley area are complex. Unlike many air pollutants, ozone is not emitted directly into the atmosphere, but is produced in the atmosphere by a complex series of photochemical reactions involving reactive organic compounds (ROG) and nitrogen oxides (NO_x). No single source accounts for most of the ROG and NO_x emissions and the many sources are spread throughout the basin. The San Joaquin Valley's intense heat and sunlight during the summer months are ideal for the formation of ozone. Ozone levels can vary widely at the monitoring stations, depending on location and time of year, but the highest levels are generally recorded at the more southerly of the monitoring stations. In addition to the adverse effects on human health (as shown in Table IV.1-B above), ozone is the pollutant primarily responsible for damage to crops and natural vegetation in California. Ozone injury to plants can occur as either acute injury (i.e., tissue death or death of the whole plant) at moderate to high concentrations (0.15 ppm and above for two to eight hours), or as chronic injury (i.e., reduced crop yield or impaired ecosystem stability) resulting from repeated exposure to ozone at low to moderate concentrations (0.04 to 0.2 ppm for a few days to several months).

In contrast to ozone, CO is a sub-regional problem in the Valley, because CO is a non-reactive pollutant with one major source, motor vehicles. Ambient CO distributions closely follow the spatial and temporal distributions of vehicular traffic, and are strongly influenced by meteorological factors such as wind speed and atmospheric stability. The one-hour and eight-hour CO standards are occasionally exceeded in those parts of the Valley subject to a combination of high traffic density and susceptibility to the occurrence of surface-based radiation inversions during the winter months (i.e., urban areas).

Table IV.I-C: Air Pollutant Data Summary (1988-1990)

Pollutant	Station	Standard	1988	1989	1990
OZONE:					
Highest 1-hour	Turlock	0.12/0.10	0.14	0.13	0.12
Days > 0.12 ppm			4	3	NA
Days > 0.09 ppm			55	31	17
Highest 1-hour	Crows Landing	0.12/0.10	0.13	0.11	0.15
Days > 0.12 ppm			1	NA	1
Days > 0.09 ppm			32	2	21
CARBON MONOXIDE:					
Highest 1-hour	Modesto	35.0/20.0	17	17	17
Days > 35.0 ppm			0	0	0
Days > 20.0 ppm			0	0	0
Highest 1-hour	Crows Landing	35.0/20.0	2	2	1
Days > 35.0 ppm			0	0	0
Days > 20.0 ppm			0	0	0
Highest 8-hour	Modesto	9.0	13.1	13.4	10.9
Days > 9.0 ppm			2	10	3
Highest 8-hour	Crows Landing	9.0	1.1	1.3	1
Days > 9.0 ppm			0	0	0
PARTICULATES (PM10):					
Highest 24-hour	Modesto	50.0	175	146	125
Days > 50 um/m3			11	18	5
Annual Average		30.0	77	45	39
Year > 30 ug/m3			YES	YES	YES
Highest 24-hour	Crows Landing	50.0	123	145	180
Days > 50 um/m3			17	17	19
Annual Average		30.0	39	54	35
Year > 30 ug/m3			YES	YES	YES

Abbreviations:

ppm - parts per million
ug/m3 = micrograms per cubic meter
NA - data not available.

The major sources of particulates in the Valley are agricultural operations and burning, although demolition/construction activity and the entrainment of dust by motor vehicles can be important sources in urban areas. Ambient concentrations of particulates can reach levels which reduce visibility through much of the year.

The major sources of NO_x, compounds which have an important role in the formation of ozone, are vehicular, residential, and commercial fuel combustion. NO_2 is the most abundant form of ambient NO_x. The NO_2 standard has not been exceeded anywhere in the Valley over the last ten years.

The burning of high sulfur fuels for activities such as electricity generation petroleum refining, and industrial processes are the major sources of ambient SO_2. The highest levels of SO_2 are recorded by monitoring stations located around Bakersfield. The SO_2 standard is currently being met throughout the Valley.

To the west of the San Joaquin Valley, the Bay area has recently established a number of monitoring stations to track ambient levels of the eleven most common toxic air pollutants: Perchloroethylene (PERC), Ethylene Dibromide (EDB), Ethylene Dichloride (EDC), Trichloroethylene (TCE), Methyl Chloroform (TCA), Methylene Dichloride, Carbon Tetrachloride, Chloroform, Vinyl Chloride, Benzene, and Toluene. Many of the Bay area stations are located in or near industrial areas where sources of toxics are concentrated. Industrial areas in Stanislaus County must also be considered as potential sources of toxic air pollutants, as would agricultural areas, where pesticide use is common.

Air Quality Planning and Control in the San Joaquin Valley

Planning for the attainment and maintenance of NAAQS/CAAQS in the San Joaquin Valley is the responsibility of the SJVUAPCD. To make all deliberate progress toward the attainment of CAAQS (as mandated by the CCAA), the SJVUAPCD finalized an Air Quality Attainment Plan (AQAP) in January 1992. The AQAP includes all feasible emission control measures which are under the jurisdiction of the SJVUAPCD to implement. However, the AQAP does not (and cannot) achieve the 5% per year reductions mentioned in the CCAA, nor does it project specific attainment dates for any of the pollutants which currently exceed CAAQS. The SJVUAPCD is currently developing a regional air quality modeling system, which it hopes will be available for use as a planning tool when the AQAP is updated in 1994.

The AQAP has implemented 46 "retrofit" control measures to reduce emissions from existing stationary sources and has revised the New Source Review to achieve no net increase in emissions from new or modified stationary sources. All new stationary sources will require Best Available Control Technology (BACT) and offsets for any emissions of non-attainment pollutants; an Emission Reduction Credit Banking system has been established to facilitate offset transfers.

The AQAP has also implemented new controls on mobile sources. Indirect source (i.e., a facility that generates or attracts motor vehicles) controls include:

- Enhanced SJVUAPCD review of and comment on new projects during the CEQA process.

- Promotion of the inclusion of Air Quality Elements in city and county General Plans.

- Development of a New and Modified Indirect Source Review Rule - This Rule would require project applicants to mitigate or offset emissions of ozone precursors from indirect sources by one or more of the following strategies:

  1) Site design or location that encourages alternative transit modes and/or reduces vehicle miles traveled.

  2) On-site/off-site mitigation of emissions.

  3) Payment of a mitigation fee to fund emission reduction programs.

  4) Air quality permit prior to construction or operation for "larger" projects.

Transportation control measures (TCMs) include:

- *Traffic Flow Improvements* - Increase traffic flow speed through signal system and capacity improvements.

- *Public Transit* - Increase the proportion of people to whom transit service is available by expanding routes, schedules, and equipment.

- *Passenger Rail and Support Facilities* - Increase inter-city rail ridership and provide for multi-modal stations linking public and private transit systems.

- *Rideshare Program* - Increase the use of carpools/vanpools.

- *Park and Ride Lots* - Provide parking lots at strategic locations to facilitate rideshare and transit connections.

- *Bicycling Program* - Accommodate the use of bicycling as an alternative to motorized transport by establishing bikeways.

- *Trip Reduction Programs* - Require employers to reduce employee trips by flexible work hours, ridesharing, etc.

- *Parking Management* - Remove existing space, reduce space requirements for new developments, and/or set aside space for carpools/vanpools.

- *Telecommunications* - Reduce travel by using electronic communication systems.

- *Fleet Operator Alternative Fuels Program* - Begin replacing gasoline or diesel trucks with low-emitting alternative fuel models. This would apply initially to fleet operators with more than fifty vehicles and eventually to fleet operators with more than twenty vehicles.

The SJVUAPCD estimates that, even with the projected 29% population growth (i.e., from 2.77 million to 3.58 million) and 35% employment growth (i.e., from 1.04 million to 1.41 million) foreseen in the San Joaquin Valley over the next eight years, emissions would be reduced by the amounts shown in Table IV.I-D, if all the control measures proposed by the AQAP were fully implemented.

While the AQAP does not specifically address PM_{10} control, it is expected that control measures which reduce ROG and NO_x emissions will have a beneficial impact on PM_{10} levels. Future air quality plans will deal more directly with the PM_{10} problem.

Impacts

The SJVUAPCD has established the following criteria for judging the significance of air quality impacts:

- Air pollution emissions from stationary sources regulated under SJVUAPCD permit powers are significant if they exceed "Best Available Control Technology" (BACT) thresholds and must be reduced to the maximum extent that current control technology allows. Furthermore, if those emissions surpass an "Offset" threshold, emissions from existing sources in the air basin must be reduced so that no net increase in air pollutant emissions occurs.

  The following BACT and Offset thresholds have been established by the SJVUAPCD:

Pollutant	BACT Threshold	Offset Threshold
CO	550 lbs/day	550 lbs/day
TOG	0 lbs/day	0 lbs/day
NO_x	0 lbs/day	0 lbs/day
SO_x	0 lbs/day	0 lbs/day
PM_{10}	0 lbs/day	80 lbs/day

TABLE IV.I-D
SAN JOAQUIN VALLEY AIR POLLUTANT EMISSIONS ESTIMATE

Pollutant	Emissions (tons/day) 1987	1994	1997	2000
ROG (SJV)	750	662	672	679
Without AQAP		635	549	539
With AQAP		15%	27%	28%
% Reduction (from 1987)				
NOx (SJV)				
Without AQAP	586	531	523	530
With AQAP		482	415	418
% Reduction (from 1987)		18%	29%	29%
CO (Fresno)				
Without AQAP	418	363	337	315
With AQAP		350	319	297
% Reduction (from 1987)		16%	24%	29%
CO (Bakersfield)				
Without AQAP	425	395	377	361
With AQAP		386	364	346
% Reduction (from 1987)		9%	14%	19%
CO (Stockton)				
Without AQAP	370	311	294	278
With AQAP		302	281	273
% Reduction (from 1987)		18%	24%	26%
CO (Modesto)				
Without AQAP	252	215	203	193
With AQAP		207	194	188
% Reduction (from 1987)		18%	23%	25%

Emission estimates taken from the 1991 Air Quality Attainment Plan, San Joaquin Valley Unified Air Pollution Control District, January 30, 1992.

(Note that the BACT thresholds for all pollutants, with the exception of CO, have been set at zero. Thus, no matter what their size, all new or modified stationary sources of these pollutants will require BACT).

- Emissions which cause or measurably contribute to violations of an NAAQS or CAAQS are significant and must be mitigated.

- Development which is not consistent with the AQAP is significant.

Project air quality impacts comprise two categories: temporary impacts due to project construction and long-term impacts due to project operation.

Construction Phase Impacts

Construction activities would create a temporary increase in dustfall and, therefore, increase particulate concentrations near the project site.

Equipment and vehicles generate dust during clearing, excavation and grading. Construction vehicle traffic on unpaved surfaces also increases dust, as would wind blowing over exposed earth surfaces.

It is not possible to estimate accurately the particulate concentrations that would occur at or adjacent to the construction sites because such concentrations are very sensitive to local meteorology and topography and to variations in soil silt and moisture content. However, studies by the EPA provide a rough indication of the maximum particulate emissions expected: approximately 1.2 tons of dust are emitted per acre per month of construction activity.

Much of this dust is comprised of large particles (i.e., diameter greater than 10 microns) which settle out rapidly on nearby horizontal surfaces and are easily filtered by human breathing passages. Most of the dust generated by construction is, therefore, of concern more as a soiling nuisance rather than for its unhealthful impacts. The remaining fraction of PM_{10} might be sufficient to violate the 24-hour average PM_{10} NAAQS and CAAQS in the vicinity of construction. Any violations of the PM_{10} standard would be considered significant adverse impacts. Unless mitigation measures were implemented, elevated levels of PM_{10} would remain as long as construction continues.

Construction vehicles/equipment and worker commute vehicles would emit exhaust at the construction sites thereby contributing to the regional pollutant totals. Because vehicle/equipment emissions would be relatively small in comparison to operational emissions, they would not be significant on the regional scale, but spot violations of the CO standards may occur in the vicinity of heavy equipment use. Any violations of the CO standards could significantly impact the health of construction workers.

Operational Impacts

During and after the development of Diablo Grande, emissions from vehicles associated with project operation and from new stationary sources of air pollutants would add to County and San Joaquin Valley totals. As shown in Table IV.I-D, Phase 1 project ROG and NO_x emission increments are equal to 0.29 and 0.53 tons/day, respectively. This is 0.79 percent and 1.35 percent, respectively, of all ROG and NO_x emission increments in Stanislaus County. Total project buildout would contribute 0.70 and 1.45 tons/day of ROG and NO_x, respectively, to the air basin. This represents 1.87 percent and 3.53 percent of all ROG and NO_x in the County. Emissions growth of this magnitude in a non-attainment area would be considered significant.

Diablo Grande traffic has the potential for affecting the local CO levels in areas adjacent to roadways which would carry project traffic. CO concentrations were estimated for existing, existing with project, and four future cumulative scenarios by using the CALINE4 model and CO background estimates obtained from monitoring data. Figures 1 and 2 show the worst-case curbside CO concentrations at six intersections where project traffic is expected to have the greatest impact.

With the assumption of a relatively low CO background for current conditions, the modeling results show no existing violations of the one-hour or eight-hour CO standards. They also show that an increase in CO concentrations near the five intersections can be expected over the next 20 years, due to project and other cumulative development traffic, but no future CO standard violations are expected either.

Potential toxic and odor emissions from the on-site Research Campus and from any remaining agricultural uses could be carried toward Diablo Grande residential areas by the local winds. Emissions of toxic air pollutants and odors, if they occur, would have significant adverse impacts on on-site residential areas.

Mitigation Measures

1. Dust and other air pollutant emissions related to construction shall be reduced by:

   - Retarding engine timing on diesel-powered equipment to reduce NO_x emissions. Maintaining existing gasoline-powered equipment in tune per manufacturers instructions.

   - Developing a comprehensive construction activity management plan to minimize the amount of large construction equipment operating during any given time period.

- Sufficiently watering all excavated or graded material.
- Ceasing all clearing, grading, earth-moving, or excavation activities when wind speed exceeds 20 mph.
- Sufficiently watering or securely covering all material transported off-site.
- Minimizing the area disturbed by clearing, grading, earth-moving, or excavation operations.
- Seeding and watering all inactive portions of the construction site until cover is grown.
- Planting or paving portions of the site upon which work is complete.
- Treating all internal roadways and the equipment storage areas with chemical dust suppressant.
- Limiting vehicle speed to 15 mph in unpaved areas.
- Sweeping adjacent streets as needed to remove accumulated silt.

2. The most effective means of reducing ozone precursor emissions from motor vehicles would be to reduce the number of vehicle trips generated by Diablo Grande. A list of such Transportation Demand Management (TDM) strategies would include:

- Develop a transportation plan that would promote the use of and offer incentives for ridesharing and transit. This plan should be developed prior to occupancy of any Phase 1 uses.
- Appoint an on-site Transportation Coordinator to coordinate and implement employee and resident transportation programs.
- Provide a link to existing regional mass transit systems and subsidize employee and resident purchase of transit passes.
- Establish an on-site transit system.
- Promote the use of low-emission (e.g., natural gas fueled) or no-emission (e.g., electric powered) vehicles on-site.
- Promote bicycle use for on-site travel and establish bicycle routes and storage facilities.

- Provide preferential parking for employees who rideshare while commuting to the project site.

- Provide on-site eating, banking, and postal service facilities at major employment centers on the project site.

- Facilitate the reduction of vehicular travel by planning a utility infrastructure adequate to support high-capacity electronic communication system links.

Considering the magnitude of Diablo Grande's air pollutant emissions, even the implementation of a comprehensive set of TDM strategies would not reduce project emissions to insignificance.

3. Reducing ozone precursor emissions from stationary sources on the site by inplementing the following measures:

   - Install low-emitting, EPA-certified fireplace inserts and/or wood stoves or natural gas fireplaces.

   - Provide natural gas lines or electric outlets to backyards to encourage use of natural gas or electric barbecues.

   - Provide low NO_x emitting and/or high efficiency water heaters.

4. Any on-site commercial or industrial use which may emit significant quantities of criteria or toxic pollutants shall operate under SJVUAPCD permit. SJVUAPCD and State rules governing the application and use of pesticides shall be followed.

Table IV.I-E: Comparison of Project Emissions of ROG, NOx, and CO to Stanislaus County and San Joaquin Valley Totals /a/

Analysis Year	Pollutant	Source	Emissions (Lbs/Day)	Emissions (Tons/Day)	Comparison with County Baseline	Comparison with SJ Valley Baseline
2000	ROG	2200 Residential Units	577.9	0.29	0.79%	0.04%
		County Baseline /b/		37	100%	5.43%
		SJ Valley Baseline /c/		675		100%
	NOx	2200 Residential Units	1060.8	0.53	1.35%	0.10%
		County Baseline		39	100%	7.32%
		SJ Valley Baseline		535		100%
	CO	2200 Residential Units	5357.4	2.68	1.39%	N/A
		County Baseline		193	100%	N/A
		SJ Valley Baseline		N/A		N/A
2010	ROG	5000 Residential Units	1390.8	0.70	1.87%	0.10%
		County Baseline		37	100%	5.37%
		SJ Valley Baseline		693		100%
	NOx	5000 Residential Units	2893.6	1.45	3.53%	0.26%
		County Baseline		41	100%	7.27%
		SJ Valley Baseline		563		100%
	CO	5000 Residential Units	8987.3	4.49	2.43%	N/A
		County Baseline		185	100%	N/A
		SJ Valley Baseline		N/A		N/A

Footnotes:

/a/ Emissions from project-generated vehicle trips were determined using the California Air Resources Board's URBEMIS 3 model and emissions from stationary sources were generated from factors supplied by the Bay Area AQMD upon the recommendation of the San Joaquin Valley APCD.

/b/ Emission totals for Stanislaus County were taken from inventory projections released by the California Air Resources Board in December of 1990.

/c/ Emission totals for the San Joaquin Valley Air Basin were taken from inventory projections released by the California Air Resources Board in December of 1990.

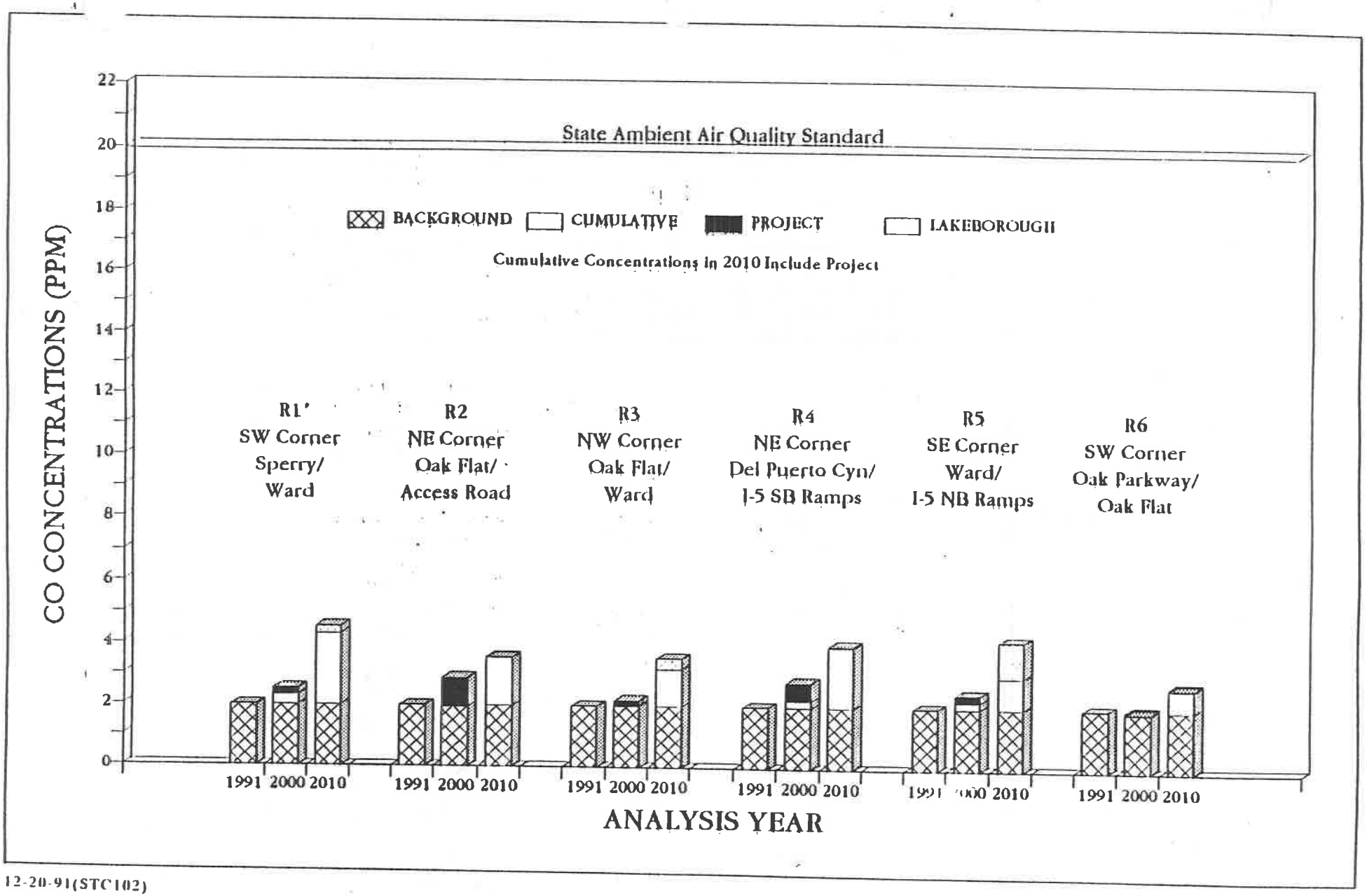


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Figure IV.I-1

LSA

Worst Case 1-Hour CO Concentrations
at Selected Sensitive Re[illegible]ptors

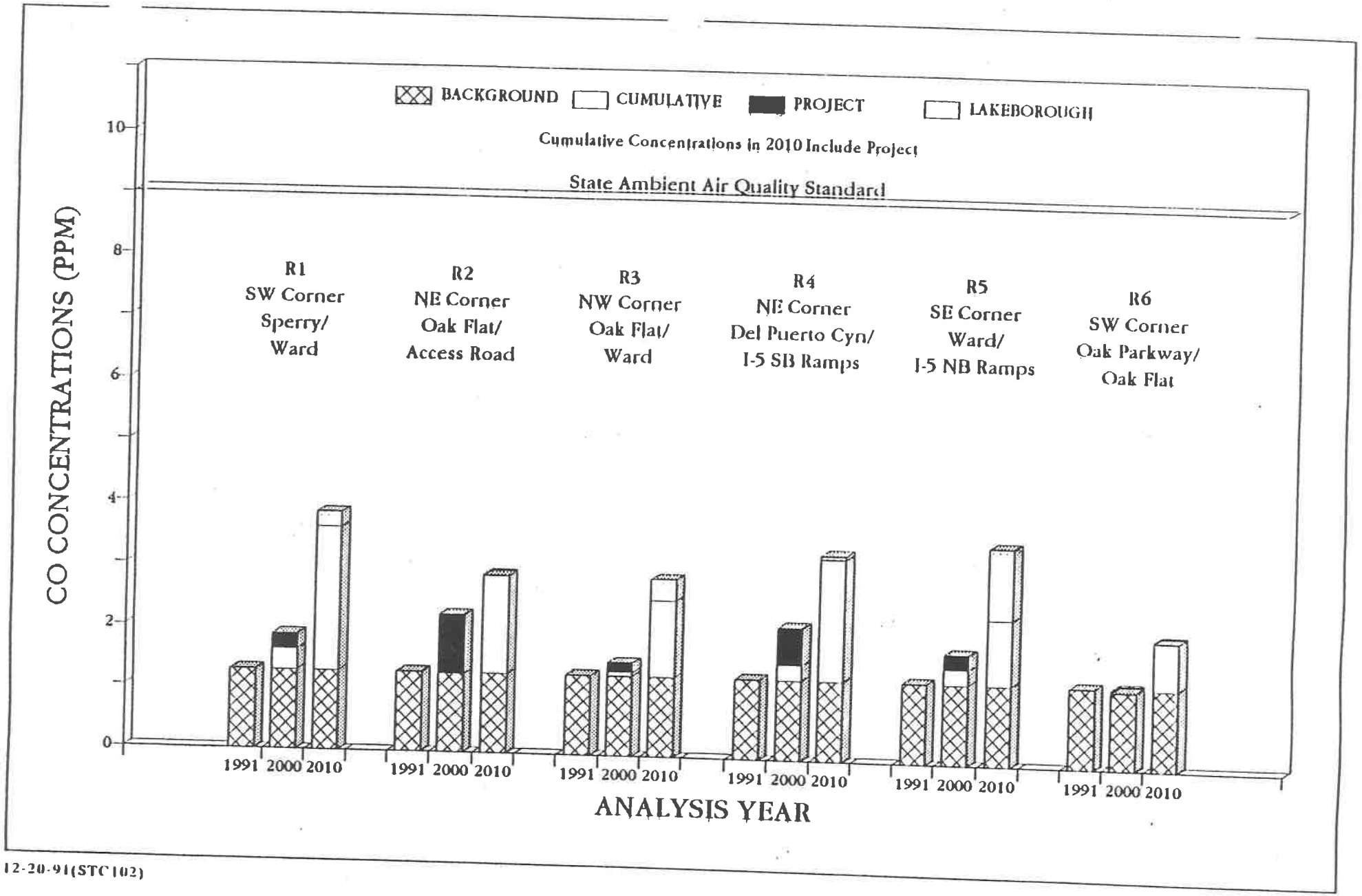

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Figure IV.I-2

LSA

Worst Case 8-Hour CO Concentrations
at Selected Sensitive R eptors

APPENDIX E
ENTRY AREA ARCHEOLOGICAL SURVEY

ARCHAEOLOGICAL SURFACE RECONNAISSANCE OF THE ENTRY AREA PRELIMINARY DEVELOPMENT PLAN, FIGURE 19, DIABLO GRANDE PROJECT , STANISLAUS COUNTY, CALIFORNIA

prepared for

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INTRODUCTION

At the request of Richard Grassetti, LSA Associates, Inc., an intensive, on foot archaeological surface survey of the subject property was conducted on 10 February 1993.

The proposed development plan includes the construction of a roadside rest/picnic area, a waste water treatment plant, a research campus, 35 +/- service-housing dwelling units, and a property entry station. These development areas lie on hillsides and alluvial/riverine terraces along the bottom of Salado Creek canyon. The area is bounded on the east by the Diablo Grande property line and extends west approximately 1200 feet up the canyon to the proposed entry station.

BACKGROUND INFORMATION

The area supports typical California interior valley vegetation, including dense, low grasses, rosemary and sage. Medium to large oaks occur throughout the property and large sycamores grow sporatically along the creek banks.

The existing soil of the hillsides and terraces is a medium/dark red-brown to orange clayey-silt. Tilted shelves of eroded layered sandstone protrude above the soils along ridges created by small, unnamed side washes. The Salado Creek drainage contains profuse silt, sand and stream-rolled gravels with dense areas of large sub-angular to rounded large cobbles and boulders. Water-eroded sandstone bedrock occurs where the creek flows more rapidly.

Prehistorically, the area of Salado Creek canyon is known to have supported populations of Northern Valley Yokuts. A few

habitation sites consisting of rock shelters, bedrock mortars and middens have been recorded both upstream and downstream from the project area. At some sites, pictographs have been recorded. Subsurface testing of one of these habitation sites revealed the presence of human burial remains.

Historically, the area has been subject to an uncertain amount of cultivation, and cattle-grazing has probably been conducted in the area since the mid-1800s or possibly since mission times.

METHODOLOGY

After maps of the project area were obtained from Richard Grassetti of LSA Associates, Inc., field reconnaissance was conducted. 20 meter zigzag transects were used throughout, except where hillside slopes were extremely steep. On these hillsides, only areas of suspected archaeological sensitivity, i.e. rock out-croppings and flat upper terraces, were examined. The Salado Creek drainage was surveyed only in areas where it crossed proposed development areas. All transects were made parallel to the long axis of the property, i.e. east-west, and all rodent backfill encountered was carefully trowelled.

CONCLUSIONS

The project area surveyed contains 3 prehistoric activity/work stations, 1 possible quarry, and an area of probable habitation, suggested by the presence of a rock shelter and associated bedrock milling features. All these sites are located within the project area defined on the Diablo Grande Entry Area Map (figure 19).

The habitation site is located in the roadside rest/picnic area. On the west-facing slope of the side wash, south of Salado

Creek is a rock shelter (5mW x 2mH x 3mD) in a large, eroded sandstone outcrop. The slightly sloping bedrock floor exhibits 1 bedrock mortar (5cmW x 3.5cmD), 2 anvil cupules (both 3cmW x 1.5cmD), and 1 channel shaped groove (4cmW x 18cmL x 6cmD). Another bedrock mortar is on a large rounded boulder, below the rock shelter on the west side of the side wash, south of its junction with Salado Creek. It measures 8cmW x 4cmD. On the west bank of Salado Creek, south of the side wash are 2 more bedrock mortars (12cmW x 10cmD, the other 8cmW x 4.5cmD) on a large bedrock/ boulder slab. Most of the roadside rest/picnic area below the rock shelter is a low, flat alluvial/riverine terrace which may contain midden and/or other cultural deposits, although none were observed due to a dense grass cover. All these features are within a close proximity to the rock shelter and probably define one site.

Further west, in a side wash on the north side of Salado Creek canyon, 30m east of the proposed waste water treatment plant development area are 4 bedrock mortars (15cmW x 15cmD, 10cmW x 7cmD, 10cmW x 10cmD, 5cmW x 1.5cmD) on a large bedrock outcrop.

In the proposed research campus area, another bedrock outcrop on an alluvial/riverine terrace above Salado Creek exhibits 2 more bedrock mortars (8.5cmW x 10cmD, 7cmW x 4.5cmD).

Near the mouth of a larger side wash in the proposed housing study area is a single bedrock mortar (5cmW x 2.5cmD) on a large boulder on the west bank.

Further up this same side wash is a possible quarry site. On the east side of the alluvial/riverine terrace is a tertiary stream deposit. Many rounded, fist-size quartzite cobbles are eroding out of the hill, onto and around a dirt road cut. Many of these cobbles exhibit spalling and flake removal scars, consistent

with assaying and/or tool-making procedures. These characteristics may be geo-factual, or the result of grading and travel on the dirt road.

All of the archaeological features described above appear to be subject to impact during the construction and development of the described project areas. The roadside rest/picnic area appears especially sensitive due to the presence of a probable habitation site within the total confines of its boundaries.

YOKUTS GROUP

MOTHER LODE CHAPTER – SIERRA CLUB

P. O. BOX 855

MODESTO, CALIFORNIA 95353

RECEIVED

OCT 19 1992

STANISLAUS COUNTY
PLANNING COMMISSION

To: Bob Kachel, Stanislaus County Planning Department

The Sierra Club has several concerns and criticisms regarding the Draft Environmental Impact Report prepared for the Diablo Grande project.

With regard to the loss of wildlife habitat, there are no real mitigations included in this project. What they propose are efforts, some laudable, some poorly conceived, that strive to reduce the substantial negative impacts on wildlife throughout the project. None of these efforts will do enough to protect the plant and animal species that will be displaced by the project. The only adequate mitigation, especially for threatened and endangered species such as the kit fox, is to purchase lands of similar habitat types in adjacent portions of the Coast Range, and protect these lands from development, or degradation by other uses such as off-road vehicles, overgrazing, and so on.

If this project is approved, the developer must be required to purchase equivalent habitat on a 3:1 basis, or conservation easements on such acreage, to protect wildlife and eliminate the potential growth-inducing effects of the project. The growth-inducing potential of the project is acknowledged in Section IV, page 27, lines 31-33.

In Section IV, page 15, the Stanislaus County General Plan Policy 7 which says that riparian habitat along rivers and natural waterways shall be protected to the extent possible, is discussed. Notice that all of the major creeks- Salado, Lotta, Crow and Orestimba, are located in the most developed and urbanized portions of the project.

recommendation that the "link" of choice should be a rail line which would connect with Southern Pacific's west side rail is not logistically feasible. A rail line along Oak Flat Road is not feasible due to the steep canyon. In addition, the rail would be a dead-end, as there is no destination point beyond the project site. The "link" recommended in the EIR refers to a bus or other shuttle service from the project site to existing regional mass transit systems. The EIR also recommends the use of low-emission or no-emission vehicles on-site. Analysis of upgrading Southern Pacific's West Side Rail Corridor is beyond the scope of this EIR.

5. Page V-2 summarizes the potential growth inducement issue along Oak Valley Road. As stated on page IV-35, the full, recommended growth-inducement mitigation measures are:

> "2. Off-site growth inducement along Oak Flat Road shall be mitigated by requiring scenic easements or other vehicles for the maintenance of open space/agricultural uses adjacent to the road. . ."
>
> and
>
> "5. To ensure open space lands remain in open space in perpetuity, scenic or open space easements shall be established for open space areas. If easements are not possible, the lands may be conveyed to the County or a deed restriction may be implemented."

6. See response to comment 12 in the Normoyle and Newman October 19, 1992 comment letter for a detailed discussion of this issue.

7. Comment noted. See response to comment 14 of the San Joaquin County Community Development Department October 1, 1992 comment letter.

8. Comment noted. See response to comment 1 of the Newman-Crows Landing Unified School District October 13, 1992 comment letter.

9. The commenter's opinion is noted.

The DEIR states that these creeks and corridors will be preserved primarily in their natural condition EXCEPT for:

1. necessary road crossings
2. golf course improvements
3. creation of ponds

Disruption of riparian habitat for road crossings may be unavoidable, but golf course layouts and ponds can and should be located outside the riparian habitat. Furthermore, the DEIR does not even mention negative impacts or mitigations that would occur as as a result of the alteration of natural stream flows if they are used for wastewater recycling. Changing the timing and volume of water flow in the streams encourages the establishment of exotic plant and animal species at the expense of the native species, which are adapted to the natural, seasonal patterns of precipitation and stream flow. Thus, the DEIR's finding that the project as written is consistent with the General Plan policy on streams and riparian habitat is false and misleading. 3 (cont'd)

The DEIR is also misleading in another section where it attempts to justify the project by implying that it will help ease a perceived "housing shortage" in Stanislaus County. Refering to Section IV, page 8, where they discuss an increase in the average number of people per housing unit in various cities and the county as a whole. It may be true that, countywide, the average #people/ housing unit rose from 2.6 to 2.8; it does not necessarily follow that this means housing starts were unable to match population growth. More likely, it means that the people in many of those households were having children during that time. 4

In the same section, the DEIR states that between 1980 and 1990, the county population grew by 109,622 persons, while the number of housing units increased by only 29,747 units. They draw the conclusion that the increase in housing was not a significant

factor in increasing the population. We ask how much of that population increase would have been possible without those additional 29,747 housing units? Obviously, building new housing is a major growth inducement. 4 (cont.)

We have many more questions regarding the DEIR and the project itself. Are these expensive houses and recreational activities really a wise use of our county's remaining water and air quality resources? Could more jobs, and better paying jobs, be generated by using our scarce water resources for other purposes? (Please recall the paper recycling plant that decided against a Turlock location largely due to a lack of available water.) 5

Is the so-called "research campus" really feasible, given the fact that an existing facility, the Shell Laboratory, has been sitting vacant for a number of years? Is the project estimate of 1500 new jobs realistic, or just an attempt to satify the county's desire for a balance between new housing and jobs? 6

We believe this DEIR inadequately addresses the many negative impacts that would occur should this project be approved and built. We hope County Staff will very carefully scrutinize this document and the final EIR for unidentified impacts and vague or inadequate mitigations. 7

Sincerely,

Tommi Lou Carosella

Tommi Lou Carosella

Co-chair, Yokuts Group

Sierra Club

October 14, 1992

October 15, 1992

Dear Mr. Kachel:

Please consider these comments in regard to the DEIR for the proposed Diablo Grande project. I am shocked to discover that a project of this scope is being considered in the Diablo Range -- an area that is currently undevelped and has important wildlife values. I have driven along Oak Flat Rd. to enjoy the open space, riparian areas, oak woodlands, and the raptors and other wildlife. This project will irreversibly destroy these values plus require enormous amounts of water and increase air pollution. 1

In regard to the loss of oak woodland (page II-13) the mitigation measures are inadequate. Replacement ratio of 5:1 can not replace a mature oak with a canopy of perhaps 25+ feet diameter. The food and shelter that a mature oak provides to wildlife can not be replaced by 5 seedlings. Also, where are the long-term management and monitoring plans for tree maintenance? This should be included in the EIR and approved <u>before</u> this project begins. 2

In regard to loss of riparian vegetation (page II-14), where is the mentioned management plan for replacement? These plans must be developed <u>prior</u> to the acceptance of the EIR. Riparian woodland is a scarce habitat and there should not be any development in these areas. 3

According to page II-20, 12,880 acre-feet of off-site water may be needed. As this project is contingent on water sources, it is not appropriate to put off consideration of the impacts of the water supply. 4

Stanislaus county may need low- and middle-income high-density housing. Stanislaus county does <u>not</u> need a high-income, resort-type community that caters to the "priveleged few" (as mentioned in the Diablo Grande promotional literature). Any new development in Stanislaus county must protect our natural heritage, provide housing equity, conserve air, water and energy resources, and provide a model that all residents of the county can be proud of. Diablo Grande will not do any of these and should not be considered as a viable project. 5 6

Thank you for your consideration,

Elaine Gorman
234 N. Conejo Ave.
Modesto CA 95354

Elaine Gorman

cc: Senator McCorquodale
Supervisor Grover

RESPONSES TO YOKUTS GROUP – MOTHER LODE CHAPTER, SIERRA CLUB OCTOBER 14, 1992 COMMENT LETTER

1. See response to comment 2 in the Sierra Club, California's October 14, 1992 comment letter, and response to California Department of Fish and Game September 29, 1992 comment letter, responses 3 and 4.

2. Refer to response to comments 6c and 11 of the U.S. Fish and Wildlife Service October 16, 1992 comment letter.

3. The Salado Creek and Lotta Creek drainages are ephemeral to intermittent and have little riparian vegetation present in their channels. Refer to U.S. Fish and Wildlife Service comment letter, responses 1 and 11.

   Any treated wastewater discharged into the streams would be regulated by the California Regional Water Quality Control Board. The applicant is considering use of an Algal Turf Scrub system which would not discharge wastewater to streams.

4. Evaluations of growth inducement must address the question of whether the project would "induce" or, alternatively, "accommodate" growth. This involves the dynamics of population growth, which is interlinked with existing, planned, and perceived infrastructure; economic development, and community amenities. Growth in Stanislaus County is influenced by all of the above factors. In the 1980s growth pressures existed in Stanislaus County beyond the local construction industry's ability to provide new housing. Because housing did not appear to be the key factor in attracting new residents, new housing is identified in the EIR primarily as "accommodating" rather than "inducing". However, it is acknowledged that to some extent the availability of new housing in Stanislaus County would have a role in "inducing" growth.

5. The commenter brings up policy issues that are outside the scope of this EIR. The EIR is intended to provide factual information on these issues for use by the public and decision-makers. These issues should be considered by the Board of Supervisors in their consideration of whether or not to approve the project.

6. The EIR does not address the feasibility of the research campus; that feasibility is dependent on market conditions which are outside of the scope of the EIR as mandated by CEQA and its Guidelines. The EIR focuses on potential impacts of the facilities on the physical environment.

7. Comment noted.

THE CALIFORNIA NATIVE PLANT SOCIETY
909 12th Street, Suite 116 • Sacramento, CA 95814 • (916) 447-CNPS

October 16, 1992

Mr. Robert Kachel
Department of Planning and Community Development
1100 H Street
Modesto, CA 95354

SUBJECT: Diablo Grande Specific Plan, General Plan and Rezone

Dear Mr. Kachel:

The California Native Plant Society has reviewed the draft EIR for the above project and presents the following comments for the record. Please add us to your notification list for the final EIR and any other documentation relating to the Diablo Grande project.

The California Native Plant Society is a scientific and conservation organization of 9,000 members in thirty statewide chapters. Our work on the study, conservation, and education of California's unique flora has been nationally and internationally recognized. Our members are active in resource and land planning issues at the local, state, and national level. Many participate at the county level in general plan updates and project reviews. Our comments reflect this experience and recognized expertise.

With few exceptions we generally conclude the EIR adequately covers required topics under the provisions of the California Environmental Quality Act. There are no glaring errors and most of the comments deal with differences of assessment, interpretation, and perception. However, we think these differences are substantive and deserve consideration by the consultant, county staff and decision makers.

Biological Issues

1. The Society will be publishing the fourth edition of the Inventory of Rare and Endangered Vascular Plants of California in December. The plant list on page IV-111 should note the changes:

Amsinckia furcata will be downgraded to CNPS List 4

Delphinium californicum ssp. *interius* is an invalid taxa and will be dropped from the list.

Grindelia camporum var. *parviflora* is still being studied and may change in status. 1

Plagiobothrys glaber will be changed to List 1A

Stanislaus County should be advised that all Federal category 1 species (F1) and some category 2 species (F2) will be proposed for federal listing under the Endangered Species

RESPONSES TO ELAINE GORMAN OCTOBER 15, 1992 COMMENT LETTER

1. Comment noted. Impacts on open space, riparian habitat, and raptors are addressed in the EIR; impacts on oak woodlands are addressed in the EIR and in a supplemental study in this FEIR in response to comments from the California Department of Fish and Game.

2. Refer to U.S. Fish and Wildlife Service comment letter, response 1, page 1, and California Department of Fish and Game comment letter (Garrison), responses 2, 3, 4, 5, 6, and 7.

3. Refer to U.S. Fish and Wildlife Service comment letter, response 1, page 1; California Department of Fish and Game comment letter (Garrison), response 2; and California Native Plant Society comment letter, response 3.

4. Comment noted. See response to comment 14 of the San Joaquin County Community Development Department October 1, 1992 comment letter.

5. Comment noted. This is a policy issue outside of CEQA's purview.

6. The commenter's concerns are noted.

Act on or before March 1996 by the U.S. Fish and Wildlife Service (USFWS). This action is confirmed by a negotiated agreement between CNPS and the USFWS and approved in federal court, 9th District, Eastern California (Judge Garcia, 1991, Sacramento, CA). The final EIR should evaluate the appropriate species, their likely location in the project boundaries, and recommend mitigations. 1 (Cont'd)

2. We fully recognize that biological surveyors can only report what they see at the time of inspection. However, we must all recognize that surveys will show different results when conducted after periods of prolonged drought. After six years of drought in the Great Valley the plant and animal communities will not reflect what is present during normal circumstances. With limited forage, water, hiding and escape cover species populations will tend to be at the very low end of the scale. We believe the EIR surveys reflect these conditions and suspect the 29,5000 acre site harbors a much greater diversity of biota, and in greater densities, than represented in the EIR. We are especially concerned about the potential of vernal pool habitats on site when considering that a number of soil types are of clay composition or otherwise demonstrate "slow" permeability. Eastern Stanislaus county has been well surveyed but comprehensive surveys are lacking for the western portions. Vernal pools are one of California's most threatened habitats and display large assemblages of sensitive species. We suggest that historic aerial surveys, from normal periods of precipitation, be researched for a more comprehensive analysis. These are readily available. 2

3. We have problems with the following mitigations proposed:

A. Loss of Riparian Areas. The loss of riparian areas will affect more than just the California tiger salamander, red-legged frog and southwestern pond turtle as posted on page II-18. The California Department of Fish and Game considers any loss of these habitats as significant. Our experience supports this conclusion. A multitude of species will be affected and these need to assessed. We are concerned that losses of riparian "habitat shall be replaced in like amount" (pg. II-18). Typical mitigation in the Central Valley for these losses usually range from a ratio of 3:1 to as high as 20:1. The scientific and restoration literature available clearly states that a 1:1 replacement ratio doesn't come close to mitigating values lost. Does Stanislaus County have a policy on this? If this mitigation were approved we need a long term monitoring developed in the final EIR clearly listing responsible parties, goals, etc. 3

B. Loss of Oak Woodland. Mitigation of losses through replanting lost oaks on a 5:1 ratio (Pg. II-13) is much more complex than proposed. Numerous studies show that individual oaks may not produce mast crops until 60-80 years of age. Wildlife values of older oaks are much greater than for young trees. The restoration ratios and percentage limits of oak removal 4

has nothing to do with assuring biological values of oak woodland habitat. We suggest that EIR focus on individual trees and a comprehensive assessment of the ecological values of the older oaks as nest and perch sites, mast production, etc. and relate this class and age structure to overall habitat component values. We approve of a replacement program but it simply cannot be accepted as solving the problem. An in depth analysis is required. Oaks can demonstrate low survival rates and this is not mentioned. Blue oak woodlands have been identified as a plant community of concern in California.

C. Use of Native Plants in Private and Commercial Landscaping. CNPS applauds this mitigation effort (pg. II-16) but our experience has shown that results are mixed. While these measures can offer some mitigation we must weigh the EIR's description of massive land disturbance through grading, road construction, cut and fills, etc. for the site. Heavy disturbance of this nature is the greatest threat to native species and communities and greatly improves conditions for invasive species. Once established, they become extremely difficult and expensive to control. We seriously question if these impacts on this site can be mitigated to non-significance. We think it reasonable and ask the consultants to illustrate similar situations and examples in the San Joaquin Valley to prove their point. Some EIR's we review include plant lists of appropriate species. 5

Overall Analysis of Mitigations

The EIR identifies 61 areas of impacts, suggests mitigations, and rates their significance after mitigation. Five areas, or 8%, are rated as less than significant. Forty-five areas, or 74%, are rated as significant but mitigable. Eleven areas, or 18%, are rated as potentially significant after mitigation. We have questioned some of these mitigations as to their meaningful. Some of the mitigations will undoubtedly work while others will succeed only under the best of circumstances, including funding, supervision, and conditions. These seldom reflect the real world. We are struck by the fact that fully 92% of the impacts are either "significant but mitigable"; a questionable assumption, or "potentially significant after mitigation". We would like to point out that "potentially significant after mitigation" does not correctly describe some of the areas assessed. Concerning air quality (pg. II-30 we note that, **"Considering the magnitude of Diablo Grande's air pollutant emissions, even the implementation of a comprehensive set of TDM strategies would not reduce project emissions to insignificance."** This is very plain and direct English; the impact is significant and furthermore is un-mitigable. In summary we must that conclude that the EIR, with a 92% significant or potentially significant assessment of impacts, unequivocally describes a project that is a high risk development. This concerns us very much and should be a concern to Stanislaus county residents, businesses, public service 6

providers, and others.

Problem Areas

1. Loss of Rangeland. We are having trouble reconciling Figure IV. A-1 (pg. IV-7) showing a consistent 1% loss of Stanislaus county rangeland for the period 1981-1989 with other published documents. Using the state Resources Agency's Farmland Conversion Report 1986 to 1988[1] for Stanislaus county we note that for the two year period covered in the report, the county converted 3,161 acres of grazing lands from a 119,353 acre base, or 2.6%, to other uses. Equally important the Report states the county lost 433 acres of "water areas" from a base of 5,501 acres, or 7.8%. These losses and conversions are matters of concern. We ask that Figure IV.A-1 be re-examined and that the water/riparian losses be re-assessed for significance. 7

2. Air Quality Impacts. We must argue that the EIR's analysis of air quality issues triggers Section 15206 of QEQA Guidelines (Projects of Statewide, Regional, or Areawide Significance). In the October 16, 1992 Sacramento Bee we note an article on page 1, Section B regarding San Joaquin Valley-generated pollutants being transported and impacting counties in the Sierra Nevada. The article discloses the State will be issuing a report on October 26th. As a member of the 1992 Sierra Summit Steering Committee I heard extensive testimony on the effects of air pollutants on the Sierra. Dr. Tom Cahill at UC Davis has conducted a twenty year study and has developed computer models. The impacts noted in the EIR pose on-site problems of non-attainment air quality standards as well as issues of human health. Off-site impacts may have further direct impacts to Stanislaus county by impacting Sierra watersheds. These issues are not adequately addressed in the draft EIR. They definitely have regional impacts as defined in Sect. 15206. The same analysis can be used for the San Joaquin kit fox. Are the stated significant impacts only important locally or do they have regional, range wide significance for the species? We need these assessments. 8 9

Economics in Relation to EIR's Assessment of Cumulative Impacts

We assume the County's request for proposal for the Diablo Grande EIR did not include an Economic and Social Effects section as outlined in Section 15131 of CEQA Guidelines. We realize that the necessity and interpretation for this Section can be unclear. However, when we examine the cumulative impacts to various elements found on pages V-11 through V-15, it becomes very obvious that, "The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly" (CEQA Sec. 21083[c]) and thus an Economic and Social Effects section is required. For example, identified impacts to water supplies and treatment, wastewater treatment, solid waste disposal, police and fire protection, schools, and transportation and circulation involve not only environmental consequences but significant infrastructure impacts related 10

[1]Resources Agency, Farmland Mapping and Monitoring Program, September 1990. Farmland Conversion Report 1986-1988. Sacramento, CA.

to financing. On page II-22 the EIR calls for the need of two additional water treatment plants and three wastewater treatment plants before buildout. With the depletion of state and federal budgets, which traditionally funded up to 90% of these facilities, the question of economics is critical. The same comparison must be used to evaluate the economics of all the identified human service elements and necessary infrastructure costs identified in the EIR. The situation is changing every day and Stanislaus County and other public service purveyors need a comprehensive and up-to-date analysis before they commit to providing levels and standards of service and maintenance which may seriously impact existing agreements and citizen expectations. We find statements throughout the EIR that such-and-such ". . . should be provided before final map approval". By this time it is too late, a commitment has been made which may involve increased tax burdens and fees on exiting and future residents. We find no policy statements about ratios of development fees, user fees, general funds, or bonding mechanisms to fund infrastructure development and maintenance. We think this is disservice to the residents of Stanislaus county and has long term implications to the financial well being of the county.

10 (cont'd)

General Plan Amendment

Stanislaus County is fortunate to have a current General Plan of 1988 vintage. We assume the Plan meets adequacy tests in that it is recent. We are concerned that a project of the scale of Diablo Grande, with the impacts noted, represents a major direction change from 1988. We do not see discussions that the County is prepared to deliver the level of municipal services that will be ultimately required for the project.
We further note that the Agriculture Element of the General is being prepared and question if the proposed project will preclude planning options for this element. Finally, we are very concerned that the Specific Plan process being used for this project will commit the County to a perfunctory level of environmental review as the individual developments are proposed. Specific Plans do limit County prerogatives as stated in Section 15182 of CEQA Guidelines. Without these analyses and discussions we submit that a General Plan Amendment and rezoning for Diablo Grande is not justified at this time.

11

12

Thank you for the opportunity to comment. We look forward to reviewing the Final Eir for the project.

Sincerely,

Ray Butler
Vice President, Conservation

Defenders OF WILDLIFE

October 16, 1992

VIA FAX AND MAIL

Robert Kachel, Senior Planner
Stanislaus County
Department of Planning and Community Development
1100 H Street
Modesto, CA 95354

RE: Input on the Draft Environmental Impact Report (DEIR) for the Diablo Grande Specific Plan/General Plan/Rezone

Dear Mr. Kachel:

Defenders of Wildlife submits this letter and the accompanying materials as our comments and recommendations on the above-referenced DEIR with respect to the proposed Diablo Grande project. Please consider our input, and include this letter and accompanying materials in the appropriate administrative record.

At the outset, we believe that this DEIR is not adequate under the California Environmental Quality Act because it fails to adequately address several significant adverse environmental impacts (especially when viewed in the required cumulative impacts context). In addition, the DEIR fails to provide enough detailed data as well as specific mitigation commitments to know whether one or more of these significant adverse impacts might be reduced to less than significant levels.

For example, the scope of this proposed project is massive when viewed from the standpoint of the loss and fragmentation of important wildlife habitats. Indeed, this project could destroy about 15,000 acres of habitat while seriously fragmenting other habitats and blocking the necessary movement of many species. It is increasingly understood that projects which increase habitat fragmentation or isolation may be much more harmful to natural species and communities than those which only directly convert habitats. In other words, the adverse affects of this proposed project could go well beyond the project boundaries and extend into other counties. 1

We believe that the San Joaquin kit fox and other species need to move along the generally open and wild corridor west of the Interstate 5 freeway. This movement may be indispensable to maintaining the genetic health and viability of these species. If this movement is blocked or seriously impeded, kit fox and other species may be restricted to isolated populations which may suffer inbreeding depression and eventually become extirpated.

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NATIONAL OFFICE: 1244 NINETEENTH ST., NW • WASHINGTON, DC 20036 • (202) 659-9510 • FAX: (202) 833-3349

Defenders
OF WILDLIFE

Enclosed are many materials describing habitat fragmentation and isolation problems, and indicating the urgent need to integrate wildlife movement corridors (in the context of landscape ecology and conservation biology principles) into ongoing land use planning, environmental analysis, resource management, and habitat acquisition/mitigation programs. We hereby incorporate by reference the information provided in these enclosed materials. We hope that this information will be used to substantially strengthen this DEIR before it receives further consideration. 1

We note that there are suggested mitigation measures for species migration routes such as oversized culverts and 220 yard wide corridors. In the absence of comprehensive data on the use of these measures elsewhere, we cannot determine whether these measures may be sufficient to allow present necessary movement patterns to continue. Past research studies have shown that some species are more adaptable than others in terms of successfully using such mitigation measures. We believe that the project proponent has the burden of proof to determine that a proposed mitigation measure will indeed be successful and adequately reduce an impact to a less than significant level. 2

Another major deficiency in the DEIR is the terse discussion of necessary compliance with both the federal and state endangered species laws, particularly vis-a-vis the San Joaquin kit fox. We hope that the project proponent as well as Stanislaus County officials understand that this project will probably need either an incidental take permit and/or approved Section 7 consultation from the U.S. Fish and Wildlife Service. These are required before any development can proceed which is likely to constitute a "taking" of the kit fox or another listed species. The mitigation measures provided in this DEIR do not appear to be sufficient for receiving either of these approvals, nor comparable with other required mitigation elsewhere in California in this regard. For example, the approval of such "takings" is usually conditioned upon a required mitigation compensation rate of often 3-to-1 acres or more. In other words, for every acre of the critical habitat of a listed species converted for the project, three or more acres of habitat must be acquired, restored, and maintained as future habitat for the species. Until these details are determined, it is impossible for us or others to determine whether this DEIR is adequate in terms of fulfilling the relevant laws and satisfactorily addressing the needs of listed species. 3

We further understand that San Joaquin County may have initiated a process to develop a Habitat Conservation Plan for eventual submittal to receive an incidental take permit allowing future developments in kit fox habitats. Given the magnitude of this proposed Diablo Grande project and the above-referenced need for 4

RESPONSES TO CALIFORNIA NATIVE PLANT SOCIETY OCTOBER 16, 1992 COMMENT LETTER

1. Comment noted.

2. Drought conditions have not existed at the Diablo Grande site since November 1992. Future biotic surveys will reveal vegetation and wildlife present after a period of extensive rainfall which occurred from November 1992 to February 1993.

   As defined in the 1987 Federal Manual, which is the U.S. Army Corps of Engineers' guide to identifying wetlands and vernal pools, vernal pool indicators include both direct and indirect indicators so that surveys during any time of the year will result in accurate identification of vernal pools.

3. See U.S. Fish and Wildlife Service comment letter, response 1, and California Department of Fish and Game comment letter, response 2.

   Riparian habitats present in the Phase 1 area are described on pages IV-103 and 104 of the EIR. Riparian vegetation in Salado Creek is very sparse, dominated by blue oak and upland herbaceous plant species except in the few locations in the channel where seeps provide water year-round. Nearly the entire length of Salado Creek within the Phase 1 area will be retained. Refer to California Department of Fish and Game letter (Nokes), response to comment 4, for language changes for stream setbacks.

   Riparian habitat present in the Phase 2-5 areas (overall site) will be surveyed prior to consideration of any specific development plans. Mitigation for potential loss of riparian habitat will occur through consultation with State and federal agencies.

4. Refer to U.S. Fish and Wildlife Service comment letter, response 1, and California Department of Fish and Game comment letter, responses 2, 3, 4, 5, 6, and 7.

5. Refer to page IV-127, mitigation measure 10.

6. The commenter's concerns are noted.

7. On page IV-6, the Draft EIR states that in 1990 the County had 359,000 acres of rangeland located in the hills of the Diablo Range and the foothills of the Sierra Nevada. Countywide agricultural land use conversions in the 1980s generally occurred in the San Joaquin Valley, and not in the hill areas. Consequently, as indicated in Figure IV.A-1, rangeland inventories remained stable during 1980-1990.

The Resources Agency's Farmland Conversion Report identifies a total of 119,353 acres of grazing land in the County, of which 3,261 acres were converted in the two-year period 1986-1988. This "grazing" acreage appears to be the same acreage referred to in the EIR as "pasture", as it does not appear to be part of the 359,000 acres of rangeland inventory.

8. On page IV-297, lines 4-5, the EIR notes that project emissions would significantly impact ozone levels. This impact would not be limited to the immediate site environs. The EIR section *Meteorological Influences on Air Quality* notes that the presence of a regional temperature inversion during the summer months can have a adverse influence on air quality throughout northern California. Also, the EIR subsection "*Air Quality Problems in the San Joaquin Valley*" notes that ozone problems in the San Joaquin Valley are caused by many sources of ozone precursors located throughout the Valley. The project site is in the San Joaquin Valley air basin and pollutants emitted there can effect those portions of the air basin downwind (i.e., to the south and east), including the Sierra foothills.

9. Section 15206 of the CEQA Guidelines establishes criteria to determine if a project is of statewide, regional, or areawide significance. If a project meets any of the criteria, the environmental document which evaluates it must be submitted to the State Clearinghouse and the appropriate metropolitan area council of governments for review and comment. The Diablo Grande project meets several of these criteria, including the potential impacts on kit fox, a state listed species, and the EIR has been circulated to the State Clearinghouse and Stanislaus Area Association of Governments.

10. Comment noted. Preparation of policy statements is beyond the scope of the EIR.

11. Diablo Grande would represent a shift in the direction of development in the County as represented in the General Plan. Instead of continuing existing land use patterns, new remote development would emerge. The County is also considering Lakeborough, another development that is relatively remote from existing urban areas in the County. From an agricultural viewpoint, the remote development concept is considered preferable to development on the prime farmland areas near the existing urban areas.

12. Comment noted. The applicant has committed to further environmental review as development plans are prepared for future development phases.

RESPONSES TO DEFENDERS OF WILDLIFE OCTOBER 16, 1992 COMMENT LETTER

1. Comment noted.

2. Comment noted.

3. Refer to responses to comments 6a, 6b, 6c, 11, and 13 of the U.S. Fish and Wildlife Service October 16, 1992 comment letter, and response to comment 8c of the San Joaquin County Community Development Department October 1, 1992 comment letter.

4. Refer to response to comment 11 of the San Joaquin County Community Development Department October 1, 1992 comment letter.

5. Comment noted. See responses to San Joaquin County Community Development Department comment letter.

6. The commenter's recommendation is noted.

Defenders
OF WILDLIFE

compliance with federal and state endangered species laws, we believe that this DEIR should address how this project proponent as well as Stanislaus County officials will coordinate their planning with those in not only San Joaquin County but also in Merced, Alameda and Contra Costa Counties. From a biological standpoint, species do not recognize arbitrary political boundaries such as county lines. Thus, the DEIR during evaluation of likely cumulative adverse impacts must describe where conservation coordination is or should be occurring, as well as the relevant zoning and prospects for development in adjoining counties.

4 (Cont'd)

Finally, we support and wish to incorporate by reference the October 1 correspondence to you responding to the DEIR from Eric Parfrey, Senior Planner for the San Joaquin County Community Development Department. We concur with his concerns including those relating to confusion between the specific plan and this DEIR, confusion surrounding the "project", uncertain water supplies, and cumulative impacts from other similar large scale projects.

5

In summary, we recommend that any further consideration of this proposed project be postponed until the DEIR is substantially revised to adequately address the preceding and other deficiencies.

Thank you very much for considering our views.

Sincerely,

Richard Spotts
California Representative
Defenders of Wildlife

cc: Interested parties

Enclosures

order to reduce the medical impacts of the project to a less-than-significant level. Unfortunately, the statements in the DEIR at page IV-194 of Mitigation Measures 2 and 3 do not quite completely and accurately reflect the mitigation measures which the District has concluded will be required to reduce the medical impacts of the project to a less-than-significant level.

The District therefore requests that the Final EIR revise Mitigation Measures 2 and 3 so that they reflect the District's mitigations in their entirety, as recommended by Mr. Avery in his letter to you of June 12, 1992. In this way, the mitigation measures proposed by the District will be accurately and completely stated and presented for review by the public and County officials.

2 (Cont'd)

Comment 3.

The DEIR fails to adequately analyze the cumulative impacts on medical services of the development of the projects listed in Table V.G-A - Cumulative Projects, at page V-9. This table lists seven projects, excluding Phases 2, 3, and 4 of the Diablo Grande project, which will account for a total of approximately 40,000 dwelling units. Phases 2, 3, and 4 of the Diablo Grande project will account for approximately 3,000 additional units. Depending on the assumed population per dwelling unit, the future additional population requiring medical services could range from 107,500 persons (2.5 persons per d.u.) to 141,040 persons (3.28 persons per d.u.).

3

The cumulative impacts analysis on Medical Services presented on page V-13 is limited to the following paragraph:

> "Medical services provided by the Del Puerto Hospital and other hospital and health care services would be cumulatively impacted by the increased population from the Diablo Grande project and other proposed projects. Additional beds and staff would be needed at the hospitals."

The District requests that the Final EIR analyze the cumulative medical impacts of the seven projects listed in Table V.G-A, plus the remaining three phases of the Diablo Grande project. This cumulative impacts analysis is important in order to permit public service providers, including

ROBERT L. HENN
FREDERICK M. ETZEL
THOMAS J. MELLON, JR.
PAUL A. WEISS

OF COUNSEL
JUNE A. BAKER

HENN, ETZEL & MELLON
INCORPORATED
ATTORNEYS AT LAW
FOUR EMBARCADERO CENTER, 36TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-4106
(415) 392-4600

CABLE
"HEMLAW"
TELECOPIER
(415) 392-2939

October 16, 1992

VIA FACSIMILE (209) 525-6507

Mr. Robert Kachel
Stanislaus County
Planning Department
1100 "H" Street
Modesto, CA 95354

Re: Comments on Draft EIR--Diablo Grande
Specific Plan/General Plan/Rezone

Dear Mr. Kachel:

This office represents Del Puerto Hospital, Patterson's Not-For-Profit District Hospital. By this letter, I am transmitting the District's comments on the subject document. We appreciate the opportunity to make these comments, and look forward to your responses to them, as they will appear in the Final EIR. For your convenience, I have numbered each of the District's comments.

Comment 1.

You will recall receiving a letter from Mr. Avery, Administrator of the Patterson District, dated June 12, 1991, commenting on the potential impact of the proposed Diablo Grande Project on health care services in general and on Del Puerto Hospital in particular. By reference, this comment letter incorporates Mr. Avery's letter, including its attachments, so that they all are included in the official record of the Final EIR. For your convenience, under separate cover I am sending you a copy of Mr. Avery's June 12, 1991 letter. 1

Comment 2.

Mr. Avery appreciates the fact that much of his letter is incorporated into the DEIR's discussion of medical services at pages IV-192 through IV-194. He is particularly pleased that the County is recommending a total of four mitigation measures, including two proposed by the District, in 2

RESPONSES TO HENN, ETZEL & MELLON OCTOBER 16, 1992 COMMENT LETTER

1. Comment noted.

2. Comment noted. Mitigation measure 2 on page IV-194 of the EIR should be changed to read as follows (changes in bold):

> "2. A formal financing mechanism (i.e., special **or Mello-Roos** district) should be formed **to pay for an appropriate percentage of total expansion expenses incurred by the Patterson Hospital District to accommodate new demand for hospital services resulting from the proposed project, including an on-site paramedic station. The details of this funding mechanism should be worked out between the applicant and the Hospital District. It should be noted that the County Board of Supervisors would be responsible for resolving any differences between the applicant and the Hospital District as to the appropriate fees for the project.**

Mitigation measure 3 on page IV-194 of the EIR substantively reflects Mr. Avery's June 12, 1991 letter.

3. Comment noted. The cumulative project list has been revised as set forth in response to comment 34 of the Thomas Reid Associates October 16, 1992 comment letter. The new Table V.G-A shows a total of 16 cumulative projects. This table can be used for advanced planning by any affected agency. It should be noted that the Lakeborough project is the only project of these 16 that is as of yet unapproved, and lies within the boundaries of the Patterson Hospital District as shown on the district map provided by the District as a response to the Diablo Grande NOP.

Each development potentially impacting the Patterson Hospital District may be required to pay developer impact fees, establish a special district to fund expenses incurred by the District resulting from the respective project, or provide facilities in lieu of fees. These mitigation are defined through negotiations with the District to alleviate the impacts on the provision of service to a level of insignificance. Cumulatively, the developments should result in insignificant impacts. If fees, special districts or facilities are insufficient to offset hospital impacts, then the mitigation program should be revisited. This task, however, is not within the scope of this EIR.

medical service providers, to assess in a timely manner and plan for the demands which will be placed on them by these projects.

The District suggests that, for this cumulative medical impact analysis, you use the factors given in an attachment to Mr. Avery's June 12, 1991 letter, entitled "Hospital Health Facilities Expansion - Probable Project Costs." Please contact Mr. Avery directly if you require further assistance in undertaking this cumulative impact analysis.

3 (Cont'd)

Once it is available for public review, please forward a copy of the Final EIR to Mr. Avery at Del Puerto Hospital, P. O. Box 187, Patterson, California 95363. He will be happy to reimburse you for the cost of this document.

Thank you for your attention to this letter.

Very truly yours,

Frederick M. Etzel

Frederick M. Etzel

FME:rr
cc: Thomas Lynn Avery

RESPONSES TO WILLIAM H. AND VERA F. JENSEN OCTOBER 17, 1992 COMMENT LETTER

1. The commenters' concerns are noted.

2. Comment noted. Water issues are discussed on pages IV-164 through IV-169 of the EIR. See also response to comment 14 of the San Joaquin County Community Development Department October 1, 1992 comment letter.

3. The air pollution impacts of the project are assessed on pages IV-293 through IV-297 of the EIR. This analysis has been revised in response to other comments and is presented as Appendix D of this FEIR. The EIR estimated the project's air pollutant emissions; they are presented in Table IV.I-D of the EIR. The project site is in the San Joaquin Valley air basin and pollutants emitted by the project could be carried to downwind portions of the air basin (i.e., south and east); some emissions could reach Modesto. However, if the AQAP is successfully implemented, total emissions of air pollutants in the San Joaquin Valley should decline by about 30 percent by the year 2000.

4. Comment noted. Impacts on wildlife are assessed on pages IV-121 through IV-125 of the EIR, as well as in response to numerous comments on the EIR.

1500 North Ave.
Gustine, CA 95322
October 17, 1992

Stanislaus County Planning Department
1100 H Street
Modesto, California 95354

We feel very strongly that the proposed Diablo Grande project is a terrrible mistake because of the damage such a development eventually would cause to the San Joaquin Valley; and the problems such a community would pose. 1

Perhaps the most serious difficulty is one this area shares with much of California, but to a greater extent: insufficient water for the ever-increasing demand for it.

And if getting water from Yuba County(!) --the answer given for obtaining water for projects in the dry foothills of the Diablo Range--should be considered in this case,know that even in Northern California, water is <u>not</u> in unlimited supply. 2

Besides imagining the water demand that 12,000 people, six golf courses, etc., etc.,would create, think of the air polution their cars, and the service vehicles that would come to the community, would create. Remember, too, that air pollution does not merly hang over its place of generation. It could even reach Modesto when the west wind blows! 3

Please, if not for the health and livelihood of the present generation here in the Valley, consider the devastating results the Diablo Grande project will have on the areas' children and grandchildren.

To those who have learned that preserving wildlife is necessary for the welfare of human beings: The Diablo Grande project contains more than 23 square miles of wildlife habitat that would be lost to the development. 4

Thank you for this chance to express our concerns.

Sincerely,

William H. Jensen
Vera E. Jensen

William H. and Vera E. Jensen

RESPONSES TO SUNFLOWER RANCH COMPANY OCTOBER 19, 1992 COMMENT LETTER

1. Comment noted. Water issues are discussed on pages IV-164 through IV-179 of the EIR. See also response to comment 1 of the Salado Water District October 13, 1992 comment letter.

2. Comment noted. See response to comment 53 of the Thomas Reid Associates October 16, 1992 comment letter.

Sunflower Ranch Co.
P.O. Box 666
Patterson, CA 95363

October 19, 1992

Mr. Robert Kachel
Stanislaus County Planning and Community Development
1100 "H" Street
Modesto, CA 95354

RE: Diablo Grande Specific Plan Draft Environmental Impact Report

Dear Mr. Kachel:

As a director (and grower) in the Salado Water District, I wish to voice my concern regarding planned water delivery from an existing well within the district to the planned development, Diablo Grande. While I am not specifically opposed to this project going forward and being approved, I do have reservations about groundwater being moved from the district and used on land that is not within the district or directly adjacent, for whatever purpose.

Our farming operation currently utilizes two wells, both of which are in use because of continuing bureau delivery deficits. These two wells are within 7 tenths of a mile of the above mentioned well. Also, there are several other growers with wells in close proximity to the Diablo Grande project well. The continous use of the well has the likelihood for effecting the existing groundwater table, which may have negative effects on existing agricultural and domestic wells within the district. 1

The precedent set by allowing Salado District groundwater to be transported out of the district has the potential to impede ongoing farming operations within our district. 2

Mr. Katchel, I am not opposed to the completion of Diablo Grande. I am however very concerned about groundwater being transported out of the district and being used as the initial water source for this project.

Sincerely,

Fred Vogel

RESPONSES TO PEREZ FARMS OCTOBER 19, 1992 COMMENT LETTER

1. Comment noted. Water issues are discussed on pages IV-164 through IV-179 of the EIR. See also response to comment 1 of the Salado Water District October 13, 1992 comment letter.

PEREZ FARMS

P.O. Box 97 • Crows Landing, CA 95313 • Phone: (209) 837-4701

October 19, 1992

Mr. Robert Kachel
Stanislaus County Planning & Community Development
1100 "H" Street
Modesto, CA 95354

Re: Diablo Grande Specific Plan
Draft Environmental Impact Report

Dear Mr. Kachel:

We are in the farming business and farming adjacent to the above proposed project. Our concern is obviously relevant to the development of more wells in this area. The groundwater levels have decreased substantially in the last two years and any further draft on the underground water supply would deplete the production of our existing wells. Our sincere belief is that the acquifers should be utilized in their existing areas and not transfered to other lands or use other than agriculture. 1

The last five years of ongoing drought has taken its toll economically and we are not positioned to accept any further loss of water supply.

Sincerely,

Earl Perez

Earl Perez
Perez Farms

RESPONSES TO ROBERT MCDONALD OCTOBER 19, 1992 COMMENT LETTER

1. Comment noted. Water issues are discussed on pages IV-164 through IV-179 of the EIR. See also response to comment 1 of the Salado Water District October 13, 1992 comment letter.

October 19, 1992

Mr. Robert Kachel
Stanislaus County Planning & Community Development
1100 "H" Street
Modesto, CA 95354

Re: Diablo Grande Specific Plan
Draft Environmental Impact Report

Dear Mr. Kachel:

We are in the farming business and farming adjacent to the above proposed project. Our concern is obviously relevant to the development of more wells in this area. The groundwater levels have decreased substantially in the last two years and any further draft on the underground water supply would deplete the production of our existing wells. Our sincere belief is that the acquifers should be utilized in their existing areas and not transfered to other lands or use other than agriculture. 1

The last five years of ongoing drought has taken its toll economically and we are not positioned to accept any further loss of water supply.

Sincerely,

Robert McDonald

Robert McDonald

RESPONSES TO ANTONIO ESCOBAR, JR. OCTOBER 19, 1992 COMMENT LETTER

1. Comment noted. Water issues are discussed on pages IV-164 through IV-179 of the EIR. See also response to comment 1 of the Salado Water District October 13, 1992 comment letter.

2. Comment noted. Mitigation measures 2, 3, and 4 on page IV-178 of the EIR are intended to mitigate the project's potential impacts on the local aquifer.

3. The commenter's observations are correct.

October 19, 1992

Robert Kachel
Stanislaus County Planning and Community Development
1100 "H" Street
Modesto, CA 95354

Dear Mr. Kachel:

I am writing in regard to plans to build the Diablo Grande Project in the hills behind Patterson.

I have two small irrigation wells with half the capacity of those proposed by Diablo Grande and I feel that any water pumped out of the area will seriously effect my wells. As farmers we pump at most two and a half to three months out of the year while our crops are growing. The rest of the year our pumps are shut down. The pumping proposed by Diablo Grande is to be year round. Once the water is gone, it is gone. 1

Diablo Grande says it will limit pumping to enough water to grow tomatoes, one of the largest consumers of water. But who is going to monitor this? Also under drought conditions, when greater amounts of water are needed for farms and homes (the City of Patterson included), they will need to pump more than the 1200 AF and this will have a tremendous effect on the local water table.

Under normal rainfall and surface water conditions there may not be a problem in this area, but after six years of continuous drought with extremely limited surface supplies, then underground water supplies become critical. Without water supplies, then I am no longer a farmer. 2

The only reason Diablo Grande purchased the property is to enable them to pump this well water up to the canyon. They are not farmers and if they were, they would want to keep the water in the local area. 3

Sincerely,

Antonio Escobar Jr.

Antonio Escobar Jr.
718 N. Fourth Street
Patterson, CA 95363

RESPONSES TO GOAL, MAUREEN FORNBY OCTOBER 19, 1992 COMMENT LETTER

1. The commenter's opinions are noted.

2. The transportation data upon which this project's Air Quality analysis is based includes cumulative traffic data developed for the Lakeborough EIR, including the following projects:

   - 2010 buildout of the County General Plan and its incorporated cities
   - Grayson Park
   - Mapes Ranch
   - Refined projects for I-5, provided by Merced and San Joaquin counties

   Air pollutant emissions associated with the project's transportation sources will be the largest contributor to the significant air quality impacts identified in the EIR (page IV-297, lines 4-5). Project emissions were compared to cumulative emissions (i.e., total County and San Joaquin Valley emissions) in Table IV.I-D. The project's CALINE4 analysis also included estimates of the CO concentrations resulting from cumulative traffic on local roadways and from the cumulative effect of all sources in the San Joaquin Valley Air Basin (i.e., the background concentration), as shown in Figures IV.I-1 and IV.I-2.

3. Refer to responses to comments 6a, 6b, 6c, and 13 of the U.S. Fish and Wildlife Service October 16, 1992 comment letter.

4. Refer to responses to comment 2 of the Patty Hobbs October 15, 1992 comment letter.

5. Comment noted. See response to comment 14 of the San Joaquin County Community Development Department October 1, 1992 comment letter.

6. Comment noted. The County could require the use of low-emission vehicles as a condition of project approval. On page IV-298, lines 22-23, the EIR recommends the use of low-emission or no-emission vehicles on-site as an air quality mitigation.

7. Comment noted. The applicant's market analysis has indicated that there is a demand for the project as a residential resort community. That study is available for review at the County Planning Department.

8. Comment noted.

9. See response to comment 6 in the San Joaquin County Community Development Department October 1, 1992 comment letter.

LSA Associates, Inc.
157 Park Place
Pt. Richmond, CA
RE: LSA Project #STC102

Dear Sirs/Ms.

GOAL (Growth, Orderly, Affordable, Livable) contends that the Draft EIR for the Diablo Grande Project is inadequate. Furthermore, the organization supports a No-Project Alternative based on the information contained within the document. 1

In summary, we do not support the Diablo Grande Specific Plan because:

-the cumulative impacts on environmental resources and air quality are not considered (i.e. the proposed construction of adjacent projects in Stanislaus, Merced, Alameda, and San Joaquin Counties: only the impacts of a few of these projects are listed in your document) 2

-there is a lack of reference to the provisions of the Endangered Species Act and other necessary mitigations for the Kit Fox; 3

-the mitigation measures for other species of concern and loss of native plant species are not specific; 4

-long term water supplies are only vaguely referenced, and the current draft only weighs the needs and supply for the five year buildout of the project;

- promotional literature for the project not withstanding, the Draft EIR says that the villages will endorse use of low-emmission vehicles, rather than require them within the Village itself; 6

-this project is continually referred to as a resort community, rather than one that meets the unmet demand for affordable housing within Stanislaus County: this project is clearly meant to be commuter based; 7

-in regards to the nature of the commuter's lifestyle and subsequent air emmissions, the Draft EIR states that the significant impacts on air quality and emmissions generated from the project cannot be mitigated; 8

-it is unclear if this Draft EIR addresses the first phase of the specific plan, or the entire buildout of the project (in which case, the document clearly does not address water supplies, air quality , and other cumulative impacts). 9

Please place our organization on your mailing list. All references and correspondence regarding this project should be mailed to:

GOAL
c/o Maureen Forney
867 Hillswood Court
Oakdale, CA 95361

Thank-you for the opportunity to comment on this project.

Sincerely,

Maureen Forney

Maureen Forney
Board Member, GOAL

Stanislaus Natural Heritage Project
P.O. Box ~~2394~~ 1235
Modesto, CA 95353

19OCT92

Robert Kachel
Dept. of Planning & Community Development
1100 H St.
Modesto, CA 9535

Subject: Diablo Grande Specific Plan DEIR

Dear Bob:

I am providing these comments of the Diablo Grande DEIR. Also included are the attached comments prepared by Patty Hobbs, dated 15OCT92.

The DEIR fails to adequately describe and inventory the project area, identify sufficient implementable mitigations, and identify all impacts. Specifically:

1) Cumulative Impacts (Section V.) - Two major water projects are also proposed on the east slope of the Diablo Range, the Los Banos Grandes Project in Merced County and the Los Vaqueros Project in Contra Costa County. I suggest these project DEIR's be reviewed not only for consideration of cumulative impacts, but also as examples of the level of detail in studies and mitigation measures required for Diablo Grande, which the subject DEIR lacks consistently. 1

2) Oak woodlands (Sec. IV) - Hardwood mapping available from the Cal. Div. of Forestry FRRAP (Forest and Rangeland Resources Assessment Program) suggests that the project may affect the major area of valley oak woodland in the Stanislaus County portion of the Diablo Range. Although the FRRAP mapping is provisional, I believe this issue should be further elaborated. Also I suggest the recently published system of classifying hardwood rangelands be utilized to determine the variety and extent of woodlands in the project area (see Allen, B. H., et al. 1991. A Classification System for California's Hardwood Rangelands. Hilgardia 59(2). Univ. Calif. Div. Agric. Nat. Resour.) 2

3) Water supply (Sec. IV-F p.164-179) - The proposed use of the Madera Ranch, which isn't even identified on a map in the DEIR is inadequately considered. The applicant's promotional literature identifies it as a 13,600 acre area. It would appear then that additional 1000's of acres would need to be added to the 30,000 acres already affected to completely evaluate the scope of this projects' impacts. No information is provided on the effect of the Madera Ranch groundwater operation other than to say wide berms would be left for wildlife! Impacts to listed species, such as 3 4

blunt-nosed leopard lizard and Fresno kangaroo rat, which may be in the area, along with the other plant and animal impacts, are not identified. I suggest the Biological Opinion for the Friant Division Water Contract Renewals (USFWS, OCT 91) be reviewed and considered in this DEIR. Also left out is any discussion of impacts of water delivery to the Delta and diversion from the Delta to support this project. The direct and indirect effects of water supply for Diable Grande must be addressed. 4 5

4) Lack of inventory and specificity - Throughout the DEIR there is a lack of adequate field study. Both the biological and cultural resources sections of the DEIR clearly identify in several cases where studies were not performed or were "preliminary assessments". Following this is the mitigations measures which are incomplete because they: 1) consist of proposed plans, such as grading plans, interim and final erosion control plans, earthquake emergency plan, drainage plans golf course management plans, riparian woodland management plan, landscape management plan, well monitoring plan, which are not provided for review; 2) consist of further evaluation such as geotechnical evaluation, floodplain studies, cultural resources evaluation; 3) are undeveloped as in the example of unavoidable impacts of species of special concern; 4) measures which "should" be done rather than "shall" be done. 6

5) Unaddressed issues such as the resources required to develop the project, such as road and building materials, employee housing, etc. 7

Thank you for the opportunity to comment.

Sincerely,

Tim Ford

October 19, 1992 comment letter, and the response to comment 19 of the Thomas Reid Associates October 16, 1992 comment letter.

6. The commenter is apparently referring to the EIR study for phases 2 through 4, where the actual field inspections were restricted to areas of high potential for the discovery of biological and cultural resources, or were restricted to those areas where development is envisioned. Project-level field study for all phases beyond Phase 1 was not conducted because the County has determined that it is appropriate to delay gathering of further information for phases of the development which are dependent on future discretionary review and which will receive future CEQA studies.

In addition, the commenter goes on to criticize the adequacy of the mitigation measures apparently because the mitigation is based on very preliminary plans for site improvement. Site-specific mitigation measures have not been devised outside of the Phase 1 area, due to the fact that only program-level environmental review was performed on future phases of development. Upon the submission of Preliminary Development Plans for future phases of development, project-specific environmental review would be performed. The County will require further CEQA review for each future phase of development and site-specific mitigation will be required in those reviews.

The cultural resources analysis in the EIR inadvertently omitted discussion of cultural resources of the entry road area. It is included as Appendix E of this FEIR. A surface reconnaissance of the entry road area was performed by Holman & Associates in February 1993. That study found three prehistoric activity/work stations, one possible quarry, and an area of probable habitation (suggested by the presence of rock shelter and associated bedrock milling features). The "possible quarry" area was adjacent to, or at the edge of, one of the two "housing study areas" delineated in the Entry Area Preliminary Development Plan. Two of the work stations (bedrock mortars) were found adjacent to one of the "research campus" blobs. The probable habitation area is in and around the proposed "roadside rest/picnic area". The archaeologist concluded that all of these archaeological features appear to be subject to impact during construction and development of the proposed entry area facilities. The roadside rest/picnic area appears particularly sensitive due to the presence of a probable habitation site within its boundaries.
Final determination of project impacts to these facilities would require review of specific development plans not yet available. To mitigate this potential impact the following mitigation measure is added to the Cultural Resources section for Phase 1 of the EIR:

> "Prior to issuance of any building permits to the entry area, the area must be systematically surveyed for cultural resources.

RESPONSES TO STANISLAUS NATURAL HERITAGE PROJECT OCTOBER 19, 1992 COMMENT LETTER

1. The Los Vaqueros project in Contra Costa County is not related to potential impacts in the Diablo Grande project area and, therefore, has not been included in the project cumulative impacts analysis. The revised cumulative projects list does include the Los Banos Grande project in Merced County (see response to comment 34 of the Thomas Reid Associates comment letter). Both referenced project EIRs were reviewed for consistency in preparing the biological surveys for the project.

2. See response to California Department of Fish and Game October 19, 1992 comment letter, responses 2, 3, 4, and 5. In the Phase 1 area, few valley oaks (*Quercus lobata*) are present (probably fewer than 20 trees) and all of these are in or adjacent to Salado Creek. Few, if any, of these trees will be removed by construction-related activities and those removed shall be replaced at a 5:1 replacement ratio as discussed for blue oak mitigation.

3. The proposed project would consume less than 10 percent of the total proposed storage capacity of the Madera Road groundwater reservoir. The Madera Ranch project would not be dependent on the project, but would be a separate project with separate environmental review. Its Lead Agency under CEQA would be the Metropolitan Water District of southern California. If the Madera Ranch project were not developed, the project would need to find water from other sources, or would not be permitted to expand beyond the first five-year buildout (see mitigation measure 4 on page IV-178 of the EIR).

4. Line 28, page IV-167, is revised to read as follows: "These basins would have wide berms between them." Strike the remainder of the sentence, "... to provide habitat for wildlife."

   The Madera Ranch groundwater facility is not part of the Diablo Grande project and the Diablo Grande project will use only a small portion of the water from this facility. The EIR which will be prepared for the Madera Ranch groundwater facility will address special status species and habitats associated with that facility.

5. See mitigation measures 1 and 4 on page IV-178 of the EIR. Any diversion facility developed to serve this and/or other projects would require further environmental review at the time that it is proposed. This EIR finds that adequate water supplies for the overall project have not yet been made available, and that this constitutes a potentially significant adverse impact of the overall project. See also response to comment 12 of the San Joaquin County Community Development Department October 1, 1992 comment letter, response to comment 25 of the Stanislaus County Department of Environmental Resources