

Fred Buderer, Project Manager  
City of Vacaville, Community Development Department  
650 Merchant Street  
Vacaville, CA 95688  
FAX: 707-449-5423  
[LVDevelopment@ci.vacaville.ca.us](mailto:LVDevelopment@ci.vacaville.ca.us)

Submitted by FAX, E-mail, and post

April 19, 2004

Dear Mr. Buderer:

On behalf of Defenders of Wildlife ("Defenders"), we are writing to comment on the Draft Environmental Impact Report for the Lower Lagoon Valley Specific Plan ("hereinafter, "Draft EIR" or "DEIR"). Defenders is a national non-profit conservation organization dedicated to the protection of all native wild animals and plants in their natural communities. Defenders has more than 500,000 members and supporters nationwide, including more than 90,000 members in California.

I. Impact of Proposed Project on Solano County HCP/NCCP planning efforts

Defenders has been participating in the development of the Solano County Habitat Conservation Plan/ Natural Community Conservation Plan (HCP/NCCP) since December of 2002. We are very concerned about the impacts of the Proposed Project on the HCP/NCCP planning effort. In essence the project removes over 2,300 acres of land available for the planned reserve design for the HCP/NCCP. The HCP/NCCP planning effort has identified the land covered by the proposed project to be within a priority "upland communities" conservation area (see attached maps labeled "Figure 19" from the draft Solano HCP/NCCP). This designation includes oak woodlands and annual grasslands that are important communities in the county and also function to support the biological integrity of the vernal pools and valley floor grasslands that are of high conservation priority for the region.

As you can see, Figure 19 (working draft of the HCP/NCCP) from March 18, 2004 displays the overall conservation strategy outlined by the HCP/NCCP and includes the Project Area in the "upland community" designation. By April 15, 2004 this map had been revised to exclude the Project Area, leaving a gapping hole in the reserve design and disrupting the potential for habitat connectivity within the upland community habitat. The 2,300 acres represents over 4% of the identified upland community priority conservation area (total of 55,138 acres). The impact of this exclusion must

be quantified in the Cumulative Impact statement as it clearly reduces the potential for the Solano County HCP/NCCP planning effort to succeed.

Finally, if Solano County HCP/NCCP is permitted before the proposed project, it should be noted that the proposed project must comply with all measures and mandates of the HCP/ NCCP. Considering that the proposed plan is being developed during the interim period of the HCP/NCCP, it is to the advantage of the project applicants that best efforts are made to align the conservation and mitigation requirements of the DEIR with the HCP/NCCP.

19-1 Cont.

II. The assessment of biological resources is insufficient to determine the potential impacts of the proposed project.

The biological assessment of the project area (Technical Appendix N) is based on an insufficient amount of survey data. The botanist and wildlife biologist spent only one day in the field determining the presence of species of concern and their habitat. EIP also conducted 2 days of “reconnaissance-level” biological surveys. Considering the seasonality in plants and the unreliability of animal detection, this is clearly not enough time to determine the presence or absence of all potential species of concern at the Project site. Thus, the conclusion that vernal pool fairy shrimp, vernal pool tadpole shrimp, California tiger salamander, and yellow-breasted chat are “unlikely to occur within the project site” is suspect. Additionally, the fact that historic and current records do not indicate the presence of California red-legged frogs does not prove their absence. These data need to be presented in the context of the number of surveys that have occurred for this species, and the time of year they occurred as much private land has never been surveyed for wildlife resources. As always, absence of proof cannot be used to establish proof of absence.

Overall, it is impossible to fully appreciate the impact that the proposed project will have on wildlife resources based on one day of on-the-ground scouting. We understand and appreciate that some additional surveys will be conducted for vernal pool crustaceans, Swainson’s hawks, burrowing owls, Valley elderberry longhorn beetles and their habitat, western pond turtles, rare plants, loggerhead shrike and protected raptor nests. However, without this information currently, it is difficult to analyze the sufficiency of the mitigation measures or the cumulative impact that the proposed project will have on these and other species for which such surveys will not be conducted.

19-2

Once necessary surveys are conducted, any species on the state or federal endangered species lists would be required to follow all provisions of the California Endangered Species Act and the Federal Endangered Species Act. For federally listed species this would mean at minimum a Section 7 consultation with the Fish and Wildlife Service. For state listed species, this would require a state 2081 Incidental Take Permit and sufficient assurances to avoid take of fully protected species. The species that could fall into these categories are identified within Table 4.15-1 and Appendix N.

III. The DEIR fails to identify and preserve habitat connectivity

The DEIR does not address the issue of habitat connectivity and how the proposed project would impact the ability of wildlife to move through the project area. As discussed above, the area is located within the “upland communities” priority conservation area for the draft HCP/NCCP. Therefore, the permeability of the resultant project to the movement of species of interest to the HCP/NCCP is significant. The April 15<sup>th</sup> version of Figure 19 from the draft HCP/NCCP shows that this project could have a major disrupting effect on the movement of species in the surrounding habitat. This is equally important for listed and unlisted plant and animal species.

Of particular concern is movement along riparian corridors and maintaining vegetative cover for species that use this habitat. Additionally, oak woodlands must be recognized as a landscape level habitat whose impact goes beyond the loss of individual trees. Oak woodlands have the richest wildlife species abundance of any habitat in California. Over 330 species of birds, mammals, reptiles, and amphibians depend on oak woodlands at some point in their life. Species that live in and move through oak woodland habitat cannot be maintained by individual tree islands in a landscape of development. The DEIR must discuss the impacts regarding habitat connectivity and ability of species to move through the resultant landscape.

19-3

The area just to the east of the proposed project has been identified as a priority corridor in the HCP/NCCP (see Figures). For this corridor to remain functional, it needs to connect patches of functional habitat. There will be no biological value to the corridor if the habitat at one end is completely developed and impermeable to wildlife.

IV. Additional assurances are needed to protect the water quality of waters of the state of California

The DEIR concludes that the proposed project could destroy approximately 7.65 acres of wetlands and other waters of the United States. Impacts to wetlands and riparian areas also effect waters of the state of California and, therefore, fall under the Porter Cologne Act in addition to the Federal Clean Water Act. Because the state law is broader than the federal law, a 404 permit from the Army Corps of Engineers is insufficient to cover the legal requirements for water quality impacts. Additionally, the Regional Water Quality Control Board needs to issue a 401 consistency permit. If some waters of the state have been delineated out during the 404 process (particularly isolated or intermittent waters), then an additional wastewater discharge permit is also required through the Porter Cologne Act. The DEIR must address the impacts to waters of the state of California that are beyond those covered by Clean Water Act provisions for waters of the United States.

19-4

The DEIR needs to include assurances that the wetland mitigation and monitoring plan (mitigation measure 4.15-1(b)) developed is actually implemented. The plan does not indicate who will be responsible for the implementation or enforcement of this plan.

19-5

If surveys indicate presence of listed vernal pool crustaceans, the Section 7 FESA consultation should require a preference for on-site mitigation in the form of preservation above creation or payment into an off-site mitigation bank. Existing, functional wetland habitat has a much higher habitat value than the unknown functioning ability of created wetlands, and off-site mitigation banks have a less direct benefit to the watershed being impacted. The overall effect of off-site mitigation is to allow destruction in one area, while increasing protection in another area. On balance it is preferred to keep functional capacity within the same watershed. Additionally, functional replacement (to the extent that it is biologically possible) should be required before any destruction of existing wetland resources.

19-5 Cont.

V. The cumulative impacts analysis is insufficient

As detailed in section I. of this letter, the impact of the proposed project on the Solano County HCP/NCCP planning effort appears to be significant, and must be quantified in the cumulative impacts analysis of the DEIR. Additionally, the issues raised above under Section III related to impacts to habitat connectivity in the region must also be addressed.

19-6

VI. Specific Species/ Community Concerns

a. Swainson's hawk

Mitigation measure 4.15-3(c.1): What will be the amount of the mitigation fee for impacting the foraging habitat of this species? There need to be assurances that this amount is sufficient to secure the necessary biological resource as mitigation.

Mitigation measure 4.15-3(c.2): The mitigation ratio for this impact should be 1:1 as opposed to the 0.5:1 ratio proposed. The 0.5:1 mitigation ratio is currently under litigation as it pertains to the Natomas Basin HCP. In 2000, the United States District Court for the Eastern District of California ruled that the 0.5:1 ratio used in the Natomas Basin HCP for development related to impacts on Swainson's hawk foraging habitat violated the Federal Endangered Species Act (see *National Wildlife Federation vs. Babbitt*, 128 F. Supp. 2d 1274 (E.D. Cal. 2000)). Habitat Conservation Plans in Yolo and San Joaquin counties require 1:1 mitigation ratios for Swainson's hawk habitat, and Placer and Solano counties are planning the same.

19-7

Mitigation measure 4.15-3(c.4): The draft Solano County HCP/NCCP framework relies on mitigation in the form of secure compensation before development and does not allow payment of a fee into a fund. As such, the suggestion in the DEIR that mitigation fees for Swainson's hawk impacts could be simply paid by the City into the Solano County HCP effort is not a valid option.

b. Western pond turtle

Mitigation measure 4.15-6(a): This measure must include assurances that waters of the state are also sufficiently protected (see section II above).

19-8

c. Riparian habitat

Mitigation measure 1.15-9: The minimum 100-ft buffer on riparian habitat should be maintained in all cases. Case by case exemptions should not be permitted unless there is sufficient scientific rationale to determine that such an exemption is biologically preferable.

19-9

d. Loggerhead Shrike/ White-tailed Kite

Mitigation measure 4.15-10(b): In the case that nests of either species are found, protective measures including clearly marked avoidance areas around active nests and prevention of removal of shrubs/ trees containing nests during the nesting season should be *required*. Anything less would result in a violation of California Fish and Game Codes 3503 and 3503.5.

19-10

VII. Alternatives

Defenders has not had sufficient time to fully analyze and compare the alternatives set forth in the DEIS. However, generally we comment that golf courses have low habitat value for wildlife and because of the concerns regarding the impact of the proposed project on the draft Solano HCP/NCCP, we would tend to support the conceptual aspects of Alternative 1 (No Project/ No Development Alternative), Alternative 3 (No Golf Course Alternative), and Alternative 6 (Off-Site Alternative).

19-11

Thank you for this opportunity to comment on the DEIR and we look forward to the incorporation of our concerns.

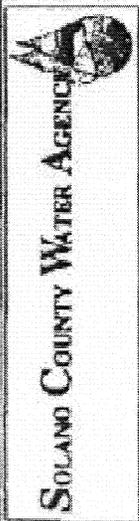
Sincerely,

Cynthia Wilkerson  
California Species Associate

Cc:  
Eric Tattersall, U.S. Fish and Wildlife Service  
Jenny Marr, California Department of Fish and Game  
David Okita, Solano County Water Agency  
Friends of Lagoon Valley

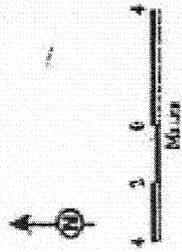
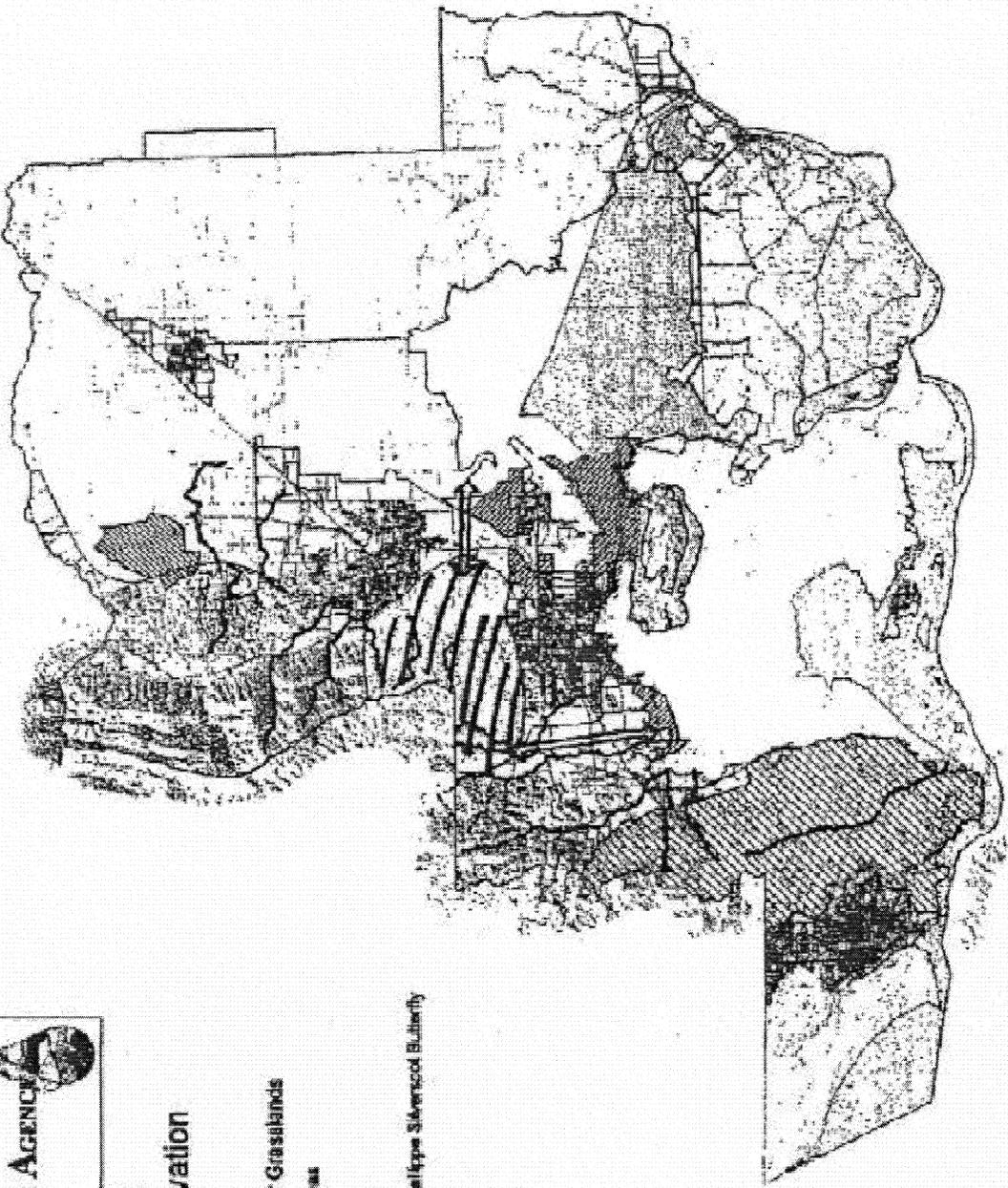
March 18, 2004

LSA

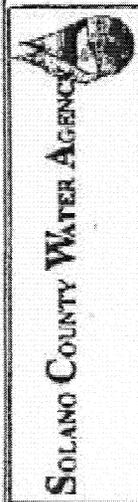


**Figure 19**  
**Priority Conservation**  
**Areas**

-  Vernal Pools/Valley Floor Grasslands
-  Contra Costa Goldenfield Areas
-  Harpan Soils
-  Upland Communities
-  Calif. Red-legged Frog & Callippe Silver-sided Butterfly
-  Coastal Marsh
-  Swainson's Hawk
-  Riparian
-  Corridors/Linkages



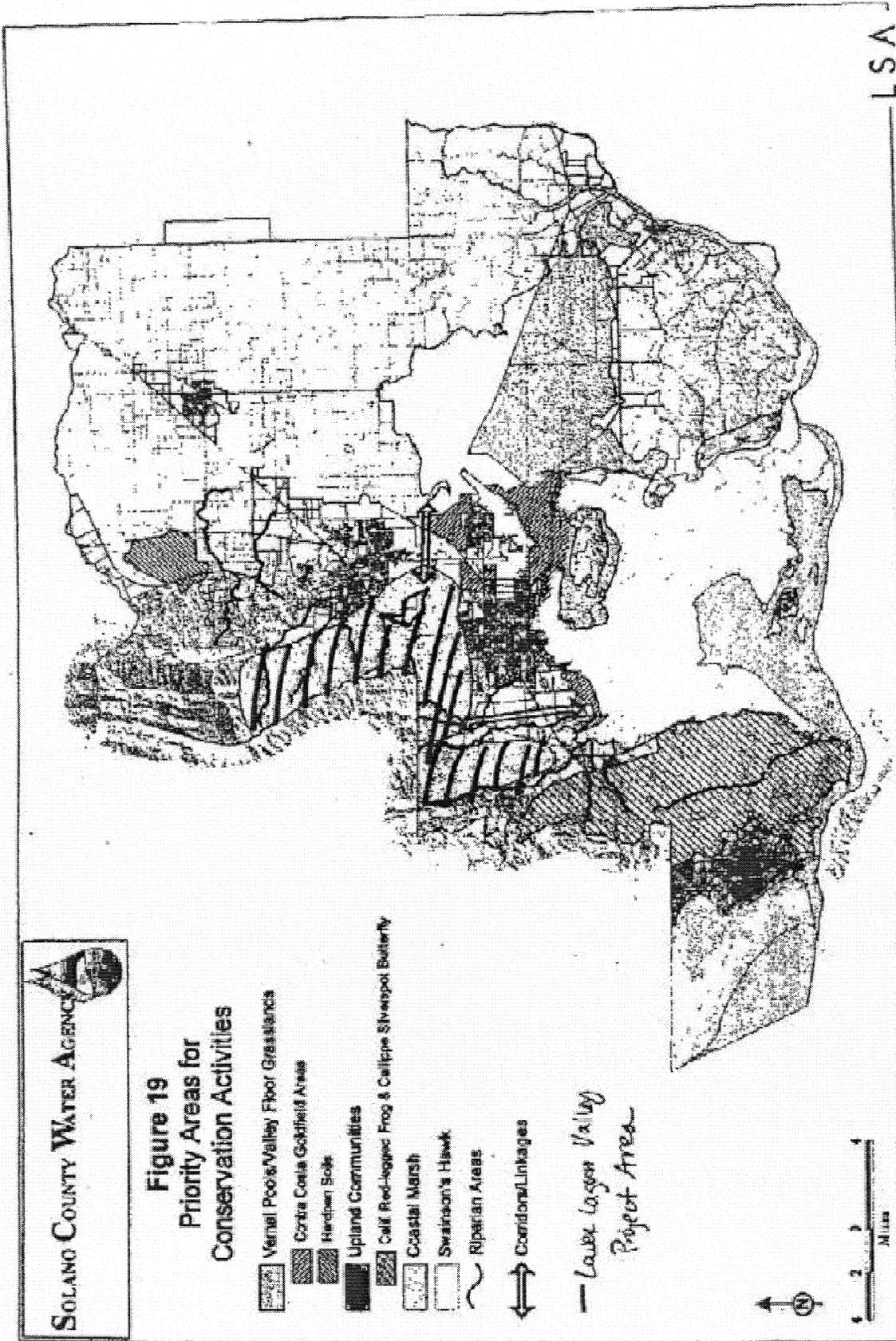
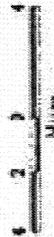
April 15, 2004



**Figure 19**  
**Priority Areas for**  
**Conservation Activities**

-  Vernal Pools/Valley Floor Grasslands
-  Contra Costa Goldfield Areas
-  Hardpan Soils
-  Upland Communities
-  Calif. Red-legged Frog & California Silver-spotted Butterfly
-  Coastal Marsh
-  Swainson's Hawk
-  Riparian Areas
-  Corridors/Linkages

— Lower Lagoon Valley  
 Project Area



LSA



**COMMENT LETTER 19: Defenders of Wildlife**

**Response to Comment 19-1:**

See Responses to Comments 15-2 and 17-4.

The City disagrees with the comment that the Lower Lagoon Valley Specific Plan project will remove over 2,300 acres of land available for planned reserve designs for the pending HCP. The HCP is not an adopted plan.

Within the Specific Plan area, approximately 50% of the land area will be maintained in Public Open Space and/or Park zoning, with almost all of this land already publicly owned. Specific Plan Figure 3.3 and Specific Plan Section 3.4 identify the acreage of the proposed land use areas within the Specific Plan. As noted on the table, approximately 64% of the Specific Plan area is in land use designations of Public Park & Open Space or private Hillside Agriculture. Therefore, using these calculations, the land proposed for urban development within the Specific Plan would represent only approximately 1.5% of the area referenced in the comment.

The Specific Plan policies of Section 5.5 identify the proposed biological resource conservation measures to be incorporated into any development activity within the Specific Plan area. These measures would apply to any proposed urban development areas, including the area identified in the comment as a “gap” in potential wildlife habitat. The City believes these measures will provide additional habitat or corridor space through any development areas on the valley floor, in addition to the open space and park designations that form a majority of the proposed Specific Plan area.

**Response to Comment 19-2:**

It is not the purpose of an EIR to provide an inventory of all plant and wildlife species present at the site. The purpose of the reconnaissance level surveys was to identify what habitat types are present in the proposed Specific Plan Area in order to facilitate an evaluation of what special-status species could occur in the region. Those species that have potential habitat at the site and are known to occur in the region are assumed to be present, and appropriate mitigation measures (including additional surveys) are proposed to reduce impacts on those species to less than significant levels (see Section 4.15 of the Draft EIR).

**Response to Comment 19-3:**

Impacts to wildlife corridors are addressed in the cumulative impacts section of this Draft EIR. See Impact 5.1-29 in Section 5.1, Cumulative Impacts and Appendices N and O.

Additionally, project designs include the preservation and/or enhancement of existing riparian corridors. As stated in the Draft EIR, well established riparian areas will be preserved as is and provided with a 100 foot setback from residential and other urban land uses and 50 feet from golf course areas. The Draft EIR further requires the development of a riparian habitat mitigation plan, in consultation with the City and the California Department of Fish and Game. Therefore, vegetative cover along these corridors will be preserved and/or enhanced, and will continue to provide wildlife movement corridors. The Draft EIR’s analysis and the evidence in the technical appendices is substantial evidence that these measures, in addition to avoidance through project design as set forth in the Specific Plan, will substantially preserve and enhance riparian habitat in the Specific Plan Area.

**Response to Comment 19-4:**

Mitigation measures in the Draft EIR require the acquisition of all required permits prior to the fill of wetlands or other waters of the U.S., including a 404 wetlands fill permit, a 401 Water Quality Certification and, if applicable, a section 1601 Streambed Alteration Agreement. Additionally, a NPDES permit will be required prior to construction. This permit is typically acquired by the construction contractor. These permits frequently include conditions of approval and mitigation measures, all of which will also be complied with in developing the Specific Plan area, in addition to the mitigation measures required by the City Council.

**Response to Comment 19-5:**

The City will prepare, and the City Council will adopt, a Mitigation Monitoring and Reporting Program that will set out the implementation and enforcement responsibilities for each mitigation measure.

If surveys identify the presence of vernal pools in the project area that could be affected by project activities, the EIR assumes presence of those species. Mitigation of impacts on these species is determined in consultation with the USFWS during the Section 7 process and required by the USFWS as it deems appropriate.

**Response to Comment 19-6:**

See Responses to Comments 15-2, 17-4, and 19-2 through 19-5.

**Response to Comment 19-7:**

The Proposed Project will contribute \$1 million from developer fees for the purchase of Swainson's Hawk foraging habitat mitigation lands. Draft EIR Mitigation Measure 4.15-3 requires the developer to deposit funding prior to issuance of any residential building permit for the purpose of mitigating loss of Swainson's Hawk foraging habitat. The mitigation ratio proposed is based on the distance of the site from the nearest nest (approximately 4 to 5 miles), and consultation and confirmation with the California Department of Fish & Game. This procedure would provide the verification that proposed mitigation lands would be of adequate size to compensate for loss of foraging habitat. In *National Wildlife Federation v. Babbitt*, it was alleged that the Natomas Basin Plan failed to assess the value of the habitat on land within the development area. That Plan inaccurately assumed that all land in the Basin was of equal habitat value, although only some of the land was subject to the permit. In the current project, the value of the Swainson's hawk habitat has been assessed and was found to be of good quality (see Draft EIR Section 4.15, and Appendix N). Replacement habitat, for habitat lost to project implementation will be of equal or greater value. Mitigation ratios are dictated by CDFG guidelines and are based on the distance of a Proposed Project to a known active nest site. Ratios contained in the CDFG guidelines are as follows:

Within one mile of active nest = 1:1

Between one and five miles of an active nest = 0.75:1

Between five and ten miles of an active nest = 0.5:1

The comment also disagrees with Mitigation Measure 4.15-3(c.4). This measure is intended to allow for the mitigation of this impact to be done through the proposed Solano County HCP, should the City make that decision and the HCP be adopted in the future. However, the City believes that this measure would ensure that the mitigation would be done under the terms of current Department of Fish & Game protocols. The intent is to have the project mitigate its impact on loss of potential foraging habitat.

**Response to Comment 19-8:**

Mitigation Measures 4.15-6(a) through (c) for effects to western pond turtle need only address those effects that relate directly to this species. Effects to Waters of the State are covered under wetland Mitigation Measures 4.15-1 (a) through (d). By complying with the following best management practices (BMPs) in Mitigation Measure 4.15-1, potential impacts to wildlife species (including the western pond turtle) that use aquatic and/or riparian habitat can be minimized:

- (a)(ii) ... establish minimum 25 to 50 foot buffers around all sides of these features. In addition, the final project design shall not cause significant changes to the pre-project hydrology, water quality or water quantity in any wetland to be retained on site.
- (b) where avoidance of existing wetlands and drainages is not feasible, then mitigation measures shall be implemented for the project related loss ... such that there is no net loss of wetland acreage or habitat value.

**Response to Comment 19-9:**

The comment is unclear, but it is assumed that the commentor is referring to Impact 4.15-9. Buffer zones for riparian habitat are determined through negotiations with the City and CDFG through the Section 1601 Streambed Alteration Agreement process. The Proposed Project requires 100 foot minimum buffers in all areas where riparian vegetation is adjacent to hardscape development. 50 foot buffers will only occur where riparian vegetation occurs adjacent to golf course rough areas. These distances were assigned pursuant to CDFG guidance.

**Response to Comment 19-10:**

See Response to Comment 16-4 addressing effects to loggerhead shrike and white-tailed kite.

**Response to Comment 19-11:**

The commentor's preference on project alternatives will be forwarded to the decision-makers for their consideration.



Dear <sup>Mr.</sup> Buddei,

2/26/04

Thankyou for sending me a copy of your  
"Lower Lagoon Valley Specific Plan" (in the blue color)

I am not much of a golfer, but I am an avid fisherman. Our local fly fishing club thinks they are going to dredge out the lake, & plant some fish:

1) Is this a rumor?

2) It is not listed in the "Proposed Project" on your plan.

3) Are there any assurances it will not be "over looked" if the rumor is true? (dredging)

And, does anyone, have any, estimates, at all, of the increase in number of automobiles vehicles this entire projects population will require??

Thanking You In Advance

COMMUNITY DEVELOPMENT DEPT.

MAR 5 - 2004

CITY OF VACAVILLE

Bob Neubert P.V.M.

3398 Hidden Valley Lane

Fairfield Ca. 94534

446-0656

Email Rneuby@aol.co

(We have access the free way from the lagoon)

20-1

20-2



**COMMENT LETTER 20: Rod Neubert**

**Response to Comment 20-1:**

As stated on pages 1-2 and 1-3 in Chapter 1 Introduction, in 2002, the City approved a Conditional Use Permit for on-going operations and use of Lagoon Valley Regional Park, including the Lagoon Valley Lake Management Plan. A separate environmental document was prepared and adopted that evaluated impacts and presented mitigation measures associated with the Conditional Use Permit. As part of a separate process, the City is initiating studies to update the Lagoon Valley Regional Park Master Plan. Neither those studies nor that planning effort are complete at this time, thus it would be speculative for them to be evaluated in this EIR. No modifications to lake operations are included as part of this project. A separate environmental review process will be undertaken to evaluate any impact once the draft Master Plan has been proposed.

**Response to Comment 20-2:**

The number of vehicle trips anticipated to be generated by the Proposed Project is identified on page 4.5-14 in Section 4.5 Traffic and Circulation and in Appendix D (Table 5). As stated, the Proposed Project would generate approximately 3,118 daily trips under existing plus project conditions and approximately 2,781 daily trips under future (Year 2025) plus project conditions.

This is the typical “average worst case condition” used to establish transportation impacts for a CEQA traffic analysis.



March 3, 2004

Fred Buder  
Project Manager  
City of Vacaville  
Community Development Department  
650 Merchant Street  
Vacaville, CA 95688

Re: Comments on the Lagoon Valley Draft Environmental Impact Report

Dear Mr. Buder,

We are concerned that the OEIR for development in the Lagoon Valley area minimizes the importance of vernal pools. These pools are in fact significant during the springtime and are listed by the Solano County Water Agency. Why were they not given more attention in the DEIR? We would like to see a complete analysis and reassessment of the ~~impact~~ vernal pools year round - both during the wet and dry seasons. What kind of impact will development have on these pools? Please include a map which will show where development (including grading, trails, etc.) would directly or indirectly ~~have~~ have an impact on these pools.

21-1

Respectfully Yours,

Raul Olson  
Rita Artig (Rita Artig - 687 Kingman Dr. W.A. 95687)  
Marjorie Olson (Marjorie Olson - 141 Doris Ct VU 95688)



**COMMENT LETTER 21:                    Laurel Olson, Rita Artig, Marjorie Olson**

**Response to Comment 21-1:**

See Response to Comment 15-3 that addresses additional wetland surveys and potential effects to vernal pools. Impacts to wetlands and vernal pool species are addressed in Draft EIR Section 4.15, Impacts 4.15-1 and 4.15-2. Please also see Draft EIR Technical Appendices N (Biological Resources report) and O (Delineation of Waters of the United States) for additional detailed information on these resources.

The Draft EIR authors are aware that vernal pools and other seasonal wetlands are typically dry during the summer months. However, this fact does not preclude the ability of trained biologists to recognize and delineate the boundaries of those pools or other seasonal wetlands at any time of year. See Response to Comment 18-6 that addresses the seasonality of wetland delineations.



March 3, 2004

Fred Buder  
Project Manager  
City of Vacaville  
Community Development Department  
650 Merchant Street  
Vacaville, CA 95688

Re: Comments on the Lagoon Valley Draft Environmental Impact Report

Dear Mr. Buder,

In review of section 4.15-2 in the  
DEIR, the survey for assessment of  
the presence of vernal pools and their  
outleak inhabitants was done in  
July of '03.

As a longterm (over 20 yrs) resident  
of Vacaville, it is obvious that July  
is the dry season and some vernal  
pools present in the spring are dried  
up at that time and therefore not  
represented in this survey.

Therefore the conclusions and  
mitigation that follow are based on  
incomplete studies.

Why isn't there a more representative  
study of vernal pools and outleak  
inhabitants that reflects what is actually  
present?

Respectfully Yours,

Ms. Ellie Bush  
276 Fallenleaf Ln.  
Vacaville, Ca.  
95687



**COMMENT LETTER 22: Ellie Bush****Response to Comment 22-1:**

Vernal pool soils and clear evidence of their prevailing hydrology and vegetation patterns are often apparent long after the pools themselves have dried. The timing of biological field surveys and assessments to comply with existing project schedules often does not coincide with the best time of year to conduct such assessments. The wetlands delineation by LSA Associates clearly indicates that the *“seasonal wetlands in the development area are too shallow and/or do not pool water for long enough to support vernal pool crustaceans.”* Even so, Mitigation Measure 4.15-2 states that *“the project applicant may assume presence of listed vernal pool crustaceans and fully mitigate for any project related effects to that habitat ...”* In many cases, this assumption of presence and mitigation for direct impacts to the resource is less costly (in terms of both time and money) than a two-year survey to determine such presence. FESA, Section 7 Consultation with the USFWS may, in fact, require this assumption, especially if the crustaceans are known to occur in similar habitats in the project vicinity. If, on the other hand, it is determined during consultation that the likelihood of species occurrence in potential vernal pool habitat within the project area is low or non-existent, no impact to the species may, in fact, occur and no mitigation would be warranted. See also Response to Comment 21-1.



March 3, 2004

Fred Buder  
Project Manager  
City of Vacaville  
Community Development Department  
650 Merchant Street  
Vacaville, CA 95688

Re: Comments on the Lagoon Valley Draft Environmental Impact Report

Dear Mr. Buder,

I would like to request an extension DEIR  
I have not had sufficient time to review the  
report, and have not been given a copy. I will  
visit the site tomorrow and request a copy on  
the project. Because of this I believe that the  
intention should be at least 60 days. I am  
impressed on the professional report, & would like  
to review the material. I would like to know  
how much time you spent in the reviews  
on the impact that it will have in the valley

23-1

23-2

Respectfully Yours,

Robert R. Casillo



**COMMENT LETTER 23: Robert Casillo****Response to Comment 23-1:**

The commentor is requesting an extension of the public review period from the required 45 days to 60 days. The length of time for review of a Draft EIR is included in section 15105 of the CEQA Guidelines. Section 15105 states, "the public review period for a Draft EIR should not be less than 30 days nor longer than 60 days except in unusual circumstances. When a Draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days." The comment period for review of the Draft EIR was extended an additional 15 days for a total of 60 days (February 20, 2004 – April 19, 2004) in response to numerous requests from the public. See also Response to Comment 15-1.

**Response to Comment 23-2:**

An analysis of the potential biological impacts of the project is included in the Draft EIR in Section 4.15. To assess the plant and animal species and natural vegetation communities affected by implementation of the project, a list of special-status species that could occur within the Specific Plan area was obtained through the California Natural Diversity Data Base, a species list from the US Fish and Wildlife Service, a field survey of the site by a qualified biologist, and a review of reports prepared by other biological consultants addressing specific aspects of the site. Based on field visits to confirm habitat types present at the site, an analysis of their suitability to support potential species occurring was conducted. See Section 4.15 for a detailed discussion on the existing biological resources and potential changes to those resources associated with development of the project. Please also see Draft EIR Technical Appendix N (Biological Resources Report) and Technical Appendix O (Delineation of Waters of the United States).



March 3, 2004

Fred Buderl  
Project Manager  
City of Vacaville  
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650 Merchant Street  
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Re: Comments on the Lagoon Valley Draft Environmental Impact Report

Dear Mr. Buderl, *Fred* -

*The section on cumulative impacts seems somewhat inadequate.*

*- I would hope for an in-depth list of pipeline projects, including North Village and other already-approved projects, with details*

*- I would hope for a broader scope of the cumulative area to include (for instance) Dixon and Fairfield*

*- I would wish for a much more regional approach to issues of parks + recreation, watershed, environment, ~~the~~ wildlife, etc.*

24-1

Respectfully Yours, *Thanks!*

*Marian Conning  
Peggy F. Mont  
Alexis Krefel*



**COMMENT LETTER 24:**

**Marian Conning, Peaslee DuMont, Alexis Koefed**

**Response to Comment 24-1:**

As discussed on page 5.1-1 in Section 5.1 Cumulative Impacts, consistent with CEQA requirements, the cumulative impact analysis assumed buildout of the adopted City of Vacaville General Plan (including the North Village Development project) and the currently proposed Southtown and Rice/McMurtry projects. See also Responses to Comments 17-18, 17-38, 17-39, 17-40 and 17-41.

As further described on page 5.1-1, the actual context for the discussion of cumulative impacts in each technical issue area varies. For example, air quality impacts are evaluated against conditions in the Sacramento air basin. Similarly, the hydrology and water quality analysis considers the Ulatis Creek Watershed that receives runoff from the Proposed Project area. The service/utility provider service area defines the cumulative context for public services and infrastructure. Likewise, because cumulative impacts arise from the combination of impacts of this project and other projects, the cumulative impact analysis in each issue area may vary as certain impacts can combine with projects that are a greater distance away, whereas certain cumulative impacts, *e.g.*, aesthetics, are very localized. All of these factors were taken into account in the Draft EIR's cumulative impacts analysis, and overall the cumulative impacts for each technical area are evaluated in an appropriate regional context. Please also see Responses to Comments 37-1 - 37-6.



March 3, 2004

Fred Buderl  
 Project Manager  
 City of Vacaville  
 Community Development Department  
 650 Merchant Street  
 Vacaville, CA 95688

Re: Comments on the Lagoon Valley Draft Environmental Impact Report

Dear Mr. Buderl,

I have been reading through the Lagoon Valley Draft Environmental Impact Report (DEIR). As a resident of Solano County, I have hiked through this area often. I am always awed by the plethora of wild life in the area and believe this development will greatly impact the habitat corridor between Vacaville, Dixon, and Fairfield. ~~As a resident of these cities, this is an area that I have seen many times over these cities. This is an area that I have seen many times over these cities.~~ Yet, as I read through the DEIR, I have not seen any studies showing the impact on habitat corridors. What will happen to animals who rely on this habitat for survival? Can you prove that this development will not destroy critical habitat?

What about habitat corridors? ~~What about the birds?~~ Can you show me that these beautiful birds and animals will not be adversely affected? Where are the maps that demonstrate this information?

I appreciate your time and concern. Thank you very much and take care.

Respectfully Yours,



Kristen Eschner



**COMMENT LETTER 25: Kristen Escher**

**Response to Comment 25-1:**

See Response to Comment 19-3 that addresses project-related effects to wildlife corridors.



March 3, 2004

Fred Buder  
Project Manager  
City of Vacaville  
Community Development Department  
650 Merchant Street  
Vacaville, CA 95688

Re: Comments on the Lagoon Valley Draft Environmental Impact Report

Dear Mr. Buder,

We have read Chapter 5.2 of the DEIR and did not find a clear and complete discussion of the growth-inducing impacts on the Cherry Glen and lower Pleasant Valley (north of I-80 across from the project). Where is this info? Examples of such info are the sizing and extension feasibility of the project's utility infrastructures, ~~traffic~~ The DEIR needs to address this issue.

26-1

Respectfully Yours,  
David Stewart  
Sen Allen



**COMMENT LETTER 26: David Neivelt, Sam Allen**

**Response to Comment 26-1:**

Growth inducing impacts are presented in Section 5.2 of the Draft EIR. The analysis includes a discussion of ways in which the Project could eliminate obstacles to growth, such as providing increased utility capacity and/or supply beyond that required for the Project. Specifically, the analysis identifies that the Proposed Project would include the extension of new and/or additional water, electrical and natural gas distribution infrastructure and wastewater and storm drainage collection infrastructure, but sized and extended only as needed for the Proposed Project. The Proposed Project does not include the expansion of freeway overcrossings or extension of new roadways west of I-80 or any other facilities that are “oversized” and would facilitate further future development.

As further described on page 5.2-3 of the Draft EIR, the City of Vacaville’s Planned Growth Ordinance (PGO) was established to ensure that the City’s infrastructure and services are capable of serving new residential growth. Project phasing will be consistent with the PGO, thus it will not accelerate growth beyond what is already anticipated by the General Plan. Also, the density of the Proposed Project is less than the currently permitted project on the site or the allowable development under the current General Plan. For all of these reasons, the EIR concluded that the Project’s growth-inducing impacts would be less than significant.



**Fred Buderl**

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**From:** Katherine Caldwell [katcal@sbcglobal.net]  
**Sent:** Friday, March 05, 2004 7:32 PM  
**To:** Len Augustine; Steve Hardy; Department of Housing and Redevelopment; Risha Slade; Steve Wilkinsoffsite  
**Subject:** Official request to extend public review period for DEIR of LLV

45 days for public review is not enough time to respond to the draft Environmental Impact Report (DEIR) for Lower Lagoon Valley.

The DEIR is now available for review. This hefty 3000 page document, (including it's research appendices and developer plan) was given to the people of Vacaville two weeks ago for review. We have been given 45 days to read, interpret, investigate and research all this information so that we can voice our concerns, write to our city officials, suggest changes, and, or, try to get them to stop this project completely.

27-1

I'm appalled that our city officials would try to ram rod this down our throats. A project of this magnitude must be given more than the "minimum" public review time period. I propose 90 days, we need it. This project will add 1325 residential units and will change the landscape forever in Lagoon Valley, Vacaville, and Solano County. I think the public needs every opportunity to try and figure out why our city officials think developing Lagoon Valley is good for the citizens of Vacaville. I haven't spoken to one person who is in favor of this development, I keep waiting for someone to change my mind or sell me on this idea but so far, nothing. .

According to the proposed plan, as you are driving east on the I-80 the only thing you will see is businesses and houses. Commercial buildings will line the freeway almost the entire length of the lagoon. These homes in most part will be purchased by bay area commuters adding to air/ noise pollution and traffic congestion. Our high schools are currently at maximum capacity and I saw no plan to offset the added students that will come with this development, only a "suggestion" of a k-6 elementary school, which we don't need, or possibly a "private" k-8 school.

27-2

I want a dollar and cent analysis on how this project will benefit Vacaville. City services will be required, (police, fire, water, electric, gas, schools, roads, etc.) and what will Vacaville get in return and will it be enough for what we are losing.

27-3

I'd like to know where each of our elected officials stand on this project and why. Maybe then I would understand.

27-4

I want major growth and development projects voted on by the citizens of Vacaville, especially, as in the Lower Lagoon Valley project, where half of the land is public.

27-5

But for right now, how about an extension to 90 days on the public review period of the DEIR for Lower Lagoon Valley?

27-6

Oh, and by the way, maybe when the planning commission proceedings are televised, our city employees could refrain from rolling their eyes and smirking when a citizen voices their concerns, it's an embarrassment to our city.

27-7

Katherine Caldwell  
Vacaville, CA 95688

**COMMENT LETTER 27: Katherine Caldwell****Response to Comment 27-1:**

See Response to Comment 23-1.

The comment on the merits of the Proposed Project will be forwarded to the decision-makers for their consideration.

**Response to Comment 27-2:**

As discussed in the Draft EIR at page 4.4-18 in Chapter 3, Project Description, the Specific Plan includes policies to preserve the scenic quality of the valley with open space and view corridors to the hills along with the establishment of a permanent view corridor to protect views of Lagoon Valley Lake and the surrounding hills. As stated in the Draft EIR on page 11 in Chapter 3, Project Description, "because of the desired view corridor from I-80 into Lower Lagoon Valley and from parts of the valley floor and hill areas to Upper Lagoon Valley, there would be height restrictions on the buildings in the business village. In general, buildings would be one, two or three stories tall with a maximum height of 60 feet." In addition, as discussed in Section 4.4, Visual Resources, a landscape corridor would be developed between I-80 and Rivera Road adjacent to the proposed business village. The landscape corridor would be 112 feet wide along the I-80 frontage of the Business Village and would include intermittent trees, planted in an "orchard" style, some with a high canopy, with smaller trees lining the parking areas and roadways. Filtered views of the hills in the background would be maintained through the tree canopy. Smaller view corridors are also proposed from I-80 over the proposed business village to views of the hills in the background. Buildings are to be limited in location and height in order to provide a view of a substantial portion of the rolling hills and ridgelines lying to the east. Undergrounding of utilities along the I-80 frontage would also aid in enhancing this view corridor.

See Sections 4.5, Transportation, 4.6, Air Quality and 4.7, Noise in the Draft EIR for more specific information on air pollution, noise and traffic congestion associated with the project.

As discussed in Section 4.9, Public Services, the project would exceed current school capacities at the elementary, middle and high schools that would serve the site. According to State law, the project applicant would be required to pay school impact fees to provide funds necessary to build new schools. In addition, the project proposes to either dedicate 10-12 acres of land to the Vacaville Unified School District (VUSD) to construct a new 600 student elementary school or, if this is not feasible for the district, to construct a 300 student private school.

**Response to Comment 27-3:**

This is not a comment on the adequacy of the environmental analysis. However, a fiscal impact analysis has been prepared by the City and will be considered by the Planning Commission and City Council as part of their consideration of the Project's merits. The comment notes a concern about a number of services. Not all of these are City services, but the feasibility and necessity of extending these utilities and/or services are described and analyzed in the Draft EIR, Sections 4.8 and 4.9.

**Response to Comment 27-4:**

The proposed Specific Plan is subject to the decision of the elected City Council and would be presented to the Council for consideration.

**Response to Comment 27-5:**

The concept of voting on major growth and development issues is not a specific comment on the Draft EIR or a comment related to the CEQA process for the Proposed Project.

**Response to Comment 27-6:**

See Response to Comment 23-1.

**Response to Comment 27-7:**

This comment has been noted.

**Fred Buderl**

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**From:** mkay1@cwnet.com  
**Sent:** Friday, March 05, 2004 3:18 PM  
**To:** LVDevelopment@ci.vacaville.ca.us  
**Subject:** Lagoon Valley Development

I've heard that there have been two major occurrences of Anthrax in the Lagoon Valley within the past 70 years. It seems a risky thing to begin development in an area where there have been documented cases of such a dangerous disease. What is the city of Vacaville doing to assure that people who move into the area will not be exposed to Anthrax? I know the city of Vacaville as a community of caring, concerned citizens. That's one of the main reasons I continue to live here. Please respond to my concerns in writing. My address is: Kate Hitchcock 681 Linwood St. Vacaville, CA, 95688

28-1



**COMMENT LETTER 28: Kate Hitchcock**

**Response to Comment 28-1:**

The comment states that there have been occurrences of anthrax in Lagoon Valley in the past 70 years and that it would be risky to develop the Proposed Project in this location. As discussed in Section 4.13, Hazards and Human Health on page 4.13-5, current government data indicates that the number of anthrax cases in the U.S. contracted through soil exposure is nonexistent. See also Response to Comment 5-5.



March 3, 2004

Fred Buder  
Project Manager  
City of Vacaville  
Community Development Department  
650 Merchant Street  
Vacaville, CA 95688

Re: Comments on the Lagoon Valley Draft Environmental Impact Report

Dear Mr. Buder,

I am asking that the 45-day public comment period be extended to 120 days. The short time period allowed makes it virtually impossible for concerned citizens to even read the volumes of material, study it, make educated comments or absorb what the project encompasses. A project this large and with such potentially unpleasant benefits to the environment and quality of life for the average Vacaville resident should have the longest review period, not the shortest. It makes it appear that the project is being pushed on us by limiting our time to read it.

29-1

Respectfully Yours,

Sandra K Harris  
179 Hillview Dr.  
Vacaville, CA 95688

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PLANNING DIVISION



**COMMENT LETTER 29:**                      **Sandra K. Harris**

**Response to Comment 29-1:**

See Response to Comment 23-1.



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CITY OF VACAVILLE  
PLANNING DIVISION

March 3, 2004

Fred Buder  
Project Manager  
City of Vacaville  
Community Development Department  
650 Merchant Street  
Vacaville, CA 95688

Re: Comments on the Lagoon Valley Draft Environmental Impact Report

Dear Mr. Buder,

30-1

We feel that there is inadequate information regarding the adverse effects of flooding.

What is the plan? - what are the potential flood areas? Are they school, residential, commercial areas? Where is a map for potential flood areas.

If housing foundations are to be raised - how high? what is the visual impact of this? Schematics, please.

30-2

During WWII there was a shooting range - has a study been done on soils in this area?

Respectfully Yours,

*Elizabeth Knight*

Elizabeth Knight  
188 Jepson Way  
Vacaville 95688



**COMMENT LETTER 30: Elizabeth Knight****Response to Comment 30-1:**

It is unclear whether this comment is referring to the adverse effects of flooding within the project site or downstream in the City. Flooding potential within the Specific Plan Area is illustrated in Figure 4.11-2 of the Draft EIR. As discussed in the Draft EIR under Impact 4.11-1 and Impact 4.11-2, those areas within the project boundary that are in that floodplain (shown on Figure 4.11-2) and those areas that are lower than the 100-year water level in the bypass channel and/or Lagoon Valley Lake will be raised to take them out of estimated 100-year floodplain as necessary for the proposed development under the Specific Plan. This includes portions of both the proposed residential and commercial areas. The areas that could be impacted by flooding will be raised by raising the ground surface through the project's grading plans. Therefore, the building foundations will not be raised beyond traditional building construction practices.

Also discussed under Impact 4.11-1 and 4.11-2, in addition to raising these areas, detention storage will be constructed within the Specific Plan area to reduce storm flows and existing downstream drainage facilities will be improved to increase their conveyance capacity. These measures will further reduce the estimated FEMA 100-year floodplain illustrated in Figure 4.11-2. The proposed detention is shown on Figure 4.11-4 in the Draft EIR, and the EIR's analysis includes analysis of the impacts of constructing those detention facilities under Impact 4.11-1 on pages 4.11-13 through 4.11-17.

Flooding within the City will not increase beyond the current levels. As discussed in the Draft EIR under Impact 4.11-1, the 10- and 100-year storm flows from the Lower Lagoon Valley watershed will be reduced to 90 percent of current levels through construction of several detention basins within the Specific Plan area. This means less flow will be discharged from the Lower Lagoon Valley than is currently released under storm conditions; ultimately resulting in less flow in Alamo Creek. Therefore, the flooding along Alamo Creek downstream of I-80 will be no worse than under current conditions and, because of this extensive system of stormwater holding areas, will most likely be less than the current conditions.

**Response to Comment 30-2:**

The comment states that there was a shooting range on the site sometime during World War II, but does not give the location in relation to the project site. As discussed in Section 4.13, Hazards and Human Health on pages 4.13-1 through 4.13-5, historical uses on the project site were documented by two Phase I Environmental Site Assessments (ESAs) and analyzed for potential releases of hazardous materials in soil or groundwater. The Phase I ESAs found no evidence of contamination associated with any previous military use of the project site. In addition, as recommended in Mitigation Measure 4.13-3(b) through (d), any soil or groundwater contamination identified on the project site during the development of the Proposed Project would be mitigated and remediated, if necessary, to applicable federal, State, and local regulatory standards. Further, Mitigation Measure 4.13-3(e) would require Phase I ESA(s) for the utility corridor areas prior to development.

