Final

Subsequent Environmental Impact Report

for the

River Islands at Lathrop Project



State Clearinghouse No. 1993112027

January 22, 2003

EDAW

Final

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for the

River Islands at Lathrop Project

State Clearinghouse No. 1993112027

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January 22, 2003

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EXHIBITS

1 INTRODUCTION

1.1 OVERVIEW

On October 17, 2002, the City of Lathrop (City) distributed to public agencies and the general public a draft subsequent environmental impact report (draft SEIR) under the California Environmental Quality Act (CEQA) for the River Islands at Lathrop Project (River Islands). Stewart Tract, the primary location of the River Islands project, was originally planned for urban development with the adoption of the City of Lathrop General Plan (General Plan) in 1991. In 1996, the City refined the vision in the General Plan for urban development of Stewart Tract with the adoption of the West Lathrop Specific Plan (WLSP). The WLSP was analyzed in the West Lathrop Specific Plan EIR; the specific plan was adopted and the EIR certified in February 1996. The City has determined that, in accordance with §15162 of the State CEQA Guidelines, the River Islands project differs sufficiently from the development scenario described in the WLSP EIR that an SEIR needed to be prepared to evaluate the potential environmental impacts that may result from changes to the WLSP needed to reflect the River Islands project, as well as to consider significant new information.

In accordance with §15105 of the State CEQA Guidelines, a 45-day public review period was provided on the draft SEIR that ended on December 2, 2002. Seventeen letters were received on the document, several following the official close of the review period. Responses were prepared for all comment letters received. In addition, consistent with the City's internal CEQA guidelines and as allowed by §15202 of the guidelines, a public hearing was held by the City of Lathrop Planning Commission on November 12, 2002, during which time the planning commissioners and the public were given the opportunity to provide oral comments on the draft SEIR.

This document responds to the written and oral comments received on the draft SEIR and has been prepared in accordance with §15089 of CEQA and §15132 of the State CEQA Guidelines. It is divided into three chapters:

- Chapter 1 , "Introduction" presents a summary of the proposed project and alternatives.
- Chapter 2, "Comments and Responses to Comments on the Draft SEIR," reproduces public comments received on the draft SEIR, including a transcript of the November 121, 2002, public meeting, and presents responses to those comments.
- Chapter 3, "Revisions to the Draft SEIR," identifies changes made to the draft SEIR in response to the comments.

This document and the draft SEIR together comprise the final SEIR. The draft SEIR is hereby incorporated into this document by reference.

1.2 SUMMARY DESCRIPTION OF THE PROPOSED PROJECT

The draft SEIR evaluated the proposed project as summarized below and as described in detail in Chapter 3 of the draft SEIR.

The proposed project would be developed as a mixed-use residential/commercial development on 4,905 acres on Stewart Tract and Paradise Cut. The project includes, among other uses, an approximately 305-acre employment center; a roughly 45-acre town center; various single-boat and multiboat docks; approximately 2,060 acres of residential development; two golf courses; more than 260 acres of parkland; more than 600 acres of lakes, waterways, and canals; more than 600 acres of open space; and necessary public facilities and infrastructure to support the project. It also includes various flood management elements; construction of back bays, channels, and other water features; biological habitat restoration/creation; and retention of natural lands. Proposed offsite project elements include an electrical transmission line, a natural gas pipeline, other utilities, road improvements, and a road extension to Interstate 205.

The project would be developed in two phases: Phase 1, planned for completion in 2015, and buildout, planned for 2025.

The proposed project is intended to provide a mix of housing types in all phases of the development. Residential districts would support housing, parks, water features, and schools, as well as limited commercial and employment development. Up to 11,000 residences are proposed, ranging from single-family-detached homes to condominiums, townhouses, apartments, and active adult (senior-oriented) housing. The proposed residential areas, all located in the River Islands Development Area, have been divided into seven districts. The project's eighth district is the Employment Center district. At buildout, the proposed project is expected to generate 31,680 residents and generate 16,751 jobs.

The water elements incorporated into the proposed project are made up of an internal system that includes a 280-acre man-made lake, canals, and other waterways in the River Islands Development Area and an external system that consists of various elements outside the Stewart Tract levee system: the San Joaquin River, Old River, and Paradise Cut. The external system also would include the back bays. Nearly 600 docks in the internal water system would accommodate up to 604 boat berths. Nearly 760 docks would accommodate up to 921 boat berths along the exterior water system: 200 in Paradise Cut, 356 in back bays, and 365 along the San Joaquin River and Old River.

The project applicant has proposed to implement a nontraditional school program on the project site consisting of three K-12 campuses. A traditional school program also has been evaluated and is being considered.

The entire River Islands project site is in the 100-year floodplain. To provide flood protection for the River Islands Development Area (i.e., all new urban development associated with the proposed project), various measures have been incorporated into the project design, including:

- constructing and strengthening levees and creating high-ground corridors,
- increasing the flow volume and capacity of Paradise Cut, and
- constructing back bays on the San Joaquin River and Old River.

Natural lands planned as part of the proposed project would provide a variety of uses, including flood control, recreation, and habitat for sensitive species. Habitat restoration/enhancement would also be conducted in many of the natural land areas. The primary natural land areas associated with the project are Paradise Cut, the riverbanks and back bays, and the cross levee paralleling the western Union Pacific Railroad right-of-way.

The following entitlements are required from the City for the project. Unless otherwise specified, the entitlements pertain to the project in its entirety:

- amendments to the Lathrop General Plan,
- amendments to the West Lathrop Specific Plan and the Lathrop Zoning Code,
- amendments to the development agreement issued for the Califia project,
- Urban Design Concept,
- Preliminary Development Plan,
- amendment to the Bicycle Master Plan,
- Neighborhood Design Review,
- Vesting Tentative Map (Phase 1), and
- Williamson Act cancellation.

The City may rely on the SEIR for approval of other future entitlements and permits.

The following permit and other approval actions are likely to be required before implementation of individual elements of the proposed project. An environmental review under the National Environmental Policy Act also may be undertaken to address necessary federal actions associated with the proposed project.

1.2.1 FEDERAL ACTIONS/PERMITS

Federal Emergency Management Agency
- floodplain map revision, conditional letter of map revision (CLOMR), and letter of map revision (LOMR)

Federal Highway Administration
- approval of interchanges

National Marine Fisheries Service
- federal Endangered Species Act consultation and issuance of take authorization

U.S. Army Corps of Engineers (USACE)

- Section 404 Clean Water Act permit for discharge or fill of waters of the United States
- Section 10 Rivers and Harbors Act permit for work in navigable waters of the United States
- approval of modification of USACE levees

U.S. Coast Guard

- bridge permit

U.S. Fish and Wildlife Service

- federal Endangered Species Act consultation and issuance of take authorization

1.2.2 STATE ACTIONS/PERMITS

California Department of Education

- approval of new school sites

California Department of Fish and Game

- potential California Endangered Species Act consultation and issuance of take authorization
- streambed alteration agreement (§1603)

California Department of Health Services

- permit for land application of recycled water

California Department of Transportation - District 10

- encroachment permit for construction of facilities that could affect a state highway or right-of-way

California Department of Water Resources (State Reclamation Board)

- encroachment permit to work on or adjacent to levees
- approval/authorization of new or restored levees

California Public Utilities Commission

- modification to a railroad right-of-way

California State Lands Commission

- lease agreement/permit for proposed bridge and utility crossings of the San Joaquin River

Regional Water Quality Control Board - Central Valley Region 5

- National Pollutant Discharge Elimination System construction stormwater permit (Notice of Intent to proceed under General Construction Permit)
- discharge permit for stormwater
- potential discharge permit for wastewater
- general order for dewatering

- Section 401 Clean Water Act certification or waste discharge requirements
- recycled water permit
- review of recycled water storage pond design

State Water Resources Control Board
- change in point of diversion
- change in water use

1.2.3 Regional/Local Actions/Permits

Reclamation Districts Nos. 17, 2058, 2062, 2095, and 2107
- encroachment permit to work on or adjacent to levees

San Joaquin County
- roadway encroachment permit
- grading permit in Upper Paradise Cut Improvement Project Area

San Joaquin Local Agency Formation Commission (LAFCO)
- annexation of the project site into various service districts

San Joaquin Valley Unified Air Pollution Control District
- authority to construct
- health risk assessment

1.3 Project Alternatives

The draft SEIR evaluated three alternatives to the proposed project as listed below and as described in their entirety in Chapter 8 of the draft SEIR:

- No Project (No Development) Alternative,
- No Project (WLSP) Alternative, and
- Environmental Constraints (50% Development) Alternative.

2 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT SEIR

2.1 LIST OF COMMENTERS

Seventeen letters were received on the draft SEIR during the public comment period, and the planning commissioners provided oral comments on the draft SEIR during the November 12, 2002, Planning Commission hearing (no member of the public provided oral comments). The list of commenters on the draft SEIR, along with the topic of each comment, is presented in Table 1. Each letter and comment has been assigned a letter/number designation for cross-referencing purposes. The comment letters and public hearing transcript and the responses to the substantive environmental issues raised in those letters and the transcript are presented in Section 2.2. The letter from the State Clearinghouse identifying the close of the comment period and noting delivery of comments is provided at the end of this chapter.

Table 2-1
Comments Received on the Draft SEIR

Letter/ Hearing	Commenter	Date Received	Comment Number	Comment Topic(s)
LETTER COMMENTS				
STATE AGENCIES				
S1	Delta Protection Commission Margit Aramburu, Executive Director	October 29, 2002	S1-1	General
			S1-2	Agricultural resources
			S1-3	Head of Old River Fish Barrier, boating
			S1-4	Recreation access
			S1-5	Terrestrial biology
S2	California Regional Water Quality Control Board, Central Valley Region Timothy R. O'Brien	November 26, 2002	S2-1	Project description
			S2-2	Wastewater treatment
			S2-3	Recycled water
			S2-4	Wastewater treatment
			S2-5	Recycled water storage
			S2-6	Recycled water storage and disposal
			S2-7	Groundwater, permits
			S2-8	Recycled water storage
			S2-9	Groundwater
			S2-10	Wastewater treatment and disposal, permits
			S2-11	Water quality, permits
			S2-12	Jurisdictional waters, permits

Table 2-1
Comments Received on the Draft SEIR

Letter/ Hearing	Commenter	Date Received	Comment Number	Comment Topic(s)
			S2-13	Dewatering, permits
			S2-14	Water quality, permits
			S2-15	Jurisdictional waters, permits
S3a	California Department of Transportation Tom Dumas, Chief, Office of Intermodal Planning	December 2, 2002	S3a-1	Traffic, permits
			S3a-2	Traffic mitigation
			S3a-3	Surface streets
			S3a-4	Air quality, noise
			S3a-5	Project description
			S3a-6	Weaving analysis
			S3a-7	Cultural resources
S3b	California Department of Transportation Tom Dumas, Chief, Office of Intermodal Planning	January 2, 2003	S3b-1	Weaving and cumulative impact analysis
			S3b-2	Mossdale/Manthey interchange
			S3b-3	Transportation impact fees
S4	California Department of Water Resources Peter D. Rabbon, General Manager	December 27, 2002	S4-1	Permits
			S4-2	Hydrology, levees
			S4-3	Water velocity
			S4-4	Levees
			S4-5	Levees, permits
			S4-6	Levees
			S4-7	Flooding
			S4-8	Cumulative impacts, growth-inducing impacts
LOCAL AGENCIES				
L1	Lathrop-Manteca Fire District J. R. Monty, Fire Marshal	November 6, 2002	L1-1	Project description
			L1-2	Fire service and school impact fees
L2	Manteca Unified School District Sandy Dwyer, Administrator of Facilities Planning	November 21, 2002	L2-1	Schools
L3	Tracy Unified School District Sherry Gongaware, Associate Director of Facilities and Planning	November 22, 2002	L3-1	Project description, schools
			L3-2	Schools
			L3-3	Schools
			L3-4	Electricity
			L3-5	Traffic signal

Table 2-1
Comments Received on the Draft SEIR

Letter/ Hearing	Commenter	Date Received	Comment Number	Comment Topic(s)
			L3-6	Schools
			L3-7	Schools
			L3-8	Schools
			L3-9	Schools
			L3-10	Schools
			L3-11	Water supply
			L3-12	Hazardous materials and public health
			L3-13	Public services
			L3-14	Public services
			L3-15	Schools
L4	Island Reclamation District No. 2062 Glenn R. Gebhardt, President	December 2, 2002	L4-1	Project description
			L4-2	Permitting, funding, and construction
L5	Manteca Community Development Department Benjamin J. Cantu, Jr., Advanced Planning Manager	December 2, 2002	L5-1	Noise
			L5-2	Population growth
			L5-3	Traffic analysis
L6	San Joaquin County Public Works Wendy Johnson, Environmental Coordinator	December 2, 2002	L6-1	Internal lake
			L6-2	Traffic
			L6-3	Traffic
			L6-4	Traffic
			L6-5	Traffic analysis zones
L7	Mossdale Reclamation District No. 2107 Thomas J. Rosten, District Engineer	December 2, 2002	L7-1	Flooding
			L7-2	Flooding
			L7-3	Permits
			L7-4	Flooding
L8	Reclamation District No. 17 Henry Long, President	December 2, 2002	L8-1	Levees, flooding
			L8-2	Levees, flooding
			L8-3	Levees, flooding
			L8-4	Levees
			L8-5	Flooding, evacuation
			L8-6	Stormwater discharge
			L8-7	Permits

Table 2-1
Comments Received on the Draft SEIR

Letter/ Hearing	Commenter	Date Received	Comment Number	Comment Topic(s)
L9	South Delta Water Agency John Herrick	December 3, 2002	L9-1	General
L10	San Joaquin Valley Air Pollution Control District John Cadrett, Air Quality Planner Northern Region	December 5, 2002	L10-1	Air quality mitigation measures
			L10-2	Air quality mitigation measures
			L10-3	Air quality mitigation measures
			L10-4	Air quality mitigation measures
			L10-5	Air quality mitigation measures
			L10-6	Air quality mitigation measures
ORGANIZATIONS				
O1	Sierra Club, Mother Lode Chapter Eric Parfrey, Chair	December 2, 2002	O1-1	General
			O1-2	General
			O1-3	Utility and cumulative analysis
			O1-4	Utility analysis
			O1-5	Project/program analysis
			O1-6	Program- and project-level EIRs in Lathrop, adequacy of mitigation, tiering of EIRs
			O1-7	Groundwater
			O1-8	Wastewater treatment and disposal
			O1-9	Wastewater treatment capacity
			O1-10	Recycled water disposal
			O1-11	WRP #1 expansion, permits
			O1-12	Recycled water disposal
			O1-13	General
			O1-14	Recycled water disposal
			O1-15	WRP #1, groundwater, surface water
			O1-16	WRP #1, groundwater
			O1-17	Recycled water discharge
			O1-18	Water supply, wells
			O1-19	Water supply, wells
			O1-20	Groundwater
			O1-21	Groundwater
			O1-22	Groundwater

Table 2-1
Comments Received on the Draft SEIR

Letter/ Hearing	Commenter	Date Received	Comment Number	Comment Topic(s)
			O1-23	Permits, approvals
			O1-24	Water intake permits
			O1-25	Water quality
			O1-26	Water quality
			O1-27	Water quality
			O1-28	Water quality
			O1-29	Dissolved oxygen
			O1-30	Traffic
			O1-31	Traffic
			O1-32	Traffic
			O1-33	Traffic
			O1-34	Traffic, employment
			O1-35	Traffic
			O1-36	Traffic
			O1-37	Employment
			O1-38	Traffic mitigation
			O1-39	Traffic mitigation
			O1-40	Traffic improvements
			O1-41	Traffic improvements
			O1-42	Traffic improvements
			O1-43	Golden Valley Parkway impacts
			O1-44	Golden Valley Parkway
			O1-45	Golden Valley Parkway impacts
			O1-46	Golden Valley Parkway impacts
			O1-47	Watercraft use
			O1-48	Air quality
			O1-49	Flood protection
			O1-50	Flooding impacts
			O1-51	Flooding impacts
			O1-52	Control of project lands
			O1-53	Terrestrial biology

Table 2-1
Comments Received on the Draft SEIR

Letter/ Hearing	Commenter	Date Received	Comment Number	Comment Topic(s)
			O1-54	Terrestrial biology, permits
			O1-55	Alternatives
			O1-56	Cumulative impacts
			O1-57	Cumulative traffic analysis
			O1-58	Cumulative air quality analysis
O2	Law Offices of Mehlhaff & Hay Dennis L. Hay	December 2, 2002	O2-1	General
			O2-2	Flooding impacts
			O2-3	Water supply
			O2-4	Siltation
			O2-5	Flood modeling
			O2-6	General
COMMENTS MADE AT NOVEMBER 12, 2002, PUBLIC HEARING				
PH	Transcripts of Public Hearing on the Draft SEIR	November 12, 2002	PH-1	Population growth
			PH-2	Farmland, alternatives
			PH-3	Hydrology
			PH-4	Soils
			PH-5	General
			PH-6	Aesthetic resources
			PH-7	Traffic improvements
			PH-8	Traffic mitigation
			PH-9	Pedestrian circulation
			PH-10	Transportation alternatives
			PH-11	General
			PH-12	Schools
			PH-13	General
			PH-14	Hydrology
			PH-15	Urban Design Concept
			PH-16	Tree preservation
			PH-17	Urban Design Concept
			PH-18	Urban Design Concept, housing

2.2 WRITTEN AND ORAL COMMENTS AND RESPONSES ON THE DRAFT SEIR

The written and oral comments received on the draft SEIR and the responses to those comments are provided in this section. Each comment letter and the public hearing transcript is reproduced in its entirety and is followed by responses to comments on substantive environmental issues. The letter from the State Clearinghouse identifying the close of the comment period and noting the delivery of comments is provided at the end of this chapter.

STATE OF CALIFORNIA—THE RESOURCES AGENCY

DELTA PROTECTION COMMISSION
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WALNUT GROVE, CA 95690
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S1

October 28, 2002

Bruce Coleman, Community Development Director
City of Lathrop
16775 Howland Road, Suite 1
Lathrop, CA 95330

Subject: River Islands at Lathrop, Urban Design Concept, October 15, 2002; West Lathrop Specific Plan, October 1, 2002; Draft Subsequent Environmental Impact Report for the River Islands at Lathrop Project, October 16, 2002;

Dear Mr. Coleman:

I am writing regarding the three documents: River Islands at Lathrop, Urban Design Concept, October 15, 2002; West Lathrop Specific Plan, October 1, 2002; and Draft Subsequent Environmental Impact Report for the River Islands at Lathrop Project, October 16, 2002. The Delta Protection Commission (Commission) itself has not had the opportunity to review the documents, so these are staff comments only. The proposed project is on Stewart Tract in the City of Lathrop in San Joaquin County. The project site is located in the Secondary Zone of the Legal Delta, and is outside of the Commission's planning and appeal authority. Thus, these comments are advisory only. They are, however, based on the Commission's Law and Plan. S1-1

The Commission and its staff have monitored the proposed development of Stewart Tract since the Commission was created, as its development will directly and indirectly impact the lands of the Primary Zone of the Delta which lie directly across Old River from Stewart Tract (Union Island and Roberts Island). The Commission's law and adopted Land Use and Resource Management Plan promote the protection and enhancement of the existing Primary Zone land uses including agriculture, wildlife habitat, and recreation.

Regarding agriculture, the documents address the loss of agriculture on the site of the proposed River Lakes development. The documents do not address the possible conflicts between the proposed development and on-going agriculture on Delta Primary Zone islands to the north of Stewart Tract. These agricultural lands are not in the City and thus it is not clear how the City's "Right to Farm" ordinance would apply if there is a future conflict. It may be necessary to develop a new agreement between the City and the County to ensure that the "Right to Farm" in the County and the Delta Primary Zone is protected. In addition, the proposed development analyzes the need for a buffer zone to S1-2

prevent impacts of such development on the lands in the Primary Zone. The City should consider needs of agriculture in determining such a buffer. Buffer areas should be wholly contained within the boundary of the proposed development. S1-2 Cont'd

Regarding recreation, the project would include some new docks and marina-type facilities. The documents should address the new "locks" being proposed by Department of Water Resources as part of its South Delta Improvements Program, including a new permanent barrier structure at the head of Old River. Public access should be developed to incorporate this barrier and any access needed to maintain the facility. The documents should include an analysis of the proposed new boating facilities and traffic on water quality and habitat values in the Delta waterways. S1-3

The current proposal would amend the City's current goal of providing continuous access along the Delta waterways. Instead, some areas of the proposed project would be available only to the property owner, or to residents of the River Lakes project. The Commission's Plan recommends that new projects in the Secondary Zone incorporate access to and along the Delta waterways. This proposed change to City policy should be addressed specifically in the environmental review document. S1-4

Regarding wildlife habitat, the setback levee proposed along Paradise Cut would create a larger area for permanent open space and aquatic and wetland associated habitat values. This proposal would provide a regional benefit that appears to meet goals of several programs encouraging enhanced wildlife habitat in the South Delta as well as providing improvements for conveyance of flood flows in the South Delta. The acreage numbers in the various reports are inconsistent, and the areas to be restored to habitat or used for seasonal habitat should be clarified and used consistently throughout the documents. S1-5

Thank you for the opportunity to review the various documents for the River Lakes project.

Sincerely,

Margit Aramburu
Executive Director

Cc: Chairman Patrick N. McCarty
Commissioner Dwight Sanders, State Lands Commission
Commissioner Augie Beltran, San Joaquin County Council of Governments
Commissioner Lynn Bedford, San Joaquin County Board of Supervisors
Office of Planning and Research, State Clearinghouse

LETTER
S1
RESPONSE

Delta Protection Commission
Margit Aramburu, Executive Director
Received on: October 29, 2002

S1-1 We note that the comments from the Delta Protection Commission's (Commission's) staff are of an advisory nature.

S1-2 Possible conflicts between proposed development and ongoing agricultural operations adjacent to the project site (including lands across Old River north of Stewart Tract) are addressed on page 4.13-14 of the Draft SEIR (DSEIR) under Impact 4.13-C, "Agricultural Resources - Adjacent Landowner/User Conflict." The impact discussion states:

> Potential long-term conflicts between River Islands residents and adjacent agricultural operators are expected to be minimal due to the natural buffers of Old River, the San Joaquin River, and the Paradise Cut canal, which separate the proposed development from continuing agricultural operations. The distance between homes on the high-ground corridors and agricultural activities would range from 150 feet to several hundred feet, given the width of the rivers and the Paradise Cut canal and the levees on the opposite side of the rivers. Also, agricultural activities closest to the project perimeter would be directly buffered by the adjacent levees. This impact is considered less than significant.

Only potential conflicts between development and ongoing agricultural operations on the project site are considered significant, and buffer zone recommendations provided in the DSEIR apply only to these circumstances. As discussed in the DSEIR, because conflicts between development and offsite agricultural operations (i.e., in the Primary Zone of the Delta) are not considered significant, in large part because of the existing buffer provided by the rivers and levees, additional buffer requirements for these circumstances are not necessary.

S1-3 The Head of Old River Permanent Fish Barrier ("locks") proposed by the California Department of Water Resources (DWR) is included as one of the related projects in the cumulative impacts discussion (page 5-7) and is considered in the DSEIR in this context. The City and the project applicant have coordinated with, and will continue to coordinate with, DWR to ensure that access is maintained for continued operation of the existing temporary fish barrier and for potential construction of a permanent barrier. Impacts of boating facilities and boat traffic on water quality and habitat values are addressed in Impacts 4.8-d, 4.8-k, 4.14-r, 4.15-e, and 4.15-f.

S1-4 The General Plan designates the shoreline of Stewart Tract as Open Space and calls for a recreation and open space corridor around the perimeter of Stewart Tract, which would include shoreline areas along the adjacent Delta waterways. The discussion of Impact 4.12-c acknowledges that the proposed project does not provide a continuous loop trail around the

proposed levee/high-ground corridor system. However, in the assessment of the impact, the park and trail system and associated river access facilities included as part of the proposed project were evaluated for their ability to provide the recreation and access opportunities intended in the General Plan. It was concluded that although the proposed shoreline development along the San Joaquin River and Old River would not strictly follow the General Plan provision for a recreation and open space corridor around the perimeter of Stewart Tract, it would provide multiple opportunities for public visual, pedestrian, and recreation access to the rivers. Therefore, it was determined that the proposed project would still allow for increased availability of recreational opportunities along the river and would be consistent overall with the General Plan's Open Space designation.

It should also be noted that recreational access along the Delta waterways would be substantially greater under the proposed project than under the existing condition. Currently approved public access at the project site is limited to a handful of locations with no developed recreational facilities. Because of the proposed recreational facilities and public access trail system included in the proposed project, the project would also be consistent with the Commission's plan recommendation referenced in the comment calling for new projects in the Secondary Zone of the Delta to incorporate access to and along the Delta waterways.

S1-5 It is acknowledged that the proposed habitat enhancements and open space elements in Paradise Cut would provide regional benefits and would assist in meeting the goals of several natural resource and flood control programs in the South Delta. However, it is difficult to respond to the remainder of the comment regarding inconsistencies in acreage calculations without specific examples of the inconsistencies. Further, the precise locations and acreages of restored habitat could not be described in detail in the DSEIR because these areas likely would be refined as coordination and permitting with the various resource agencies (U.S. Fish and Wildlife Service [USFWS], National Marine Fisheries Service [NMFS], California Department of Fish and Game [DFG], U.S. Army Corps of Engineers [USACE]) proceeds and restoration plans are prepared to address site-specific conditions. The descriptions of habitat preservation and enhancement activities in Chapter 3, "Description of the Proposed Project," and elsewhere in the DSEIR are sufficient to support an analysis of the project's environmental effects.

Winston H. Hickox
Secretary for Environmental Protection

California Regional Water Quality Control Board

Central Valley Region

Robert Schneider, Chair

S2

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25 November 2002

Bruce Coleman
Community Development Director
City of Lathrop
16775 Howland Road
Lathrop, CA 95330

SCH# 1993112027, DRAFT SUBSEQUENT EIR FOR RIVER ISLANDS AT LATHROP PROJECT, LATHROP, SAN JOAQUIN COUNTY

I have reviewed the Draft Subsequent Environmental Impact Report (DSEIR), Urban Design Concept, and West Lathrop Specific Plan for the proposed River Islands at Lathrop development, San Joaquin County. The document package was distributed by the City of Lathrop Community Development Department and is identified by State Clearinghouse No. 1993112027. This letter provides comments on the DSEIR and identifies issues that may require further discussion. The Regional Board previously commented on this project in letters dated 9 November 2001 and 13 February 2002.

Project Description

The project consists of development of 4,905 acres of open space and agricultural land on Stewart Tract into office, retail, residential, recreational, and open space. Approximately 11,000 homes, a town center, and an employment center are planned. The project is divided into two phases with the first phase to be completed around 2015 and the second phase completed around 2027. The DSEIR primarily addresses the first phase of development, the second phase is only conceptually addressed. S2-1

The DSEIR states wastewater will be treated in the existing Wastewater Treatment Plant No. 1 (Crossroads) and will be returned to the development for application. It has been brought to the attention of the Regional Board that the Crossroads treatment plant will not be available to treat the project's wastewater and that an entirely new treatment plant will be constructed adjacent to the Crossroads facility. In addition, the DSEIR refers to an EIR addressing construction of the new wastewater treatment plant but that EIR has not been distributed to the Regional Board. The DSEIR must be revised to correctly describe the wastewater treatment that is planned and only reference documents that have been published for public review. In general, it is impossible to provide meaningful comments on the planned wastewater treatment system because so few details are described in the DSEIR. S2-2

The following comments address Table 2-1:

Item 4.8-b, Interior Lake Quality. Because water from the interior lake would come into contact with groundwater and would be pumped into Paradise Cut, these waters also could be	If collection of recycled water from golf courses and other irrigated areas are discharged to the interior lakes, subsequent pumping of the interior lake water into the Paradise Cut might be considered a surface

S2-3

adversely affected.	water discharge and therefore subject to NPDES permit requirements.	S2-3 Cont'd
Item 4.11-c, Demand for Wastewater Treatment Capacity during Phase 1a and Phase 1. Development and operation of the WRP #1 Phase 1 Expansion Project would be required to provide the River Islands project with adequate treatment capacity during Phase 1a and Phase 1.	Regional Board staff has been informed that the WRP #1 (Crossroads plant) will not accept the wastewater. The DSEIR must address this apparent contradiction. In addition, WRP #1 does not treat wastewater to the level described in the DSEIR.	S2-4
Item 4.11-f, Demand for Recycled Water Storage and Disposal Capacity during Phase 1a and Phase 1. Adequate storage and disposal areas are available to accommodate the quantity of treated wastewater to be generated by the project during Phase 1a and Phase 1.	Because no specific information on storage areas is provided in the DSEIR, this statement is impossible to evaluate.	S2-5
Item 4.11-g, Demand for Recycled Water Storage and Disposal Capacity for Phase 2. ...insufficient area would exist at the project site to dispose of this additional recycled water, and no offsite land disposal sites have been identified. There is not sufficient existing recycled water disposal capacity and there would not be sufficient capacity on the project site.	The mitigation measure states elements of Phase 2 project development should not commence until storage and disposal capacity is provided and assumes surface water disposal will be available. It should be noted that river disposal might not be an available option due to the existing impaired condition of the receiving water.	S2-6

Information on depth to groundwater was not provided in the DSEIR but it is likely to be shallow in the vicinity of the River Island project. No information on the planned pond construction was provided so it is impossible to determine if liners will be required and if a permit from the Department of Water Resources Division of Dam Safety may be required for the storage pond(s). Review of the pond design is not included in the list of permits that is provided in Section 1.4.2 of the DSEIR. S2-7

Use of the wastewater for irrigation as described in the DEIR may require additional wastewater storage facilities or redundant treatment facilities because Title 22 Section 60304 requires backup measures if treatment fails. In addition, storage of wastewater in ponds after treatment will likely result in measurable total coliform organisms possibly requiring secondary disinfection prior to land application. S2-8

Groundwater Characterization

No information on groundwater quality is provided in the DSEIR with the exception of the depth to groundwater data summarized in Section 4.7.2; the information will be required for the Report of Waste Discharge (RWD). Groundwater monitoring will be required upgradient and downgradient of all land application and/or wastewater storage areas. Because of the number of land application areas that may be included in the project, a regional approach to groundwater monitoring may be acceptable. However, wastewater storage areas will require site-specific groundwater monitoring networks. Groundwater monitoring should be performed to characterize the background groundwater quality at the site. Inadequate groundwater monitoring data may result in delays evaluating the Report of Waste Discharge while the groundwater quality is characterized. S2-9

The following discussion provides information on permits required by the Regional Water Board for the project.

Waste Discharge Requirements

Because wastewater will be generated and treated, stored, or disposed on site, Waste Discharge Requirements (WDRs) will be required. The project proponent shall submit a Report of Waste Discharge (RWD) at least 120 days prior to discharging wastewater at the site. California Water Code Section 13260 requires submittal of the RWD. If groundwater dewatering is required, the owner/operator must first obtain an NPDES permit prior to initiating dewatering activities. If discharge of wastewater to surface water is anticipated, a complete Report of Waste Discharge is required Objections to the WDRs may cause significant delays in the adoption of WDRs by the Regional Board. The Regional Board staff previously submitted comments to the City of Lathrop (see attached letter dated 16 December 1999) regarding a proposed NPDES discharge, outlined several concerns regarding the process, and requested additional information if the process were to proceed. The long-term wastewater disposal needs for the community need to be resolved, and appropriate permit limitations established before subdivisions are approved for development. S2-10

Construction Stormwater Permit

A NPDES General Permit for Storm Water Discharges Associated with Construction Activities, Order No. 99-28-DWQ is required when a project involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation. Currently, construction activity that involves soil disturbances on construction sites five acres or greater or which are part of a larger common plan of development or sale require a construction storm water permit. S2-11

Because construction associated with the project will disturb more than five acres, the property owner needs to obtain permit coverage under the NPDES General Permit No. CAS000002 for Discharges of Storm Water Associated With Construction Activity. Before construction begins, the proponent must submit an NOI to comply with the permit to the State Water Resources Control Board and an SWPPP must be prepared.

Water Quality Certification - Wetlands

If a U.S. Army Corp of Engineers (ACOE) permit is required due to the disturbance of wetlands, then Water Quality Certification must be obtained from the Regional Board prior to initiation of project activities. Section 401 of the federal Clean Water Act requires that the project proponent for any project that impacts surface waters of the United States (such as streams and wetlands) must request a 401 Water Quality Certification from the Regional Board. Water Quality Certification must be obtained prior to initiation of project activities. The proponent must follow the ACOE 404(b)(1) Guidance to assure approval of their 401 Water Quality Certification application. The guidelines are as follows: S2-12

1. Avoidance (Is the project the least environmentally damaging *practicable* alternative?)
2. Minimization (Does the project minimize any adverse effects to the impacted wetlands?)
3. Mitigation (Does the project mitigate to assure a no net loss of functional values?)

Dewatering Permit

The proponent may be required to file a Dewatering Permit covered under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit, Order No. 5-00-175 (NPDES CAG995001). The following discharges may be covered by this permit provided they do S2-13

not contain significant quantities of pollutants and are either (1) four months or less in duration, or (2) the average dry weather discharge does not exceed 0.25 mgd:

a. Well development water
b. Construction dewatering
c. Pump/well testing
d. Pipeline/tank pressure testing
e. Pipeline/tank flushing or dewatering
f. Condensate discharges
g. Water Supply system discharges
h. Miscellaneous dewatering/low threat discharges

S2-13 Cont'd

Industrial Stormwater Permit

Depending on the Standard Industrial Classification (SIC) code of the final project, compliance with the NPDES General Permit No. CAS000001 for Discharges of Storm Water Associated With Industrial Activities may be required. The SIC codes of activities requiring coverage are listed in the General Permit. In order to obtain coverage by the General Permit, the proponent must submit a Notice of Intent to comply with the permit (NOI) to the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared.

S2-14

Section 404 Permit

If the project will involve the discharge of dredged or fill material into navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the US Army Corps of Engineers. If a Section 404 permit is required by the Corps, the Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If a Section 404 permit is required, the proponent must apply to the Regional Board for a Water Quality Certification under Section 401.

S2-15

If you have any questions about the storm water program, please call Dani Berchtold at (916) 255-3383. Additional information is available via the internet at the Regional Board's Storm Water website *http://www.swrcb.ca.gov/stormwtr/index.html*. For more information on Section 404 Permits contact the Sacramento District of the Corps of Engineers at (916) 557-5250 or Patrick Gillum with the Regional Board at (916) 255-3397. If you have any questions about the RWD process, please telephone me at (916) 255-3116.

TIMOTHY R. O'BRIEN
Waste Discharge to Land Unit
Lower Sacramento River Watershed

Attachment: 16 December 1999 Regional Board Correspondence

cc: Mike Huggins, San Joaquin County Environmental Health Department, Stockton
Gregoria Garcia, State Clearinghouse, Sacramento

bcc: George Day, Central Valley Regional Water Quality Control Board
Patricia Leary, Central Valley Regional Water Quality Control Board

California Regional Water Quality Control Board

Central Valley Region

Steven T. Butler, Chair

Winston H. Hickox
Secretary for Environmental Protection

Sacramento Main Office
Internet Address: http://www.swrcb.ca.gov/~rwqcb5
3443 Routier Road, Suite A, Sacramento, California 95827-3003
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16 December 1999

Mr. Jon Crawford
Public Works Director
City of Lathrop
16775 Howland Road, Suite 1
Lathrop, CA 95330

REVIEW OF REPORT OF WASTE DISCHARGE AND REQUEST FOR ADDITIONAL INFORMATION, CITY OF LATHROP, SAN JOAQUIN COUNTY

A report of waste discharge (RWD) was submitted by the City of Lathrop (City) on 13 August 1999, to the Regional Water Quality Control Board (Board). The City is requesting a new National Pollutant Discharge Elimination System (NPDES) permit for a wastewater treatment plant expansion to accommodate future development. We met with you, other City representatives, Califia Development Group, and Libbey Owens Ford Company on 17 November 1999 to discuss the difficulties that lie ahead for permitting a new discharge to the San Joaquin River, an impaired surface water body. S2-10a

The Sacramento-San Joaquin Delta is impaired due to low dissolved oxygen, salts, mercury, persistent organochlorine pesticides, diazinon, chlorpyriphos, DDT, and unknown toxicity. Studies to determine Total Maximum Daily Loads (TMDLs) for these constituents are not yet complete. Therefore, pollutant load allocations for individual dischargers have not been determined. In addition, other constituents may require effluent limits if they cause or have reasonable potential to cause or contribute to an excursion above a water quality objective. S2-10b

An interpretation of the regulations is that any new NPDES permit must include stringent effluent limitations to ensure no increase in loads to the Delta. However, growth in the area is inevitable, and the City's proposed tertiary treatment facility will cause less impact on the beneficial uses of the Delta than an increase in secondary discharge from an existing facility. In addition, the City has indicated a willingness to maximize land disposal to the extent feasible and to discharge only highly-treated effluent at times of the year when the receiving water has assimilative capacity. These were two significant factors in our decision to agree to proceed with drafting an NPDES permit for the City. S2-10c

To begin drafting a NPDES permit, Board staff require information showing that a new discharge to the river will not cause or contribute to an impairment. The City must provide an estimate of the quantity and quality of the proposed discharge and a determination of the impact of each constituent in the discharge on Delta waters, particularly for constituents on the 303(d) list. A determination will then be made on what discharge can be allowed under federal and state law. We must emphasize that there is no guarantee that the Board will adopt an NPDES permit once it is drafted. In addition, if the Board adopts S2-10d

the proposed NPDES permit, the City will have the associated responsibility, along with other dischargers, for bringing the San Joaquin River into compliance with water quality objectives. S2-10d Cont'd

We reviewed the information the City submitted in their RWD. As discussed in our 17 November 1999 meeting, the City's application is deficient in many areas. Following are issues requiring resolution:

1. Lathrop needs to better evaluate the constituents expected to be present in its treated wastewater effluent. The analyses required for the existing land application under the existing WDR are insufficient for evaluation of its appropriateness for surface water discharge. Data should be provided for all conventional pollutants, as well as priority pollutants, diazinon, and chlorpyriphos. Staff will need this information to assess the contribution of the proposed discharge to the impaired water body. The proposed discharge will be fundamentally different from the current discharge at the Industrial WWTP, so analyses of that discharge may be of little use in evaluating the proposed NPDES discharge.

2. Form 200, Section V of the submitted application indicates that the proposed expansion of the wastewater treatment plant is exempt from the California Environmental Quality Act (CEQA) process. Additionally, it states that a Notice of Determination (NOD) has been filed. Please note that the NOD submitted with the application packet was filed in October 1991 and was specific for the design and construction of the existing 0.6 million gallon per day (mgd) wastewater treatment plant. Your permit application specifies an increase of the average daily flow to 1.2 mgd. Also, as discussed at the meeting, the envisioned future treatment system will include multiple satellite treatment plants throughout the community that are linked and discharge through a master plant. Because the future plans are significantly different from historical proposals, the CEQA process must be completed. S2-10e

3. At our meeting, the City proposed the concept of a master plan for sewage management and treatment. You discussed the possibility that reclamation throughout the community may be possible, or that land at the nearby Libbey Owens Ford glass manufacturing plant may become available for land application purposes. Prior to proceeding with drafting either new waste discharge requirements or an NPDES permit, the Board will require a formalized sewage management plan. Please submit a copy of your draft Master Plan as soon as it is available.

4. The following comments pertain to EPA Form A, Section I:

   Item 7 is incomplete, as it did not estimate the total volume discharged in mgd. A clearer understanding of proposed surface water discharges needs to be presented.

   Item 8 states that there will be no intermittent, seasonal discharges, whereas this was the basic plan presented at the meeting. Please clarify your plans.

   Item 10 states the population served is 300, whereas you propose to discharge 1.2 mgd. Please correct the form to address plans for growth and development.

   Item 11 states there are no industrial flows to the facility, whereas the current treatment plant is accepting industrial wastewater flows from Nestles Company. All industrial flows must be addressed in the permit application.

The schematic of water flow provided for Item 13 is incorrect, outlining the current treatment plant instead of an expanded plant with advanced treatment capability.

5. The following comments pertain to EPA Form A, Section II:

Item 2 needs to define an anticipated discharge startup date.

Item 10 pertains to seasonal/periodic discharges. The application needs to include technical information regarding the available land disposal capacity, how land disposal will be maximized, and the volume and months when a surface water discharge is expected to be necessary.

Item 11 requires the discharger to provide a description of the treatment proposed. The schematic presented is of the existing plant, which is only capable of secondary treatment. Please provide specific details of the proposed future plant(s).

Item 12 states an Operations and Maintenance manual is available, whereas the proposed plant has yet to be designed. Please correct the discrepancy.

Please correct Item 13 in regard to current and future plant flows.

Item 14 requires adequate influent and effluent data be collected and provided (or estimated) based on the design of the advanced treatment plant. Also, in our review of the data presented, staff noted that temperature data does not appear to be accurate, and the concentration of total dissolved solids to be very high (up to 2100 mg/l). S2-10e Cont'd

6. The quality and characteristics of the receiving water must be evaluated to determine the impacts of constituents in the discharge that are already in the receiving water at concentrations causing impairment, as well as the assimilative capacity for constituents not causing water quality impairment.

7. There is no discussion of how the increased production of sludge will be managed. A discussion of the projected increase of sludge volume and a means of managing that increase must be presented to the Board.

8. With increased treatment capabilities and the possibility of attracting additional industrial users to the treatment system, Lathrop may be required to incorporate a pretreatment program as outlined in 40 CFR Part 403. The Board requests the City to evaluate the need for a pre-treatment program as part of its proposed expansion.

9. On EPA Form A, Section IV, you are required to indicate if there are any industrial dischargers contributing to the influent wastewater flows. On the form it is indicated that there are presently "no industrial dischargers". However, during our meeting with you at the existing wastewater treatment plant, you indicated that the Nestle Facility is discharging boiler blowdown to the facility. Please correct your application to include accurate information regarding existing and projected industrial flows.

10. During the 17 November 1999 meeting, you indicated that expanding residential and commercial development in existing rural areas would aid in the reduction of non-point source pollutants to the San Joaquin River, and possibly provide no net increase in pollutant load with a seasonal discharge. Please submit your technical evidence to support your statement. Note that development of rural areas will likely cause other forms of point and non-point pollution from of urban stormwater runoff. S2-10f

Our goal is to work with you within the framework of the permitting process to find a wastewater management solution that protects the beneficial uses of the waters of the State but at the same time allows for flexibility and growth of your community. Submittal of the above information will greatly assist us in meeting our goal. S2-10g

Please note that a new Associate Water Resources Control Engineer, Ms. Karen Niiya has been assigned to this project. If you have any questions regarding this letter or require additional information, please contact Ms. Niiya at (916) 255-3000 or myself at (916) 255-3023.

Patricia Leary

PATRICIA LEARY
Senior Engineer
Delta NPDES Unit

PHL:pl

cc: Mr. Roger Bennett, City of Lathrop
Mr. Jon Weiss, Libbey Owens Ford, Lathrop
Mr. Darryl Forman, Califia Development Group, Lathrop
Ms. Karen Niiya, Central Valley Regional Water Quality Control Board

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LETTER
S2
RESPONSE

California Regional Water Quality Control Board
Timothy R. O'Brien
Received on: November 26, 2002

S2-1 The commenter describes the project correctly, other than stating that the second project phase would be completed "around 2027." The anticipated buildout date for Phase 2 is 2025.

S2-2 The DSEIR identifies in several locations that the City's planned expansion of Water Recycling Plant #1 (WRP #1) (the Crossroads facility) would provide wastewater treatment capacity that would serve the River Islands project, as well as other projects in the City of Lathrop (Chapter 3 "Description of the Proposed Project; Section 4-11 "Public Utilities"; Chapter 5 "Cumulative Impacts"). The City's planned expansion is consistent with utility improvements included in the Lathrop Water, Wastewater, and Recycled Water Master Plan (Master Plan) and was addressed in the Environmental Impact Report on the Master Plan (Master Plan EIR). It is not planned as part of the proposed River Islands project, or included in the analysis in the DSEIR, that WRP #1 in its existing condition would provide water treatment for the River Islands project.

Infrastructure planning, including wastewater treatment, associated with the proposed project is described in Chapter 3 of the DSEIR "Description of the Proposed Project" and Section 4-11 "Public Utilities". Analysis of impacts associated with provision of needed infrastructure is included as applicable throughout Chapter 4 the DSEIR. The infrastructure planning for the project is consistent with that contained in the adopted West Lathrop Specific Plan (WLSP) and the Master Plan, and is consistent with that evaluated at a programmatic level in the certified WLSP and Master Plan EIRs. These plans describe how wastewater systems will be developed and where, as well as associated environmental impacts, mitigation measures, and alternatives. The DSEIR summarizes this information. The infrastructure information and analysis presented in the DSEIR is adequate to inform governmental decision makers (the City of Lathrop as lead agency) and the public about the potential significant environmental effects of the project, and infrastructure that would serve the project, as required by §15002(a)(1) of the State CEQA guidelines.

S2-3 The proposed project does not include plans to collect recycled water from the golf courses and other irrigated areas for discharge into the interior lake. The project description does not include any plans to discharge recycled water into the interior lake, although recycled water may be stored in the golf course lakes, which are hydrologically separate from the interior lake.

S2-4 The discussion for Impact 4.11-c states that WRP #1 currently treats wastewater to secondary standards and that the WRP #1 Phase 1 Expansion Project would be required to treat and dispose of wastewater generated by the project. There is no contradiction. As stated in the DSEIR, WRP #1 currently does not have capacity to accommodate wastewater from the proposed project (see the discussion of Impact 4.11-c). However, after completion of the WRP #1 Phase 1 Expansion

Project, WRP #1 would have capacity to accept wastewater from the River Islands project and is expected to do so.

S2-5 The discussion of Impact 4.11-f on page 4.11-18 of the DSEIR states that during Phase 1a and Phase 1 of project implementation, sufficient area would be set aside in the Phase 2 portion of the project site to accommodate 40 acres of storage ponds. The storage ponds would have an average depth of 9 feet and would be lined with a clay or synthetic material. Given these conditions, the capacity of the storage ponds can be calculated: approximately 117 million gallons, which equates to approximately 73 days of recycled water generation at full buildout of Phase 1, assuming a 1.59-mgd generation rate, as described on page 4.11-8 of the DSEIR. In accordance with the Master Plan additional storage capacity would be available at facilities specifically associated with the WRP #1 expansion. In addition, other portions of the Phase 2 project area could be made available for storage ponds if necessary. Given these conditions the DSEIRs conclusion that sufficient recycled water storage areas are available to accommodate the quantity of treated wastewater to be generated by the project during Phase 1a and Phase 1 is accurate.

S2-6 Please note that the discussion of Mitigation Measure 4.11-g states that project development "shall not commence" until storage and disposal capacity is provided, not "should not commence" as described in the comment. Regarding the availability of river disposal of treated wastewater, mitigation measure 4.11-g states that required disposal capacity may be achieved through land disposal or river discharge. Consistent with the mitigation measure, if river discharge is not available, then only land disposal would be used, and development of Phase 2 shall be limited based on available disposal capacity. However, it is the City of Lathrop's belief that if future river discharges from the City are required, discharges would be treated to a level sufficient to ensure that project-specific impacts on river water quality would not be significant, as described in the Master Plan EIR.

S2-7 Groundwater conditions on the project site are described in Section 4.7, "Geology, Soils, and Mineral Resources," page 4.7-9: "groundwater levels range from approximately 2 to 14 feet below the ground surface...." This information is repeated in Section 4.8, "Hydrology and Water Quality," at the bottom of page 4.8-19. The discussion of Impact 4.11-f, on page 4.11-18, states that the storage ponds would have an average depth of 9 feet and would be lined with a clay or synthetic material. As coordination and permitting with the RWQCB continues, it can be confirmed whether a permit is required from the California Department of Water Resources Division of Dam Safety (DODS) for the storage ponds. The California Water Code includes certain exemptions from DODS jurisdiction. Specifically, wastewater storage ponds are exempt when the stored volume is less than 1,500 acre feet, and the dam height above grade is less than 15 feet, where the operating public agency adopts certain resolutions. Although the storage ponds associated with the River Islands project will not be greater than 15-feet above grade, and

no single pond will have storage capacity greater than 1,500 acre feet, the total storage capacity of the ponds constructed to serve Phase 1 of River Islands would exceed this threshold. Therefore, it is unclear whether the exemption to DODS jurisdiction can apply. To take a conservative approach reference to RWQCB review of recycled water storage pond design will be added to Section 1.4.2 of the SEIR, as shown in Chapter 3 of this document.

S2-8 It is stated in several locations in the DSEIR that recycled water to be used on the project site would meet all applicable water quality standards for Title 22 disinfected tertiary-treated effluent and that Title 22 requirements for discharge and land application would be implemented (e.g., bottom of page 4.8-48). Therefore, if actions such as backup treatment measures and secondary disinfection before application are required as part of Title 22, then these actions would be implemented.

S2-9 Specific information on groundwater quality at the project site and in the aquifers that supply the City's domestic water supply wells is provided in the "Hydrology and Water Quality" section, on pages 4.8-30, 4.8-40 (Impact 4.8-o), and 4.8-49 (Impact 4.8-q), and in the "Hazardous Materials and Public Health" section, on page 4.9-2. There are no comments that dispute the adequacy of this analysis, and no other responses are warranted.

Regarding monitoring information required for the Report of Waste Discharge (RWD), a proposal for a groundwater monitoring network would be submitted by the project applicant to the RWQCB as part of the RWD process. The purpose of the network would be to establish background groundwater quality data and to monitor potential groundwater quality impacts at the onsite storage pond and application sites. At this time, it is anticipated that the proposal would call for upgradient and downgradient groundwater monitoring wells using a regional approach and would include multiple monitoring wells in the study area to evaluate spatial variations. A permit from the RWQCB would not be issued until the Board is satisfied with all conditions surrounding monitoring of groundwater.

S2-10 Comment noted concerning the Waste Discharge Requirements (WDRs). The project applicant would prepare an RWD and submit it to the RWQCB at least 120 days before the target date for actual wastewater discharges. The report would need to be prepared to meet the objectives of the RWQCB.

Comment noted concerning the National Pollutant Discharge Elimination System (NPDES) permit. As required by the NPDES General Permit, a notice of intent (NOI) would be filed with the RWQCB within the stipulated timeframe to do so (i.e., 30 days before ground disturbance). A stormwater pollution prevention plan (SWPPP) also would be prepared as part of that notification. As a matter of record, the RWQCB would be formally contacted as part of the Clean Water Act permitting pursuant to Section 401 of the Clean Water Act. The project

applicant would also file a RWD pursuant to the Porter-Cologne Clean Water Act. Accordingly, the RWQCB would have ample opportunity to ensure that its objectives for water quality protection are met before any ground disturbance associated with the proposed project would take place.

Concerning the attachment to this comment (i.e., December 16, 1999, letter from the RWQCB), the proposed River Islands project does not involve the expansion of wastewater treatment plants and does not propose any river disposal of treated wastewater that may be associated with such expansions. Hence, the proposed project would not directly generate environmental effects associated with such activities. However, it is recognized in the DSEIR (see the discussion of Impacts 4.11-c and 4.11-d) that the proposed project would contribute to the need for the expansion of WRP #1, and possibly associated river discharges, both of which have been planned for in the Lathrop Water, Wastewater & Recycled Water Master Plan (Master Plan) and evaluated in the certified Master Plan EIR. The potential environmental effects identified in the Master Plan EIR associated with these activities have been summarized in the River Islands DSEIR (Impacts 4.11-e). Given this context, Provided below are specific responses to the comments made in the December 16, 1999, RWQCB letter.

S2-10a The comment refers to both expansion of WRP #1 and the discharge of treated wastewater to the San Joaquin River.

Concerning the expansion of WRP #1, a project-level proposal to expand WRP #1 has been prepared by the City of Lathrop entitled the WRP #1 Phase 1 Expansion Project. That project is currently undergoing CEQA review in a project-level EIR which is anticipated to be certified in the first half of 2003. The Draft EIR was released on December 31, 2002. The WRP #1 Phase 1 Expansion Project is required to provide wastewater treatment service to the proposed project, as well as to other near-term planned growth in the city (e.g., Mossdale Landing, Lathrop Station). This utility project would be developed by the City with or without development of the River Islands project and represents a project separate from River Islands under CEQA. The expansion of WRP #1 has been planned for in the adopted Lathrop Water, Wastewater and Recycled Water Master Plan (Master Plan) and has been evaluated at a programmatic level in the certified Master Plan EIR. As a separate but related project under CEQA (i.e., a project that is not being sponsored by River Islands but on which River Islands will rely for wastewater treatment), a good faith effort has been made in the River Islands DSEIR to summarize the potential environmental effects associated with the construction and operation of the WRP #1 expansion. This summary is provided in the discussion of Impact 4.11-e and is based on the only analysis of the WRP #1 expansion that was available when the River Islands DSEIR was prepared (i.e., the Master Plan EIR). The Draft EIR for the WRP #1 Expansion Project, released on December 31, 2002, does not change any of the substantive conclusions concerning environmental impacts as presented in the DSEIR. As stated above, this utility project represents a project separate from

River Islands and project-level CEQA review of this utility project is not required in the River Islands SEIR. Any RWD and NPDES permits that would be required for the WRP #1 Phase 1 Expansion Project would be obtained by the City in the context of that project.

Concerning the discharge of treated wastewater to the San Joaquin River, neither Phase 1 of the River Islands project nor the WRP #1 Phase 1 Expansion Project include proposals to discharge treated wastewater to the San Joaquin River. Under both projects, tertiary treated wastewater from WRP #1 would be disposed of to land via spray fields. Furthermore, as stated above, the WRP #1 Phase 1 Expansion Project is a project separate from River Islands under CEQA. Regarding the availability of river disposal of treated wastewater for Phase 2 of project development, the discussion of Mitigation Measure 4.11-g states that required disposal capacity might be achieved through land disposal or river discharge. Consistent with the mitigation measure, if river discharge is not available, then only land disposal would be used, and development of Phase 2 would be limited based on available disposal capacity. However, it is the City of Lathrop's belief that if future river discharges from the City are required, discharges would be treated to a level sufficient to ensure that project-specific impacts on river water quality would not be significant, as described in the Master Plan EIR.

S2-10b Comment noted. The comment does not raise any environmental issues specific to the SEIR analysis. No further response is required.

S2-10c The comment does not apply directly to the River Islands project, which is initially proposing land disposal rather than river disposal of treated wastewater (see the response to comment S2-10a). No wastewater treatment plant-related NPDES permit is being sought as a part of the River Islands project. However, it is also noted that the comment concerning no allowance for increased loading to the Delta overstates the regulatory authority governed by Section 303 of the Clean Water Act.

The River Islands project includes stormwater discharges from the proposed internal lake to Paradise Cut. The potential water quality impacts on Delta waterways associated with these discharges are evaluated in Section 4.8, "Hydrology and Water Quality," and in associated appendices in the DSEIR. The applicant would obtain all permits required for this stormwater discharge, including NPDES permit(s), if required.

S2-10d See the response to comment S2-10c. Consideration of increased loading is discretionary, so long as substantial contributions to impairment does not occur.

S2-10e The comment does not apply to the River Islands project. No City-wide or wastewater treatment plant-related RWDs are being sought as a part of the River Islands project.

continued ...

The River Islands project includes stormwater discharges to Paradise Cut and the disposal of treated wastewater to land. The potential surface water and groundwater quality impacts associated with these discharges are evaluated in Section 4.8, "Hydrology and Water Quality," and in associated appendices in the DSEIR. The applicant would obtain any necessary permits associated with these proposed discharges and would comply with all associated permit requirements.

S2-10f Comment noted. An analysis of the potential surface water quality impacts on Delta waterways associated with urban stormwater runoff under the River Islands project is provided in Section 4.8, "Hydrology and Water Quality," and in associated appendices in the DSEIR. As indicated, the project would replace the existing agricultural discharges to the river with urban discharges from the proposed project that would result in improved overall quality of discharges with implementation of the Best Management Practices (BMPs) and mitigation measures discussed in the DSEIR.

S2-10g Comment noted. The comment does not raise any environmental issues specific to the SEIR analysis. No further response is required.

S2-11 Comment noted. The applicant would obtain all permits required for the proposed project.

S2-12 As described in the discussion of Impact 4.14-r in the DSEIR, implementation of the proposed River Islands project would result in the removal of approximately 10.5 acres of jurisdictional wetlands. As such, pursuant to Section 404 of the Clean Water Act, an application would be prepared for the USACE to permit impacts on jurisdictional waters, as described in the discussion of Mitigation Measure 4.14-r. Also, as required under the Clean Water Act permitting process, the project applicant also would prepare a request for certification of water quality pursuant to Section 401 of the Clean Water Act. The application would include all steps deemed necessary by the RWQCB to compensate or otherwise ameliorate wetland impacts associated with project implementation. The application would be filed with the RWQCB before any construction activity or other activity that would affect jurisdictional waters.

S2-13 The project applicant would prepare a dewatering permit application for all activities that would trigger the need for such a permit. Over the approximately 20-year buildout period for the project, it is estimated that several separate dewatering permits would be applied for to support construction dewatering, pressure testing of water pipelines, and other activities. The project applicant would regularly coordinate with the RWQCB regarding permitting needs, would not begin activities until the appropriate permit has been received, and would comply with all permit guidelines.

LETTER
S2
RESPONSE

continued ...

S2-14 Comment noted. It is the responsibility of the applicant to obtain all NPDES permits specific to the proposed project.

S2-15 As described in the discussion of Impact 4.14-r in the DSEIR, implementation of the proposed project would result in the removal of approximately 10.5 acres of jurisdictional wetlands. As such, pursuant to Section 404 of the Clean Water Act, an application would be prepared for the USACE to permit impacts on jurisdictional waters, as described in the discussion of Mitigation Measure 4.14-r. The expected need for a DFG Streambed Alteration Agreement is also addressed in the discussion of Mitigation Measure 4.14-4. Also see the response to comment S2-12.

DEPARTMENT OF TRANSPORTATION
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S3a

December 2, 2002

10-SJ-I5-16.47
SCH # 1993112027
DSEIR

Mr. Bruce Coleman
Community Development Director
City of Lathrop
16775 Howland Road, Suite 1
Lathrop, CA 95337

Re: Draft Subsequent Environmental Impact Report (DSEIR) on River Islands at Lathrop Development Project (October 2002)

Dear Mr. Coleman:

The California Department of Transportation (Department) appreciates the opportunity to review and comment on the Draft Subsequent Environmental Impact Report (DSEIR) concerning the River Islands Development Project (Project) for the City of Lathrop (City).

We have the following comments concerning this proposed development project at this time.

- An Encroachment Permit will need to be obtained from the Department to access and/or construct within any State right-of-way. A complete environmental assessment and/or document addressing impacts and mitigation measures on State right-of-way will need to be included with the Permit Application. More information regarding their requirements can be obtained through our web site at www.dot.ca.gov. S3a-1

- Coordination and consultation with the Department will need to continue before, during, and after the planning and construction stages to identify and address potential transportation impacts at full build-out scenario. These will need to include:

  1. Any potential issues/concerns on this project's design plan(s) that may conflict with our future transportation corridor improvement plans. S3a-2

  2. Potential cumulative transportation and/or environmental impacts that may occur when this and other development projects are fully implemented near this vicinity. Therefore, we strongly recommend that Impact, Developer, and/or Fair Share Fees be collected and deposited with the lead agency to pay for these future infrastructure upgrades, environmental, and/or other impacts.

These may include mitigation measures such as an interchange, HOV lanes, frontage road(s), bicycle and pedestrian pathways, car and vanpool lots, environmental banking/work, etc. In addition, the Department strongly recommends that the City coordinate with the local public transportation providers to assist in remediating increased transportation corridor impacts. More emphasis and details describing these measures and their implementation timeline(s) will need to be incorporated within the final environmental document. S3a-2 Cont'd

3. Any potential contamination runoffs onto State right-of-way facilities.

- Existing level of service (LOS) on the I-5 on and off-ramps are failing and will continue to deteriorate in the future. Therefore, infrastructure upgrades to existing County surface roads may also need to be considered. These include improving existing roads, creating new access(es) to points west, such as State Route 205/Tracy, and/or alternate routes to accommodate the future increased LOS in this geographical area. S3a-3

- Our concerns regarding air and noise pollution have not been fully addressed in the DSEIR. The multitude of future development projects within this general location will increase existing ambient air and noise pollution levels in the San Joaquin County area. We may be able to address the noise pollution levels through sound attenuating devices, but not air pollution. Therefore, the issue of increased negative air quality will impact future transportation projects within this location. S3a-4

- Volume IIa: Technical Appendices, Appendix A, Exhibit 2 "Local Setting" may be inaccurate. It shows that the Mossdale Associates Development Project is incorporated as part of this proposed project. S3a-5

The Department is not completely satisfied with the weaving analysis concerning "two-sided weaving sections" on I-5 north and south of Manthey Road/Mossdale Road hook ramps between State Route 120 and I-205. It does not address traffic weaving movements from I-205 or State Route 120 to I-5 and visa versa. Therefore, special emphasis will need to be incorporated in your future analysis that will address the weaving movements for I-5 southbound pass the Manthley Road on-ramp towards westbound I-205 and for northbound I-5 to eastbound State Route 120. A more comprehensive Traffic Study that addresses the weaving issues, in addition, to all the planned developments at full build-out scenario within this vicinity of the City will be required. The Department will supply additional technical comments upon receipt and review of this document. S3a-6

This document also has not completely addressed our concerns regarding cultural and archaeological resources. A more detailed response may resolve these issues. We recommend that you complete a Cultural Survey by using the Archaeological Survey Record Information Center. S3a-7

In addition, we suggest that you contact the Native American Heritage Commission for advice on consulting with Native Americans regarding cultural and/or archaeological concerns within the proposed project Area. Their mailing address is 915 Capitol Mall, Room 364, Sacramento, California 95814 or they can be reached at (916) 653-4082 and fax number (916) 657-5390. S3a-7 Cont'd

We will continue to cooperatively and proactively support and work with the City regarding the West Lathrop Specific Plan and the development of the Golden Valley Parkway as a regional corridor.

Please continue to forward copies of reports on this proposed project for our review, comments, and records. If you have any questions, please contact me at (209) 941-1921. We look forward in continuing to work with you in a cooperative manner.

Sincerely,

TOM DUMAS, Chief
Office of Intermodal Planning

LETTER
S3a
RESPONSE

California Department of Transportation
Tom Dumas, Chief, Office of Intermodal Planning
Received on: December 2, 2002

S3a-1 Comment noted. The need for an encroachment permit from the California Department of Transportation (Caltrans) is noted in the DSEIR in the list of likely permit and approval actions provided in Section 1.4.2, "Trustee and Responsible Agencies." All subsequent Caltrans permitting and environmental assessment requirements would be followed for project activities taking place within the Caltrans right-of-way.

S3a-2 Continued coordination with Caltrans is anticipated through the life of project implementation on issues related to traffic and activities in Caltrans rights-of-way. During coordination between Caltrans, the City of Lathrop, the project applicant, and others before and during preparation of the DSEIR, no conflicts between the project's design and future transportation corridor improvement plans were identified, and none are anticipated. No conflicts are identified in the comment. Potential entry of contaminated runoff from the project site to the Caltrans right-of-way was not identified as a potential conflict during past coordination; however, the DSEIR identifies several mitigation measures to minimize potential contamination of soils, groundwater, surface waters, and stormwater runoff and to contain any contamination on the project site (e.g. 4.8-a. 4.8-o, 4.9-b). Although these measures are not specific to protecting the Caltrans right-of-way, their implementation would have that effect.

As described in the traffic analysis in the DSEIR (pages 4.4-72 and 4.4-73), the City of Lathrop would collect funds from project developer(s) through the West Lathrop Specific Plan Regional Transportation Fee and the City of Lathrop Capital Facility Fees for Transportation Improvements. Payment of applicable fees is also required as part of several mitigation measures in the DSEIR (4.4-a, -b, -c, -d, -f, -j, -k, -l, and -m and 4.4-o). Improvements to be funded by these fees are listed in detail in the "Existing Improvement Programs" discussion on pages 4.4-21 through 4.4-24 and include improvements to surface streets, freeways, and freeway interchanges, as well as bus, transit, and rail systems. Scheduling of many improvements would be based on the results of the Stewart Tract Traffic Mitigation Monitoring Program, as described on pages 4.4-24 and 4.4-25 of the DSEIR. A set schedule for transportation improvements would not be identified; instead, traffic conditions would be monitored during project buildout. When monitoring of actual traffic conditions, including cumulative traffic contributed by other projects, indicates that set performance standards have been exceeded, traffic improvements would be implemented. Specific opportunities for Caltrans to participate in the monitoring program are incorporated into Section 6.02 of the program.

S3a-3 As described in Chapter 3, "Description of the Proposed Project," in Section 3.4.3, "Traffic and Vehicular Access," the proposed project includes construction of Golden Valley Parkway, which would provide a surface connection between the Louise Avenue/Interstate 5 (I-5) interchange and

I-205 at either a new interchange at Paradise Road/Chrisman Road and/or at the existing interchange at MacArthur Drive. Mitigation measures identified in Section 4.4, "Traffic," require improvements to the Louise Avenue/I-5 and MacArthur Drive/I-205 interchanges and surface streets between these two interchanges, such as Arbor Avenue, Paradise Road, and MacArthur Drive. Therefore, infrastructure upgrades requested by the commenter would occur as part of project implementation.

S3a-4 The DSEIR fully addresses both air quality and noise impacts (Sections 4.5 and 4.6, respectively). The comment raises no specific issues regarding the content of the DSEIR analysis. A telephone conversation with the commenter on December 12, 2002, confirmed that the comment was intended only to generally express Caltrans' typical air and noise pollution concerns associated with development projects in San Joaquin County. No additional analysis is requested in the comment, and it is felt that no additional analysis is required.

S3a-5 The commenter is correct. Exhibit 2 included with the notice of preparation (NOP) (provided in Appendix A of the DSEIR) shows the project area as encompassing all of Stewart Tract and Paradise Cut, rather than just the portion west of the Union Pacific Railroad tracks and segments of Paradise Cut. However, the correct project area boundary is shown on the following exhibit in the NOP package, titled "Illustrative Plan" and exhibits included in the body of the DSEIR. The Mossdale Associates Development Project is not part of the proposed River Islands project.

S3a-6 A weaving analysis has been conducted in accordance with Caltrans methodology for the segments of I-5 between the I-5/I-205 freeway-to-freeway merge/diverge and the Mossdale and Manthey Road hook ramps, as well as between the I-5/State Route (SR) 120 freeway-to-freeway merge/diverge and the Mossdale and Manthey Road hook ramps. Results are summarized in Tables B-5, B-11, B-38, and B-45 of Appendix B ("Expanded Traffic Analysis and Data") of the DSEIR, and related worksheets were delivered to Caltrans District 10 headquarters on November 5, 2002.

The longer distance weaving analysis suggested by the commenter (between the I-5/I-205 merge/diverge and the I-5/SR 120 merge/diverge) is not considered appropriate because the length of both the northbound and southbound I-5 freeway segments between I-205 and SR 120 exceeds the maximum length that Caltrans considers for evaluation in both of its standard weaving analysis methodologies. Under the Leisch Method (Methodology #1), 1,800 meters (or about 5,900 feet) is the maximum weaving length for one-sided weaving sections in its weaving analysis chart. The Caltrans Highway Design Manual (Section 504.7) specifically states that "the weaving chart should not be extrapolated." Caltrans' second methodology (LOS D methodology) has a maximum weave analysis length of 1,200 meters, or about 3,940 feet. Therefore, for the distances along I-5 in question (about 6,100 feet northbound and 7,050 feet southbound), the lane change movements are not considered within the realm of weaving. At the

extended length suggested in the comment, freeway movements would not be considered weaving movements but rather would be part of the normal lane changes associated with traffic mixing in the roadway. Operating conditions in these extended areas are more appropriately analyzed as basic freeway segments, which is how they were analyzed for the River Islands DSEIR. Also see the response to comment S3b-1.

The DSEIR evaluates significant project traffic impacts on freeway segments along the segments of I-5 between the I-5/I-205 freeway-to-freeway merge/diverge and the Mossdale and Manthey Road hook ramps, as well as between the I-5/SR 120 freeway-to-freeway merge/diverge and the Mossdale and Manthey Road hook ramps (see the discussions of Impact 4.4-l in the body of the DSEIR and Impact B-oo in Appendix B). Under conditions both with and without project-generated traffic, various freeway segments would operate at level of service (LOS) F during a.m. and p.m. peaks. A long-distance weaving analysis, even if this distance were considered a weave, would not alter the impact conclusions in the DSEIR.

Also see comment S3b-1 from the Caltrans December 30, 2002, comment letter, which states, "[T]he DSEIR and its accompanying Technical Appendices have addressed the traffic concerns on the weaving and cumulative impacts as stated within our aforementioned correspondence [*i.e., letter S3a*]."

S3a-7 Based on a telephone conversation with the author of the comment letter on December 12, 2002, the reference to the "Archaeological Survey Record Information Center" is intended to mean any of the information centers associated with the California Historical Resources Information System (CHRIS). As described in the "Cultural Resources" section of the DSEIR (page 4.16-3), a records search was conducted at the Central California Information Center of the CHRIS in support of the cultural resources analysis. Therefore, this element of the commenter's recommendation has already been completed and the results are reflected in the DSEIR. The Native American Heritage Commission (NAHC) was not specifically contacted for advice on consulting with Native Americans; however, the NOP and the DSEIR were sent to the NAHC as part of the public review process. This fulfills CEQA's requirements regarding coordination with the NAHC. On page 1-6 of the DSEIR, it is noted that an environmental review under the National Environmental Policy Act (NEPA) may be undertaken in the future to address necessary federal actions associated with the proposed project. If a NEPA review is conducted, a formal Native American consultation consistent with Section 106 of the National Historic Preservation Act (NHPA) will be completed, as required by NEPA.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

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S3b

December 30, 2002

10-SJ-I5-16.47
SCH: 1993112027
ADDENDUM TO DSEIR
COMMENT LETTER
RIVER ISLANDS PROJECT

Mr. Bruce Coleman
Community Development Director
City of Lathrop
16775 Howland Road, Suite 1
Lathrop, CA 95337

Re: Addendum to December 2, 2002 Comment Letter on the Draft Subsequent Environmental Impact Report (DSEIR) for the River Islands at Lathrop Development Project (October 2002)

Dear Mr. Coleman:

The California Department of Transportation (Department) would like to provide this Addendum as clarification for our comment letter that was submitted to you on the date of December 2, 2002. It was in regards to the Draft Subsequent Environmental Impact Report (DSEIR) on the River Islands Development Project (Project).

The Department recognizes and accepts that the DSEIR and its accompanying Technical Appendices have addressed the traffic concerns on the weaving and cumulative impacts as stated within our aforementioned correspondence. The information currently included within this document will be critical in supporting additional technical analyses that will be prepared for subsequent Project Study Reports (PSRs) in addressing all specific and necessary improvements to adjacent interchanges which were created by approved development projects at full build out scenario. S3b-1

In addition, based upon the traffic information provided within the DSEIR, specifically the anticipated schedule of Phase 1A and its traffic loading(s), the Department is recommending that the placement of Ramp Meters at the I-5/Manthey/Mossdale interchange to be used as supplemental mitigation for this Project. We anticipate that this will occur as part of the regular Encroachment Permit process along with the submittal of all engineering support work plans and other necessary environmental documentation. S3b-2

The City of Lathrop (City) and the Department have worked cooperatively to identify and address the improvements necessary to resolve all freeway impacts attributable to developments within the West Lathrop Specific Plan (WLSP) at full build out scenario. Therefore, this Project as well as others approved by the City will be expected to participate in a fair share basis with the Regional Transportation Impact Fee Program that was adopted for the purpose of mitigating the WLSP impacts on the freeway system. It S3b-3

will also include transportation impacts created from other development projects within the region.

Please continue to forward copies of reports on this proposed project for our review, comments, and records. If you have any further questions, please contact me at (209) 941-1921. We look forward in continuing to working with you in a cooperative manner.

S3b-3
Cont'd

Sincerely,

TOM DUMAS, Chief
Office of Intermodal Planning

cc: State Clearinghouse
Attn: Gregoria Garcia
P.O. Box 3044
Sacramento, CA 95812-3044

LETTER
S3b
RESPONSE

California Department of Transportation
Tom Dumas, Chief, Office of Intermodal Planning
Received on: January 2, 2003

S3b-1 The comment letter, letter S3b, is an addendum to Caltrans' first comment letter, letter S3a. It is noted that Caltrans accepts the weaving and cumulative impacts analysis in the DSEIR. Also see the response to comment S3a-6.

S3b-2 In response to Caltrans' comment, the following text has been added to Mitigation Measure 4.4-m as shown in Chapter 3 of this Final SEIR:

In addition, the City shall ensure that traffic volumes on the I-5/Manthey/Mossdale interchange are included as part of the Stewart Tract Traffic Mitigation Monitoring Program and shall process the encroachment permit to allow ramp meters to be installed when ramp volumes determined by Caltrans to be critical are reached during Phase 1a. Other developments that add traffic to this interchange shall be responsible for paying their pro-rata share of the cost of the ramp meters.

S3b-3 As stated in multiple mitigation measures in Section 4.4, "Traffic," of the DSEIR, the City of Lathrop shall ensure that the project applicant pays its applicable transportation impact fees for improvements needed to mitigate project impacts.

STATE OF CALIFORNIA -- THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
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S4

Mr. Bruce Coleman, Community Development Director
City of Lathrop
Community Development Department
16775 Howland Road, Suite 1
Lathrop, California 95330

Dear Mr. Coleman:

The Reclamation Board appreciates the opportunity to review and comment on the Draft Subsequent Environment Impact Report (EIR) for the River Islands at Lathrop Project, dated October 16, 2002. We appreciate your extension of the comment period for providing our comments.

The Board is responsible for ensuring the integrity and capacity of the flood control system within the Sacramento and San Joaquin Drainage System. It has regulatory authority over encroachments to adopted plans of flood control pursuant to Water Code Sections 8500 through 9389. The Board is concerned with the potential impacts of the proposed project on the San Joaquin River Flood Control System and its flood flow capacity in the vicinity of the project site. Because this project constitutes an encroachment in the system, Board approval will be required. Our specific comments are as follows: S4-1

1. A Board encroachment permit will be required for the proposed project. It is recommended that you have significant coordination meetings with Board staff prior to submittal of the permit application. The permit process is described in Title 23 of the California Code of Regulations.

2. Impact 4.8-m of the Draft Subsequent EIR states that the project "could result in increases to flood stage elevations in the surrounding area during severe flood events." The Board is concerned that higher water surface elevations would burden the flood control system and could increase the stress on the levees and the risk of levee failures in the vicinity of the project site. The higher water surface elevations during a flood event may decrease the level of flood protection provided by the project levees in the surrounding Reclamation Districts. The impacts that may result from the potential for increased stages should be quantified by modeling and mitigation measures for these impacts should be addressed if they are significant. The Board considers any measurable increase in water surface elevation to be significant. S4-2

3. Impact 4.8-m indicates that the project will result in changes in velocities to the San Joaquin River and other surrounding waterways. It also states that "[h]igher flow velocities in the downstream channels could exacerbate erosion during S4-3

flooding and thereby contribute to levee failure, even if overtopping does not occur." The Board is extremely concerned about higher velocities that could result in increased bank erosion, leading to a higher risk of levee damage and the need for costly erosion control projects. The Board requests that these velocities be quantified to the extent possible through modeling and that impacts be properly mitigated if significant. At the minimum, velocities with a magnitude sufficient to move local bed or bank materials should be considered significant. S4-3 Cont'd

4. Impact 4.8-m also indicates that the "potential exists with any levee that boils can occur from seepage." A seepage potential discussion on page 4.7-10 states that "[p]ermeability of the soil in the existing levees and associate seepage could result in levee failure." The Department of Water Resources has documented seepage problems caused by a rise in groundwater level on the landside of the San Joaquin River in the general vicinity of Stewart Tract during high water events. The Board recommends that the potential for under-levee seepage and the potential for the seepage to transport levee foundation material out of the levee structure be more fully addressed in the EIR and mitigation measures evaluated. S4-4

5. Modifications of existing project levees, to create the back bays and to widen Paradise Cut, will require adjustments to the Board's easements and right of ways, which will require approval by the Board. Furthermore, the new and modified levees may be required to be adopted as flood control project levees, a process that may involve authorization by both the Board and the U.S. Army Corps of Engineers (Corps). Therefore, the proposed levees for the back bays and Paradise Cut should be designed to meet all Corps and Board standards for project levees. The Board's levee standards are presented in Title 23, Section 120. S4-5

6. Accessibility to levees on both landside and waterside is critical for levee inspections, levee maintenance, and potential flood fights. Therefore, it is critical that the levees currently protecting Stewart Tract continue to be accessible to personnel from both the State and local maintaining agency for levee inspection, maintenance, and flood emergencies. Standards for levee accessibility may be found in Title 23, Section 120. S4-6

7. As addressed by the Draft Subsequent EIR, the proposed project will remove a large portion of Stewart Tract from potential flood storage. Our records show levee failures and flooding of Stewart Tract occurred in 1938, 1950, and 1997. The Board is concerned with the removal of Stewart Tract's historical ability to reduce and delay the flood peak downstream of the proposed project. Loss of this historic flood storage capacity may increase the risk of flooding for other S4-7

properties within the flood control system. This risk should be quantified through modeling and appropriate mitigation measures evaluated. S4-7 Cont'd

8. Because this project removes a large portion of Steward Tract from potential flood storage, the Board is concerned about the cumulative and growth inducing impacts of the project. In particular, the EIR should evaluate the impacts of existing and reasonably foreseeable projects on flood storage on the San Joaquin River System. In addition, the EIR should evaluate whether this project may cause growth inducing impacts, by facilitating the development of other projects in the region that may reduce available flood storage capacity. S4-8

Again, thank you for the opportunity to comment on this document. If you have any questions, please call me at (916) 653-5434 or Steve Bradley, Chief Engineer to the Reclamation Board, at (916) 653-8089.

Sincerely,

Stephen T. Bradley

for Peter D. Rabbon
General Manager

LETTER
S4
RESPONSE

Department of Water Resources
Peter D. Rabbon, General Manager
Received on: December 27, 2002

S4-1 It should be noted that the comment period on the River Islands Draft Subsequent Environmental Impact Report (DSEIR) closed on December 2, 2002 and was not officially extended. However, the California Department of Water Resources/Reclamation Board (Board) comment letter was accepted after the close of the comment period.

It is acknowledged on page 1-7 of the DSEIR, under the list of state actions/permits, that an encroachment permit from the State Reclamation Board and Board approval/authorization of new or restored levees likely would be required. The permit application would be submitted by the project applicant, and the applicant would coordinate with the Board in scheduling meetings related to the Board's permitting process. The coordination and application process is outside the realm of a CEQA analysis. However, the recommendation that significant coordination meetings with Board staff occur before submittal of the permit application has been conveyed to the project applicant.

S4-2 The potential effects of the proposed project on flood elevations have been quantified through hydraulic computer modeling, as documented in Appendix I of the DSEIR. The analysis assumed that levee failures would occur when the water surface elevation reached a point 3 feet below the top of the levee. This assumption was made based on the probability-of-failure curve developed as part of the Sacramento and San Joaquin Rivers Comprehensive Study, which was prepared as a joint effort by the U.S. Army Corps of Engineers (USACE) and the Reclamation Board. The failure curve shows a slow increase in the probability of levee failure as flood levels rise towards the top of the levee (see Exhibit 4.8-9 in the DSEIR). Depending where on the curve flood elevations intersect, the probability of levee failure increases by approximately 8% to 14% per every foot of increased flood level elevation, or from 0.67% to 1.2% per inch of elevation gain. When the flood elevation is 3 feet below the top of the levee the curve reaches 100% probability of levee failure within the general levee system.

Based on the results of this modeling, and as described under Impact 4.8-m of the DSEIR, impacts on downstream levees associated with project implementation are considered less than significant for the following reasons:

- Under most circumstances, the proposed project reduces flood flow elevations for storms with less than the 1-in-100 Annual Exceedence Probability (AEP).
- There would be fewer expected downstream levee failures with the project than under existing conditions for storms with less than the 1-in-100 AEP (see Table 4.8-27 in the DSEIR).

continued ...

- For storms with greater than 1-in-100 AEP, project-related increases in flood flow elevations would be minimal and the incidence of expected downstream levee failures are not expected to change.

Paradise Cut is not considered among these "downstream areas". During a 1-in-100 AEP event flood elevations increase up to several inches in this flood bypass facility under the proposed project (Table 4.8-30). This increase is intentional, resulting from proposed (as part of the project) widening the flow area in Paradise Cut and removing existing flow restrictions near the Paradise Weir as described on pages 3-30 through 3-32 of the DSEIR. The Paradise Cut improvements are designed to generate and accommodate these increased flows into the flood bypass facility.

For the 1-in-100 AEP event, where project related downstream flood elevation increases occur, these increases range from a fraction of an inch to, at worst, an estimated 1.7 inches on Old River at Tracy Boulevard (see Exhibits 4.8-53 through 4.8-57 and Table 4.8-30). Based on the levee failure curve, the increase in the probability of a levee failure under these conditions ranges from less than 0.1% to approximately 2% depending on location. In other words, under the worst case conditions modeled here, the project would increase the probability of levee failure by 2% during a 1-in-100 AEP storm. Given the rarity of the 1-in-100 AEP event, the minor increases in levee failure probability projected during this event, and the decreases in flood elevations that would occur in several downstream areas (Table 4.8-30), the hydraulic modeling conducted in support of the SEIR analysis indicates that project implementation would not shift any significant flood control burden to offsite entities and no additional mitigation for downstream levees would be required.

It should be noted, as stated on page 4.8-45 of the DSEIR, that an independent review was commissioned by Reclamation District (RD) 17 of the hydraulic model used for the SEIR analysis. The review, conducted by Gerald T. Orlob, Ph.D, P.E. of Orlob & Associates, found that the model "reliably simulates floodflows in the project vicinity. Results of the model can also be considered conservative, with simulated flood elevations expected to exceed actual conditions in the range of 0.50 foot." Dr. Orlob is a noted expert on hydraulic modeling. Based on Dr. Orlob's findings, actual reductions in flood stage elevations associated with project implementation could be expected to be greater than identified in the DSEIR and could occur over a greater range of AEP events. Conversely, actual increases in flood stage elevations associated with project implementation could be less than identified in the DSEIR and could occur over a smaller range of AEP events.

Regarding the statement that the Board considers any measurable increase in water surface elevation to be significant, the thresholds of significance used in the DSEIR are based on Appendix G of the State CEQA Guidelines. There is no statement in the guidelines indicating

that "any measurable increase in water surface elevation" should be considered a significant impact. The threshold of significance used in the DSEIR, and quoted from the State CEQA Guidelines is "expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam." For the reasons stated above and as demonstrated through extensive modeling, alterations in flood elevations associated with the proposed project are not expected to exceed this threshold, and impacts related to flooding risk are therefore considered less than significant.

S4-3 Table 4.8-31 in the DSEIR was intended to provide quantitative data on project related changes to peak flood flow velocities downstream of the project site. This is indicated in the text on page 4.8-47 of the DSEIR that first references Table 4.8-31. However, due to an error, data from Table 4.8-29 was repeated in Table 4.8-31. The data intended for Table 4.8-31 is provided below and Table 4.8-31 has been corrected in the SEIR as indicated in Chapter 3 of this document. Peak flood flow velocity data intended for Table 4.8-31 was summarized in the text of the DSEIR on page 4.8-47. The correction of Table 4.8-31 does not alter the analysis or conclusions in the DSEIR.

Table 4.8-31 Pre- and Post-Project Downstream Peak Floodflow Velocities (feet per second)

Flood Event	San Joaquin River (Vernalis to Stockton Ship Channel)		Paradise Cut		Old River (Stewart Tract)		Old River (downstream of Stewart Tract)		Grant Line Canal	
	Existing	With Project	Existing	With Project	Existing	With Project	Existing	With Project	Existing	With Project
1 in 10 AEP	5.76	5.64	2.47	3.11	4.69	4.61	2.57	2.64	2.81	2.88
1 in 50 AEP	7.48	6.58	3.63	4.04	5.40	5.37	3.41	3.55	3.67	3.78
1 in 100 AEP	8.70	8.66	4.30	4.83	6.57	6.63	3.77	3.96	4.03	4.15
1 in 200 AEP	11.59	11.93	5.34	5.08	8.50	8.55	4.53	4.88	4.95	5.42

Note: Values are average cross-sectional velocities as computed in UNET model simulations.

The flood control elements of the proposed project (levee improvements, modifications to Paradise Cut) will modify the flow distribution and the corresponding velocities within the San Joaquin River, Old River, and Paradise Cut, as shown above in Table 4.8-31 and described on page 4.8-47 of the DSEIR. The table lists the peak velocity changes associated with the 1-in-10,

-50, -100, and -200 AEP storm events. For the San Joaquin River velocities are decreased under the proposed project at the 1-in-10 and 1-in-50 AEP flood event, are essentially unchanged at the 1-in-100 AEP flood event, and increase slightly (3%) during the 1-in-200 AEP event. Results for Paradise Cut show increases in velocity for the 1-in-10, -50, and -100 AEP events and a decrease in velocity of approximately 5% for the 1-in-200 AEP event. For Old River at Stewart Tract peak velocities either decrease under the proposed project or show minor increases of less than 1%. Both Old River (downstream of Stewart Tract) and Grant Line Canal show small velocity increases (less than 5%) up to the 1-in-100 AEP event with larger increases (8-9%) at the 1-in-200 AEP event.

Typically, levees in the project vicinity are riprapped up to the normal high water level and are vegetated with grasses from the normal high water level to the top of the levee. The USACE developed a study analyzing the capability of various bank materials and channel coverings to resist erosion (Fischenich 2001)[1]. Based on this study riprapped levees in the project area would be capable of resisting velocities within the range of 7 to 11 fps. For levee faces vegetated with grasses typical of the project area the velocity range is 4 to 6 fps.

For the San Joaquin River, there is a net reduction in peak velocity for all events listed in Table 4.8-31 except the 1-in-200 AEP event, where the peak velocity increases from 11.59 to 11.93 fps. This is a net increase of 3%, which is not significant given that both velocities will have an almost identical erosive potential (i.e. less than 0.34 fps difference in peak velocity).

Paradise Cut shows the largest increase in velocity resulting from the project modifications. This increase in velocity decreases with the larger storm events. The change ranges from a 26% increase (2.47 fps to 3.11 fps) for the 1-in-10 AEP event to a 12% increase for the 1-in-100 AEP event (4.30 fps to 4.84 fps), to a reduction of 5% (5.34 fps to 5.08 fps) for the 1-in-200 AEP event. For those storm events where the velocity is increased, the increase remains within or below the threshold for erosion based on levees planted with grasses (4 to 6 fps), and therefore would not result in an appreciable increase in erosion potential.

The Old River at Stewart Tract shows a net reduction in velocity for the more frequent 1-in-10 and -50 AEP storm events, and a slight increase (less than 1%) for the less frequent 1-in-100 and -200 AEP events. Given these reductions and minor increases there would be an insignificant potential increase in erosion potential.

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1 Source: Craig Fischenich. 2001 (May). Stability Threshold for Stream Restoration Materials. ERDC TN-EMRRP-SR-29. U.S. Army engineer Research and Development Center, Envornmental Laboratory. U.S. Army Corps of Engineers. Vicksburg, MS.

continued ...

Although the Old River downstream of Stewart Tract shows an increase in velocity under the proposed project ranging from 3% (1-in-10 AEP event) to 8% (1-in-200 AEP event), the actual post-project velocities range from 2.64 fps to 4.88. All of these velocities fall within or below the threshold for erosion for riprapped and grass vegetated bank slopes found in the project area. Therefore, erosion potential along these levee faces would not change appreciably after project implementation.

The change in velocities for the Grantline Canal is similar to that for Old River downstream of Stewart Tract. The post-project velocities increase in the range of 2-9%, although the velocities themselves range from 2.88 fps to 5.42 fps. These velocities fall within or below the threshold for erosion for riprapped and grass vegetated bank slopes. Therefore, erosion potential along these levee faces would not change appreciably after project implementation.

Based on this modeling data the proposed project will not result in increases in peak flow velocities that will appreciably alter the erosion potential along downstream levee faces. In addition, as stated on page 4.8-47 of the DSEIR, based on the conservative nature of the hydraulic model used for the analysis, actual increases in peak flow velocities can be expected to be less than reflected in the modeling results. For these reasons, potential impacts on levees from increased velocities are considered less than significant.

S4-4 The seepage potential discussion on page 4.7-10 of the DSEIR concludes that a levee crest width of 25 feet would be sufficient to reduce potential detrimental seepage, assuming an in-board levee side slope of 3:1, a flood-stage differential of 19 feet, and use of appropriate onsite soils. This conclusion is based on the project geotechnical studies prepared by Engeo Incorporated (Engeo) in 2002. It is stated on page 4.7-1 of the DSEIR that these studies are available for review at the City of Lathrop Community Development Department/Planning Division office. Additional information on the potential for under-levee seepage and the potential for seepage to transport levee foundation material out of the levee structure can be found in these reports. For example, the calculations used to determine the minimum 25-foot levee crest width mentioned above are based on the most permeable site soil characteristics on the project site obtained from soil testing. Therefore, the 25-foot minimum crest width is a conservative estimate based on the assumption that levees are constructed entirely from the most permeable soils occurring on the project site.

Because all levees associated with the proposed project would meet or exceed design parameters identified in the geotechnical reports to prevent any potential adverse seepage effects, seepage is not considered a significant concern. However, implementation of Mitigation Measure 4.7-e, "Lateral Spreading and Landslide," specifically requires that levee designs address potential effects of seepage on levee stability. Implementation of this mitigation measure will reduce potential impacts associated with seepage, as well as other geotechnical issues related to lateral

spreading and landslide, to less-than-significant levels. The information on seepage provided in the DSEIR in conjunction with the geotechnical reports is considered sufficient to allow a thorough analysis of potential impacts from seepage consistent with the requirements of CEQA.

S4-5 As stated above in the response to comment S4-1, it is acknowledged on page 1-7 of the DSEIR, under the list of state actions/permits, that State Reclamation Board and Board approval/authorization would be required for new or restored levees. It is also acknowledged on page 1-6 of the DSEIR that approval from the USACE would be required for modification of USACE levees.

The project description, on pages 3-32 and 3-37 of the DSEIR, states that various setback levees along Paradise Cut and the proposed cross levee "would be constructed to meet all applicable agency standards." However, Reclamation Board and USACE levee standards were prepared to address conventional levee designs and may not always be applicable to special conditions associated with the high-ground corridors included as part of the proposed project. For example, item number 20 in the Board's levee standards presented in Title 23, Section 120 states that "[d]itches, power poles, standpipes, distribution boxes, and other above-ground structures located within ten (10) feet of the levee toe must be relocated a minimum distance of ten (10) feet beyond the levee toes." Because homes, roads, utilities, and other structures are proposed on the high-ground corridors, elements of the high-ground corridor design may not be considered in compliance with this standard. However, given the width (several hundred feet) and design of the high-ground corridor, placement of aboveground facilities on or near the corridor would not adversely affect its levee function, where this could be the case for a standard, more narrow levee.

The project applicant is currently consulting with the Board regarding permitting and approval of proposed levees and high-ground corridors. Any needed variances to the typical levee standards to accommodate the high-ground corridors would require approval by the Board during the permitting process. Regardless of any special permitting conditions for the high-ground corridors, the River Islands flood control system must provide flood protection consistent with the requirements of the Reclamation Board, USACE, Federal Emergency Management Agency (FEMA), and other applicable agencies. Specific details in each agency's permitting requirements would not affect the overall analysis and conclusions regarding environmental effects in the SEIR.

S4-6 The levees currently protecting Stewart Tract in the project area would continue to remain accessible to personnel from state and local maintaining agencies. Methods of access after levee improvements and high-ground corridors have been constructed would be included in the permit conditions established with these agencies. Levees on other areas of Stewart Tract outside the

project site are not within the jurisdiction of entities involved with the proposed project and access cannot be addressed here.

S4-7 It should first be noted that the area proposed for development at the project site (identified as the River Islands Development Area [RID Area] in the DSEIR) is currently used for agriculture and is not intended to be a flood storage facility. Past floods on Stewart Tract have substantially hindered use of the property. In addition, the occurrence of any flood storage in the RID Area is unintentional and unpredictable. Flood waters only enter the RID Area when a levee breaches along the perimeter of Stewart Tract. This may or may not occur during any particular flood event, and may occur when flood storage capacity would not be of maximum benefit. For example, during the 1997 flood event the levee breach in Reclamation District 2107 that resulted in flooding of the RID Area occurred after the peak flood stage on the San Joaquin River had passed.

That stated, the hydraulic modeling used for the SEIR analysis incorporated the effects of removing the RID Area's flood storage capacity when there is a levee failure on Stewart Tract. Therefore, any potential increases in downstream flood risk associated with removing the historic flood storage capacity of the RID Area are reflected in the modeling results. As discussed above, in the response to comment S4-2, project implementation is not expected to significantly increase the risk of flooding in other areas. Details on the hydraulic modeling methods and quantified results are provided in Appendix I of the DSEIR, "River Islands at Lathrop Hydraulic Impact Analysis."

It should also be noted that under the proposed project, increased flood storage associated with improvements to Paradise Cut will accommodate flood waters whenever the San Joaquin River overtops the Paradise Weir. In part because of this increased flood storage capacity, flood stage elevations along the San Joaquin River would be reduced in all flood conditions up the 1-in-100 AEP event. This is in contrast to the existing condition where the RID Area only takes on flood waters when a levee breach occurs along Stewart Tract (recorded in 1938, 1950, 1997), and the timing of the levee breach cannot be planned or predicted.

S4-8 An analysis of cumulative impacts on flood control is provided on pages 5-16 and 5-17 of the DSEIR. The analysis evaluates the potential for increased flood elevations resulting from the potential removal of new areas from the 1-in-100 AEP floodplain (flood storage) and additional discharges of stormwater resulting from reasonably foreseeable future projects. It was determined that implementation of the related projects identified in the City of Lathrop would not result in significant cumulative flood control impacts.

Potential growth inducing impacts of the proposed project are evaluated in Chapter 6 of the DSEIR. Page 6-4 of the DSEIR states, "Similar to the description in the WLSP EIR, it can be

expected that a successful River Islands project would place pressure on adjacent areas to seek development entitlements. It would be speculative, however, to assume that these areas, designated for retention for agriculture in the San Joaquin County and Tracy General Plans, would in fact develop with urban uses."

The West Lathrop Specific Plan (WLSP) EIR analysis of growth-inducing impacts is provided on pages 6-1 and 6-2 of the DSEIR. In summary, although it was assumed that implementation of the WLSP would result in increased pressure for further urban expansion into surrounding agricultural lands, existing land use planning guidelines, such as identification of agricultural preserves by San Joaquin County and Tracy, would limit future growth.

The Reclamation Board is also concerned that their approval of project levees could set a precedent to remove other large areas from the floodplain and thereby further decrease flood storage capabilities in the Delta (Bradley, pers. comm., 2003)[2]. While this concern may have merit, it would be speculative to discern how a project-specific decision for River Islands may translate into future requests to remove areas from the floodplain. Each project would have its own set of unique circumstances which, based on analysis of River Islands, can be very complex. Thus, it would not be feasible to determine how approval of River Islands levees by the Reclamation Board could affect future projects and cumulative flood stage capacity.

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[2] Source: Steve Bradley. Chief Engineer to Reclamation Board. California Department of Water Resources, Sacramento, CA. January 17, 2003 - telephone conversation with Gary Jakobs of EDAW.

L1

LATHROP-MANTECA FIRE DISTRICT
800 "J" Street
Lathrop, California 95330
(209) 858-2331 ph. 858-1180 fax.
www.lmfd.org

November 6, 2002

City of Lathrop
Planning Department

Attn: Bruce Coleman, Community Development Director

Application: River Islands Subsequent Environmental Report

Dear Staff:

Thank you for the opportunity to review the above document. After reviewing the EIR and associated documents, I would request the following items addressed prior to approval:

In the comprehensive General Plan:

1. On page 4-C-8, the correct Fire Facility Fee for the district is $.21/sq ft for residential new construction and $.29/sq ft for industrial/commercial new construction.
2. On page 4-C-9, in the table, correct the fire facility fee as above in item #1.
3. On this same page, second paragraph, the second sentence should read; "The school district **and fire district** fees are not collected in this process, but **both** the school district **and the fire district are** ~~is~~ approximately one mile from city hall..." L1-1

In the West Lathrop Specific Plan:

4. On page III-18, the second paragraph states that Manteca will continue to provide ambulance services to the area. It should read **Manteca District Ambulance,** so that the statement won't confuse the Manteca District Ambulance with the City of Manteca.
5. Under the acknowledgments, Jim Monty is the Deputy Chief/Fire Marshal of the fire district. Jerry Sims is the Fire Chief of the fire district. And, Barbara Moffitt is the Police Chief.

LATHROP-MANTECA FIRE DISTRICT
800 "J" Street
Lathrop, California 95330
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In the Subsequent Environmental Impact Report, Volume 1a:

6. On Table 2-1, page 2-45, third line from the bottom, shows that "the applicant shall pay to the City all applicable fire service fees..." These fees, like school fees, should be paid directly to the fire district.
7. On Table 2-1, page 2-46, fifth line from the top, the same comment as in number 6 above.

L1-2

In the Subsequent Environmental Impact Report, Volume 1b:

8. On page 4.10-17, under 4.10-b, both paragraphs state that the fire fees are to be paid the City. These fees, like school fees, should be paid directly to the fire district.

Should there be any questions in reference to the above, please contact me at my office.

Sincerely,

J.R. Monty
Fire Marshal

LETTER
L1
RESPONSE

Lathrop-Manteca Fire District
J. R. Monty, Fire Marshal
Received on: November 6, 2002

L1-1 Comment noted. The suggested changes are related to the description of the proposed project (i.e., amendments to the City of Lathrop General Plan and the West Lathrop Specific Plan [WLSP]) and not the analysis in the DSEIR. Therefore, specific responses are not required. However, the City shall make changes/corrections to the final versions of the amended General Plan and WLSP as appropriate.

L1-2 The commenter is correct. Fire service fees should be paid directly to the Lathrop-Manteca Fire District rather than to the City of Lathrop. All references to payment of fire service fees to the City listed by the commenter have been corrected in the Final SEIR text (see Chapter 3 of this document). The comment also references that school impact fees should be paid directly to the school districts rather than to the City. In response, text on page 2-48 (Table 2-1) and on page 4.10-19 associated with Mitigation Measure 4.10-g has been corrected to reflect that school impact fees are paid directly to the school districts.

L2

MANTECA UNIFIED SCHOOL DISTRICT

P.O. Box 32 Manteca, CA 95336 (209) 825-3200 Ext.758

November 19, 2002

Mr. Bruce Coleman
City of Lathrop, Community Development Director
16775 Howland Road
Lathrop, CA 95330

Subject: **School Attendance Areas – River Islands**

Dear Mr. Coleman:

Please provide the following information to the developers of the River Islands Project. It is imperative that they be made aware of the current Manteca Unified School District's Attendance Areas.

This letter is to inform you that a portion of the River Islands Subdivision is located in Manteca Unifie School District's Attendance Area as listed below:

K-8	Joseph Widmer Jr. Elementary School 751 Stonebridge Lane Lathrop, CA 95330 (209) 858-0650	K-8	Lathrop Elementary 15851 S. 5th. Street Lathrop, CA95330 (209) 858-3050
	OR		
9-12	East Union High School 1700 North Union Rd. Manteca, CA 95336 (209) 825-3125	9-12	Weston Ranch High 4606 McCuen Ave. Stockton, CA 95206 (209) 825-3150 x-583

L2-1

For your information, the River Island Subdivision overlaps into two elementary and high school attendance areas as reflected above.

Please be advised that attendance areas in Manteca Unified School District are subject to review annually (normally in the spring of each year) and are subject to change as population distribution changes in the District.

Furthermore, please be aware that schools within the Manteca Unified School District are overcrowded. The policy of the Board of Education is that if all classrooms at a specific grade level are at capacity in the school attendance area in which a student lives, the new student will be bussed to another school where grade level capacity exists.

Should you have further questions regarding this matter I can be contacted at (209) 825-3200, extension 758.

Sincerely,
MANTECA UNIFIED SCHOOL DISTRICT

Nancy Karsin
for Sandy Dwyer
Administrator of Facilities Planning

cc: Mr. Roger Hartman, Principal, East Union High School
Mr. Pete Callas, Principal, Weston Ranch High School
Ms. Suzan Turner, Principal, Joseph Widmer Jr. Elementary School
Ms. Katie Peters, Principal, Lathrop Elementary School

Enclosure

W/OUT CHAMBER OF COMMERCE INFO
W/OUT DISTRICT MAP

LETTER
L2
RESPONSE

Manteca Unified School District
Sandy Dwyer, Administrator of Facilities Planning
Received on: November 21, 2002

L2-1 Based on a review of the Manteca Unified School District (MUSD) boundaries provided on the MUSD web page (www.condordataserver.com/website/musd/MapFrame.htm), the district's western boundary is at the San Joaquin River. Therefore, the River Islands project does not include any homes or student generating features within the MUSD boundary. This was confirmed during a telephone conversation with the commenter on December 17, 2002. Therefore, students generated by the River Islands project would not be served by the MUSD and would not contribute to the student population in the district.

Tracy Unified School District

Facilities Development Department

1875 W. Lowell Avenue
Tracy, California 95376
Phone (209) 830-3245
FAX (209) 830-3249
sgongaware@tusd.net

L3

November 22, 2002

Bridgette Williams
Project Manager
City of Lathrop, Community Development
16775 Howland Road. Suite 1
Lathrop, CA 95330

Subject: Response to West Lathrop Specific Plan and Notice of Completion – Subsequent EIR for River Islands

Dear Ms. Williams:

Thank you for the opportunity for Tracy Unified School District (TUSD) to respond to this Project. We would like to comment on various sections that refer to the impacts, challenges and proposed mitigation for high school students generated by the above referenced Project.

West Lathrop Specific Plan

D. Site Conditions – 8. Easements (pg.I-12):
On Figure I-2, it appears there is currently a drainage pipe that bisects the proposed high school site, at the southwest corner of Stewart Road and Paradise Road. This easement, along with any associated piping, will need to be relocated prior to school site approval by the California Department of Education (CDE).

2. Selected R.I. Alternatives (Figure III-6 – pg. III-27):
If the alternate location for the adult community is selected, then the proposed high school site would have to be relocated to a more central location within the portions of the Project area which are generating students. L3-1

3. Street System (pg. IV-4):
Since Golden Valley Parkway will not be extended south and then west of Stewart Tract, to a new interchange connector to I-205 at Paradise/Chrisman Road until traffic demands justify the action, Paradise Drive will be the major connector for the Project to I-205. The District is concerned that access to the proposed high school site may be limited if it is located on this high traffic roadway. It is critical that any proposed high school site have several access points on different streets in order to minimize the high traffic volume at both the start and end of school. This potential impact needs to be investigated as development occurs, prior to determination of the final high school site location.

Draft Subsequent EIR for the River Islands at Lathrop Project

Summary:

4.10-g: Increased Demand for Public School Facilities and Services:

The mitigation measure states:

"The BESD is considering becoming a unified school district and providing high school facilities to grade 9-12 students. If this occurs, and the BESD provides all K-12 school services to the project site, then the mitigation agreement needs to be executed only with the BESD and not with the TUSD."

Transferring territory from one school district to another school district is a process governed by the California Education Code and is a very political matter. Such a decision is not within the jurisdiction of the City of Lathrop or of the developer. Since mitigation agreements are currently being negotiated with both BESD and TUSD, this statement has no relevance. Therefore, we ask that this comment be removed from the text of this document. L3-2

Project Description:

Schools (pg. 3-22):

Since it appears the District will follow the traditional 9-12 model, the high school site acreage needs to be sized appropriately for the master planned size of the high school.[1] The California Department of Education (CDE) 2000 update, recommends a high school site size of 58.3 acres for the proposed master plan size of a single high school. L3-3

Electricity (pg. 3-44)

It appears the site is currently served by PG&E 12-kV overhead electrical lines shown on Exhibit 3-14. If the high school site is adjacent to this easement, it must be determined whether the voltage of those lines meets the CDE site approval standards. If it does not, the high school site will have to be relocated to the required distance away from this easement, or the electrical lines must be relocated. L3-4

Those same conditions will apply to any proposed underground high pressure gas lines.

Traffic:

Table 4.4-7

It is our understanding that the proposed high school site is located at the intersection of North River Islands Pkwy and Paradise Road. A traffic signal at that intersection is not proposed until build-out. Since TUSD does not have current capacity to house the high school students generated by this Project, Phase I of the high school may open earlier than anticipated. Due to the amount of traffic generated at a high school campus, we request the traffic signal be installed at the time of the opening of Phase I of the new high school. L3-5

Public Services:

Section 4.10.2, PUBLIC SCHOOLS – River Islands Project site:

While the text in this section identifies that this Project falls within the Tracy High School attendance boundaries, it does not acknowledge the significant constraints that exist at Tracy High School. Tracy High has a permanent capacity for 1560 students. The site's current population has reached 2099. The additional population is housed in leased interim portables, mitigated by developer fees, and in district-owned portables, 90% of which exceed the recognized useful life of 20 years and are in need of replacement but are without a funding source. Core facilities such as rest rooms, kitchen, food service area, library, shower/locker rooms and administrative facilities are inadequate to serve the existing student population. Not only is the 32-acre site undersized according to the California Department of Education's recommended guidelines based on its current population, but there is literally not enough bare land available to accommodate additional portables to house high school students generated by this Project. Therefore, interim housing of the 9-12 grade students at the new middle school within the Project is needed by the time 600 residential units have been built and the 9-12 student population is estimated to be 97 students. L3-6

Impact 4.10-G, Public Services—Increased Demand for Public School Facilities and Services :

It's important to include a discussion in this section, and to acknowledge on Table 4.10-1, on page 4.10-13, that the student generation rate (SGR) provided by TUSD and being utilized in this section, represents only the *average number of students* that are anticipated to be generated by this Project, *not the actual number of students* that will be generated for many years, at various times, by this Project and that will need to be housed within the proposed schools. This actual number of students experienced over various periods of time during the life of a house, is generally referred to as the "peak" number of students generated by a home. The "peak" number of students is typically experienced when a home is between 7 and 12 years old, and then again when the home is over 20 years old. L3-7

Currently we are working with the developer on this issue and are utilizing .259 for SF and .094 for MF for the estimated "peak" high school SGR.

It has become apparent while negotiating the School Impact Mitigation Agreement with the developer, that the traditional school system model is currently the preferred model.

The timing and phasing of the traditional high school will be based on the actual number of homes built and the students anticipated to be generated from those homes. Due to the fact of the very limited capacity available at TUSD's existing high schools, it is critical that the school district and developer have an executed School Impact Mitigation Agreement (Agreement) prior to Project approval to ensure there is a viable funding mechanism in place to provide facilities to house the students generated by the Project. This Agreement will contain interim housing solutions and phasing options. L3-8

Impact 4.13-b, Agricultural Resources – Williamson Act Contract Cancellations
It appears a portion of the proposed high school site is located on property owned by Souza Rogers and still under Williamson Act contract with no nonrenewal filed yet. It is critical that the high school site be located in an area controlled by the current developer and that would not require any additional steps by TUSD to acquire the site. L3-9

Traffic Analysis :
Since the short term access from the Project to I-205 is on Paradise Road to Arbor Avenue to I-205, it is critical that if the high school site remains in its proposed location, the main high school parking lot egress and ingress will need to be signalized, along with the main intersection of cross street(s) adjacent to the high school site. L3-10

Water Supply Assessment Report (Figure 4 - pg. 17)
If any of the water storage tanks in the Project are above ground structures, a study will be required by CDE prior to school site approval to verify that, during a potential natural disaster the resulting water release would not cause student safety concerns. L3-11

Hazardous Materials and Public Health:
Directly west of the proposed high school site an agricultural chemical storage area on the Souza property has been identified. The clean-up of that area would need to include any requirements by the Department of Toxic and Substance Control as it may relate to the proposed high school site approval. L3-12

We are currently in final negotiations with the developer on a School Impact Mitigation Agreement for high school impacts of this Project. In addition to negotiating mitigation funding for permanent housing solutions for the average SGR, we are requesting mitigation for interim housing solutions until Phase I of the high school opens and for the "peak" SGR, associated busing impacts, and for district administration and operation impacts associated with this Project.

Should a traditional high school model be constructed, mitigation will be sought for all components of a comprehensive high school including those components not funded through the State Building Program such as a swimming pool, ball fields, tennis courts, stadium, etc. L3-13

Therefore, we are requesting the City's assistance in working with the District to assure that the ***school mitigation issue is resolved prior to final approval of the Project***.

School Site Designations on Vested Tentative Maps
TUSD requests that vested tentative maps identify and designate school site locations, acceptable to the District, as evidence by written approval by the TUSD Director of Facilities Development and Planning, for the traditional school model. L3-14

School Site Minimum Standard Requirements

- Acreages for the standard model shall be no less than the California State Department of Education's recommended guidelines for net useable acres, subject to adjustment as the guidelines change if houses have not yet been constructed.
- General site requirements shall be no less than the California State Department of Education's recommended guidelines
- At all times, designated school sites are to be free from all easements and any other encumbrances including, but not limited to stockpiling of soil.
- Two adjacent, undivided street frontages are required (additional frontage to be paid for by developer).
- Streets shall be wide enough to accommodate on-street parking, bike lane, bus turnouts and pedestrian walkways.
- Shape of the high school site to be nearly square and should not exceed a 2:1 ratio.

L3-15

Thank you for this opportunity to comment. If you need additional information or classification, please don't hesitate to contact me.

Respectfully,

Sherry Gongaware

Sherry Gongaware
Associate Director of Facilities and Planning

Cc: Ski Harrison, Rutan & Tucker
Susanne Dell'Osso, River Islands
B. Draa, Superintendent, Banta School District
B. Coleman, C.D.D., City of Lathrop

LETTER
L3
RESPONSE

Tracy Unified School District
Sherry Gongaware, Associate Director of Facilities and Planning
Received on: November 22, 2002

L3-1 Comment noted. The recommendations and suggested modification are related to the description of the proposed project (i.e., amendment to the West Lathrop Specific Plan [WLSP]) and not the analysis in the DSEIR. Therefore, specific responses are not required. However, it should be noted that the California Department of Education (CDE) School Facility Planning Division (SFPD) policies regarding health and safety requirements for school site selection are referenced on page 4.10-3 of the DSEIR, including those related to proximity of various types of pipelines and traffic safety. It also should be noted that the proposed high school is located in the Phase 2 portion of the project site. This area was evaluated at a programmatic level. Additional environmental review would be conducted for facilities in this area, including the high school, and detailed, site-specific concerns may be evaluated further during this review, if needed.

L3-2 The Banta Elementary School District (BESD) has specifically expressed its consideration of becoming a unified school district. During the life of the project (estimated full buildout in 2025), it is conceivable that the BESD could become unified. Under those circumstances, a mitigation agreement with the new Banta Unified School District would be required to provide services for high school students generated by the project site. Therefore, it is appropriate to reference this contingency in the mitigation measure.

L3-3 As described in the discussion of the CDE on page 4.10-3 of the DSEIR, the CDE's approval of a school site "is a condition for school districts to receive state funds for the acquisition of sites under the state's School Facilities Program administered by the State Allocation Board. Districts using only local funds are still encouraged to seek the CDE's approval for the benefits that such outside review can provide." Based on the comments received from the Tracy Unified School District (TUSD), it is assumed that the TUSD would request CDE approval of the ultimate high school site. Therefore, a site would need to be acquired by the TUSD, and made available by the applicant, that meets CDE requirements.

The footnote associated with this comment references a discussion in a later comment (L3-7), regarding use of peak student generation rates rather than average generation rates. Please also note the response to comment L3-7 as well as response L3-15.

L3-4 As described on page 3-44 of the DSEIR, the existing 12-kV electrical transmission lines on the project site would be used only to serve the first 600 housing units in Phase 1a of the proposed project. To support further project development, existing 115-kV transmission lines located offsite would be tapped into, electricity would be delivered to the project site via overhead lines, and it would then be delivered to project facilities via an underground distribution system. The underground distribution system would be expanded to serve new facilities and customers as

project development proceeds. By the time the high school is built during Phase 2 of the project, the underground distribution system would have replaced the existing 12-kV overhead lines. All utilities serving the high school and vicinity (including natural gas) would meet CDE standards, as well as typical standards imposed by various agencies for utility systems in residential developments.

L3-5 The City would use standard procedures for determining the appropriate time to install the signal in question (i.e., signal warrants). Operation of the high school would be considered in the City's evaluation.

L3-6 The description in the DSEIR of capacity and enrollment at Tracy High School is based on information provided by the TUSD. The conclusion that the high school has capacity for only 14 additional students (with portables) is sufficient to indicate that the high school has little to no capacity to accommodate students from the project site. The discussion of Impact 4.10-g states that student populations generated by the proposed project would exceed available capacity in the TUSD. The additional detail on the conditions at Tracy High School, as described in the comment, would not change the conclusions of the SEIR. The TUSD's preference for interim housing of high school students at schools on the project site until the high school is built is noted. This is consistent with school development options included in the DSEIR.

L3-7 The high school student generation rates used in the SEIR analysis were provided by the TUSD and are consistent with those provided on the TUSD's web site. These rates are considered appropriate for the analysis of school impacts in the DSEIR. It is believed that use of an average student generation rate is desirable given that the proposed project would contain homes in a variety of age classes over the 20-year project buildout period and into the future. If all homes were considered at the "peak" student generating ages, estimates of student numbers would far overestimate actual conditions.

L3-8 In the comment, the TUSD indicates that the River Islands project will exacerbate existing deficiencies at the District's high schools. The district then suggests that an agreement between itself and the developer be required as a condition to the approval of the Project.

The discussion of Mitigation Measure 4.10-g in the DSEIR states that the City shall not allow occupancy of any project residences until a mitigation agreement has been executed between the project applicant and the applicable school districts, or state-mandated school impact fees have been paid to the districts. Because no students can be generated by the proposed project until homes are occupied, the timing of this mitigation measure is considered appropriate. Altering the measure to require that the mitigation agreement be executed before project approval would not measurably improve the effectiveness of the mitigation measure.

It should be noted that while the City of Lathrop encourages agreements as described in Mitigation Measure 4.10-g and will assist in the enforcement of any such understanding, the City is ultimately constrained by California Government Code §65996 as to mitigations it can impose on the project applicant for impacts on schools. Under §65996, the City of Lathrop is limited to charging a statutorily created fee to offset impacts to local school districts generated by proposed projects. Section 65996 does not provide for remediation of existing deficiencies and the City does not propose to do so. See California Government Code §65995; California Education Code §17620. As such, the comment is noted but does not provide authority to impose any condition other than that contained in §65996.

L3-9 The Souza Rogers property is currently under option by the developer. In addition, although the feasibility of the school system proposed in the SEIR must be considered, the ease with which the TUSD may acquire a property is not an issue that must be addressed in the environmental analysis.

L3-10 The TUSD's desire to retain the high school in the location proposed in the SEIR is noted. Specific details of high school site design, such as ingress and egress locations and signalization needs, would be determined during the facilities design phase. It also should be noted that the proposed high school would be located in the Phase 2 portion of the project site. Additional environmental review would be conducted for facilities in this area, including the high school, and detailed site-specific concerns, such as those expressed in this comment, may be further evaluated during this review, if needed.

L3-11 Figure 4 in the SB 610 Water Supply Assessment Report (included in Appendix J of the DSEIR) shows water supply facilities as anticipated in the Lathrop Water, Wastewater, and Recycled Water Master Plan (Master Plan). The locations for facilities on Stewart Tract included in the Master Plan were developed based on the Califia/Gold Rush City development. Although similar facilities would be required for the River Islands project, the locations of pipelines, pumps, and storage tanks would need to be altered to accommodate the revised development scenario. Compatibility with nearby land uses would be considered when final locations for any needed water storage tanks are determined.

L3-12 Mitigation Measure 4.9-b requires that before demolition of any structures associated with past or current farming operations, the site must be investigated to determine the extent of any soil and/or groundwater contamination. If testing results indicate that contamination exists at levels above regulatory action standards, the site shall be remediated in accordance with recommendations made by the San Joaquin Environmental Health Department; the Regional Water Quality Control Board; the Department of Toxic Substance Control (DTSC); and other appropriate federal, state, and local regulatory agencies. Therefore, the commenter's request that

any needed cleanup of the Souza Property Agricultural Chemical Storage Area meet DTSC standards would be satisfied.

L3-13 Mitigation Measure 4.10-g requires the completion of a mitigation agreement (or payment of school impact fees). The detailed elements of the mitigation agreement and the current state of negotiations are not issues that must be evaluated in the SEIR. Also, as discussed above in response L3-8, while the City of Lathrop encourages mitigation agreements as mentioned in the comment letter and as described in Mitigation Measure 4.10-g, the City is ultimately constrained by California Government Code §65996 as to mitigations it can impose on the project applicant for impacts on schools. Under §65996, the City of Lathrop is limited to charging a statutorily created fee to offset project related impacts to local school districts and payment of such a fee has been declared by the State Legislature to constitute full mitigation. As such, the comment is noted but does not provide authority to impose any condition other than that contained in §65996.

L3-14 Identification of school site locations in sufficient detail to be included on vested tentative maps is an issue to be resolved in the mitigation agreement between the TUSD and the developer and is not an issue that must be addressed in the SEIR environmental analysis. Also see responses L3-8 and L3-13 above.

L3-15 The detailed school site minimum standard requirements provided in the comment are appropriate for inclusion in the mitigation agreement between the TUSD and the developer but do not require evaluation in the SEIR. Specific details of high school site design, such as the extent of street frontage and street widths, would be determined during the facilities design phase. Also see the responses to comments L3-3, L3-10, and L3-13.

ISLAND RECLAMATION DISTRICT No. 2062

STEWART TRACT – SAN JOAQUIN COUNTY

16976 S. Harlan Road

LATHORP, CALIFORNIA 95330

TEL: (209) 858-2040

L4

December 2, 2002

Bruce Coleman
Community Development Director
City of Lathrop
16775 Howland Road
Lathrop, CA 95330

RE: **River Islands at Lathrop SEIR**

Dear Mr. Coleman,

As a Responsible Agency, the trustees of Island Reclamation District 2062 (RD 2062) approved sending this letter responding to the Subsequent Environmental Impact Report (SEIR) for the River Islands at Lathrop Urban Design Concept and related approvals (SCH: 1993112027). Please accept this response from RD 2062 regarding the proposed improvements and SEIR.

RD 2062 is responsible for maintaining the existing levees protecting the district, for providing irrigation water to the agricultural land within the District, and for pumping storm drainage and agricultural tail water from the District into adjacent water bodies. It is the understanding of the Trustees of RD 2062 that the proposed River Islands at Lathrop project will:

1. Provide modified, improved and in some locations relocated levees that will increase the level of flood protection for the District.
2. Provide Best Management Practices (BMP's) for the proposed urban development that will provide a high quality of storm water and tail water pumped from the site.

L4-1

The proposed improvements will require encroachment permits, approval of revised levee easement locations and a commitment to maintenance from RD 2062. To the extent that improvements and maintenance are financed by the property owners within the District, or from other sources adequate for the purpose, it is appropriate for RD 2062 to construct and maintain these improvements. In addition, we have no objections to the SEIR and proposed improvements, and we believe the SEIR complies with CEQA for purposes of RD 2062 subsequent approvals related to the River Islands at Lathrop project.

L4-2

Sincerely,

Glenn R. Gebhardt

Glenn R. Gebhardt
President

LETTER
L4
RESPONSE

Island Reclamation District No. 2062
Glenn R. Gebhardt, President
Received on: December 2, 2002

L4-1 Comment noted. The description of project actions and the anticipated results of those actions listed in the comment are consistent with those described in the DSEIR.

L4-2 Comment noted. No response relative to the SEIR is required. The project applicant shall coordinate with RD 2062 regarding permitting, funding, and construction of project elements within the jurisdiction of the District.

CITY OF MANTECA

L5

COMMUNITY DEVE
DEF

December 2, 2002

Bruce Coleman, Community Development Director
Community Development Department
City of Lathrop
16775 Howland Road
Lathrop, CA 95330

Re: Response to Notice of Completion, River Islands at Lathrop.

Dear Mr. Coleman:

This correspondence is in response to the recent Notice of Completion received for the River Islands at Lathrop project. Following are matters that require further analysis.

1. Page 7-2, Section 7.2.3 Noise. Noise described is not unavoidable. Sound attenuation practices and standards provide numerous methods for mitigating noise excess, including sound walls, setbacks to noise source, and so on. It should be incumbent upon development to factor in the mitigation. L5-1

Our Public Works Department noted that the following two areas of concern.

1. Page 4-4.28 states that the current SJCOG traffic model assumed only limited growth in the Lathrop area. In this regard, because the River Islands proposal exceeds the model projections, SJCOG and Air District staff directed that growth needs (cushion?) be shifted from others communities to Lathrop in the model analysis. Growth needs were then shifted from Lodi, Stockton, Tracy and Manteca to Lathrop, this shift equals to roughly 10%. Is there still an adequate cushion in the SJCOG traffic model or will growth in Lodi, Stockton, Tracy and Manteca be restricted by the 10%? More disturbing, will the actual traffic impacts be off by 10%? L5-2

2. The cumulative traffic impacts at the Manthey Road/I-5 ramps do not seem to have accounted for build-out of the land area adjacent to the ramps and east of the proposed project. L5-3

Should there be any questions please feel free to contact me at 239-8424.

Sincerely,

Benjamin J. Cantu, Jr.
Advanced Planning Manager

LETTER
L5
RESPONSE

Manteca Community Development Department
Benjamin J. Cantu, Jr., Advanced Planning Manager
Received on: December 2, 2002

L5-1 As stated on page 7-2, Section 7.2.3, "Noise," even after mitigation, exterior noise levels would exceed City noise standards in some areas. This conclusion is described in greater detail in the discussion of Mitigation Measure 4.6-d, which is referenced in Section 7.2.3. Mitigation Measure 4.6-d states:

> However, exterior noise levels in some locations would be anticipated to exceed applicable noise standards adopted by the City even after mitigation because of one or more of the noise sources identified: roadway traffic (particularly on I-5), railroad traffic, nearby agricultural operations, construction and removal of the Head of Old River temporary fish barrier, and use of watercraft on adjacent waterways. Site-specific studies would be required to determine the precise location of sensitive receptors that would be exposed to exterior noise levels exceeding City standards; however, the most likely areas would be homes on the high-ground corridors near I-5, the Head of Old River, and the confluence of Old River and Paradise Cut. As a result, impacts associated with exterior noise level compatibility with proposed land uses are considered significant and unavoidable.

The use of sound walls, vegetative screening, and other sound attenuation measures was incorporated into the impact analysis in the DSEIR, and the above conclusions were reached based on anticipated site-specific conditions with these available mitigation measures put in place.

L5-2 The San Joaquin Council of Governments (SJCOG) Regional Traffic Model is the most comprehensive traffic model available for the area encompassed by the proposed project and was therefore used as the basis for the traffic analysis. As stated on pages 4.4-28 and 4.4-29 of the DSEIR, population growth projections used in the SJCOG traffic model are based on County wide projections, with growth then disaggregated to communities and other geographic areas. Based on discussions with staff from SJCOG (Chesley) and the San Joaquin Valley Air Pollution Control District (SJVAPCD) (Jordan and Mitchell), if growth were to occur more rapidly in one community in the County than projected in the model, a shift in growth from other communities would be expected to occur. Thus, in order to evaluate the River Islands project as proposed (buildout by 2025), development assumptions for Lathrop and the rest of the County needed to be investigated and shifted to adjust for project related growth. However, this is not to suggest that the shifts will occur.

The City's question regarding the projected shift in future population growth must be placed in the context of how population projections were generated. It is first important to note, however,

that projections of future growth—what it will be, where it will go, its extent—are predictive. Thus, the accuracy of growth projections must be considered against this backdrop. That said, a variety of methods can be employed to provide the best estimate of what future population growth will be. The population projections used for the SJCOG traffic model are based on historic growth in the San Joaquin County. SJCOG based future growth on the past growth trend for the SJCOG modeling because over the past 20 years (examining 5-year increments), growth in the county has consistently averaged 1.5% per year (Klobe, pers. comm. 2002). Over this period, there has consistently been more than enough entitled land (land that would allow residential growth) to accommodate higher rates of growth, but the rates have not increased. There is no evidence to suggest that growth trends in the county will change. Although the use of more complex projection modeling was considered (e.g., econometric modeling, addressing population cohorts, estimating outmigration), basing future population growth on the past growth trends was selected, in part, because the past trend has been highly consistent for at least two decades. Thus, the SJCOG traffic model is considered to be the best available indicator of where growth would occur in the future and is considered to be an accurate tool for this analysis. [3]

However, this is not to suggest that growth in individual communities would remain static. Growth projections for individual communities in the SJCOG model were based on historic growth trends for those communities, with the overall county growth disaggregatred to the communities and other geographic areas based on each area's past growth trends. Although this method resulted in growth assumptions in some communities to be lower than the planned growth desired by the communities (as is the case with Lathrop), the overall growth projections for the county are expected by SJCOG to remain consistent even with variable growth conditions in individual communities (Klobe, pers. comm., 2002). For example, since 1970, Stockton's portion of the county's overall population has ranged from 38% to 44%, Tracy's portion of the County population has doubled from 5% to 10%, and the portion of the population in unincorporated areas has decreased from 41% to 23% (U.S. Census Bureau 1980, 1990, 2000). Yet even as the county's population and associated growth has shifted among various areas, the county's overall growth rate has remained near constant.

This condition of variable growth rates in individual areas but consistent growth rates in the county, indicates a "demand driven" housing market and related population growth in the county. Under this condition, demand for new housing (generated by population growth) is relatively constant, as long as sufficient buildable (e.g., entitled, can be supplied at market rates) land is available. If the supply of housing is provided in one area of the county, then this satisfies a portion of the demand, and demand for additional housing elsewhere in the county is reduced. For prediction purposes, if it is assumed that growth is greater in Lathrop than projected in the

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[3] Source: Kim Kloeb. Senior regional planner. San Joaquin Council of Governments, Stockton, CA. December 19, 2002 - telephone conversation with Gary Jakobs and Sean Bechta of EDAW.

SJCOG model, then growth elsewhere would need to be concomitantly less as expressed on pages 4.4-28 and 4.4-29 and based on the references on those pages. Does this mean that growth would be as high in Lathrop as shown in the SEIR? The answer is: We do not know. For SEIR analysis purposes, however, we are evaluating an applicant's proposal that assumes full buildout by 2025. To analyze this, one needs to acknowledge predicted growth in Lathrop, which is far less than what would be needed for buildout to occur as proposed by the applicant. If growth is to accelerate in Lathrop (versus the SJCOG predicted rate for the city), either it must be less in other areas of the county or the growth projections for the county as a whole would need to change. The preponderance of evidence suggests it would be imprudent to alter overall county growth projections when they have been so consistent in the past *and* there is no compelling information that suggests that the growth pattern will change.[4]

To further illustrate, approval of the River Islands project would alter the potential inventory of future housing in the county by approximately 2,500 units compared to the previously approved West Lathrop Specific Plan (which was approved at the time the SJCOG projections were made). The San Joaquin County General Plan 2010 Review (http://www.co.san-joaquin.ca.us/commdev/review.pdf) prepared in 2000 estimated that the area in the existing spheres of influence of cities in the county could accommodate a population of 1,037,900. This exceeds the SJCOG 2025 population projection of 900,338. Thus, the *currently known* availability of entitled land exceeds expected demand more than 20 years from now, and adding a potential stock of 2,500 units can not be reasonably argued to alter the potential 20-year growth total. Therefore, even without new entitlements in the county, there is ample land available for housing availability to track with demand until at least 2025, and the project would not change this conclusion.

Given the historic steady population growth in San Joaquin County and the demand-driven housing market, there is no need to "restrict" growth in areas where growth expectations were shifted to Lathrop in the traffic model (i.e., Lodi, Stockton, Tracy, and Manteca). Growth would

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[4] Source: Kim Kloeb. Senior regional planner. San Joaquin Council of Governments, Stockton, CA. December 19, 2002 - telephone conversation with Gary Jakobs and Sean Bechta of EDAW.

Andrew Chesley. Deputy executive director. San Joaquin Council of Governments, Stockton, CA. 2002 - various meetings and telephone conversations with the City of Lathrop, EDAW, and Crane Transportation Group.

Tom Jordan. Air quality specialist. San Joaquin Valley Air Pollution Control District, Fresno, CA. 2002 - various meetings and telephone conversations with the City of Lathrop, EDAW, and Crane Transportation Group.

Dave Mitchell. Supervising air quality specialist. San Joaquin Valley Air Pollution Control District, Fresno, CA. 2002 - various meetings and telephone conversations with the City of Lathrop, EDAW, and Crane Transportation Group.

be expected to shift on its own, as assumed in the model, if housing is supplied in Lathrop by the River Islands project and it satisfies a portion of the overall housing demand in the county. If River Islands builds slower than proposed (i.e., housing in Lathrop grows at the levels similar to those projected by SJCOG), the shift would not be expected to occur. Shifting growth in Lathrop in the traffic model to accommodate the proposed project reflects traffic impacts that would be expected if the project is constructed at the pace proposed. Rather than skewing impacts, shifting growth projections based on housing supply is expected to more accurately represent actual conditions in the county.

L5-3 The year 2015 and 2025 traffic analyses in the DSEIR include the FarmWorld Commercial development just west of I-5 and Manthey Road (and east of the River Islands project) at the Manthey Road/I-5 interchange. This project, along with development north of the San Joaquin River accessed (northbound only) via Manthey Road, adds more than 1,000 p.m. peak-hour trips to the Manthey Road/Mossdale Road hook ramps. This exceeds the 800 additional trip cap desired by Caltrans for these ramps (as expressed during various contacts between Caltrans staff and the City's traffic consultant). Therefore, the development buildout assumptions for the area in question may exceed what would ultimately be allowed by Caltrans (based on capacity limitations at the hook ramps), and cumulative traffic volumes used in the DSEIR analysis may be greater than what would actually occur. Therefore, in this area, the cumulative traffic analysis takes a conservative approach in ensuring potential trip generating development is represented.

THOMAS R. FLINN
DIRECTOR

THOMAS M. GAU
DEPUTY DIRECTOR

JAMES F. PAYTON
BUSINESS ADMINISTRATOR

MANUEL SOLORIO
DEPUTY DIRECTOR

STEVEN WINKLER
DEPUTY DIRECTOR

Public Works
San Joaquin County
Working for YOU

L6

December 2, 2002

Mr. Bruce Coleman
Community Development Director
City of Lathrop
Community Development Department
16775 Howland Road
Lathrop, CA 95330

SUBJECT: SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE RIVER ISLANDS AT LATHROP PROJECT

Dear Mr. Coleman:

The San Joaquin County Department of Public Works has reviewed the environmental document for the above referenced project and our concerns, recommendations, and corrections are as follows:

Volume Ia: Draft SEIR (Ch.1 – Section 4.7):

General Comment: The anticipated approximately 280 acre man-made lake and connecting waterways and canals have the potential to be a total of over 500 acres. The developers should be aware that Section 1. Section 9-115, Division 1, Title 9, of the San Joaquin County Ordinance Code includes a new ordinance concerning water storage which states that the use of any area of 500 acres of more for the containment of water which will at any time exceed six feet in depth for 30 days or more in any calendar year will require the issuance of a use permit by San Joaquin County. L6-1

Volume Ia: Draft SEIR (Ch.1 – Section 4.7), Chapter 4, Section 4.4 Traffic:

General comment: Traffic study should include MacArthur Dr. (north of Arbor Ave.), and Delta Ave. to Paradise Rd. Address the projected traffic volume and potential impact to MacArthur Dr. Bridge over Tom Paine Slough, and roadways (MacArthur Dr. and Delta Ave.). Address what measures can be taken to prevent added city traffic using this rural roadway. L6-2

Volume Ia: Draft SEIR (Ch.1 – Section 4.7), Section 4.42 Existing Condition/ Paradise Road (Page 4.4-9):

General comment: There are three bridges along this portion of the roadway, only two are mentioned (city owned and operated). The third bridge (County owned and operated) is across the Tom Pain Slough (State Bridge No. 29C-312), and it must be included in this report. L6-3

Volume Ia: Draft SEIR (Ch.1 – Section 4.7), Table 4.4-8 Roadway Incremental Improvements by Horizon Year (Phase) Base Case, and Base Case Plus Project River Islands at Lathrop: L6-4

Under Arbor Avenue w/o Paradise/Golden Val Pkwy: the section under Build-Out/ 2025 Base Case Plus Project/ @ I/S should say "Signal."

Volume IIa: Technical Appendices (Appendices A-E), Appendix B Demand Forecasting Methodology for the River Islands Project:

Page 2 General comment: It would assist the reader in understanding project trip generation and trip distribution if the traffic analysis zones (TAZ) were provided in the Appendix for network review. These should be added. L6-5

Thank you for the opportunity to be heard. Should you have questions or need additional information regarding the above comments, please contact Wendy Johnson, Environmental Coordinator at (209) 468-3085.

Sincerely,

Wendy Johnson
Environmental Coordinator

c: Dodgie Vidad, Field Engineering
Mahmoud Saqqa, Bridge Engineering
Mel Lytle, Water Resources
Mike McDowell, Transportation Planning

LETTER
L6
RESPONSE

San Joaquin County Public Works
Wendy Johnson, Environmental Coordinator
Received on: December 2, 2002

L6-1 The 280 acres of the internal lake include the surface area for connected waterways and canals. No water containment features associated with the proposed project would exceed 500 acres. In addition, the proposed project site is in the incorporated City of Lathrop; therefore, the project is not subject to the referenced county ordinance.

L6-2 The Delta Avenue/MacArthur Drive route between the project site and I-205 was not specifically included in the traffic analysis in part because the road segments in question are not included in the SJCOG traffic model. Although this alternative route could have been incorporated into the modeling analysis, because of the way the model operates it would not have been assigned any significant portion of the local traffic to the route. The SJCOG model assigns traffic to various routes based on travel time. The Paradise Road/Arbor Avenue route provides a faster travel time than the Delta Avenue/MacArthur Drive route. Therefore, the traffic model would have assigned virtually all traffic to the Paradise Road and Arbor Avenue even if the Delta Avenue/MacArthur Drive route were incorporated into the model. Incorporating the Delta Avenue/MacArthur Drive route into the traffic model would not alter the output or conclusions of the modeling runs.

The Paradise Road/Arbor Avenue route was selected as the primary route in the SEIR analysis because:

1. It is included in the SJCOG traffic model.
2. It is slightly shorter (roughly 0.6 mile) and faster than the Delta Avenue/MacArthur Drive route and therefore would be expected to receive more use.
3. The Paradise Road/Arbor Avenue route has fewer sharp curves (as apposed to Delta Avenue) that would impede traffic flows and therefore would be expected to receive substantially more use.
4. Assuming virtually all traffic between the project site and I-205 would use the Paradise Road/Arbor Avenue route allowed a conservative impact analysis for this primary access route by not splitting traffic between various roadway segments. If traffic were split between these two routes, trips assigned to the Delta Avenue/MacArthur Drive route would reduce the calculated level of impact to the Paradise Road/Arbor Avenue route.

Although it is likely that a minor amount of project traffic could use Delta Avenue and MacArthur Drive, the vast majority would be expected to use the Paradise Road/Arbor Avenue route between the project site and the MacArthur Drive/I-205 interchange for the reasons stated above. Implementation of mitigation measures requiring improvements and additional lanes for

continued ...

Paradise Road and Arbor Avenue (4.4-f and 4.4-o) would be expected to further favor the use of these roadways as opposed to Delta Avenue and MacArthur Drive. Given these conditions, it is not anticipated that sufficient traffic would use the alternative route to result in a significant impact on these rural roadway segments (e.g., LOS D or worse).

The conclusion that the proposed project would not result in significant impacts to Delta Avenue and the MacArthur Drive segment between Delta Avenue and Arbor Avenue is supported by evidence included in the DSEIR. Appendix Exhibit 4 "Year 2025 Project Traffic Increment A.M. Peak-Hour Volumes" in Appendix B shows that at full buildout the project would contribute 1,084 A.M. peak-hour vehicle trips to the Paradise Road/Arbor Avenue intersection from Paradise Road. These trips would be vehicles leaving the project site via Paradise Road and would be those vehicles with potential to use the alternative route of Delta Avenue and MacArthur Drive, should they so choose. Assuming even that 30% of these trips were diverted to the alternative route, it would place 325 A.M. peak-hour trips on Delta Avenue and MacArthur Drive.

As described in Impact 4.4-f of the DSEIR, under Phase 1 of the proposed project, the project's contribution of vehicle trips to rural roadways (i.e., Paradise Road, Arbor Avenue, MacArthur Drive) is not considered significant; it does not create LOS D or worse conditions. As shown in Exhibit 5-42 in Appendix B, the number of A.M. peak-hour trips at the Paradise Road/Arbor Avenue intersection is 347 trips for Phase 1. Therefore, Paradise Road in its current condition can accommodate at least 347 vehicle trips and maintain a LOS of C or better. Road conditions on Delta Avenue and MacArthur Drive are similar to those on Paradise Road; therefore, it can be concluded that if 325 additional vehicle trips were added to these roadways (30% diversion to the alternative route), the LOS would remain at acceptable levels. The lowest A.M. peak vehicle trip number in the DSEIR analysis indicating LOS D on Paradise Road is 724 (Base Case plus Project, Exhibit B-29). Therefore, LOS D would be reached somewhere between 347 and 724 vehicle trips. It can be expected, then, that greater than 30% of project traffic on Paradise Road could be diverted to the Delta Road/MacArthur Drive alternative route and LOS levels would still remain at C or better.

However, even given these conditions, to help ensure that rural roadway traffic favors the Paradise Road/Arbor Avenue route, the following language has been added to Mitigation Measures 4.4-f and 4.4-o (and as shown in Chapter 3 of this FSEIR): "Install signage identifying Paradise Road and Arbor Avenue as the route between the project site and the MacArthur Drive/I-205 interchange."

In addition, the Stewart Tract Traffic Monitoring Program, which would be required as part of the Development Agreement for the proposed project (see pages 4.4-24, 4.4-25, and 4.4-75 of the DSEIR), shall include monitoring of the segments of Delta Avenue and MacArthur Drive in

question to confirm that most of the project traffic uses the intended Paradise Road/Arbor Avenue route and not this alternate route.

L6-3 The following text has been included in the FSEIR (as shown in Chapter 3 of this document) in the discussion of Paradise Road (shown on page 4.4-9 of the DSEIR): "Paradise Road crosses Tom Paine Slough via a two-lane bridge owned and operated by San Joaquin County." Any roadway mitigation required for Paradise Road (Mitigation Measures 4.4-f and 4.4-o), such as providing four travel lanes, must also include widening/improvement of the Paradise Road bridge across Tom Paine Slough to ensure consistent roadway conditions along the entirety of the road segment. Reference to the Tom Paine Slough/Paradise Road bridge does not alter the impact analysis or mitigation requirements in the SEIR since improvements to Paradise Road associated with Mitigation Measures 4.4-f and 4.4-o fall within the category of offsite facilities evaluated in the DSEIR (e.g., Section 4.14, "Terrestrial Biology," Section 4.16, "Cultural Resources").

L6-4 The traffic signal for the intersection in question is identified elsewhere in Table 4.4-8 in the "Golden Valley Parkway @ Paradise Rd/Arbor Ave" row and the "Paradise Road n/o Arbor/Golden Valley Pkwy" row. However, the signal will also be referenced in the row identified by the commenter (Arbor Avenue w/o Paradise/Golden Val Pkwy) in the FSEIR for increased clarity of Table 4.4-8.

L6-5 The traffic analysis zones (TAZ) were not shown in the SEIR because most of the zones cover a relatively small area and it is difficult to discern the TAZs on a map of any reasonable scale. The TAZ map has been, and continues to be available for review at the City of Lathrop Community Development/Planning Department, 16775 Howland Road, Suite One, Lathrop, California, 95330 (209/858-2860, extension 327).

L7

MOSSDALE RECLAMATION DISTRICT NO. 2107

District Engineer's Office
227 Alvarado Way
Tracy, CA 95376
209-836-0829

Mr. Bruce Coleman
Community Development Director
City of Lathrop
16775 Howland Road, Suite 1
Lathrop, CA 95337

Subject: Comments on the Draft Subsequent Environmental Impact Report for the River Islands At Lathrop Project (State Clearinghouse No. 1993112027)

Introduction:

Please be advised that I am the District Engineer for Mossdale Reclamation District No. 2107 (RD 2107), and I have been asked to review and submit comments on the above-referenced SEIR on behalf of RD 2107.

As you know, RD 2107 is located to the south and east of Stewart Tract, the location of the proposed development described in the SEIR. RD 2107 is situated at the point where the waters flowing down San Joaquin River divide, with a portion of those flows continuing down the San Joaquin River to the east of RD 2107 and Stewart Tract and the remainder of those flows continuing down Paradise Cut to the west of RD 2107 and Stewart Tract. At this time, RD 2107 and Stewart Tract are separated only by the Union Pacific Railroad embarkment.

Located in, and passing through, RD 2107 are both Interstate 5, a major interstate highway running the length of the west coast of the United States and linking the Northwest (Oregon and Washington) and northern California with Southern California, and the Union Pacific Railroad and Southern Pacific Railroad tracks, major rail links between the Bay Area and the west coast and points east. L7-1

Discussion:

I have reviewed the subject SEIR and during this review, I developed a serious concern about the construction of the proposed cross-levee along the southeast boundary of Stewart Tract, which cross-levee will parallel to the northwest and immediately adjacent to the Union Pacific Railroad grade along the northwest boundary of RD 2107.

Item 4-2 in Table 2-1 of Volume 1a of the River Island Draft SEIR identifies a conflict between the Lathrop General Plan and the Lathrop Specific Plan. However, the mitigation measures that

are identified or proposed by the developer of River Islands Development Area to offset the damage to adjacent RD 2107 are inadequate.

The paucity of proposed mitigation to offset the damage to neighboring RD 2107 is disturbing because the West Lathrop Specific Plan does not allow a developer to impede the flow of floodwaters.

One of the major features of the River Island Development Plan is the construction of a large cross-island levee adjacent and parallel to the Union Pacific Railroad track. When completed, this large cross-levee will cut off the historic escape route that flood flows have traditionally followed after RD 2107 has become inundated by floodwater due to a levee break or the overtopping of the levee.

During the past, when RD 2107 became inundated, the excess waters broke through the railroad embankment and flowed onto Stewart Tract and exited to Old River through a breech in the levee at the northwest end of Stewart Tract.

L7-1 Cont'd

The construction of the proposed cross-levee will impede flood flows, which in turn will adversely impact the levees, lands, railroads and highways situated within the boundaries of RD 2107.

The construction of what amounts to a large dam across a historic floodway will adversely impact the upstream District. It will result in the inundation of most of RD 2107, with resultant damage to the levee system of RD 2107, as well as similar damage to the railroad grades and the embankment supporting Interstate I-5. If a strong wind should arise during such inundation, significant erosion damage would occur to the landward side of the levee system and to these embankments supporting the railroad tracks and Interstate I-5.

The draft SEIR attempts to gloss over this negative impact (and the violation of the Lathrop Specific Plan) by indicating that the new cross-levee has a less than significant impact on its neighbor, RD 2107. In my opinion, this impact is substantial and must be mitigated to avoid substantial adverse impacts to the levees of — and the transportation facilities located in — RD 2107 during large flood events (i.e. AEP >50).

Perhaps the best way to mitigate the adverse impact of the installation of the cross-levee would be to install a standby pumping facility at the northwest corner of RD 2107. A minimum pumping capacity of 500 cfs would be required to remove 1000 acre feet per day from the flooded interior of RD 2107. To rapidly reduce erosion damage to the interior levee slope and the embankments supporting the railroad and Interstate I-5, at least 1000 cfs of pumping capacity should be installed. This would allow the removal of 2000 acre feet per day from the flooded interior of RD 2107. It should be noted that if the proposed pumping facility were properly designed, portable

L7-2

rental pumps could be installed to supplement a basic pumping capacity of 500 cfs. This type of pumping capacity, linked with the use of a relief cut, as discussed on page 4.8-44 (Volume 1b of the Draft SEIR), in the Paradise Cut levee, would provide for the rapid removal of flood waters after the surface of the flood waters had dropped below the crest elevation of the relief cut.

An additional and/or alternative means of mitigating the effects of the cross-levee would be for the developer and/or Reclamation District No. 2062 (Stewart Tract) to make annual payments to RD 2107 . These payments could be placed in a trust fund for use during and immediately following a flood event. This money would be earmarked for the dewatering of the interior of RD 2107 and/or the repair of erosion damage to the levee system of RD 2107. L7-2 Cont'd

Further, it must be understood that any work on the levees of RD 2107 that is proposed by the Draft SEIR must be approved and authorized by the Board of Trustees of RD 2107. L7-3

Conclusion:

In my opinion, the Draft SEIR does not adequately address the impact of the proposed construction of the large cross-levee across southeast end of Stewart Tract, adjacent to the Union Pacific Railroad track and the northwest boundary of RD 2107. L7-4

Sincerely,

Thomas J. Rosten

Thomas J. Rosten
District Engineer

cc: Mossdale Reclamation District No. 2107
Attention: Board of Trustees
Al Warren Hoslett
Attorney for RD 2107

LETTER
L7
RESPONSE

Mossdale Reclamation District No. 2107
Thomas J. Rosten, District Engineer
Received on: December 2, 2002

L7-1 Comments in the Introduction portion of the letter are noted. The commenter's description of the location of Reclamation District (RD) 2107 is consistent what is shown in Exhibit 4.8-52 in the DSEIR.

In several instances in the comment letter, the author identifies the project site as "Stewart Tract." It should be noted that the project site covers only a portion of Stewart Tract, with the entire tract comprised of the "River Islands Development Area" and "Remaining Stewart Tract," as shown in Exhibit 3-5 of the DSEIR. This terminology will be used in the responses to the comment letter. Remaining Stewart Tract corresponds to the location of RD 2107.

The land use conflicts between the proposed project and the Lathrop General Plan (General Plan) and West Lathrop Specific Plan (WLSP) identified in the discussion of Impact 4.2-a apply only to land use concerns and do not relate to flood control issues. Also, as stated in the discussion of Impact 4.2-a on page 4.2-16 of the DSEIR, the land use revisions described for the General Plan and the WLSP are not themselves considered environmental impacts. Analysis of environmental impacts related to the physical changes associated with implementing the land use changes are addressed in the appropriate sections in the DSEIR.

As a result of the public hearing in 1995 on the Final EIR (FEIR) for the WLSP, the Lathrop City Council added the following text to page V-19 of the Draft EIR as part of Mitigation Measure 6:

> Any flood waters that would, under current conditions, flow from the San Joaquin River onto the portion of Stewart Tract which lays westerly of the Southern Pacific Railroad will not be impeded as the result of flood protection levees constructed to protect that portion of Stewart Tract.

It is assumed that the commenter's statement that the WLSP "does not allow a developer to impede the flow of floodwaters" is a reference to this mitigation measure. When the WLSP FEIR was approved in February 1996, floodflows entering RD 2107 could flow relatively unimpeded to what is now called the River Islands Development Area (RID Area) through a 180-foot-long wooden trestle on the Union Pacific Railroad (UPRR) right-of-way that makes up the boundary between RD 2107 and the RID Area. This was the baseline condition at the time the EIR on the WLSP was prepared.

Later in 1996, the wooden trestle burned down and UPRR replaced it with an elevated earthen berm. Two 48-inch diameter corrugated metal culverts were installed in the berm to allow some flow of floodwaters from one side of the berm (RD 2107) to the other (RID Area). However, the

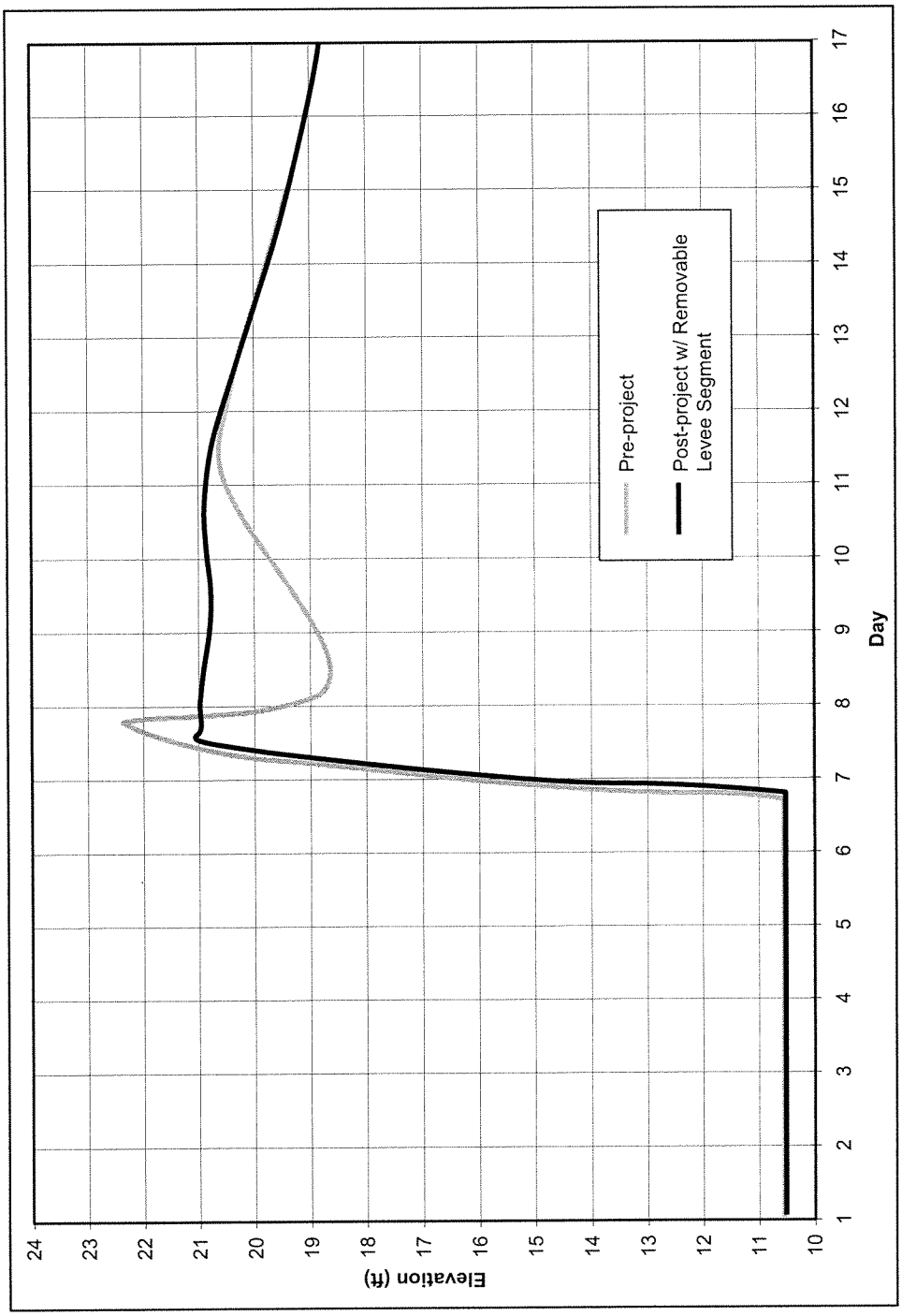
installation of the berm and culverts resulted in a major restriction to the passage of floodwaters compared to the former presence of the wooden trestle. During the 1997 flood event, a levee failure resulted in the flooding of RD 2107 area. As floodwaters passed through RD 2107, they eventually reached the UPRR berm. Although some water passed through the metal culverts, the UPRR berm effectively functioned as a dam or levee, and floodwaters backed up into RD 2107. Floodwaters continued to rise in RD 2107 until the UPRR berm breached at the site of the former wooden trestle. Once the UPRR berm breached, water drained from RD 2107 into the RID Area. However, RD 2107 remained inundated until the original levee breach that allowed the flooding was repaired. After the repair, the remaining floodwaters in RD 2107 drained into the RID Area, percolated into the soil, and/or evaporated. After the 1997 flood event, UPRR repaired the breach in the elevated railroad berm with rock fill material and installed two precast 4-foot by 8-foot rectangular concrete culverts.

The condition of the UPRR right-of-way after the 1997 flood event (which has continued to present), with the rock fill elevated berm and concrete culverts, is the baseline condition used for the River Islands SEIR. The baseline condition used for the 1996 WLSP EIR impact analysis, and to which the mitigation measure listed above would apply, no longer exists. The wooden railroad trestle is no longer present. In addition, it is stated in the 1996 mitigation measure that it applies to restrictions of flood flows "under current conditions," which would be the conditions in early 1996 when the WLSP FEIR was adopted. These conditions (with the wood railroad trestle) have not been present since late 1996, and the mitigation measure can no longer be considered applicable. Rather, the present DSEIR has evaluated the current conditions and identified both impacts and mitigation measures based on these conditions. Any other scenario for evaluation in the DSEIR would violate CEQA, which requires consideration of existing conditions in effect when the DSEIR was prepared.

The impact analysis in the River Islands SEIR relies on a comparison with the existing baseline condition (2002) of the rock fill elevated UPRR berm with concrete culverts separating RD 2107 and the RID Area. Under this baseline condition, as evidenced by the 1997 floods, if a levee breach occurs in RD 2107, floodwaters back up behind the UPRR berm and rise in the RD 2107 area until the UPRR berm breaches. Although the two current 4-foot by 8-foot concrete culverts will allow more floodwaters to pass through the UPRR berm compared to the two 48-inch diameter steel culverts that were present during the 1997 flood, the volume of flood water from the San Joaquin River system entering RD 2107 during a levee breach would far exceed the capacity of these culverts and water would back up behind the UPRR berm.

Exhibit L7-1a shows hydraulic modeling results for a levee breach in RD 2107 during a 1-in-100 Annual Exceedence Probability (AEP) flood event (100-year flood). Under existing conditions, floodwaters rise rapidly after a levee breach in RD 2107, reaching a maximum elevation of roughly 22 feet National Geodetic Vertical Datum (NGVD) (roughly equivalent to 22-feet above

continued ...



Source: MBK Engineering, 2002

Flood Evaluation Modeling in RD 2107 for a Levee Breach During a 1-in-100 AEP Event

EXHIBIT L7-1a

EDAW

River Island FEIR
1T013.05 01/03

sea level at the project site). As stated above, although the concrete culverts allow some water to pass through to the RID Area, the capacity of these culverts is not sufficient to keep floodwaters from backing up behind the UPRR berm. Within approximately 24 hours, floodwaters reach their peak and the UPRR berm either breaches or is overtopped and then breaches. After the UPRR berm breaches, flood levels drop to a little less than 19 feet NGVD as water flows into the RID Area. However, until the original levee breach that resulted in the flooding is repaired, water continues to flow into RD 2107 and the RID Area from the San Joaquin River system and water levels rise again in RD 2107. Within 4 days after the UPRR berm breaches, water levels in RD 2107 reach an equilibrium with water levels in the San Joaquin River system and match river water levels until the original levee breach is repaired. Under existing conditions, after the original levee breach is repaired, floodwaters drain out of RD 2107 into the RID Area through the breach in the UPRR berm, percolate into the soil, and/or evaporate.

As identified in the discussion of Impact 4.8-m of the DSEIR, the proposed cross levee would prevent floodwaters from entering the RID Area (thereby protecting the developed project area), regardless of the condition of the UPRR berm, and could result in increased depth and duration of flooding in RD 2107 if a levee in the reclamation district were to fail. However, as described in the discussion of Impact 4.8-m and on page 3-38, included in the proposed project would be a removable levee segment along the northern Paradise Cut levee between I-5 and the western UPRR tracks and portable or permanent pumps to be used at the intersection of the UPRR berm and the Paradise Cut levee. During a levee breach in RD 2107, floodwaters would be impeded by the UPRR berm, then stopped by the cross levee, and would rise in a manner consistent with existing conditions. Similar to the eventual breaching of the UPRR berm, the removable levee segment could be breached along Paradise Cut, allowing floodwaters to exit RD 2107 and flow into Paradise Cut. As shown in Exhibit L7-1a, the removable levee segment would allow water to flow out of RD 2107 into Paradise Cut when flood levels reach approximately 21 NGVD. The volume of water moving through the roughly 100-foot-long removable levee segment is expected to approximately match the volume of water moving into RD 2107 from the original breach in the RD 2107 levee. Therefore, floodwater elevations in RD 2107 would reach equilibrium with flood elevations in the San Joaquin River system almost immediately after water starts passing through the removable levee segment.

As Exhibit L7-1a depicts, flood elevations under the existing condition and the proposed project match approximately 5 days after the original levee breach, and continue to follow the same declining curve, as floodwaters in RD 2107 remain in equilibrium with flood elevations in the San Joaquin River system. Flood elevations in RD 2107 would not begin to decline dramatically until the original levee breach was repaired. The timing of repairs may vary substantially depending on the location of the breach (e.g. accessability for heavy equipment), size of the breach, and other factors. Therefore, the timing of repairs is not shown on Exhibit L7-1a. Differences in flooding elevation and duration in RD 2107 between the existing condition and

the proposed project before repair of a levee breach are not considered substantially different. Although the temporary dip in floodwater elevations after breaching of the UPRR berm under the existing condition does not occur under the proposed project (Exhibit L7-1a), maximum flood elevations are lower under the proposed project because of the presence of the removable levee segment. Within approximately 5 days of the originally levee breach, until repair of the breach, preproject and postproject conditions are the same. In either case, RD 2107 is inundated for the same amount of time.

It should be noted that under no flood conditions would breaching of the removable levee segment result in water flowing into RD 2107 from Paradise Cut. At the location of the proposed removable levee segment (intersection of the UPRR [former SPRR] tracks with Paradise Cut), floodwater elevations remain approximately 4 feet below elevations in the San Joaquin River due to topography and other factors. Flood elevation modeling conducted for up to the 1-in-200 AEP event both with and without the proposed project indicates that flood elevations in Paradise Cut remain below the top of the removable levee segment (21-foot NGVD) (see Appendix I in the DSEIR, Figure 15). Therefore, the removable levee segment can be breached as soon as flooding begins in RD 2107.

During a flood event under proposed project conditions, after the original levee breach is repaired and floodwaters exiting RD 2107 through the removable levee segment recede to a level even with the top of the levee segment, no more water may flow via gravity out of RD 2107. At this point, pumps would be used to drain the remaining water from RD 2107. Use of the pumps mimics the existing condition in which remaining floodwaters in RD 2107 after the levee repair flow into the RID Area through the breach in the UPRR berm. Sufficient pump capacity would be provided to drain floodwaters at a rate comparable to the existing condition (also see response to comment L7-2, below).

With the combined use of the removable levee segment and pumps, the elevation and duration of flooding in RD 2107 after a levee breach are not considered to be substantially different from the existing condition. Therefore, the impact was considered less than significant.

Because the level and duration of flooding in RD 2107 under the proposed project would not be substantially different from the existing condition, concerns raised by the commenter, such as additional erosion hazards from flooding and additional damage to the RD 2107 levee system, railroad grades, and I-5 embankments, would not apply.

L7-2 The suggested mitigation approach provided by the commenter of installing pumps to drain floodwaters from RD 2107 is consistent with the project description in the SEIR, which includes the installation of pumps for this function. The commenter provides suggestions regarding the capacity of these pumps. As discussed above, it is assumed that use of the proposed removable

continued ...

levee segment and associated pumps would result in the draining of RD 2107 after flooding in a time frame that is not substantially different from existing conditions. Pumping capacity shall be determined in accordance with the development of specific project design information, in coordination with RD 2107, to achieve this performance criteria. After the pumping capacity is confirmed, implementation of this element of the project description shall be enforced by the City of Lathrop through a condition of approval.

The commenter also proposes that annual payments could be made to RD 2107 to fund dewatering after a flood event and/or repair of erosion damage to the levee system. As stated previously, erosion damage in RD 2107 from flooding under the proposed project is not expected to be substantially different from damage that would occur under existing conditions. Therefore, payments for erosion damage would not mitigate any project impacts. Payments to RD 2107 for dewatering would be consistent with the SEIR because the same pumping element of the project description would be implemented; the only difference would be that the pumps would be operated by RD 2107 rather than the project applicant. Therefore, this approach to project implementation would not alter the analysis or conclusions in the SEIR.

L7-3 It is acknowledged on page 1-8 of the DSEIR, under the list of regional/local actions/permits, that an encroachment permit from RD 2107 likely would be required for work on or adjacent to District levees.

L7-4 Comment noted. For the reasons discussed above, potential impacts on RD 2107 associated with installation of the cross levee are adequately addressed in the SEIR.

L8

RECLAMATION DISTRICT NO. 17

1812 Burnside Way
Stockton, California 95207
Telephone: (209) 478-1696

November 25, 2002

City of Lathrop
Community Development Department
Planning Division
16775 Howland Road, Suite One
Lathrop, California 95330

Re: River Islands at Lathrop
Environmental Impact Report and Related Approvals

Dear Ladies and Gentlemen:

The following comments are submitted on behalf of Reclamation District No. 17:

Flood Impacts

The DEIR reflects that the Paradise Cut improvements are necessary to mitigate the increased flood elevation in the San Joaquin River along RD 17 resulting from construction of the Stewart Tract cross levee and other levee improvements. L8-1

It is essential that the Paradise Cut improvements be completed prior to the construction of the cross-levee and other levee improvements.

The Final EIR should reflect data as to impacts from a top of levee failure assumption in addition to the assumed failures at three (3) feet below the top of levee. L8-2

The impacts to levees downstream of the Paradise Cut weir should be mitigated as part of the Paradise Cut improvement project. Mitigation of one problem should not result in shifting the burden onto someone else. L8-3

The project development should be set back from the existing Paradise Cut levees to reasonably accommodate possible improvements in San Joaquin River flood control which might arise from the San Joaquin River comprehensive plan. The subdivision map for the most southerly portion of the project in the vicinity of the U.P.R.R. (Tract 3221) does not appear to provide a setback. This should be changed to provide a setback consistent with the balance of the project. This was discussed at the meetings between the developer and adjoining levee districts. L8-4

Flood Evacuation

The project does not include a flood protected evacuation route to the south and all evacuation of the project area must take place through RD 17. This will compound the problem of evacuation of the RD 17 area and result in a significant impact which should be addressed. L8-5

Stormwater Discharge

The discharge of stormwaters should be controlled to avoid increasing peak flood stages in the adjoining channels. L8-6

Bridges and Other Improvements

It should be acknowledged that the design and construction of bridges and other improvements which encroach on the RD 17 levees will be subject to the permit requirements of both RD 17 and the State Reclamation Board. L8-7

Yours very truly,

HENRY LONG
President

cc: RD 17 Trustees
Glen Gebhardt
Dante John Nomellini
Christopher Neudeck
Everett Conway

LETTER
L8
RESPONSE

Reclamation District No. 17
Henry Long, President
Received on: December 2, 2002

L8-1 As stated on page 3-30 of the DSEIR, improvements to Paradise Cut would minimize any potential adverse downstream effects associated with removing the development area from the 100-year floodplain. Therefore, the Paradise Cut improvements must be completed before the completion of levee work that would remove the project site from the 100-year floodplain to avoid these adverse effects. The cross levee would not be constructed before the Paradise Cut improvements were completed. Strengthening of existing levees and creation of high-ground corridors along the San Joaquin River and Old River might occur concurrently with the Paradise Cut improvements. However, these activities would not affect the flow of floodwater into the project site during a levee breach on Stewart Tract.

L8-2 The 3-foot-from-top-of-levee failure assumption used in the DSEIR analysis is based on the Lower San Joaquin River probability of failure curve included in the Sacramento and San Joaquin River Basins Comprehensive Study (Comp Study) prepared by the U.S. Army Corps of Engineers (USACE) and the California State Reclamation Board. The Comp Study failure curve indicates a 100% probability of levee failure when floodwaters reach 3 feet below the top of the levee (see Exhibit 4.8-9 in the DSEIR). We believe that basing the SEIR's flood model levee failure assumptions on the Comp Study failure curve is a reasonable method for evaluating preproject and postproject flood hazard conditions. Using a top-of-levee failure assumption, as suggested by the commenter, would provide unrealistic modeling results. Based on levee failures during past flood events, many levees in the Delta system fail before floodwaters reach the top of the levee. Assuming that all levees hold until floodwaters reach the top of the levee is not a realistic condition that could occur in the Delta.

It should be noted, as stated on page 4.8-45 of the DSEIR, that an independent review was commissioned by RD 17 of the hydraulic model used for the SEIR analysis. It was found that the model "reliably simulates floodflows in the project vicinity. Results of the model can also be considered conservative, with simulated flood elevations expected to exceed actual conditions in the range of 0.50 foot (Orlob, pers. comm., 2002)."

L8-3 The potential effects of the proposed project on flood elevations have been quantified through hydraulic computer modeling, as documented in Appendix I of the DSEIR. As stated above, the analysis assumed that levee failures would occur when the water surface elevation reached a point 3 feet below the top of the levee based on the Comp Study probability-of-failure curve . The failure curve shows a slow increase in the probability of levee failure as flood levels rise towards the top of the levee (see Exhibit 4.8-9 in the DSEIR). Depending where on the curve flood elevations intersect, the probability of levee failure increases by approximately 8% to 14% per every foot of increased flood level elevation, or from 0.67% to 1.2% per inch of elevation

gain. When the flood elevation is 3 feet below the top of the levee the curve reaches 100% probability of levee failure within the general levee system.

Based on the results of this modeling, and as described under Impact 4.8-m of the DSEIR, impacts on downstream levees associated with project implementation are considered less than significant for the following reasons:

- Under most circumstances, the proposed project reduces flood flow elevations for storms with less than the 1-in-100 AEP.
- There would be fewer expected downstream levee failures with the project than under existing conditions for storms with less than the 1-in-100 AEP (see Table 4.8-27 in the DSEIR).
- For storms with greater than 1-in-100 AEP, project-related increases in flood flow elevations would be minimal and the incidence of expected downstream levee failures are not expected to change.

Paradise Cut is not considered among these "downstream areas". During a 1-in-100 AEP event flood elevations increase up to several inches in this flood bypass facility under the proposed project (Table 4.8-30). This increase is intentional, resulting from proposed (as part of the project) widening the flow area in Paradise Cut and removing existing flow restrictions near the Paradise Weir as described on pages 3-30 through 3-32 of the DSEIR. The Paradise Cut improvements are designed to generate and accommodate these increased flows into the flood bypass facility.

For the 1-in-100 AEP event, where project related downstream flood elevation increases occur, these increases range from a fraction of an inch to, at worst, an estimated 1.7 inches on Old River at Tracy Boulevard (see Exhibits 4.8-53 through 4.8-57 and Table 4.8-30). Based on the levee failure curve, the increase in the probability of a levee failure under these conditions ranges from less than 0.1% to approximately 2% depending on location. In other words, under the worst case conditions modeled here, the project would increase the probability of levee failure by 2% during a 1-in-100 AEP storm. Given the rarity of the 1-in-100 AEP event, the minor increases in levee failure probability projected during this event, and the decreases in flood elevations that would occur in several downstream areas (Table 4.8-30), the hydraulic modeling conducted in support of the SEIR analysis indicates that project implementation would not shift any significant flood control burden to offsite entities and no additional mitigation for downstream levees would be required.

It should be noted, as stated on page 4.8-45 of the DSEIR, that an independent review was commissioned by Reclamation District (RD) 17 of the hydraulic model used for the SEIR

analysis. The review, conducted by Gerald T. Orlob, Ph.D, P.E. of Orlob & Associates, found that the model "reliably simulates floodflows in the project vicinity. Results of the model can also be considered conservative, with simulated flood elevations expected to exceed actual conditions in the range of 0.50 foot." Dr. Orlob is a noted expert on hydraulic modeling. Based on Dr. Orlob's findings, actual reductions in flood stage elevations associated with project implementation could be expected to be greater than identified in the DSEIR and could occur over a greater range of AEP events. Conversely, actual increases in flood stage elevations associated with project implementation could be less than identified in the DSEIR and could occur over a smaller range of AEP events.

L8-4 Project development is already proposed to be set back from the existing Paradise Cut levees (via construction of setback levees), except for an approximately 2,500-foot segment just north of the UPRR tracks. The project as proposed is not known to conflict with any comprehensive plan proposals, and in many respects, the flood control elements of the proposed project are consistent with the principals and goals of the plan (see the discussion of the Comp Study on pages 4.8-6 and 4.8-7 of the DSEIR). There is no flood control-related need to provide further setbacks between development and the existing Paradise Cut levee beyond what is already proposed. In addition, the proposed project does not preclude future additional widening of Paradise Cut because setbacks could also potentially be constructed along the south side of the cut.

L8-5 During Phases 1a and 1 of the proposed project, a southerly route to evacuate the project site is available via the existing Paradise Road. During Phase 2, Golden Valley Parkway also would be available as a southerly exit route. In addition, emergency access to I-5 could also be made available at the Mossdale/Manthey interchange. These potential evacuation routes would have various levels of flood protection depending on their location and phase of project implementation. However, for evacuation of the project site to go entirely through RD 17 and potentially conflict with a concurrent evacuation of RD 17, a simultaneous improbable chain of events would need to occur that would include:

- an imminent threat of flooding in RD 17 requiring evacuation of the area (please refer to Exhibit 4.8-52 in the DSEIR for locations of reclamation district boundaries);
- evacuation of the project site because of an imminent threat of flooding resulting from potential failure of RD 2062 levees, a levee system separate and distinct from RD 17;
- southerly evacuation routes from the project site not being available because of flooding/imminent threat of flooding in RD 2058, which is protected by a levee system separate and distinct from RDs 17 and 2062; and
- flooding/imminent threat of flooding in RD 2107, preventing access to I-5 via the Mossdale/Manthey interchange.

continued ...

The probability of all these events occurring simultaneously is considered so remote that any increased risk of loss, injury, or death resulting from potential conflicts with evacuation of RD 17 is considered negligible/less than significant.

L8-6 As described in the "Storm Drainage" section of Chapter 3, "Description of the Proposed Project," and in Section 4.8, "Hydrology and Water Quality," stormwater in the RID Area would be collected in the internal project lake. The lake and the overall storm drainage system in the RID Area is considered to provide sufficient onsite flood detention to retain the 1-in-100 AEP storm event. Only after the onsite storage capacity is exceeded and project facilities are at risk of flood damage would discharges occur during peak flood stages. Otherwise, all stormwater discharges would occur when surrounding waterways are outside peak flood stages.

L8-7 It is noted in Section 2.2.4, "Approvals, Entitlements, and Permits Required," that encroachment permits to work on or adjacent to levees would be required from the State Reclamation Board and RD 17.

SOUTH DELTA WATER AGENCY

4255 PACIFIC AVENUE, SUITE 2
STOCKTON, CALIFORNIA 95207
TELEPHONE (209) 956-0150
FAX (209) 956-0154
EMAIL Jherrlaw@aol.com

L9

December 2, 2002

Via Fax (209) 858-5259

Mr. Bruce Coleman, Director
City of Lathrop
Community Development Department
16775 Howland Road
Lathrop, CA 95330

Re: River Islands At Lathrop
Subsequent Environmental Impact Report and Related Approvals

Dear Mr. Coleman:

For the past few years, the South Delta Water Agency has assisted local Reclamation Districts in discussions with the River Islands project in light of the potential for the project to result in adverse effects to the districts. [SDWA's authorizing statutes allow it to undertake activities to assist local districts within the agency in reclamation and flood control matters.] Pursuant to these discussions, SDWA and River Islands have developed the outline of a potential agreement whereby interested parties will be able to address local and area-wide flood control issues.

In light of this potential agreement, SDWA will defer submitting substantive comments on the draft EIR. If no agreement is reached before final certification of an FEIR, SDWA will submit such comments on or before the City of Lathrop's consideration of such document (as allowed under Public Resources Code Section 21177). L9-1

Issues of concern include modeling assumptions regarding levee failures, impacts to levees resulting from project changes to Paradise Cut, Stewart Tract levee improvements, and the proposal to pass more flood waters through Paradise Cut. The Reclamation Districts within SDWA who are potentially affected include RD 1, 2, 544, 773, 1007, 2058, and 2095. Other surrounding districts may have similar concerns.

Please call me if you have any questions or comments.

Very truly yours,

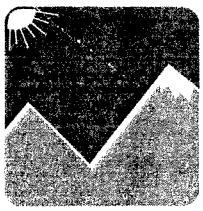
JOHN HERRICK

JH/dd
cc: Mr. Alex Hildebrand
Dante J. Nomellini, Esq.
Al Hoslett, Esq.
Dennis Hay, Esq.
John Rudquist, Esq.
Jeanne Zolezzi, Esq.
Mr. Darryl Foreman
Mr. Ken Kjeldsen
Mr. Chris Neudeck
Ms. Bridgette Williams (via fax (916) 641-9222)

LETTER
L9
RESPONSE

South Delta Water Agency
John Herrick
Received on: December 3, 2002

L9-1 The comments are noted. No comments are provided on the specific contents of the DSEIR, and no response is warranted.



San Joaquin Valley
Air Pollution Control District

L10

December 2, 2002

Bruce Coleman
Community Development Director
City of Lathrop
16775 Howland Road Suite 1
Lathrop, CA 95330

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE RIVER ISLANDS AT LATHROP PROJECT (SCH 1993112027).

Dear Mr. Coleman:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the proposed project and offers the following comments:

The DEIR adequately addresses existing air pollution conditions and current regulations. Based on the information provided in Section 4.5 "Air Quality" of the DEIR, the District concurs with the findings of significant impacts identified in the report. However, the District would like to suggest the following items as additional mitigation measures and clarifications: L10-1

1. Impact 4.-a: **Increases in Regional Criteria pollutants during construction.** Most of the mitigation measures listed in this section correspond to fugitive dust controls, which have no affect on NOx or ROG emissions. The following items from table 6-3 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) should be listed as potential mitigation measures:

   - Install wind breaks at windward sides of construction areas.

   - Any proposed renovation/demolition of existing building in the project area is subject to compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS). Specifically, the primary air pollutant of concern is asbestos. To ascertain whether this project is subject to NESHAPS, the project applicant is advised to review the enclosed *Asbestos - Compliance Assistance Bulletin*, dated December 1994. Leaf Sexton is the Northern Region's District contact for the program and is available should you need further assistance. L10-2

Additionally, Regulation VIII has recently undergone revision that the applicant should be aware of. At various stages during construction the City of Lathrop should have the applicant contact the District to maintain current on fugitive dust control regulations. The attached Compliance Assistance Bulletin highlights many of the requirements contained within Regulation VIII. The Compliance Assistance Bulletin is not meant to be all-inclusive, but it can be a useful compliance aid in the field and office alike. L10-3

The following items were taken from Table 6-4 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) should be listed as potential construction equipment mitigation measures mitigation measures:

- Use of alternative fueled construction equipment.
- Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use at any time.
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).
- Curtail construction during periods of high ambient pollutant concentration; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways (or ceasing/reducing heavy duty equipment usage on Spare the Air Days). L10-4
- Prior to the issuance of construction contracts the City of Lathrop should perform a review of new technology, as it relates to heavy-duty equipment, to determine what if any advances in emission reduction are available for use. It is anticipated that in the near future both NOx and PM10 control equipment will be available. The District would be available for consultation on this process.

2. Impact 4.6-c: **Air Quality – Long-term Regional Impact.** The following additional mitigation measures while unable to reduce emission to a less than significance level will help reduce operation emission to the maximum amount feasible: L10-5

   - Planting of deciduous trees on the south and westerly facing sides of buildings.

- Natural gas lines and electrical outlets should be installed in patio areas to encourage the use of gas and/or electric barbecues.
- All housing units should include as part of the purchase an electric lawn mower and an electric edger.
- Air Quality impact fees should be developed to help fund additional air quality mitigation measure to further reduce air quality impacts.
- Clean fuel transit vehicles (this could include compressed natural gas and/or electric vehicles or other as technology improves or becomes available).
- Establishment of clean fuel fueling stations open to the public (this could include electric charging stations, natural gas fueling stations, ect.).
- Promote the use of low emission vehicles, this will not reduce vehicles miles traveled, but rather promote the use of fuels and vehicles that are less polluting then gasoline or diesel. Air quality impact fees could be used to provide incentives to business or individual who purchase/use low emission vehicles.
- Allow business or individual through the zoning and building permit process the option of installing electric/natural gas fuel hookups.
- Telecommuting should be encouraged through land use mixes and zoning ordinances to provide incentives that minimize restrictions for in hone offices and satellite work centers.
- The District would like the opportunity to comment on individual projects as they move forward in the future.

L10-5 Cont'd

Finally, as individual projects are considered for approval the applicant and the City of Lathrop should consider the toxic risk associated with diesel-fueled engines and vehicles. The California Air Resources Board has issued a report entitled **Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles** (October 2000). Appendix VII of the report provides several risk characterization scenarios, which may serve as a starting point for estimating risks from diesel engine emissions. The District will work with applicants to review appropriate methodology for estimating toxic risk.

L10-6

Thank you for the opportunity to comment. If you have any questions, please feel free to contact me at (209) 557-6400.

Sincerely,

John Cadrett
Air Quality Planner
Northern Region

APCD REF # 20020052

San Joaquin Valley
Air Pollution Control District

COMPLIANCE ASSISTANCE BULLETIN

September 2002

(Update from June 2002)

Fugitive Dust Control at Construction Sites

Regulation VIII, Fugitive PM10 Prohibitions, of the District's Rules and Regulations regulates activities that generate fugitive dust. Fugitive dust is emitted to the air from open ground or caused by activities such as excavation, transporting bulk materials, or travel on unpaved surfaces. "PM10" is a term applied to small sized particulate matter - microscopic dust particles - in the air. The San Joaquin Valley currently exceeds the air quality standards for particulate matter. It is for this reason that the District adopted Regulation VIII in 1993. Significant amendments to Regulation VIII were adopted in 2001 and became effective May 15, 2002. The following dust control and administrative requirements are applicable at construction sites:

Attachment
to L10-3

Visible Dust Emissions (VDE). Visible dust emissions may not exceed 20% opacity during periods when soil is being disturbed by equipment or wind at any time. Dust control may be achieved by means of applying water before and during earth work and on traffic areas, phasing work to limit dust, and setting up wind fences to limit wind blown dust. VDE opacity of 20% means the amount of dust that would obstruct the view of an object by 20%.

Soil stabilization. Soil stabilization is required at any construction site after normal working hours and on weekends and holidays. This requirement also applies to inactive construction areas such as phased projects where disturbed land is left unattended. Applying water to form a visible crust on the soil is an effective method for stabilizing a disturbed surface area. Long-term methods include applying dust suppressants or establishing vegetative cover. Restricting vehicle access from the area will help to maintain a stabilized surface. Information regarding stabilization standards and test methods are in Rule 8011 – *General Requirements*.

Carryout and Trackout. These requirements are found in Rule 8041 – *Carryout and Trackout*. Carryout and trackout are materials adhered to vehicle tires and transport vehicles carried from a construction site and deposited onto a paved public road. Should carryout and trackout occur, it must be cleaned up at least daily, and immediately if it extends more than 50 feet from the exit point onto a paved road. The recommended clean-up methods include manually sweeping, sufficiently wetting the area prior to mechanical sweeping to limit VDE or using a PM10-efficient street sweeper. A blower device, or dry sweeping with any mechanical device other than a PM10-efficient street sweeper is prohibited.

Haul Roads. Dust control is required on all haul roads and unpaved vehicle and equipment traffic areas at construction sites, per Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Storage Piles and Bulk Materials. The handling, storage, and transportation requirements for bulk materials are found in Rule 8031 – *Bulk Materials*. These requirements include: applying water as materials are handled, stabilizing or covering stored materials, and installing wind barriers to limit VDE. Limiting vehicle speed, loading haul trucks with a freeboard six inches or greater, covering haul trucks, or applying water to the top of the load are options for reducing VDE from vehicle transportation of bulk materials.

Demolition. Wetting of the exterior of a building to be demolished is required. Demolition debris and the area around the demolition must also be controlled to limit VDE. Cleaning up carryout and trackout must be completed according to Rule 8041. Demolition activities are also subject to the District's asbestos rule, Rule 4002 – *National Emission Standards for Hazardous Air Pollutants*.

Dust Control Plans. For large construction projects, Rule 8021 requires the owner or contractor to submit a Dust Control Plan to the District for approval at least 30 days prior to commencing construction activities. This requirement applies to projects that include 40 or more acres of disturbed surface area or will involve moving more than 2,500 cubic yards per day of material on at least three days during the project.

Record keeping. All sites subject to the regulation that employ dust control measures must keep records for each day any dust controls are used. The District has developed record keeping forms for water application, street sweeping, and for "permanent" controls such as applying long term dust palliatives, vegetation, ground cover materials, paving, or other durable materials. Pursuant to Rule 8011, records must be kept for one year after the end of dust generating activities.

Attachment
to L10-3

Exemptions. Activities in areas above 3,000 feet elevation are exempt from all Regulation VIII requirements. The following exemptions in Rule 8021 apply to construction activities:

- Blasting activities
- Maintenance and remodeling of existing buildings if the addition is less than 50% of the size of the existing building or 10,000 square feet. These activities, however, are subject to the District's asbestos rule, Rule 4002.
- Additions to single family dwellings
- Mowing, disking or other weed control on sites less than ½ acre.

Nuisance. Whether or not the construction activity is exempt from the Regulation VIII requirements, any activity that creates fugitive dust must not cause a nuisance, per Rule 4102 - Nuisance. Therefore, it is important to monitor the dust generating activities and, if necessary, plan for and implement the appropriate dust control measures to limit the public's exposure to fugitive dust.

This is a basic summary of Regulation VIII as it applies to the construction industry. For more information contact the Compliance Division of the District office nearest to you.

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT
Compliance Assistance Bulletin- December, 1994
Asbestos Synopsis

Asbestos Demolition/Renovation-Summary:

Prior to any renovation or demolition of a facility

Inspect: Conduct an asbestos inspection of the site before:

- ~Any renovation which 160 sq. ft. of building materials, or 260 linear feet of pipe insulation will be disturbed, or
- ~Any demolition of a facility with or without asbestos-containing materials

Notify: Submit an asbestos notification form for any regulated renovation or demolition, 10 working days before the activity.

Fees: Fees must be paid to the District with the notification for all regulated renovations and demolitions.

Demolition Release Form: Prior to any demolition, you must have completed a demolition release form. Upon its approval by the District this signed form may be used as proof (needed by the building official) of compliance with, or exemption from, the NESHAP notification requirements.

Submit this form to the building department with your application for a demolition permit.

Applicability

Facilities subject to the NESHAP (regulated facilities) include all commercial buildings, apartments with more than 4 units, other structures and non-portable equipment. Single family dwellings may be exempt, but only on a case by case basis.

Demolitions subject to the NESHAP (regulated demolitions) are demolitions of facilities described above, whether or not asbestos is present.

Regulated renovation applies to any activity in which 160 sq. ft. of regulated asbestos-containing building materials or 260 linear feet of asbestos-containing pipe insulation is disturbed at a regulated facility.

Asbestos Notification and Inspection Requirements

Definitions

Facilities:	Facilities subject to the rule include "all structures, installations, buildings and equipment, except for single family dwellings and apartments with four or fewer dwelling units." Single family dwellings and apartments are also subject to the regulation if: ~There is more than one building at a site being renovated or demolished, or ~The building had been used for, or is being removed for a commercial or public use, or is to be used as a training burn exercise.
Demolition:	In addition to the total destruction of a structure, demolitions include "the removal of any structural load-bearing member from a facility together with any related handling operations or the intentional burning of a building: (training burns conducted by a fire fighting agency). Also, the separation of a structure from its foundation prior to relocation is a demolition.
Renovation:	Altering a facility or one or more facility components in any way, including the stripping or removal of regulated asbestos-containing material (RACM) from a facility component. Renovations include all activities in which asbestos could be disturbed at a regulated facility, including the clean up and removal of debris from buildings which have burned.

Attachment to L10-3

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT
Compliance Assistance Bulletin- December, 1994
Asbestos Synopsis

Definitions, Continued	
Regulated Asbestos-Containing Materials (RACM) Include:	(1) Friable asbestos-containing material (ACM). (2) Category 1 nonfriable ACM in poor condition and "has become friable" or that has or will be subjected to sanding, grinding, cutting, or abrading. (3) Category II nonfriable ACM that has a high probability of becoming, or as become, crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation.
Friable Asbestos-Containing Material (ACM):	Any material containing more than 1 percent asbestos, as determined by Polarized Light Microscopy (PLM) testing, which, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.
Category I nonfriable ACM:	Any asbestos-containing packings, gaskets, resilient floor coverings, and asphalt roofing products containing more than 1 percent asbestos as determined by PLM testing.
Category II nonfriable ACM:	Any asbestos-containing materials, excluding Category 1 ACM, containing more than 1 percent asbestos as determined by PLM testing, which when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Inspection: done by, or under the direction of a Cal-OSHA certified consultant prior to:

- Any regulated demolition.
- Any renovation activity in which more than 160 sq. ft. of any building material or 260 linear feet of pipe insulation will be disturbed. An inspection is not required if the material to be disturbed is stipulated to be asbestos-containing and will be removed in accordance with the NESHAP.

Inspection Report Must Include:

- A schematic showing the location of all tested materials.
- The following data for all asbestos-containing materials:
  1. The amount and description of each material.
  2. Percent asbestos content.
  3. Whether or not the material is friable.

Notification: An asbestos notification must be submitted to the District at least 10 working days prior to:

1. Any regulated demolition.
2. Any renovation in which more than 160 sq. ft. or 260 linear ft. of RACM will be disturbed.

A copy of the Asbestos Inspection Report must be included with the Notification.

Notification will not be considered complete, nor will the 10 working day notice period begin until all required information and fees have been submitted to the District.

Fees: District Rule 3050 requires that nonrefundable asbestos fees be received along with asbestos job notifications. Fees must be paid for regulated asbestos abatement projects and regulated demolition projects, whether or not asbestos is present.

Demolition Release Form: The California Health and Safety Code requires that the city or county building official have proof of compliance with, or exemption from, the asbestos notification requirement before he or she issues a demolition permit.

After the District has received a demolition notification and is satisfied that the NESHAP notification requirements have been complied with, the District will issue a Demolition Release Form to the person who submitted the notification.

Recycle and Waste Disposal: The asbestos notification must also identify any building materials which will be recycled after removal from a project. The name of the recycling contractor and location of such activity must be identified.

Attachment to L10-3

LETTER
L10
RESPONSE

San Joaquin Valley air Pollution Control District
John Cadrett, Air Quality Planner Northern Region
Received on: December 5, 2002

L10-1 Comment noted. See the responses to comments L10-2 through L10-6, concerning the additional mitigation measures and clarifications suggested by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

L10-2 The first and third potential mitigation items listed in the comment have been incorporated into the SEIR as described below and as shown in Chapter 3 of this FSEIR. The second suggested item, "Suspend excavation and grading activity when winds exceed 20 mph," is already included as a mitigation requirement in the DSEIR. The additional mitigation measures do not change the significance conclusion in the DSEIR and do not result in additional significant impacts.

The following text has been added to Mitigation Measure 4.5-a after the last bullet item on page 4.5-24 of the DSEIR:

> In addition to the measures identified above, the following measures from Table 6-3 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) are identified as potential mitigation measures that may be required by the SJVAPCD:
>
> - Install wind breaks at windward sides of construction areas.
> - Comply with the National Emission Standards for Hazardous Air Pollutants (NESHAPS) during the renovation/demolition of any existing buildings on the project site with the potential to contain asbestos. Consult the SJVAPCD's Asbestos-Compliance Assistance Bulletin, dated December 1994, to ascertain whether individual structures on the project site are subject to NESHAPS.

L10-3 The fact that Regulation VIII has undergone recent revisions and is subject to future periodic revisions, and that the proposed project would be subject to said revisions, has been incorporated into the SEIR as described below and in Chapter 3 of this FSEIR. These additions do not change the significance conclusion in the DSEIR and do not result in additional significant impacts.

The following paragraph has been added to Mitigation Measure 4.5-a after the last paragraph on the page 4.5-23 of the DSEIR:

> It is recognized that SJVAPCD Regulation VIII, upon which the following control measures are based, has recently undergone revision and that these control measures are subject to future periodic revision. Therefore, the project applicant shall annually contact the SJVAPCD to identify the most recent fugitive dust control measures required

to be implemented by the proposed project and implement them accordingly during project construction."

L10-4 The potential mitigation items listed in the comment have been incorporated into the SEIR as described below and as shown in Chapter 3 of this FSEIR. The additional mitigation measures do not change the significance conclusion in the DSEIR, and do not result in additional significant impacts.

The following text has been added to the end of Mitigation Measure 4.5-a on page 4.5-24 of the DSEIR (after the additional text included in response to comment L10-2):

> In addition to the measures identified above, the following measures from Table 6-4 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) are identified as potential construction equipment mitigation measures that may be required by SJVAPCD:
>
> - Use alternative fueled construction equipment.
> - Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use at any one time.
> - Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).
> - Curtail construction during periods of high ambient pollutant concentration; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways (or ceasing/reducing heavy-duty equipment usage on Spare the Air Days).
> - Before construction contracts are issued, the applicant should perform a review of new technology, as it relates to heavy-duty equipment, to determine what if any advances in emissions reduction are available for use. It is anticipated that in the near future both NO_X and PM_{10} control equipment will be available. The District would be available for consultation on this process.

L10-5 The comment letter references Impact 4.6-c: Air Quality - Long-term Regional Impact. This impact number and title are not present in the DSEIR for River Islands. It is assumed that the comment is in regard to Impact 4.5-f: Air Quality - Increases in Long-Term Regional Emissions.

The potential mitigation items listed in the comment have been incorporated into the SEIR as described below and in Chapter 3 of this FSEIR, except as otherwise indicated. These additions

do not change the significance conclusion in the DSEIR and do not result in additional significant impacts.

The following text has been added to Mitigation Measure 4.5-f after the last bullet item on page 4.5-25 of the DSEIR:

> The following additional measures shall be implemented where feasible as part of the design of the proposed project and/or during project operation:
>
> - Planting of deciduous trees on the south-facing and westerly facing sides of buildings.
> - Natural gas lines and electrical outlets should be installed in patio areas to encourage the use of gas and/or electric barbecues.
> - Allow businesses or individuals through the zoning and building permit process the option of installing electric/natural gas fuel hookups.
> - If a gasoline service station is developed as part of the proposed project, it is encouraged that natural gas fueling be incorporated as part of the station.
> - Each onsite commercial business employing 20 or more persons shall prepare and implement a trip reduction program to reduce motor vehicle trips to the greatest extent feasible. Each program shall be reviewed and approved by the City of Lathrop before business permits are issued, and shall encourage carpooling, vanpooling, use of transit and use of alternative modes of transportation (e.g., bicycles, electric vehicles).
> - The project applicant shall develop and implement a program to encourage employers in the Employment Center to promote the use of low-emission vehicles. The program may include financial incentives, preferred parking, or other benefits for employees and businesses that use low-emission vehicles.
> - The City of Lathrop is encouraged to permit home offices and satellite work centers in the zoning provisions for the proposed project to encourage/facilitate telecommuting.
> - The City shall encourage the applicant to develop/participate in a program to provide, or subsidize the purchase cost of, electric lawnmowers and electric edgers for project home owners.

Two of the recommended mitigation measures in this comment have not been incorporated into the SEIR as identified and explained below.

continued ...

- Under CEQA, assessment of a fee is appropriate mitigation when linked to a specific mitigation program. A commitment to pay fees; however, is not adequate mitigation if there is no evidence the mitigation will occur. An air quality impact fee program has not been adopted by the SJVAPCD. Consequently, the payment of an air quality impact fee would not be considered adequate or feasible mitigation.
- The proposed project would utilize the existing transit system, which would be expanded to serve the project site, rather than developing a new transit system. Hence, there would be no opportunity on the part of the proposed project to utilize clean fuel transit vehicles.

Concerning the suggestion that the SJVAPCD would like the opportunity to comment on individual projects as they move forward in the future, the DSEIR prepared for River Islands is a project-level EIR, as defined by CEQA, for Phase 1 activities. No further CEQA review of Phase 1 project elements is anticipated to occur. Hence, any additional review by the SJVAPCD of development under Phase 1 would be restricted to any permits that may be required by the SJVAPCD. Phase 2 of the proposed project is designed with less specificity than Phase 1. However, as discussed on page 1-3 of the DSEIR, for many environmental issue areas, sufficient detail is available regarding Phase 2 development to enable the SEIR's analysis of Phase 2 to be comparable to the Phase 1 analysis and sufficient to meet the requirements of a project EIR as defined by CEQA. Because some environmental issue areas cannot be evaluated at a project level of detail for Phase 2, however, additional environmental review would be conducted, as necessary, in accordance with CEQA's subsequent environmental review procedure. If additional CEQA analysis is required for Phase 2 activities, the SJVAPCD would have the opportunity to review and comment on these activities as applicable through the CEQA process. Where no additional CEQA compliance documentation is required, the SJVAPCD may review and comment as part of any applicable permitting processes.

L10-6 The California Air Resources Board (ARB) report mentioned in the comment, "Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles" (2000), is referenced in the discussion of state and local toxic air contaminants (TAC) programs on page 4.5-6 of the DSEIR. Potential health risks associated with diesel particulate matter (PM) emissions are addressed in the discussion of Impact 4.5-d in the DSEIR. The impact is considered potentially significant, but as described on page 4.5-23 of the DSEIR, mobile source TACs associated with diesel trucks are a relatively new concern, so specific guidelines and practices regarding assessing impacts and providing mitigation are not available. This statement is made in light of the ARB 2000 report, which provides only general information on diesel PM concerns and approaches to diesel PM risk. Nonetheless, diesel PM impacts were evaluated in the DSEIR to the extent that information exists regarding this issue. It is also stated in this section of the DSEIR that it is unclear what effects new ARB diesel engine emission standards and diesel particulate matter regulations would have on the level of impact and the necessity for,

continued ...

or type of, mitigation. Therefore, the specific conditions of mobile source TAC impacts can not be determined in the SEIR. The only available mitigation of completely separating emission sources (diesel vehicles) from all sensitive receptors is not feasible given the wide commercial and personal use of diesel vehicles. Therefore, no mitigation is available for Impact 4.5-d to reduce the impact to a less-than-significant level, and the impact is identified as significant and unavoidable.

In response to the SJVAPCD's desire to work with the applicant to review methodologies for estimating diesel PM risk, the following sentence has been added to the end of the first paragraphs in Section 4.5.4 "Mitigation Measures" (page 4.5-23 of the DSEIR) as shown in Chapter 3 of this FSEIR:

> The project applicant shall coordinate with the SJVAPCD as the project proceeds to assess situations where toxic risk from diesel PM may occur and to review methodologies that may become available to estimate this risk.

SIERRA CLUB
FOUNDED 1892

01

2 November 2002

Bruce Coleman, Community Development Director
City of Lathrop
16775 Howland Road, Suite One
Lathrop, CA 95337

RE: Comments of Draft Environmental Impact Report, River Islands at Lathrop Project

Dear Mr. Coleman:

The Mother Lode Chapter of the Sierra Club submits the following comments on the Draft Environmental Impact Report (DEIR) for the River Islands at Lathrop Project. Please send the Final EIR, and all notices and correspondence regarding this project to my home address, 1421 W. Willow Street, Stockton 95203, not to the Sierra Club office in Sacramento. O1-1

We previously submitted comments for the related Mossdale Landing project EIR. Some of the same questions and criticisms that we directed at the Mossdale EIR apply also to the River Islands EIR. It is most unfortunate that the City has not released the responses to our comments for the Mossdale EIR before this latest EIR began its public review. Such overlapping of related EIRs shortchanges public review of both documents and creates more confusion rather than good planning. O1-2

As we said for the Mossdale EIR, once again the City of Lathrop is poised to approve a very large (11,000-housing unit) development project prematurely, before adequate infrastructure planning and engineering has been completed. Both the Mossdale and River Islands Draft EIRs fail to contain adequate engineering plans, analysis and mitigation for very serious cumulative impacts within the City related to water supply, sewer treatment and disposal, transportation, air quality, storm drainage, farmland and habitat loss. O1-3

Both Draft EIRs continue to defer the "project level" analysis of basic infrastructure issues such as wastewater treatment and disposal and water supplies for the project, until a later time, in violation of California Environmental Quality Act and subsequent case law O1-4

Purpose of the EIR

The River Islands DEIR is a hybrid "project" level and "program" level Subsequent Environmental Impact Report (SEIR) (page 1-3 of the SEIR or DEIR). The authors claim that the DEIR serves as O1-5

a "project" level analysis for Phases Ia and I of the project, and serves as a "program" level analysis for Phase II of the project. The text states that "no further CEQA analysis is anticipated before construction of Phase I." The text also notes that the DEIR's analysis of Phase II is comparable to Phase I for almost all topics and is "sufficient to meet the requirements of a project EIR as defined in Sec. 15161 of the State CEQA Guidelines. The exception is wastewater treatment and recycled water storage and disposal under Phase 2."

O1-5 Cont'd

We agree that the details for wastewater provision related to Phase II are not yet developed enough to perform a "project" level environmental analysis. However, we would also argue that the same conclusion about the lack of "project" level details applies to wastewater and water supply for Phase I of the project. In particular, the so-called "project" level of analysis of Phase I wastewater and water supply issues relies on two "project"-level EIRs that haven't even be released for public review yet (see below).

"Project" Level EIRs Should Not Rely on "Program" Level Mitigation Measures

There are five inter-related "program" and (future) "project" level EIRs that the City has released in the last year, or will release in the coming months. The series of EIRs began with the 2001 Water, Wastewater and Recycled Water Master Plan EIR, which was followed by the Mossdale Landing and this DEIR. Two additional "project"level EIRs needed to implement the Water Master Plan are in process. The two project level EIRs that are forthcoming will study and mitigate specific issues related to expansion of the City's existing wastewater treatment plant and construction of a new City well. Both the Mossdale Landing and the first phase of River Islands rely on these two capital projects.

The greatest deficiency of this River Islands EIR, as in the Mossdale Landing EIR, is the reliance of the two EIRs on the "program" level of analysis and mitigation measures for wastewater treatment and the new water well contained in the Master Water Plan EIR.

O1-6

The series of three EIRs released thus far by the City have failed to answer basic environmental and engineering questions of how the City expects to provide water and sewer services for 1,700 homes planned in Mossdale Landing and 11,000 homes in the River Islands project. The "project" level analysis and mitigation for provision of basic infrastructure systems as water and wastewater should must occur in the project level EIR for the development application, not in some future time frame when more extensive study and plans are to be prepared. This DEIR should also provide the project level analysis that is required by the more recent 2001 Water, Wastewater and Recycled Water Master Plan NOW, rather than deferring the analysis to a later time. Such deferral of major environmental analysis and mitigation for a purportedly "project" level EIR is inconsistent with applicable CEQA Guidelines and case law.

The assumption that potentially significant environmental issues related to "project" level infrastructure constraints can be mitigated effectively with a list of "program" level future permit requirements or vaguely defined performance standards, mitigation plans or programs, is inconsistent

with the concept of "tiering" in the CEQA statutes and Guidelines. The City has not relied on, or cited, the concept of "tiering" in this DEIR, however the concept may be applicable in a situation where a specific development project, such as Phase I of the River Islands project, is relying upon infrastructure systems described in a program EIR, such as the Master Water Plan EIR.

Tiering is defined as "using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project" (CEQA Guidelines, Section 15152(a)).

However, "Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration.."(CEQA Guidelines, Section 15152(b)). O1-6 Cont'd

The City's deferral of hard environmental analysis of specific engineering plans to provide water and wastewater services to River Island (and Mossdale Landing), in lieu of waiting until two other project EIRs are prepared sometime in the future, is not consistent with the "tiering" concept. The sequence of CEQA documents that the City has set up is an elaborate "house of cards" arrangement that is teetering and could crashing to the ground.

Finally, and importantly, deferral of project level analysis of infrastructure systems needed to serve this project deprives the right of local residents and public agencies to comment on the true impacts and mitigation required for a project of this size and complexity.

Project Level Wastewater Treatment and Disposal Analysis is Deferred

The City has a serious problem with its existing Crossroads wastewater plant. Both the Mossdale EIR and this EIR note "The three existing percolation ponds have a design capacity of 0.2 million gallons per day (mgd) but investigative and hydraulic analysis determined that the underlying soils have a lower transmissivity rate than expected and the existing ponds have a maximum disposal capacity of approximately 100,000 gallons per day. This severely limits the plant's capacity" (page 4.11-5). In other words, the high groundwater table in Lathrop prevents the effective percolation of treated effluent into the ground. "A phased remedial project has been approved by the City to allow WRP #1 to accommodate disposal of the full 0.6 mgd affected wastewater" (page 4.11-5). O1-7

The DEIR text continues "WRP#1 is currently proposed to be expanded in a series of phases, in addition to the remedial program identified above. Phase Ia would include conversion of the plant to tertiary treatment and expansion from 0.6 (after remediation is complete) to 1.2 mgd. Phase Ib would expand the plan by an additional 2.4 mgd (total combined capacity of 3.6 mgd). An EIR is being prepared for these two phases of WRP#1 Phase 1 Expansion Project and construction of the expansion is expected to be begin in 2003... The Phase 1 Expansion Project is planned to serve various existing and planned facilities, including some or all of the River Islands and Mossdale Village

projects, as well as providing additional capacity for the existing Crossroads Commerce center. The EIR for the WRP #1 expansion project is being tiered off the Master Plan EIR..." (page 4.8-4). O1-7 Cont'd

The City has not yet performed (or has not released to the public) the engineering work to determine if it is feasible, from an engineering perspective, to expand the plant operations and dispose of wastewaters at the plant site or on the project site. Is this correct?

The City has not yet released the environmental document for expanded treatment plant, at the time that this DEIR is in circulation (October-November, 2002). Is this correct?

This project level analysis must be included now, and not ignored with findings of no significant impact (Impact 4.11-c) or inadequate measures that indicate no houses or businesses in Phases I or Ia will be occupied "until both adequate wastewater treatment capacity and tertiary treatment to Title 22 standards for unrestricted use are available at WRP#1 or WRP#3 to serve this development" (Measure 4.11-c).

This DEIR fails to explain and analyze at a project level of detail how the City wastewater treatment plant at Crossroads could be expanded (or if its feasible from an environmental constraints and engineering perspective) to reach a tertiary level of treatment, and what mitigation programs would be required. The River Islands Phase I project relies on this tertiary treatment; the project cannot proceed without it. O1-8

Please describe how this deferral of mitigation responsibility to a point after approval of all other permits would be consistent with the decision by the Appellate Court in the first Diablo Grande decision (*Stanislaus Natural Heritage Project et al., v. County of Stanislaus*, 48 Cal.App.4th 182), see further discussion below under "Water Supply." The mitigation measure 4.11-c runs afoul of this court decision. The court concluded that "It is not mitigation of a significant environmental impact on a project to say that if the impact is not addressed then the project will not be built."

Wastewater Disposal is Not Adequately Analyzed and Mitigated

The River Islands DEIR claims that the issue of wastewater disposal is addressed at a "project" level of detail, and that Phase II disposal is a "program" level of analysis and mitigation. However, this DEIR is even more deficient in mitigating for potential wastewater disposal impacts for Phase I development than the previous Mossdale Landing EIR.

The former EIR contained a measures that stated: "Interim development under the Mossdale Landing project shall not commence until both adequate wastewater treatment capacity and tertiary treatment to Title 22 standards for unrestricted use are available at WRP#1 to serve this interim development" (page 4.8-19). This DEIR simply states that "It is planned that 100% of the recycled water generated by the proposed project during Phases Ia and I would be disposed of at the WRP#1 facilities and land disposed at the project site..." (Page 4.11-18). The DEIR then calls out the potential impact as less than significant. This is inconsistent with the manner in which the same issue was addressed in the O1-9

Mossdale EIR. Please explain the difference in the two projects' plans for land disposal at WRP#1 that would warrant different mitigation measure and finding of less than significance. O1-9 Cont'd

The analysis of wastewater disposal for Phase I in this DEIR is inadequate because there is some likelihood that disposal for the River Islands, Mossdale and other projects cannot be accommodated at the WP#1 site. Major concerns have been raised by the Regional Water Quality Control Board staff in a letter to the City in response to the Mossdale Landing DEIR. Our comments summarizing the letter follow in the next section. O1-10

For this River Islands DEIR, please describe the specific land disposal facilities, e.g., ponds and redundant treatment facilities, that would be constructed at the WRP#1 Crossroads site to receive River Islands effluent, and discuss whether the proposed facilities would be consistent with the regulatory standards cited in the RWQCB letter (below) and all others. O1-11

This portion of the DEIR analysis should also be augmented with text description graphic figures to identify potential areas within the project site for disposal of wastewater fro Phase II, even if this analysis is at a "program" level. It is unclear from the DEIR text whether there is enough golf course, and landscaping areas to receive all of the recycled water from Phase II of the project. Please include this discussion. O1-12

Also, the potential locations of the land disposal should be analyzed for potential land use compatibility impacts with existing and planned land uses.

Previous Comments Received from Regional Board Re: Land Disposal Are Unanswered

Because the consultant responses to the previous Mossdale EIR have not yet been released by the City, the following comments we submitted to the City on the Mossdale EIR wastewater disposal analysis are still applicable and are repeated below. Please make certain to include the City's response to the RWQCB letter received for the Mossdale DEIR also in this River Islands EIR O1-13

"We concur with the doubts raised in the comment letter from the Regional Water Quality Control Board. The Board staff note that the DEIR fails to include any descriptive details and analysis of potential impacts, much less detailed mitigation programs, regarding how the on-site land disposal of treated wastewaters would operate in the short term.

"The Board letter says: "The DEIR describes interim conditions (until 2007) during which time the wastewater treated at WWTP No. 1 (Crossroads) would be returned to the project for storage and land application. The storage ponds are described as 16 feet in depth with a clay or synthetic liner. Because groundwater in the project area is shallow (approximately 10 feet) measures to protect the liners from damage from high groundwater conditions are likely needed. Based on descriptions presented in the Kleinfelder groundwater report (discussed later in this letter) a permit from the Department of Water Resources Division of Dam Safety may be required for the storage pond(s)... O1-14

"Use of the wastewater for irrigation as described in the DEIR may require additional wastewater storage facilities or redundant treatment facilities because Title 22 Section 60304 requires backup measures if treatment fails. In addition, storage of wastewater in ponds after treatment will likely result in measurable total coliform organisms possibly requiring secondary disinfection prior to land application."

O1-14 Cont'd

"Please explain how the treated effluent would be disposed of, which planned land uses within the project would not constructed in order to accept land disposal, and what specific infrastructure would be required to provide redundancy, as required by tertiary treatment.

Potential Impacts to Groundwater and Surface Hydrology Are Not Addressed

As we said in our comments to the Mossdale DEIR, "The RWQCB staff questions the statement in the Kleinfelder report "It is our understanding in discussions with the RWQCB that discharge waters can be impounded on the surface, percolate into the ground, and eventually seep into an existing drainage ditch used by local farmers." RWQCB notes "Waste discharge to land typically must not degrade groundwater quality, must be controlled to prevent escape from the storage area, and must not produce nuisance conditions."

O1-15

The River Islands DEIR fails to include any mitigation measures to ensure that discharges of recycled water will not affect ground and surface waters at the WRP#1 site and on the project site. What specific mitigation measures would be required to ensure that waste land discharges are controlled?

Impact 4.8-p fails to address hydrology impacts at WRP#1and dismisses potential impacts on the project site by stating the recycled water would be treated to tertiary levels and the groundwater level is a 75 feet or more.

The RWQCB comments received for the previous Mossdale DEIR which questioned the conclusion that there would be no impacts to groundwaters at WRP#1. RWQCB notes that "It should be noted that the beneficial uses of shallow groundwater must also be protected. Because of the shallow depth to groundwater in the conceptually described land application areas, it is likely that additional treatment, storage, and application procedures will be required to protect groundwater quality." Please describe the specific infrastructure that would be required to meet regulatory standards.

O1-16

For this DEIR, mitigation measure 4.11-g states "Elements of Phase 2 project development..shall not commence until storage and disposal capacity is provided..The additional disposal capacity may be provided through either land disposal or discharge to the San Joaquin River..."

The RWQCB letter to the City regarding a similar plan in the Mossdale DEIR to discharge to the river notes that "Because an RWD has not been submitted, it is unknown if that amount of storage and land application area is sufficient. The alternative mitigation measure identified is river disposal, which may not be an available option due to the existing impaired condition of the receiving water."

O1-17

The EIR should address this comment from RWQCB and discuss whether river discharge is viable, in the light of regulatory restrictions. O1-17 Cont'd

Project Level Water Supply Analysis is Deferred

The DEIR notes that the initial phase of the project will rely on water provided by Well #21, which is now undergoing environmental review through an EIR that has not yet been released for public review. "If sufficient municipal water were not available from the City, the project applicant could exercise its existing riparian and appropriative rights to water in the San Joaquin River. However, this option is not currently proposed,..." (page 4.11-11).

Mitigation measure 4.11-a states "No portion of the proposed project shall be occupied until sufficient multi-drought year water supply is available to serve that portion of the project site being developed and water infrastructure (e.g., pipelines) to serve the area is complete."

The potential environmental issues related to construction of the well#23 (Impact 4.11-b) are referenced back to the program EIR for the Master Water Plan, and no further analysis of well project impacts and mitigations are included in this DEIR. Instead, this DEIR defers the analysis of well construction and operation impacts of the new well which will be used to serve Phase I of this project to a project level EIR that has not been released.

O1-18

Please describe how this deferral of mitigation responsibility to a point after development approval of Phase I of this River islands project would be consistent with the decision by the Appellate Court in the first Diablo Grande decision (*Stanislaus Natural Heritage Project et al., v. County of Stanislaus*, 48 Cal.App.4th 182).

The court in that decision nullified an EIR that failed to include project level analysis of future water supplies to serve the project, stating "a decision to "tier" environmental review does not excuse a governmental entity from complying with CEQA's mandate to prepare, or cause to be prepared, an environmental impact report on any project that may have a significant effect on the environment, with that report to include a detailed statement setting forth "[a]ll significant effects on the environment of the proposed project." (Pub. Resources Code, Section 21100.)....No matter what subsequent environmental review might take place, and no matter what additional mitigation measures might be adopted to ameliorate adverse environmental impacts on each of the four "phases" of planned development, the project was going to need water from some source or sources. To defer any analysis whatsoever of the impacts of supplying water to this project until after the adoption of the specific plan calling for the project to be built would appear to be putting the cart before the horse."

The court also concluded that "It is not mitigation of a significant environmental impact on a project to say that if the impact is not addressed then the project will not be built."

O1-19

The mitigation measure 4.11-a runs afoul of this court decision. The measure states "No portion of

the proposed project shall be occupied until sufficient multi-drought year water supply is available to serve that portion of the project site being developed and water infrastructure (e.g., pipelines) to serve the area is complete." Presumably, this means the houses could be built but they would sit there empty, but the logic of the measure is not consistent with the finding of the court that deferring analysis of the impacts of supplying water to the project "until after the adoption of the specific plan calling for the project to be built would appear to be putting the cart before the horse." O1-19 Cont'd

SB 910 Water Supply Assessment and Groundwater Impacts

This DEIR relies on the same deficient SB 910 Study that was cited in the Mossdale DEIR. Our comments on the previous DEIR are provided below, since they are still relevant:

Please provide clarification to the following conclusions in the Water Supply Assessment Report: "Groundwater extractions will be maintained within the safe yield for the groundwater basin. As described earlier in previous studies, groundwater extractions of up to 7,200 ac-ft/yr in Lathrop should not impacts regional groundwater levels" (page 25). Please describe the previous studies, their methodology, conclusions, and provide excerpts of the descriptions and conclusions in the water supply section of the DEIR. O1-20

Please describe potential impacts to increased groundwater pumping by the City in the event that the South County Water Supply Project (SSJID) infrastructure is not in place and delivering surface water to the City and to the project by 2005, as is assumed in the DEIR analysis and Water Supply Assessment Report. O1-21

As we noted in our comments to the Water, Wastewater and Recycled Water Master Plan DEIR (which were dismissed in the Response to Comments in the FEIR):

> The Master Plan proposes to increase pumping of groundwater in the long term by 4,900 acre-feet per year (AFY), from the current baseline level of approximately 2,100 to 7,000 AFY. The represent enough water to serve approximately 10,000 new households. Most of the increase would occur in the short term (2000-2004) when the Plan proposes a tripling in pumping (from 2.1 million gallons per day (mgd) to 6.3 mgd. Substantial evidence in the record indicates that there could be potential environmental impacts related to this tripling in annual groundwater pumping. However, these potential environmental impacts are either not analyzed in the DEIR, or are glossed over and determined to be of "less than significant impact" without the benefit of any substantial evidence, or in direct contradiction of the evidence. O1-22

The Water, Wastewater and Recycled Water Master Plan DEIR stated that there the increased pumping would cause a drawdown in the existing groundwater levels of 52 feet at the City's wellfield, and would "would likely contribute to the eastward migration of the 500 mg/L TDS front" (page 4.3-8). Yet the potential impacts to existing and private wells in the area were determined to be "less than significant" because "it is assumed that the these wells would cease operation and..would be

replaced with water from the City's municipal water system" and because "industrial well water is not subject to the same stringent drinking water standards."

Similarly, the Water Supply Assessment Report for this DEIR notes that "the increase in groundwater pumping up to 7,200 ac-ft/yr could contribute to the eastward migration of a groundwater salinity front" (page 26). This discussion and conclusion should be excerpted in section 4.8 of the DEIR, and appropriate mitigation measures should be added. The measures included in the Master Plan DEIR are inadequate for the project level analysis required for this 1,700 unit project, i.e., site specific analyses prior to new well construction "to determine design parameter," including "well depth and location of the aquifer to be pumped" and if "additional treatment is required" measures will be undertaken, such as "well-head treatment facilities, blending with surface water, and/or the relocation of the wells further east (away from the salinity intrusion front)." O1-22 Cont'd

The mitigation measure in this DEIR, as in the previous Master Plan DEIR, contain no plans for what specific actions will occur if the monitoring detects significant impacts to the groundwater elevations (i.e., declining water table) or water quality delivered to customers. Such plans should be added.

This project DEIR should be amended to include substantial evidence to indicate that potential impacts related to a tripling in the amount of groundwater pumping in the City, which the project relies on, will be mitigated to a level of "less than significant" simply by monitoring the pumping and implementing these vague measures in the previous Master Plan DEIR.

Regulatory Issues Related to Storage Lake

The DEIR analysis should be augmented to include a better discussion of the specific regulatory issues related to construction of the project's proposed interior lake, which would be filled with Old River and Paradise Cut water during a portion of the year. O1-23

What are the specific terms of the appropriative water rights contracts that the project has with the State Board? Would the terms of the contracts allow the storage of appropriated water? Would the existing water rights contracts have to be amended by the State Board?

Regulatory Impacts of Pumping Water from Old River or Paradise Cut to Interior Lake

The discussion of impacts related to pumping of up to 8,000 AF of water per year from the Old River and/or Paradise Cut to the interior project lake fail to identify the specific permitting that would be required to accomplish this.

Would this action take a permit from the State Water Quality Resources Board? If so, what specific criteria would the Board use to grant such as permit? What conditions may be attached to the permit that could affect the proposed pumping? O1-24

Would the specific terms of the appropriative water rights contracts that the project has with the State

Board have to be modified to allow this pumping? O1-24 Cont'd

Regulatory Water Quality Impacts of Pumping Water from Interior Lake to Old River

The DEIR analysis claims that there would no detrimental impacts, and only beneficial impacts, of pumping stormwaters that collect in the interior lake of the project into the Old River or Paradise Cut. The text claims that "The proposed project would not create additional sources of polluted runoff or substantially degrade water quality because of the implementation of project BMPs" (page 4.8-36). O1-25

The text analysis of he DEIR Hydrology sections should be augmented to better discuss each of the specific Best Management Practices that would be implemented. The text now only alludes to cleansing qualities of project wetlands and swales, but contains no details of other BMPs, if there are any other proposed.

The assumed "removal efficiencies" for specific constituents due to ponds, wetlands, and swales filtering are very high in the series of tables in Appendix H (Tables 10-12). For example, the tables on pages 22-23 in Appendix H indicate "% removal" rates for heavy metals of 50% to 80%. The cited sources in Table 10 and 11 should be described and summarized in the text of the DEIR to justify how these effective filtering features operate, and how specific wetland and pond configurations have been scientifically documented to produce the high filtering results. O1-26

After the scientific studies cited as sources for high filtering effectiveness in the table source notes have been described, the next step should be verify that the size and functions of the project's 35 acres of wetlands and various swales can function to achieve the same filtering capabilities. Please include this discussion.

The DEIR text should also be amended to further summarize and describe the analytic results of the modeling by HSI which is documented in Tables 4.8-16 thru 4.8-51 at the back of the Hydrology section. The section as written does a good job of discussing the existing setting/conditions for individual constituents, but there is little discussion of environmental impacts of the project in terms of reducing individual constituent loads. O1-27

Some of the modeling results in the tables in Appendix H are not readily understandable, and text should be added that explains the apparent discrepancies for hard metals. For example, the tables indicate that the post project contaminant discharges, compared to the current condition, will be less for dissolved copper but will be much higher for total copper. The results indicate that discharges of the project for dissolved and total lead will be higher than current conditions, but that dissolved nickel for the project will be lower and for total lead will be higher. Is this correct? What explains these fluctuations for heavy metal contaminants? Please add text in the EIR that explains these conflicting trends. O1-28

Dissolved Oxygen Analysis Should be Augmented

The Regional Board staff is recommending that Old River should be 303(d) listed as an impaired waterway for dissolved oxygen. The Board is set to action in January, 2003. The DO analysis and discussion in the EIR should be amended to reflect this and other developments. O1-29

Transportation Analysis Fails to Provide Important Project Information

The transportation analysis fails to discuss some of the more important issues that a layperson would ask, such as "How many more cars will this project add to the area's freeways? How much of the projected increase in traffic on nearby freeways will this project contribute? How many of the new residents in River Islands will commute to jobs in the Bay Area, adding to traffic congestion over the Altamont? How can we be certain that the planned jobs in River Islands will occur and help with the jobs/housing balance in San Joaquin County?"

It is unconscionable that trip generation data for the project, trip distribution assumptions and results from the transportation modeling, and other critical information is totally absent from both the DEIR text as well as the detailed technical analysis in Appendix B. This information was included in the previous Mossdale Landing EIR; why isn't it presented here? O1-30

Please amend the EIR to include a detailed table indicating trip generation rates for all land use types in River Islands, with sub-totals for average daily traffic, as well as peak hours (see Table 4.5-4 in Mossdale DEIR).

The cumulative transportation impacts of the West Lathrop Specific Plan (Mossdale and Stewart Tract) should also be specifically discussed and analyzed. The analysis should contrast trip generation for the revised River Islands and Mossdale land use plans versus the adopted WLSP (with Califia) plan. The WSLP with the Gold Rush /Califia plan was projected to generate approximately 250,000 average daily vehicle trips. Will this revised plan, plus the changes to Mossdale with Mossdale Landing, generate less or more traffic? This is basic information that the section now totally ignores. O1-31

Also, the section must include a table or a graphic that indicates the trip distribution by direction for the project trips (like Table 4.5-5 in Mossdale DEIR).

Graphics and text should clearly identify how many of the new trips generated by the project in each phase represents more commuters added to the freeways on the way back and forth to Bay Area jobs. O1-32

A table should be added to the analysis that specifies how many "internal" and "external" trips would be generated by the project at each phase (with % of total calculated).

Projections of the portion of new residents who would commute to jobs outside the River Islands developments should be contrasted with other areas and large-scale projects in the county, such as City of Tracy internal/external model results. O1-33

The analysis should also discuss what happen if the optimistic job creation projections are not met by 2015, but all the projected homes are constructed: would the impacts to area roadways be worse than the DEIR analysis indicates now, for the short-term? Would additional improvements beyond those already identified for 2015 (and 2025) be required if a smaller portion of the planned jobs were actually created? O1-34

The DEIR should also include graphics or tables that present existing projected traffic levels (ADT and peak hours) on all area freeways with and without the project. As separate column or line on the graphic should clearly identify what portion of the future trips (absolute number and %) are contributed by the project. O1-35

The DEIR and Appendix B text must be amended to identify how many trips from the project will contribute to future traffic levels on each facility. The text in the DEIR and Appendix simply states that some facilities will be "significantly impacted" by the project because the increase in trips on already congested segments will be more than 1%. However, the DEIR fails to quantify the actual numeric or percentage increase, and it must be revised to include these numbers. O1-36

The text and appendix must also be amended to footnote how the employment projections for the project were derived. The text now states that 8,500 jobs and two million square feet of space in the projects's business park (half of the planned development) are expected to be created by 2015 (page 4.4-50). This optimistic estimate of future jobs must be documented with absorption studies or economic/real estate analysis. Who came up with this estimate, based on what assumptions? O1-37

The job assumptions used in the traffic analysis do not appear consistent with the Project Description, page 3-57, which states "approximately 35% of the roughly 305 developable acres would be occupied by completion of Phase I in 2015 (EDAW, 2002)." The citation for EDAW, 2002 also does not appear in the bibliography. Is this an economic report prepared by EDAW? Where is it?

Transportation Mitigation is Based on Outdated Fee Program

The mitigation measures in the Transportation section that address the project's impacts to area freeways and interchanges simply state that the applicant shall pay applicable Transportation Impact Fees established by the City, in conjunction with the SJ Council of Governments. However, this fee established in 1997 was based on buildout of the theme parks and other development under the previous Gold Rush City/Califia land use program (see Table on page 3 of Attachment C, Technical; Appendix B, "Development of the West Lathrop Specific Plan Regional transportation Fee"). O1-38

The transportation analysis should be amended to recalculate the required regional fee based on 11,000 proposed homes, not 8,500 units, and without theme parks, but with more commercial and business parks.

The discussion of this fee program (page 4.4-72) states that "Specific Improvements in the area to be funded by the Regional Transportation Fee, if all agencies within the County adopted and collected O1-39

the fee, include.." Which agencies have adopted the fee to date? Which agencies have not adopted the fee?

The table that follows (bottom of page 4.4-72) indicates that about one-half of the projected costs of regional improvements in the Lathrop area would be covered by the "Fee Funding." Is this "Fee Funding" based on all seven cities and the County participating in the fee program? O1-39 Cont'd

What happens if all the agencies don't participate. How much of the "Fee Funding" has been collected to date? Which agencies are participating now in contributing to the listed Lathrop improvements?

Projected Future Freeway Improvements May Be Inconsistent with Caltrans and RTP

The transportation analysis should be amended to specifically identify which proposed freeway and interchange improvements that are discussed are consistent with Caltrans plans (including applicable PSRs, CTC lists, or Route Concept Reports) and with the SJ Regional transportation Plan, and which improvements are inconsistent with Caltrans or the RTP.

For example, the text discusses the possibility that the following improvements may be required: O1-40

- 12 lanes on I-205 between MacArthur and I-5;
- 8 lanes on SR 120;
- 10 lanes on I-5 north of SR 120.

Do any official plans recommend these improvements? What would be required to implement these improvements? Who would pay for these lane widenings?

Page 4.4-88 states that improvements to the I-5 freeway segment between SR 120 and I-205 would require "two side by side freeways of four to five lanes each in north and southbound directions." Please provide further details of how this proposed freeway configuration would work, and include a graphic if possible. O1-41

Has Caltrans discussed this proposal for "side by side" freeways? Does Caltrans have any applicable plans or polices that would this improvement?

Mitigation measure 4.4-1 states that "actual freeway improvements may not be implemented by Caltrans rapidly enough." Please explain this and what the consequences would for freeway traffic levels in the project area. What are the known timetables for Caltrans proceeding with any of the specific improvements that are identified in the Transportation section mitigation measures? O1-42

Still No Plans or Analysis for Golden Valley Parkway Connection With I-205

One of our criticisms of the original 1995 WLSP EIR was its failure to analyze agricultural and O1-43

growth inducing impacts for a planned extension of Golden Valley Parkway into lands south of the project site to a connection with I-205. This DEIR continues to deliberately obfuscate the issue and fails to include an analysis of impacts for this roadway. O1-43 Cont'd

The Project Description states "After crossing Paradise Cut, Golden Valley Parkway would extend south, then west, generally paralleling I-205. Golden Valley Parkway may connect to I-205 at a new interchange at Paradise Road/Chrisman Road or at the existing interchange at MacArthur Drive" (page 3-40). The Transportation text states that the parkway "would continue through the project site and cross Paradise Cut and then run as a two-lane roadway parallel to and north of I-205 to Paradise Road. Direct freeway access would be via the River Islands Parkway-Louise Avenue interchange and a new Paradise Road-Chrisman Road /I-205 interchange." Where is the proposed connection? O1-44

Which configuration did the traffic modeling assume? Would the traffic forecasts have been different if the other configuration had been assumed?

The DEIR Land Use or Agricultural Resources section should be amended to address the issue of land use conflicts in the agricultural lands south of the project site which we would be directly impacted by construction of the new roadway. Mitigation must be recommended to reduce potentially significant impacts related to loss of prime agricultural lands and disruption to agricultural operations by the roadway. O1-45

How wide would the right-of-way for the road be? How much ag land would have to betaken?

The growth inducing section should be amended to discuss the issue in more depth, other than the casual reference in passing on page 6-4. O1-46

Boat Traffic Is Not Adequately Addressed

The issue of aquatic traffic congestion from boats and other watercraft associated with the project should be better addressed in the Recreation section or another section. The project proposes a significant number of docks and marina facilities, with room for over 900 boats.

Is there enough room in the nearby waterways for all these aquatic craft to maneuver, especially on weekends and high use holidays? Should the number of boats be restricted? What are the regulatory requirements, if any? How far can small versus medium versus large boats travel from the project site? O1-47

This has become an issue with the Discovery Bay development, where boat congestion is noticeable and growing on weekends.

Air Quality

The mitigation measure 4.5-f proposed for air emissions generated by the buildout of the project is inadequate. The measure should recommend specific single occupant auto reduction and transit programs, similar to what is required in the Bay Area and South Coast Air District, beyond the skimpy "laundry list" provided by the SJVAPCD . All major employers should be required to submit and have approved Transportation Demand Management Programs. O1-48

This measure is much less comprehensive and effective than a similar measure included in the Mossdale Landing EIR. Why?

Larger Issues of Flood Control Are Not Addressed

The issue of flood control for the River Islands is paramount. It is most distressing that the DEIR fails to discuss some of the larger issues of flood proofing the Stewart Tract, such as the "pros and cons" of allowing any urban development in historic floodplains.

The 1997 catastrophic flooding has caused a wholesale re-evaluation of the flooding hazards in the area, and the U.S. Army Corps of Engineers is in the process of preparing a comprehensive plan to address flood flows in the lower San Joaquin River including the Stewart Tract-Paradise Cut area. The DEIR should be amended to analyze the consistency of the proposed levee improvements of the project that would allow urban development, with the guiding principals of the draft comprehensive study, which are listed on page 4.8-7. For example, are the levee improvements to allow urbanization of Stewart Tract consistent with the principles of ""recognize that public safety is the primary purpose of the flood management system" or "promote agriculture and open space protection." O1-49

The EIR should further describe other recent USACE policies that discourage urban development in floodplains and Corps plans for restoring natural "ox bows" and widened floodplains within the course of the San Joaquin River, which have been proposed in the Lathrop area by recent Corps studies and improvement projects.

Cross Levee Fails to Provide Adequate Mitigation for Adjacent Property Owners

The project proposes construction of a cross levee along the UPRR railroad tracks with a "removable levee" along Paradise Cut between I-5 and the tracks. The DEIR analysis for Impact 4.8-m (the main flooding impact analysis) states the removable levee segment would "allow water to drain from Remaining Stewart Tract into Paradise Cut without compromising the overall levee integrity...In addition, the project proponent would purchase portable pumps to be used as needed to facilitate flood drainage in this area. Therefore, specific flooding impacts to RD 2107 are considered less than significant" (page 4.8-45). O1-50

We do not accept the finding that catastrophic flooding of adjacent properties east of the UPRR tracks and the cross levee would result in a "less than significant impact," after the applicant has

offered to buy pumps to pump the flood waters out faster than it would normally take to drain out. This is a potentially significant flooding impact that must be further described, analyzed, and mitigated.

For example, what would the impacts of flooding after project construction be on the agricultural operations immediately east of the UPRR tracks? What would the flooding impacts be to the mining operations and existing lake (Brown property) east of the I-5 freeway? What would the flooding impacts be to the I-5 elevated freeway be? Is there any possibility that during flood events after project construction that freeway interchanges in the area (Manthey Road) would be flooded and inoperable during a significant period of time? O1-50 Cont'd

The project proposes to elevate existing Stewart and Manthey Roads to ensure that there is emergency access for project residents during flood events. What is proposed for other adjacent residents and business outside the project which could be affected by flooding after the project levee improvements are installed?

We are disappointed that such a key environmental issue has been so glossed over in the DEIR text. The only analysis is contained on pages 4.8-44 to -47. In particular, the potential impacts of flooding downstream of Stewart Tract should be better described in the text. More of the extensive hydraulic modeling results should be summarized here, perhaps in tables and graphics, so laypersons can better understand what raising levees around most of Stewart Tract will do to historic flooding patterns further downstream to Weston Ranch and Stockton, and around the tract. O1-51

Controlof Pishos and Other Lands

The applicant proposes to build a super levee along either the north or south sides of upper Paradise Cut. This is land that is outside the project area and outside the City limits and Sphere (south side).

Please amend the EIR to describe the legal and planning status of these lands and discuss if the applicant has control of these lands. Have the property owners agreed to these major levee improvements on their lands? Will the applicant buy these lands? O1-52

Please describe how a major piece of flood control and habitat infrastructure that is critical to the project can be guaranteed to be part of the project description, and project mitigation program, if it is out of the control of the applicant (if that is the case).

Terrestrial Biology

The EIR analysis of impacts to wildlife relies almost exclusively on payment of mitgation fees to the San Joaquin Multi-Species and Habitat Conservation and Open Space Plan (SJMSCP) program, coupled with site specific standard mitigation measures outlined in the habitat plan. The only new mitigation measures deal with potential impacts and mitigation for the riparian brush rabbit. O1-53

The County habitat plan does not address impacts of boat traffic and human disturbance to key species that reside and nest in the Delta, such as black rail. The DEIR analysis must be amended to include analysis and mitigation for ground- or marsh-nesting birds that could be affected by boat wakes and human disturbance. For example, birds that rely on low-lying areas during nesting season such as northern harrier and yellow-breasted chat could be affected during the combination of high tides and boat wakes. Please address. O1-53 Cont'd

The riparian brush rabbit mitigation measure notes that consultation with U.S. Fish and Wildlife Service and CDFG, and "take" permits, would be required. However, the measure does not specify when the permit would be received. The discussion should address the phasing issue. Which phase of the project triggers the need for take permits?

Is it the intent of the project proponents to try to proceed with Phase Ia or Phase I before securing take permits? O1-54

Construction of Phase Ia levee improvements would require permits from, among others, the State Reclamation Board and the U.S. Army Corps of Engineers. Is this correct?

The Corps would not be able to issue permits for Phase Ia improvements until consultation and a take permit have been concluded with the USFWS. Is this correct?

Alternatives Are Inadequate

The DEIR range of alternatives studied is inadequate because there are two "no project" alternatives and only one modification of the proposed project. No alternatives examine the impacts of developing only the portion of Stewart Tract east of the I-5 freeway, or east of the UPRR tracks. There is also no alternative development plan that would allow construction of rural uses that would not require public services, such as an expansion of the City wastewater treatment plant. O1-55

Cumulative Impacts

The DEIR analysis for many key topical sections fails to consider cumulative impacts of the other major development project now being considered by the City, Mossdale Landing. For example, the analysis of wastewater treatment and disposal capacity at the City's WRP#1 plant site has not been adequately assessed, assuming both the project and the Mossdale Landing project together would require capacity. O1-56

The project and cumulative transportation impact analysis is also suspect, since the DEIR admits theat SJ Council of Governments projections were artificially manipulated to "take" future population and job growth from adjacent communities to balance the fact that the COG projections do not assume the project's buildout. Unfortunately, other recently certified EIRs in the region (e.g., for Tracy Gateway) have made similar assumptions (of greater housing and job growth in their respective communities than COG recognizes) for their cumulative transportation analysis, thereby calling into O1-57

question the validity of cumulative transportation analysis for many of the EIRs completed in the south San Joaquin County area over the recent past. The failure to reconcile differences in long term city projections to be used in traffic projections is primarily a failure of COG staff direction, and is replicated in this DEIR's cumulative traffic analysis. O1-57 Cont'd

Additionally, as we have already noted, the cumulative air quality issues and mitigation for this project, Mossdale Landing, and other is woefully inadequate. O1-58

If there are any questions regarding these comments, you may contact me at Eric@baseline-env.com, or 209/462-7079. Please send all notices and correspondence regarding this project to my home address, 1421 W. Willow Street, Stockton 95203, not to the Sierra Club office in Sacramento.

Sincerely,

Eric Parfrey, Chair
Sierra Club, Mother Lode Chapter

cc: California Reclamation Board
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
California Dept. of Fish and Game
State and Regional Water Quality Control Boards
Senator Mike Maced.
Assemblywoman Barbara Matthews
Lathrop City Council
Tracy City Council
Stockton City Council
San Joaquin County Board of Supervisors

LETTER
O1
RESPONSE

Sierra Club
Eric Parfrey, Chair
Mother Lode Chapter
Received on: December 2, 2002

O1-1 Comment noted. The FEIR, notices, and correspondence regarding the project that are to be mailed will be sent to the identified address.

O1-2 Comment noted. Previous comments received on the Mossdale Landing project will be responded to per CEQA requirements within the Environmental Impact Report (EIR) review process for that project. Similarly, comments received on the River Islands project are addressed within the Subsequent EIR (SEIR) review process for that project. The Mossdale Landing project is proposed by a different applicant than the River Islands project. The City is processing each application in the timeframe warranted by the individual project, and in accordance with CEQA. Each application is a separate project. Review of the Mossdale Landing and River Islands projects are independent City actions with two distinct CEQA evaluations. Each project has independent utility from the other, although the EIRs for both projects consider the other in the cumulative impact analysis. Public and agency participation and review processes required under CEQA have been strictly adhered to for both projects.

O1-3 Major infrastructure included in the River Islands project is described in Chapter 3 and Sections 4.4 and 4.11 of the Draft SEIR (DSEIR). The infrastructure planning for the project is consistent with that contained in the Lathrop Water, Wastewater and Recycled Water Master Plan (Master Plan) and the adopted West Lathrop Specific Plan (WLSP) (unless specifically noted in the DSEIR), and is consistent with that evaluated at a programmatic level in the certified Master Plan and WLSP EIRs. These plans describe how water systems and wastewater systems will be developed and where, as well as associated environmental impacts, mitigation measures, and alternatives. In addition, engineering detail is not required to conduct CEQA analysis of the project. The infrastructure information and analysis presented in the DSEIR is adequate to inform governmental decision makers (the City of Lathrop as lead agency) and the public about the potential significant environmental effects of the proposed project as required by §15002(a)(1) of the State CEQA Guidelines. No further detail concerning the infrastructure planning and engineering for the project is required in the DSEIR.

It is the opinion of the City of Lathrop that the cumulative analyses of water supply; wastewater conveyance, treatment, and disposal; transportation; air quality; storm drainage; farmland; and habitat loss contained in Chapter 5 and relevant sections of Chapter 4 of the DSEIR are adequate under CEQA and no further analysis is required. No specific information is provided in this comment to warrant further response. See the responses to the balance of the comments in this letter for additional discussion.

continued ...

O1-4 The DSEIR does not defer project level analysis of infrastructure issues associated with the proposed project. All impacts are described to the degree they feasibly can. The environmental impacts of providing wastewater treatment/disposal and water supply to the proposed project are analyzed in the DSEIR in Sections 4.8 "Hydrology and Water Quality and 4.11 "Utilities", and potential impacts associated with various off-site facilities, including utilities, are evaluated in Sections 4.14 "Terrestrial Biology" and 4.16 "Cultural Resources". Section 4.11 (Impacts 4.11-b and 4.11-e) contains evaluations of the indirect impacts associated with the development of Wells #21-#23 (water supply) and the expansion of Water Recycling Plant #1 (WRP #1) (wastewater treatment), each of which is required to serve development throughout Lathrop including the proposed project. In addition, as required by Senate Bill (SB) 610, a Water Supply Assessment was prepared for the proposed project that evaluates the availability of adequate water supplies to serve the proposed project (Impact 4.11-a and Appendix J of the DSEIR).

With regards specifically to the development of Wells #21-#23 and the expansion of WRP #1, these projects are required to provide water and wastewater treatment service to development throughout the City (i.e., Mossdale Landing, Lathrop Station, Crossroads Commerce Center, California Natural Products, the proposed project, etc.) consistent with the City's General Plan. These two utility projects would be developed with or without development of the River Islands project, and represent separate projects under CEQA (also see Response O1-6 below). The development of Wells #21-#23 and expansion of WRP #1 have each been planned for in the adopted Master Plan, and have each been evaluated at a programmatic level in the certified Master Plan EIR. Development of Wells #21-#23 was the subject of project-level CEQA review (Negative Declaration) and is currently undergoing final permitting. Expansion of WRP #1 is currently the subject of project-level CEQA review in an EIR which is scheduled for certification in the first half of 2003. The Draft EIR for the WRP #1 Phase 1 Expansion Project was released on December 31, 2002. As separate but related projects under CEQA (i.e., projects which are not being proposed by River Islands but upon which River Islands will rely on for water and sewer service), a good faith effort has been made in the River Islands DSEIR to describe the potential environmental effects associated with their construction and operation. These descriptions are provided under Impacts 4.11-b and 4.11-e and are based on the analyses of these utility projects available at the time the River Islands DSEIR was prepared (e.g.., the Master Plan EIR). In considering the proposed project, Lathrop decision makers also have before them the impacts associated with provision of City-wide utilities. Based on the above, no deferment of analysis or mitigation associated with these two utility projects has taken place. Subsequent to the release of the River Islands DSEIR, the city released (on December 31, 2002) the Draft EIR for the proposed WRP #1 Phase 1 Expansion Project. Impacts identified in the WRP #1 Phase 1 Expansion Project EIR are substantially the same as those identified in the River Islands DSEIR.

Regarding the comment's general reference to CEQA case law, under the two cases on point, Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182 and San

Joaquin Raptor/Wildlife Center v. County of Stanislaus (1994) 27 Cal.App.4th 713, CEQA required that individual development projects review the environmental impacts related to the provision of infrastructure necessary for a proposed project. The City has done this in the River Islands DSEIR and the commenter does not identify specific inadequacies in the DSEIR's analysis. The Master Plan, its EIR, and the River Islands DSEIR satisfy the requirement to evaluate bringing infrastructure to the site because they adequately address the provision of needed infrastructure and the associated environmental impacts. The project descriptions clearly envision and encompass the provision of the necessary infrastructure, including the expansion of the City's potable water and wastewater treatment facilities. In addition, analysis of the impacts of the Project, as well as of the expansion of the facilities, occurs in both a review of the project-specific impacts, as well as the contribution of the project on cumulative environmental effects and growth-inducing effects. See DSEIR Chapter 5 "Cumulative Impacts" and Chapter 6 "Growth-Inducing Impacts". Also see Response O1-6 below.

O1-5 The first paragraph of the comment correctly summarizes information in the DSEIR. The second paragraph questions the level of detail in the DSEIR wastewater and water supply analysis and also references unreleased (at the time the comment letter was written) project level CEQA documents that are described in the subsequent comment (comment O1-6). The response to comment O1-6 below, as well as responses O1-3 and O1-4 above, fully address the concerns raised in this comment. No further response is required.

O1-6 This comment addresses three primary topics: various program- and project-level "EIRs" in Lathrop, the adequacy of mitigation, and tiering of EIRs. Each of these topics is addressed below.

Relationship of Program and Project EIRs

The River Islands DSEIR describes the proposed project and the four additional projects referenced in the commenter's letter and indicates that each of these projects has been proposed by a separate project sponsor or constitutes a project action independent of the proposed River Islands project (see pages 5-5 through 5-7). These projects recently were subject to the preparation of an EIR or Negative Declaration, or currently are undergoing CEQA review.

CEQA requires that a complete description of a proposed project be provided in an EIR (14 CCR §15378). Nonetheless, an EIR is not required to evaluate as part of the project description separate projects or actions undertaken by another agency or applicant, particularly where information about other projects is unavailable and the scope of such actions is uncertain. When the project will be carried out by a public agency, that public agency is the lead agency for the project it will carry out (State CEQA Guidelines §15051[a]). When the project will be carried out by a person or entity other than a public agency, the lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole (State CEQA

Guidelines §15105[b]). As demonstrated in the River Islands DSEIR and further discussed below, each of the projects referenced by the commenter is a project carried out by a different project sponsor or represents a separate action independent of the proposed River Islands project.

As explained in the DSEIR, the River Islands project is a single, whole project proposed by The Cambay Group/Califia, LLC (Cambay/Califia) and under consideration for approval by the City of Lathrop in accordance with CEQA. This project, the River Islands project, is a different project from the project sponsored by the City of Lathrop regarding the adoption of the Lathrop Water, Wastewater, and Recycled Water Master Plan (Master Plan). In fact, the City prepared and certified a program EIR on the Master Plan in June 2001 and adopted the Master Plan before Cambay/Califia applied for the necessary approvals required for the development of the River Islands project (as more particularly described in Section 3 of the DSEIR). The Master Plan EIR addressed at a program level the environmental impacts of implementing the City's master plan to provide water, wastewater treatment and disposal, and recycled water infrastructure in the City. The Master Plan EIR evaluated the impacts resulting from the City's future development of wells, wastewater treatment facilities, and recycled water infrastructure necessary to serve development projected under the City's General Plan. The River Islands project is not a specific project of the Master Plan.

The City prepared and certified in 1996 the WLSP EIR to evaluate the environmental impacts of adoption of a specific plan for the development of both Stewart Tract and the Mossdale Village area. The WLSP envisioned that subsequent applications would be filed by the developers of Stewart Tract and Mossdale Village at the time they applied for specific entitlements related to their respective development projects. In accordance with this Specific Plan, Cambay/Califia applied for the necessary entitlements (described in Section 3 of the DSEIR) to develop Stewart Tract with the proposed River Islands project, and Pacific Union Homes (PUH) applied for an urban design concept for the next phase of entitlements necessary to develop the Mossdale Landing project on a portion of the Mossdale Village area. Because each developer filed separate development applications and each development proposal has utility independent of the other proposal, the River Islands project is considered to be a project separate from the Mossdale Landing project.

The River Islands project also is different from the City's WRP #1 Phase 1 Expansion Project, any potential construction of a new WRP, as well as the installation of municipal wells #21-23. As the DSEIR explains (see page 5-6), the WRP #1 expansion involves upgrading the plant from secondary to tertiary treatment and increasing treatment capacity to 3.6 million gallons per day (MGD) to serve future growth in the City. Similarly, under the Master Plan, the City may consider the development of a new treatment plant, WRP #2, to serve River Walk (application withdrawn) and other development in the Central Lathrop Specific Plan area (see DSEIR, p. 5-6 and Response O1-3). Thus, the City is proposing the wastewater treatment plant improvements

to serve the City's planned growth. Although the City is proposing the WRP #1 Phase 1 expansion to serve general planned growth, when the plant expansion is complete, the City would provide treatment plant capacity to the River Islands project (if approved and constructed) just as it plans to provide capacity to other development projects in the City. Because the City's new and expanded wastewater treatment plant proposals are designed to serve already anticipated growth, the River Islands project is not required to evaluate the proposed treatment plant improvements as part of its proposed project.

Consistent with the City's Master Plan and as stated in the DSEIR (page 5-7), the City is proposing to install municipal wells and approximately 3,000 feet of water transmission pipeline in order to convey groundwater from the City's wells to the City's water distribution system. The City has proposed these improvements to provide groundwater to future planned growth until such time as surface water deliveries to the City commence with the South San Joaquin Irrigation District (SSJID) South County Surface Water Supply Project (SCSWSP). When these water deliveries commence, the wells would be used to supplement City water supplies during peak demand and to provide required fire flow. Because the City's proposed wells are designed to serve already anticipated growth, the River Islands project is not required to evaluate the proposed wells as part of its proposed project.

Adequacy of Mitigation

The River Islands DSEIR identifies specific infrastructure improvements included in the proposed project. A detailed description of the proposed utility infrastructure is provided on pages 3-41 through 3-46 of the DSEIR. As the DSEIR demonstrates, the applicant has identified the specific infrastructure necessary to serve each phase of the proposed project. Where the applicant is proposing to construct infrastructure, the DSEIR evaluates the specific impacts associated with the proposed infrastructure. For example, the DSEIR evaluates the potentially significant environmental impacts associated with the project water, sewer, and wastewater disposal infrastructure as described on pages 4.11-9 through 4.11-19. The City properly relies on the level of analysis and mitigation measures for wastewater treatment and the new water wells contained in the Master Plan EIR in determining the potential cumulative impacts resulting from implementing the River Islands project and City infrastructure projects. As described above, when the City proceeds with the specific water and wastewater infrastructure improvements required by the Master Plan, the City will undertake project-level environmental review for those projects.

The River Islands DSEIR contains a project-level analysis and identifies mitigation for the provision of water and wastewater for Phase 1 of the River Islands project. Where the River Islands project relies on Citywide and City-sponsored infrastructure improvements, the DSEIR describes those improvements and evaluates the cumulative impacts associated with the proposed project in conjunction with the City's projects. The River Islands DSEIR also establishes the

performance standards applicable to ensure the provision of adequate water and wastewater treatment services. The City properly evaluates the WRP #1 expansion and installation of wells as required to serve the River Islands project; thus, the DSEIR provided the decision makers with the information they need to make an informed decision about the project.

Although the DSEIR evaluates the impacts of the provision of water and sewer service for the River Islands project, it is not required to evaluate as part of that project the water and sewer service provided for the 1,700 homes in Mossdale Landing because the Mossdale Landing project is a separate action proposed by a different project applicant. Nonetheless, in accordance with CEQA, the River Islands DSEIR has evaluated the cumulative impacts associated with the provision of sewer and water services to River Islands and the Mossdale Landing project, along with other related projects in the City. Chapter 5 of the DSEIR contains an analysis of these impacts and corresponding mitigation measures.

CEQA provides that an EIR may specify performance standards that would mitigate the significant effect of the project and that may be accomplished in more than one specified way (14 CCR 15126.4[a][1][B]). Thus, potentially significant project-level environmental impacts may be mitigated effectively through compliance with future permit requirements designed to protect the environment, identification of performance standards, or application of mitigation plans or programs. This approach to the formulation of mitigation is independent of CEQA's tiering provisions.

As indicated in the DSEIR and stated earlier in this response, the Master Plan describes the facility improvements required to expand WRP #1. Impacts associated with these improvements are described on pages 4.11-16 and 4.11-17 of the DSEIR. The DSEIR describes the wastewater treatment plant improvements to provide capacity for each phase and specifies that occupancy of the project shall not occur until such time as the specified improvements are completed to ensure that adequate wastewater treatment capacity is available for each phase of the project. Thus, the DSEIR does not defer mitigation because it specifies the mitigation required to serve the project and the timing of mitigation.

Tiering

The State CEQA Guidelines encourage agencies to tier the environmental analyses for separate but related projects, including general plans, zoning changes, and development projects. The guidelines provide that tiering is appropriate when the sequence of analysis is from a general plan, policy, or program EIR to a site-specific EIR. Through the tiering process, an agency may defer the development of detailed, site-specific information until the preparation of a future environmental document in connection with a project of a more limited geographic scale, provided that this approach does not prevent adequate identification of significant effects of the subject planning approval (see, for example, 14 CCR 15152). Tiering is appropriate when a

general plan, policy, or program EIR is prepared initially, and subsequent analysis is provided for a site-specific project (14 CCR 15385).

As the commenter notes, the City has not relied on the concept of "tiering" in the River Islands DSEIR with respect to the treatment of Phase 1 of the River Islands project and the Master Plan EIR. In this case, the River Islands SEIR is not tiered from the Master Plan EIR because it is not a specific project that implements the Master Plan EIR within the meaning of CEQA's tiering provisions. That is, Califia/Cambay is not proposing the River Islands project as a site-specific project of the Master Plan, because the Master Plan addressed the City's provision of infrastructure and utilities and not specific private development project applications. By contrast, the City's WRP #1 Expansion and Wells #21-23 are specific projects contemplated in the Master Plan. As the River Islands DSEIR explains on pages 4.11-15 and 4.11-17, the City may, in the future, tier from the Master Plan EIR its environmental review of the City's WRP #1 expansion and Wells #21-23.

O1-7 Comment noted. The commenter is generally correct in the summary of WRP #1 conditions quoted from the DSEIR. The WRP #1 expansion is intended to correct an existing problem with disposal capacity via the current percolation ponds and has no bearing on the River Islands project beyond increasing the service capacity that may be available to River Islands and other development in the City. The reference to page 4.8-4 at the end of the comment is incorrect, the appropriate page number in the River Islands DSEIR is 4.11-6.

O1-8 The City determined in the Master Plan that it is feasible to expand the plant (*WRP #1*) operations and dispose of wastewater at the plant site or other potential locations (Master Plan EIR, page 9-2). Further feasibility analysis was conducted when developing the project description for the WRP #1 Phase 1 Expansion, which was included in the NOP for the EIR on that project. It is noted that the Draft EIR for the WRP #1 Phase 1 Expansion Project was released on December 31, 2002. The City of Lathrop believes that the expansion of WRP #1 is feasible. It should also be noted that expansion of wastewater treatment plants is not a novel concept and the primary concern to be addressed by the City is what technology (of the many available) it would employ in the expansion, rather than whether the expansion itself if feasible. That said, tertiary treatment plants are relatively commonplace, provide several environmental benefits versus lesser levels of treatment, and allow for re-use of treated wastewater.

The River Islands DSEIR describes the specific improvements required for the disposal of recycled water on the River Islands site. The project engineers have determined that it is feasible to accommodate 40 acres of storage ponds and irrigate 444 acres of crop area on Stewart Tract (page 4.11-18) in the Phase 2 project area (prior to its urbanization) to support recycled water storage and disposal demand associated with Phases 1a and 1. A portion of this disposal capacity, or additional disposal capacity, can also be provided through irrigation of urban

landscaping in the Phase 1 area and/or irrigation of agricultural lands in Paradise Cut. Additional disposal acreage and storage pond area could also be made available in the Phase 2 area (prior to its urbanization) if necessary.

The River Islands DSEIR explains and analyzes the provision of wastewater treatment plant capacity to serve the proposed project. The expansion of WRP #1 is proposed by the City to serve the wastewater treatment needs of growth throughout the city, and it is not intended to serve only the needs of the proposed River Islands project (see Response O1-6). The DSEIR identifies the mitigation measures required for buildout of the River Islands project.

The City has not deferred the analysis of impacts or mitigation associated with the provision of wastewater treatment plant capacity. The DSEIR analysis of wastewater treatment and disposal impacts and mitigation is consistent with the *Stanislaus Natural Heritage Project et al. v. County of Stanislaus* (48 Cal. App. 4th 182) decision because the DSEIR evaluates the project's demand for wastewater treatment and disposal for all project phases and describes the citywide wastewater treatment plant facilities which will serve the River Islands Project for all phases of the project. Moreover, the DSEIR evaluates the individual and cumulative environmental effects associated with the provision of those wastewater treatment plan facilities as described in Section 4.11 and Chapter 5 and identifies the performance standards required to ensure the adequate provision of wastewater treatment and disposal for the project as described above in Response O1-6.

To assist in clarifying mitigation measures related to demand for wastewater treatment, as well as demand for potable water, the text of Mitigation Measures 4.11-a, 4.11-c, and 4.11-d has been modified in the SEIR to read as described below, and as indicated in Chapter 3 of this FSEIR. These text modifications do not alter the function or performance of the mitigation measures, but are intended to provide clarification in response to the comment.

Mitigation Measures 4.11-a, 4.11-c, and 4.11-d now read as follows:

> **4.11-a <u>Demand for Potable Water at Buildout.</u>** Once sufficient multi-drought year water supply is available to serve that portion of the project site being developed, and water infrastructure (e.g.., pipelines) to serve the area is complete, certificates of occupancy may be issued.
>
> **4.11-c <u>Demand for Wastewater Treatment Capacity during Phase 1a and Phase 1.</u>** Once both adequate wastewater treatment capacity and tertiary treatment to Title 22 standards for unrestricted use are available at WRP #1 or WRP #3 to serve individual developments included in Phase 1a and Phase 1, certificates of occupancy may be issued.

continued ...

> **4.11-d <u>Demand for Wastewater Treatment Capacity for Phase 2.</u>** Once both adequate wastewater treatment capacity and tertiary treatment to Title 22 standards for unrestricted use are available to serve elements of Phase 2 project development that would generate demand for these services, certificates of occupancy may be issued. It is expected that the necessary treatment capacity would require additional expansion of WRP #1 and/or construction of WRP #3 in accordance with the City's adopted Water, Wastewater, and Recycled Water Master Plan.

O1-9 An equivalent measure to the mitigation measure referenced by the commenter in the Mossdale Landing DSEIR is included in the River Islands DSEIR. Mitigation Measure 4.11-c in the River Islands DSEIR states (as modified in response O1-8 above):

> Once both adequate wastewater treatment capacity and tertiary treatment to Title 22 standards for unrestricted use are available at WRP #1 or WRP #3 to serve individual developments included in Phase 1a and Phase 1, certificates of occupancy may be issued.

Mitigation Measure 4.11-d in the River Islands DSEIR addresses the issue of wastewater treatment capacity for Phase 2 of project development in a similar manner. Both the Mossdale Landing DSEIR and the River Islands DSEIR take the same mitigation approach related to availability of wastewater treatment capacity.

The statement from page 4.11-18 of the River Islands DSEIR quoted by the commenter is related to demand for recycled water storage and disposal capacity and not wastewater treatment capacity. The apparent comparison between two different issues, wastewater treatment and recycled water disposal, may be the cause for the inconsistency perceived by the commenter.

O1-10 As described in the discussion of Impact 4.11-f, all of the recycled water generated by Phase 1 of the River Islands project would be disposed of on land at facilities associated with WRP #1, at the River Islands project site in the Phase 2 area, and potentially on agricultural lands in Paradise Cut. There is no indication that sufficient land disposal area would not be available to accommodate all the recycled water generated by Phase 1 of the proposed project. It is not required under CEQA that concerns expressed by an agency on a separate project be addressed here (e.g., Regional Water Quality Control Board [RWQCB] comment letter on the Mossdale Landing project). However, the RWQCB has submitted a comment letter on the River Islands DSEIR (Letter S-2). Any concerns expressed by the RWQCB in this letter are addressed in the responses included in this FSEIR. That said, it is the City of Lathrop's finding, based on extensive water quality analysis included in the Master Plan EIR, that both short-term and long-term (e.g., Phase 2) wastewater disposal needs can be accommodated without significant project level impacts and with probably less-than-significant cumulative impacts related to water quality.

continued ...

O1-11 A project-level proposal to expand WRP #1, including recycled water storage and disposal areas, has been prepared by the City of Lathrop, entitled the WRP #1 Phase 1 Expansion Project. The Phase 1 expansion project includes various on-site and offsite disposal areas. The storage and disposal methods associated with the WRP #1 expansion are consistent with those anticipated in the Master Plan EIR. Although some of the on-site recycled water storage and disposal areas associated with the WRP #1 expansion may sometimes accommodate recycled water generated by the River Islands project (as well as other projects in the City), it represents a project separate from River Islands under CEQA. Because the WRP #1 Phase 1 Expansion is a separate project, specific descriptions of facilities associated with this project are not relevant to the River Islands SEIR analysis. The WRP #1 Expansion Project is currently undergoing CEQA review in a project-level EIR which is anticipated to be certified in the first half of 2003. The Draft EIR on this project was released on December 31, 2002. Comments regarding the compliance of WRP #1 facilities with regulatory standards should be submitted as part of the expansion project's CEQA review process. Any permits that may be required for the WRP #1 Phase 1 Expansion Project would be obtained by the City in the context of that project. Information concerning these permits is not required in the River Islands DSEIR.

O1-12 As stated in the introduction to Section 4.11, "Public Utilities," on page 4.11-1, and elsewhere in the DSEIR, recycled water disposal for Phase 2 of the proposed project is addressed at a program level of detail. The information provided in the DSEIR related to recycled water disposal during Phase 2 is considered to be at a level of detail sufficient to support this program-level analysis. On page 1-3 of the DSEIR it is stated that:

> Although these utility demands [*wastewater treatment and recycled water storage and disposal*] are addressed in a manner consistent with the Lathrop Water, Wastewater, and Recycled Water Master Plan (Master Plan) (Nolte Associates 2001) and the associated EIR (EDAW 2001), the specific approach to meet these demands among those available within the Master Plan has not been determined. In the future, entitlements requested under Phase 2 must be examined via an initial study and in light of this SEIR to determine whether any additional CEQA compliance documentation must be prepared. If a later activity would result in impacts that are not examined in this SEIR or circumstances in the area sufficiently change, additional CEQA analysis will be conducted.

Impact 4.11-g in the DSEIR fully acknowledges the uncertainties related to disposal of recycled water for Phase 2, and describes the range of possibilities, from river discharge to land disposal in currently unidentified areas. Impacts of river discharge are described in the DSEIR because they can be known, and are known. Impacts related to offsite disposal at a currently unknown location can not be known at this time and therefore it would be speculative to determine potential impacts. Further, application of tertiary treated wastewater to land is highly regulated

by the RWQCB such that many potential impacts (human health, water quality) would have to be fully mitigated or no permit would be issued, in accordance with Public Resources Code Title 22 (Title 22), which specifies standards for human contact with treated wastewater.

Consistent with the approach described above, the subsequent analysis methodology described in the Master Plan, and State CEQA Guidelines regarding program- and project-level EIRs, the additional detail and land use compatibility evaluation requested by the commenter would be provided during the subsequent project-level CEQA analysis that would be required for any additional offsite recycled water storage and disposal areas. Potential significant impacts would be limited because of the strict compliance requirements of Title 22.

Regarding the commenter's statement that it is unclear "whether there is enough golf course and landscaping areas to receive all of the recycled water from Phase 2 of the project", it is acknowledged in the discussion of Impact 4.11-g that a water balance study has not been conducted to determine whether sufficient disposal area is available. The nature of Impact 4.11-g is to identify that sufficient onsite recycled water storage and disposal capacity would not be available to meet the demand generated by Phase 2 of the proposed project and that the lack of available capacity is considered significant. Mitigation is then provided to address this deficiency in disposal capacity.

O1-13 Comments by the RWQCB on the Mossdale DEIR are comments specific to the contents of that DEIR and are not comments on the River Islands DSEIR. Responses to the RWQCB comment letter submitted for the Mossdale Landing DSEIR will be provided in the Final EIR (FEIR) for that project. The RWQCB has submitted a comment letter on the River Islands DSEIR (letter S2) and that letter expressed the Board's comments and concerns with respect to the contents of the River Islands DSEIR, including any similar concerns they may have had with the Mossdale Landing DEIR. The RWQCB River Islands letter and responses to the letter are included in this FSEIR.

O1-14 The commenter quotes from the RWQCB comment letter provided for the Mossdale Landing DSEIR. The quoted text from the RWQCB Mossdale Landing letter refers to project information (e.g., Kleinfelder groundwater report) that has no relation to the River Islands project. Thus, the cited comment is not a comment on the River Islands DSEIR and no response is warranted. See also Response O1-13.

Regarding several specific questions from the commenter, treated effluent (i.e., recycled water) would be disposed of via land application, and potentially river discharges, as described in numerous locations in the DSEIR. There are no proposals associated with the River Islands project to not construct project land uses in order to accept land disposal. Needed land disposal would be accommodated on the project site during Phase 1. As Phase 2 is developed, it is

anticipated that some level of increased offsite disposal would be required (Impact 4.11-g). Elements of Phase 2 would not be developed only if necessary disposal capacity (combined on-site and off-site) is not available (Mitigation Measure 4.11-g). See the response to comment S2-8 (RWQCB letter) for a discussion of infrastructure redundancy requirements for tertiary treatment.

O-15 Consistent with the responses to previous comments, elements of comment O-15 related to the Mossdale Landing project are not addressed here. The River Islands DSEIR does not include mitigation measures to address potential effects on groundwater and surface water from discharges of recycled water because impacts associated with this activity were considered less than significant (e.g., see the discussion of Impact 4.8-p) and compliance with Title 22 standards for use of recycled water ensures the protection of adjacent surface waters. Mitigation measures to "control" land discharges of recycled water were not provided because recycled water discharges are strictly controlled by the Title 22 standards and no additional measures were determined to be needed. The commenter does not raise specific concerns relating to specific elements of the River Islands project and no other response can be provided

O1-16 As described previously, the WRP #1 Expansion Project is considered a project separate from River Islands under CEQA. Potential impacts associated with facilities included in the expansion project will be addressed in the EIR for that project. The impact conclusions in the discussion of Impact 4.8-p are considered reasonable given the conditions described and are not believed to be dismissive of potential impacts as the commenter suggests. The DSEIR concludes that percolation of pollutants to potable groundwater from land application of recycled water would not occur because recycled water would be treated to tertiary levels, it would be applied following Title 22 standards and at agronomic rates (i.e., applied at a rate equal to irrigation needs), and the depth to potable groundwater is substantial (75 feet or more). The commenter gives no evidence to refute that potable groundwater would not be adversely affected given the conditions on the project site. Regarding infrastructure that would be needed to meet regulatory standards for land application of recycled water, please see the response to comment S2-8 (RWQCB comment letter), which addresses this issue.

O1-17 The commenter quotes from the RWQCB comment letter provided for the Mossdale Landing DSEIR. As stated previously, no response is required for comments on this separate project. However, the RWQCB letter commenting on the River Islands DSEIR also questions the availability of river discharge "due to the existing impaired condition of the receiving water" (comment S2-6). In this regard, Mitigation Measure 4.11-g states that required recycled water disposal capacity may be achieved through land disposal or river discharge. Consistent with the mitigation measure, if river discharge is not available, then only land disposal would be used, and development of Phase 2 of the River Islands project shall be limited based on available disposal capacity. However, it is the City of Lathrop's belief that if future river discharges from the City

are required, discharges would be treated to a level sufficient to ensure that project-specific impacts (and, probably, cumulative impacts) on river water quality would not be significant, as described in the Environmental Impact Report for the Lathrop Water, Wastewater, and Recycled Water Master Plan.

O1-18 The discussions of Impacts 4.11-a and 4.11-b evaluate the environmental impacts related to the project's demand for potable water and the impacts associated with the development and operation of new City wells related to the provision of the project's water supply (see pages 4.11-10 through 4.11-12). The DSEIR evaluates the project's demand for potable water and identifies the water supply sources that would address the demand. This analysis concludes that the future water supply available to the City during normal and multidrought years would be adequate to meet the project's future water demand during all horizon years and all project phases (see page 4.11-12).

The DSEIR also evaluates the potentially significant impacts associated with providing an adequate water supply to the project (see pages 4.11-10 through 4.11-12) and constructing new water pipelines and conveyance facilities to extend service to the proposed project. The DSEIR indicates that to meet the project's 2005 potable water demand as projected in the SB 610 analysis, a new well, Well #21, would need to be installed as part of the City's municipal well system. Full buildout of the River Islands project would require installation of additional wells. The DSEIR notes that all these wells have been planned as part of the City's Master Plan to serve anticipated Citywide growth, including the proposed River Islands project. Further, the DSEIR explains that upon commencement of surface water deliveries to the City from the South County Surface Water Supply Project (SCSWSP), the SCSWSP surface water would become the primary water source for the City and water for the River Islands project would be provided through conjunctive use of both groundwater from City wells and SCSWSP surface water. To reduce to a less-than-significant level the potentially significant impacts associated with the project's demand for potable water, the River Islands DSEIR relies on the mitigation contained in the Master Plan that addresses the infrastructure and services required to serve demand associated with planned growth. Specifically, installation of Wells #21-23 are identified in the Master Plan as needed to serve the City's water supply needs.

Mitigation Measure 4.11-a does not represent the deferral of mitigation responsibility. Rather, it requires that an adequate water supply is available prior to occupancy. The construction of additional City wells (Wells #21-#23) as referenced in the comment and the DSEIR, are planned for in the Lathrop Water, Wastewater & Recycled Master Plan (Master Plan) and were programmatically evaluated in the Master Plan EIR. Wells #21-#23 have undergone project-level planning and CEQA review through a Negative Declaration. Mitigation Measure 4.11-a is critical in that it will not permit a situation where project development occurs prior to the availability of adequate water supply to serve said development. Furthermore, the well

expansion projects are related but separate projects under CEQA as described above in Response O1-6. Despite this, the River Islands DSEIR discloses the probable environmental impacts of the well construction in Impact 4.11-b so that Lathrop decision makers and the public have a full understanding of the direct, indirect, cumulative, and related impacts of the project and can make a fully-informed decision. This is the exact principle of the referenced case (Stanislaus Natural Heritage Project et al., v. County of Stanislaus).

The commenter incorrectly applies the findings of the Stanislaus Natural Heritage case to the issue at hand. The case focused on the manner in which a "first tier" EIR for a proposed specific plan should have dealt with water supply issues. The relevant key principle in the case was that a first-tier EIR is not a device for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause. This does not apply to the River Islands DSEIR or Mitigation Measure 4.11-a because the River Islands SEIR evaluates all of the environmental impacts associated with the adoption of the Specific Plan amendments. There is no deferment of impact analysis, as was the case in Stanislaus, and the commenter does not specifically identify any such deferment in the DSEIR.

O1-19 See responses O1-8 and O1-18 above. The City evaluated the impacts of water supply well installation in the Master Plan EIR and in subsequent environmental review (Negative Declaration) of individual wells (#21-#23) constructed at specific locations pursuant to the Master Plan. The Master Plan EIR identified the potentially significant impacts associated with well construction (see Chapter 4, "Environmental Analysis," of the Master Plan EIR). The discussion of Impact 4.11-b in the River Islands DSEIR describes the potentially significant environmental impacts associated with well construction and well operation based on the analysis contained in the Master Plan EIR. In addition to the individual impacts associated with construction of the new water pipelines and conveyance facilities, the DSEIR also evaluates the cumulative impacts associated with the project in conjunction with the construction of Wells #21-23 and the SSJID SCSWSP water supply project (see pages 5-6, 5-7, 5-14, and 5-22). In this regard, the River Islands DSEIR did not defer analysis of well construction and operation impacts.

The DSEIR analysis of water supply impacts and mitigation is consistent with the *Stanislaus Natural Heritage Project et al. v. County of Stanislaus* (48 Cal. App. 4th 182) decision because the DSEIR describes the water supply sources on which the River Islands project would rely for all phases of the project and identifies the mitigation required to serve all phases of the project. Moreover, the DSEIR evaluates the individual and cumulative environmental effects associated with the provision of those known water supply sources as described in Section 4.11 and Chapter 5. For these reasons, the DSEIR does not defer mitigation.

O1-20 The controlling legislation followed in preparing the DSEIR analysis is SB 610 (§10910 of the Water Code). As described on page 6 of the SB 610 Water Supply Assessment, the groundwater basin in the Lathrop area is part of the Sacramento-San Joaquin Delta subregion, a part of the Central Valley aquifer system. More specifically, the City of Lathrop service area falls within the Eastern San Joaquin Groundwater Basin, as delineated in the California Department of Water Resources (DWR) Bulletin 118-80. Using guidelines developed by DWR, the Eastern San Joaquin County Groundwater Study (prepared by Brown and Caldwell in 1985) estimated the safe yield for this basin. As defined in DWR Bulletin 118-80, safe yield represents *the maximum quantity of water that can be continuously withdrawn from a groundwater basin without adverse effect*. Adverse effects would be represented by declining groundwater levels, intrusion of poor quality groundwater, higher extraction costs, or subsidence.

From a review of historical groundwater levels as compared to groundwater extraction rates, along with an analysis of recharge potential, the safe yield of the eastern San Joaquin groundwater basin was estimated in the 1985 Brown and Caldwell study to be 1 acre-foot per acre-year. This criterion has served as a baseline for the assessment of potential impacts from groundwater extractions in the eastern San Joaquin groundwater basin. Specifically, groundwater pumping less than the safe yield would not be expected to create adverse impacts. This rationale was used in the South County Surface Water Supply Project Draft Environmental Impact Report to identify groundwater pumping rates for the participating agencies (Manteca, Escalon, Lathrop, and Tracy) that would fall within the safe yield of the basin (i.e., 1 acre-foot per acre-year). For the City of Lathrop, based on the size of the service area, the safe yield for groundwater pumping on an annual basis is 7,200 acre-feet per year (page 6 of the SB 610 Water Supply Assessment). Groundwater extractions beyond this level are not proposed by the City of Lathrop in its Water, Wastewater and Recycled Water Master Plan or in the SB 610 assessment, and the proposed project would not contribute to any exceedence of this threshold.

O1-21 As indicated in Responses O1-18 and O1-19, the Well #21-#23 and SCSWSP projects are related but separate projects under CEQA, and evaluation of the potential environmental affects associated with these water projects is not required in the River Islands DSEIR. Furthermore, the DSEIR and Water Supply Assessment Report evaluate the River Islands project as proposed, which includes use of the approved SCSWSP water in the long-term. Thus, evaluation of alternatives to the SCSWSP project is difficult to argue as necessary in the River Islands DSEIR. In addition, it is noted that SB 610 specifically requires that all existing and future water supply entitlements of the local water purveyor (i.e., City of Lathrop) be considered, and does not make a distinction between those future water entitlements for which conveyance infrastructure is already developed and those future entitlements for which conveyance infrastructure has been approved but not yet developed (i.e., SCSWSP).

continued ...

Despite the above information, the DSEIR does summarize the potential environmental impacts associated with the construction and operation of Wells #21-#23 (including the associated groundwater impacts) under Impact 4.11-b. This was undertaken to provide a good faith effort at public disclosure.

While evaluation of the scenario where SCSWSP water does not become available is not required in the River Islands DSEIR, such a scenario was evaluated as an alternative to the Master Plan in the Master Plan EIR (Proposed Project Without SSJID SCSWSP Water, Section 9.4-6). The following summary of groundwater impacts identified in the Master Plan for this alternative is provided below:

> This alternative would result in a groundwater extraction of up to 18,800 AFY and would cause a greater eastward migration of the groundwater salinity intrusion front (500 mg/L TDS contour line) than would the proposed plan, and greater groundwater quality impacts. These could potentially require substantially more treatment of groundwater to meet safe drinking water standards, and possibly the closure of wells where treatment costs would be prohibitive (pages 9-22 and 9-23 of the Master Plan EIR).

Please note that the above conclusions from the Master Plan EIR are based on the assumption that all future development in the City of Lathrop over the next 30 years, which represents substantially more development than River Islands alone, is served by groundwater, and thus cannot be considered representative of what would happen if River Islands itself uses 100% groundwater.

The following information is provided for purposes of informing the public of the current status of the SCSWSP:

> Based on conversations between the City of Lathrop and SSJID implementation of the SCSWSP is on schedule for completion in 2005. Final design documents for the project are anticipated in early 2003 along with the acquisition of all required permits. Bid and award of the construction contract is projected for the spring of 2003 with construction activities beginning in the summer of 2003. With this schedule, water deliveries are still anticipated to begin in 2005. In the interim, increased water demands within the City of Lathrop will be met by greater groundwater extractions. As outlined in the Water Master Plan, a new well (Well #21) has been approved and is currently under design to serve initial development west of Interstate 5 (I-5). This well will be available for service prior to completion of the SCSWSP. A schedule for increased pumping has been developed that matches projected demand while remaining within the safe yield of the aquifer. Specifically, water demands are expected to increase from the current level of 3,150 AFY to 4,514 AFY in 2005 (see the SB 610 analysis). These demands can be satisfied

through groundwater pumping within the safe yield of the basin (7,200 AFY). Because groundwater pumping will be significantly less than the safe yield, no adverse impacts to groundwater levels or quality are expected.

O1-22 The comment is specific to the Mossdale Landing project and is considered here only as it applies to the proposed project. The Master Plan was the subject of a previously certified EIR, is an approved project, and is a related but separate project from River Islands under CEQA. Evaluation of the environmental effects of implementation of the Master Plan is not required in the River Islands DSEIR. See Response O1-6 for further discussion.

Note that because the River Islands project, along with some of the related projects in the City (e.g. Mossdale Landing, Lathrop Station) would rely on new wells for potable water, the project will contribute to some minor impacts to groundwater supply/quality as indicated in the cumulative analysis in the River Islands DSEIR (page 5-18). However, as indicated, such minimal groundwater impacts would be mitigated to a less-than-significant level through mitigation measures included in the Master Plan. Therefore, a less than significant cumulative groundwater impact would occur as described in the DSEIR.

Not withstanding the less than significant impacts, the following information is provided from the SB 610 Water Supply Assessment Report prepared for the proposed project (Appendix J of the DSEIR):

> The current baseline level for groundwater pumping is approximately 3,150 acre-feet/year within the City of Lathrop. The projected maximum groundwater pumping rate will be 5,100 acre-feet/year in the year 2025. Over the 20 plus year period, the increase in groundwater extractions will be gradual, less than 200 acre-feet/year depending on the delivery schedule for the South County Water Supply Project. These groundwater extraction rates are well within the recharge capacity of the basin as identified in the South County Surface Water Supply Project Draft Environmental Impact Report. By pumping less than the safe yield of the basin, as established by earlier technical studies (Eastern San Joaquin County Groundwater Study), no significant adverse environmental impacts should occur from the relatively small increase in annual pumping rates.

Both the Well #21-#23 and the overall Master Plan projects address City-wide growth, including River Islands. The potential environmental effects (including the groundwater impacts) associated with the development and operation of Wells #21-#23 are summarized under Impact 4.11-b of the DSEIR, while the project's contribution to cumulative groundwater impacts are discussed on page 5-18 of the DEIR.

continued ...

With regard to the conclusion in the Water Supply Assessment Report (Appendix J of the DSEIR) that the increase in groundwater pumping of up to 7,200 ac-ft/yr could contribute to the eastward migration of the groundwater salinity front, the commenter takes this excerpt out of context. The commenter fails to mention the following which is stated on pages 25 and 26 of the Water Supply Assessment Report: (1) the 7,200 ac-ft/yr estimate is for all development within the City at year 2025 as evaluated in the Master Plan, not just the proposed River Islands project, which would be a fraction of the 7,200 estimate; (2) the 7,200 ac-ft/year figure would neither exceed the safe yield of the groundwater basin nor impact regional groundwater levels (page 25 of Appendix J); (3) the production of potable water wells would not be affected as they have well casing depths of approximately 270 feet versus the anticipated localized drawdown of between 25 and 45 feet (page 25 of Appendix J); (4) the production of some low-capacity private non-industrial wells in the City could be affected, but mitigation is identified in the Master Plan EIR to reduce this impact to less than significant levels; and (5) the increase in groundwater pumping to up to 7,200 ac-ft/year could contribute to the eastward migration of the groundwater salinity front, but this impact would be mitigated with implementation of the SCSWSP, the subsequent blending of groundwater and SCSWSP water which is lower in TDS, and the implementation of wellhead treatment mitigation [identified in the Master Plan EIR]. Hence, even groundwater pumping up to 7,200 ac-ft/yr would result in a less than significant groundwater impact, not to mention the fraction of this pumping indirectly attributable to the proposed project.

With regard to the comment that the conclusions about groundwater impacts contained in the Water Supply Assessment Report should be excerpted in the DSEIR, these impact conclusions in Water Supply Assessment are a summary of information provided in the Master Plan. Groundwater impacts described in the Master Plan are provided in the DSEIR in Impact 4.8-p, Impact 4.11-b, and page 5-18. In addition, the Water Supply Assessment Report is part of the SEIR, and the degree to which it should be excerpted into the body of the document is a matter of judgement. The fact that the proposed project would not result in significant groundwater impacts, combined with the summary of the less than significant impacts of the project contained in the discussion of Impact 4.8-p and on page 5-18 of the DSEIR, would seem to indicate that the full text of pages 25 and 26 of the Report need not have been excerpted into the body of the DSEIR.

With regard to the comment that the mitigation measures from the Master Plan DSEIR are inadequate for a project-level analysis, the comment does not apply to the proposed project. As indicated previously, the Well #21 project is a separate project that has undergone CEQA review, and the River Islands DSEIR is not a vehicle for re-analysis of that project. Project-level mitigation measures for the well were identified, as required, in the project-level CEQA review conducted by the City for the well.

The project will not result in a tripling in the amount of groundwater pumping in the City for the reasons described in the DSEIR and above. Also, the monitoring mentioned by the commenter is only one component of a larger mitigation measure required in the Master Plan EIR to avoid groundwater impacts.

With regard to cumulative citywide impacts, at present 100 percent of the City's water supply is furnished through groundwater pumping. The current groundwater pumping rate within the City of Lathrop is approximately 3,150 acre-feet/year. To supply future development within the City service area, a combination of surface water and increased groundwater pumping is proposed. In the year 2025, approximately 70 percent of the City's water supply will be available from the SCSWSP, with only 30 percent provided via groundwater pumping. The maximum groundwater pumping rate is projected at 5,100 acre-feet/year or approximately 70 percent of the safe yield of the aquifer. The City's long-range plan to rely upon treated surface water as the primary water supply component represents a prudent approach to mitigate potential impacts related to limited increases in groundwater extractions. In addition, the commenter neglects to mention the extent to which the City is requiring the use of recycled water as a way to offset potable water demand, including potable water demand from groundwater. The River Islands project will maximize the on-site use of treated wastewater for irrigation, as will other development projects currently being planned in the City (Mossdale, Lathrop Station, etc.).

O1-23 The comment does not address the environmental analysis in the DSEIR or request information that would be pertinent to the environmental analysis. However, in response to the comment, Section 1.4.2 of the DSEIR, "Trustee and Responsible Agencies," includes a list of permits and other approval actions likely to be required before implementation of individual elements of the proposed project. This list includes approval from the State Water Resources Control Board for a change in point of diversion and change in water use, which would be associated with using the existing riparian and appropriative water rights for management of lake levels in the internal project lake. Appendix A of the SB 610 Water Supply Assessment contains the "Stewart Tract: Analysis of Riparian and Appropriative Rights" and provides much of the information requested in the comment.

O1-24 Permits and other approval actions likely to be required for the proposed project are listed on pages 1-6 through 1-8 of the DSEIR. Permits/approvals associated with diverting water to the central project lake are included in this list, including approvals for change in point of diversion and change in water use from the State Water Resources Control Board. An analysis of the riparian and appropriative water rights associated with the proposed project site is provided in Appendix A of the SB 610 Water Supply Assessment (provided in Appendix J of the DSEIR). Questions from the commenter such as the conditions attached to SWRCB permit and required modifications to water rights cannot be answered here. This information would be generated by each permitting agency as the permitting process proceeds. An analysis of specific permitting

requirements and conditions of each permit is not required in the DSEIR - the permitting stage for the facilities is the appropriate venue for such analysis. The DSEIR evaluates impacts of the proposed use of river water. It is presumed that the SWRCB, as a responsible agency, would use the SEIR analysis in its development of permit conditions.

O1-25 The proposed project does not include pumping water from the central lake into Old River. Discharges from the central lake would only be released into Paradise Cut. The commenter's statement that the DSEIR only identifies beneficial impacts from diversion of water from the central lake to Paradise Cut is incorrect. Impact 4.8-h "Hydrology and Water Quality - Water Discharges to the Delta (Hydrology)" is considered less-than-significant (i.e. adverse but not substantial).

As discussed in Impact 4.8-b and Appendix H in the DSEIR, Best Management Practices (BMPs) developed to minimize pollutant loading to the interior lake include ponds, grassy swales, and treatment wetlands. These features are also described in Chapter 3 "Description of the Proposed Project". No additional BMPs are proposed, although the methods for management of the central lake described in the DSEIR (Chapter 3, Impacts 4.8-b and 4.8-I, Appendices F, G, and H) will also provide pollutant reduction benefits.

The level of detail provided in the DSEIR regarding the design, function, and effectiveness of these BMPs is sufficient to support the analysis of water quality impacts in the DSEIR (also see responses O1-26 and O1-27 below). However, in response to the commenter's request, the following additional information on the proposed stormwater treatment BMPs is provided. This information does not change the impact analysis or significance conclusions in the DSEIR.

The three types of structural BMPs that are incorporated into the design of the proposed project (grassy swales, ponds, wetlands) each provides treatment principally by removing the suspended sediments and fine colloidal particles to which pollutants have attached. In addition, the pond and wetland BMPs provide additional treatment by providing extended detention which allows plant material and bacteria to uptake some of the dissolved constituents, particularly nitrogen and phosphorous. The methodology for designing these stormwater BMPs is based on standard procedures and practices recommended by the Environmental Protection Agency (EPA), RWQCB, American Society of Civil Engineers (ASCE), the California Stormwater Task Force, and the Center for Watershed Protection. Information gathered from each of the agencies and organizations is discussed in more detail below.

The treatment ponds consist of a sediment forebay, a permanent pool and a riser structure. Stormwater enters the sediment forebay, which traps the largest, most settleable solids. From the sediment forebay, stormwater flows into the permanent pool. The permanent pool is designed to retain the stormwater runoff for an extended period of time, thus providing an opportunity for the

continued settling of fine clays and other settleable solids. The permanent pool will have wetland vegetation growing near the perimeter of the pond, in what is called the littoral zone, which provides additional contaminant removal through the plant uptake of dissolved constituents. The length of time that runoff from the average storm is retained in the pond is controlled by the design of the riser structure located near the down stream end of the pond. The riser structure consists of a weir and/or an orifice, which discharges the ponded water at a controlled rate.

The BMP wetlands function in a manner very similar to that of the treatment ponds, and thus have design elements that are similar to the pond design. As with the treatment ponds, the wetlands consists of a sediment forebay, a permanent pool, and a riser structure. However, the permanent pool of the wetland is shallower than the pond, allowing for the growth of wetland grasses. The wetland grasses provide greater dissolved contaminant removal than can be obtained in a treatment pond. The quality of contaminant removal is a function of the surface area of the plant material and is relatively independent of what vegetation is used. The purpose of the vegetation is to provide surface area for the growth of bacteria and microbes that do the actual contaminant removal. A wetland provides aerobic conditions near the water surface and anaerobic conditions near and below the bottom of the wetland. This allows for the growth of two very distinct and useful bacterial types. Removal of many types of pollutants require anaerobic bacteria, while others require bacteria that only grow in aerobic conditions. A wetland provides opportunities for both types of bacterial colonies, thus greatly improving the range of pollutants that can be removed.

The grassy swale is the third type of BMP incorporated into the design of the proposed project. Grassy swales function by lowering the runoff velocity, slightly reducing the runoff volume, decreasing watershed imperviousness, and contributing to groundwater recharge. The design elements of the grassy swale consist of a vegetated surface cover, a fabricated soil bed and occasionally, an underdrain system. The surface cover consists of dense grass that is put in place to trap sediment and prevent erosion. Under the surface cover is a fabricated soil bed consisting of a permeable sand/soil mix. Stormwater flows over the surface grasses, with some of the water infiltrating into the soil bed and then ultimately into a perforated pipe underdrain system. Once in the underdrain system the stormwater is conveyed to the stormdrain system.

O1-26 The removal efficiencies in Appendix H are based on the cited sources in the appendix (described on Page 19, listed in Tables 10 and 11, and described in detail in Section 7 "References"). The reader of the DSEIR is referred to Appendix H for this information in the discussion of Impact 4.8-b:

continued ...

The ability for each BMP to remove various pollutants from storm water runoff was estimated from field data collected from over 150 sites, including data from the cities of Stockton and Fresno (see Appendix H for more information).

Including a summary of the scientific sources in the body of the DSEIR text would not add to the impact analysis or alter the significance conclusions. However, in response to the commenter's request, the following additional information is provided below. The citations referenced below are the same as those cited in Appendix H. See page 40 of Appendix H for the bibliography information for these citations. The pollutant removal efficiencies in Table 10 in Appendix H lists the median efficiencies from each of these sources. The size of the project's 35-acres of treatment wetlands, size and configuration of ponds and grassy swales, and the anticipated effectiveness and function of these BMP are also based on the results of the following studies. Based on the study results, the BMPs as described in the DSEIR are anticipated to provide the necessary stormwater management and treatment capacity needed for the project.

The results of multiple studies on stormwater BMPs were compiled into databases published by the U.S. Environmental Protection Agency (USEPA, 1999), the Center for Watershed Protection (CFWP, 1997, 2001), and the ASCE Task Committee for Evaluating Best Management Practices (ASCE 2001, 2001b).

One of the earliest urban stormwater runoff quality studies is the National Urban Runoff Program (NURP). In 1978, the U.S. Environmental Protection Agency (EPA) initiated NURP to provide a significant and reliable data source for assessing urban runoff quality. The NURP study was conducted by EPA, to quantify the characteristics of urban runoff, assess the impacts of urban runoff on the water quality of receiving waters, and examine the effectiveness of control practices in removing pollutants found in urban runoff. In doing so, an average of 28 storms for each of 81 representative outfalls in 28 metropolitan areas was monitored. The results of EPA's NURP study were summarized in the Preliminary Data Summary of Urban Stormwater BMPs (USEPA, 1999).

In 1997, The Center for Watershed Protection (CFWP), a national non-profit organization, published a database summarizing the research from one hundred twenty-three studies (CFWP, 1997). This database included research measuring the effectiveness of forty-three wet ponds. In 2001, CFWP, in a continuation of their efforts, produced a Watershed Leadership Kit, which described the measured removal efficiencies of various detention and wet pond configurations (CFWP, 2001).

The American Society of Civil Engineers (ASCE), seeking to address the challenges faced by municipal engineers in meeting ever increasing stormwater quality regulations, formed a task committed to evaluate BMPs. The results of their evaluation were published in the Guide for

Best Management Practice (BMP) Selection in Urban Developed Areas (ASCE, 2001). This guide listed removal efficiency data for a number of wet and dry detention ponds designed using rules promulgated by the Florida Department of Environmental Protection. In addition to the ASCE Guide for BMP Selection in Urban Developed Areas, ASCE also compiled a database of recorded constituent removal efficiency from hundreds of BMP facilities located throughout the United States (ASCE, 2001b). This database included removal efficiency data from twenty-three ponds.

O1-27 The information in Appendix H is highly technical and is appropriately included in the technical appendix, with information from the appendix condensed and made readable to the lay public in the DSEIR text. This is consistent with §15140 of the CEQA Guidelines, which require EIRs to be written "...so that decision makers and the public can rapidly understand the documents". The information requested by the commenter is available in Appendix H and the reader is referenced to Appendix H in several places in the DSEIR regarding water quality modeling. The environmental impacts of the project on individual constituent loads is addressed in Impact 4.8-i.

O1-28 Table 4.8-24 summarizes changes in contaminant loading after project implementation. A review of Table 4.8-24 reveals some results that might appear contradictory regarding post-project changes to the metal concentrations. Under the proposed project concentrations of some metals in the total or dissolved form would decrease compared to the existing condition, while others would increase. For example, total copper would increase by 75%, while dissolved copper would decrease by 68%. Total nickel would increase by 40% while dissolved nickel would decrease by 70%. These differences in post-project concentrations for total and dissolved metals are due in part to different metal concentrations between runoff from agricultural lands (pre-project conditions) and runoff from developed areas (post-project conditions), and different ratios between the total and dissolved states of these metals in the two runoff categories. Urban runoff typically contains more total nickel and copper than agricultural runoff. In the case of River Islands, although the total metal concentration is higher under the proposed project, the portion of the total metal load in the dissolved state would be less than in the existing agricultural runoff. In addition, of the total nickel and copper, ongoing oxidation and reduction in the treatment wetlands under the post project condition would remove more of these metals in the dissolved state than the total. Therefore, the difference in the ratio between the total concentration and dissolved state becomes even greater. Due to the conditions described above, the total post project metal concentration is expected to increase, while the concentration of the dissolved state of the same metal is expected to decrease.

O1-29 During a telephone conversation with Gene Davis at the RWQCB on December 23, 2003, it was confirmed that the Regional Board staff is proposing that Old River be 303(d) listed as an impaired waterway for dissolved oxygen (DO) and that the Board is expected to take action on this recommendation in 2003. This will be noted in Section 4.8, "Hydrology and Water Quality,"

of the SEIR in the discussions of the Section 303(d) Impaired Waters List (page 4.8-10 of the DSEIR) and dissolved oxygen (page 4.8-27 of the DSEIR) as shown in Chapter 3 of this FSEIR. However, the proposed 303(d) listing of Old River for DO does not change the analysis or conclusions in the SEIR. The three primary factors affecting DO levels are nutrients, temperature, and water flow. As described in the discussion of Impact 4.8-I, the proposed project would have an overall beneficial effect on water quality (including various elements considered nutrients) relative to the existing condition and would have no effect, or potentially a beneficial effect, relative to temperature. In the discussion of Impact 4.8-n, project effects on nonflood hydrology in surrounding waterways are considered minor/less than significant. Therefore, the project would not contribute to water flow "dead zones" that can result in low DO levels. Thus, potential 303(d) listing of Old River for DO would have no effect on the proposed project, and the project could potentially improve DO conditions in Old River.

O1-30 The number of vehicles that the project would add to the local freeway network was included in the DSEIR through comparison of the Base Case versus Base Case + Project exhibits in the "Expanded Traffic Analysis and Data" in Appendix B of the DSEIR or by viewing Appendix Exhibits 1 through 6 in the appendix to the "Expanded Traffic Analysis and Data," which show the incremental change in traffic attributable to the project. Several of these exhibits show the net increase in traffic on I-205 west of the MacArthur Drive interchange attributable to the project. Part of this increase would be expected to extend to I-580 and the Altamont Pass, the gateway to the Bay Area. Please see response O1-32 for additional discussion of Bay Area traffic. Regarding employment generation, jobs generation anticipated for the proposed project is expected to occur based on an office absorption analysis (EDAW 2002) and would be supported by the Economic Development Fund included in Measure D (also see the response to comment O1-34, below).

Project traffic modeling trip generation rates are provided on page 8 of the report by TJKM Transportation Consultants, titled Demand Forecasting Methodology for the River Islands Project: Preliminary Results. This report is included as part of Appendix B in the DSEIR. Generation rates for business/commercial land uses are based on number of employees rather than square feet or acreage of the land use.

The following table (O1-30a) provides a sample of how project traffic distribution could be determined for several segments of I-5 through a comparison of year 2025 Base Case freeway peak-hour volumes from Exhibit B-16 with 2025 Base Case + Project freeway peak-hour volumes from Exhibit B-38. Similar comparisons can be made between various project phases and roadway segments.

continued ...

Table O1-30a
Freeway Peak-Hour Volumes 2025 Base Case vs. 2025 Base Case + Project

Freeway Segment	Peak Period	2025 Base Case Volume	2025 Base Case + Project Volume	Net Change with Project
I-5 north of Louise Avenue interchange (northbound)	AM	4,415	4,873	+458
	PM	7,604	8,686	+1082
I-5 north of Louise Avenue interchange (southbound)	AM	7,853	8,270	+417
	PM	5,982	7,394	+1412
I-5 between Louise Avenue and SR 120 (northbound)	AM	3,814	4,287	+473
	PM	9,478	9,551	+73
I-5 between Louise Avenue and SR 120 (southbound)	AM	9,458	8,738	-720
	PM	6,149	6,954	+805
I-5 between SR 120 and Manthey/Mossdale hook ramps (northbound)	AM	6,544	7,029	+485
	PM	17,102	16,774	-328
I-5 between SR 120 and Manthey/Mossdale hook ramps (southbound)	AM	16,791	16,073	-718
	PM	10,969	11,803	+834
I-5 between Manthey/Mossdale hook ramps and I-205 (northbound)	AM	6,688	7,191	+503
	PM	16,809	16,922	+113
I-5 between Manthey/Mossdale hook ramps and I-205 (southbound)	AM	16,509	15,748	-761
	PM	10,869	11,697	+828

Providing these data for every roadway segment analyzed in the DSEIR under every use scenario (base line, base case, no project, with project, 2007, 2015, 2025) would be volumness and cumbersome to the reader and would violate the CEQA dictate of §15140 regarding making documents easily understandable. Traffic impacts in the DSEIR are addressed primarily through changes in level of service (LOS) consistent with the thresholds of significance listed on pages 4.4-53 and 4.4-56. This is more meaningful to understanding project impacts than a simple trip generation table. All a trip generation table shows is a gross number of vehicle trips, and this is meaningless without understanding where these trips go and how they affect traffic flow. The outputs from the SJCOG traffic model expressed in LOS are considered sufficient to provide a thorough and accurate traffic analysis. It also should be noted that in some circumstances project implementation results in a reduction in the number of trips for roadway segments (e.g., I-5 southbound between Louise Avenue and SR 120 AM peak). This results from interactions between roadway improvements included in the proposed project such as Golden Valley Parkway, project generated jobs affecting traffic patterns, and other factors. Therefore, answers

to specific questions from the commenter, such as "How many cars will this project add to the area's freeways," cannot fully express the effects of the proposed project on area traffic.

The traffic data and analysis in the River Islands DSEIR does not parallel the analysis in Mossdale Landing DSEIR because different traffic models were used for each project. The SJCOG traffic model used for River Islands SEIR was not available when the Mossdale Landing CEQA review was initiated and therefore was not used for that project.

O1-31 The Mossdale Landing project is consistent with the WLSP (see Mossdale Landing DSEIR); therefore, implementation of the project will not substantially alter traffic generation identified in the WLSP. Traffic generation associated with the River Islands project is compared against the WLSP on page 8-15 of the Alternatives Analysis. The River Islands project is estimated to generate 1,717 fewer p.m. peak hour trips than the WLSP.

O1-32 In response to the commenter's request Exhibit O1-32a (attached) shows the distribution of outbound project generated trips during the PM peak hour. Exhibit O1-32b shows the distribution of inbound project generated trips during the same PM peak hour. However, this information provides little support to the impact analysis because it does not give the reader an indication of LOS on area roadways or the project's affects on LOS.

Regarding Bay Area commuters, Several DSEIR exhibits show the net increase in traffic on I-205 west of the MacArthur Drive interchange due to the project. As described under impact 4.4-l, project impacts on I-205 west of MacArthur Drive would be significant and unavoidable. A good number of commuters traveling west on I-205 would continue through the Altamont Pass and on to the Bay Area. Thus, the same significant effect described for traffic traveling on I-205 west would extend to the Altamont Pass. In comparing exhibits showing base case and base case plus project (at buildout), traffic changes on I-580 at the Altamont Pass were examined as shown in the Table O1-32a below:

Table O1-32a
Year 2025 - Traffic Volume Projections I-580 at Altamont Pass

Evaluation Scenarios	AM Peak Hour		PM Peak Hour	
	Eastbound	Westbound	Eastbound	Westbound
Base Case (without project)	6,626	21,878	24,627	10,841
Base Case + River Island	6,712	21,777	24,369	11,183
Net Change due to River Island Project	+86 (+1.3%)	-(101)	-(258)	+342 (+3.2%)
Compiled by: Crane Transportation Group				

continued ...

As shown, there is both an increase and decrease in trips that would pass this area compared to the base case. These changes reflect both the trips generated by the proposed project and the project's diversion, to the project facilities, of trips that would otherwise have traveled (in the base case) to the Bay Area. The changes range from a reduction of 258 trips (east bound, PM peak hour) compared with a base case of over 24,600 trips, to an increase of 342 trips (west bound, PM peak hour) compared with a base case of over 10,800 trips. Overall, there is a net decrease of an estimated 15 AM peak hour trips (both directions) and a net increase of 84 PM peak hour trips (both directions) on I-580 at the Altamont Pass.

This is neither a new significant nor more severe impact than identified in the DSEIR. This represents the same traffic impact (although with fewer overall vehicles) as expressed for the area west of MacArthur Drive; i.e., the same vehicles traveling on the same overall freeway system. Also see response O1-30 for an additional discussion of calculating project generated trips and reductions in trips associated with the proposed project.

Per the commenter's request, anticipated project internal and external trip distribution for Phase 1 and Phase 2 is presented below (Table O1-32b). External distribution reflects all trips entering or leaving the project site.

Table O1-32b
Project Internal and External Trip Distribution

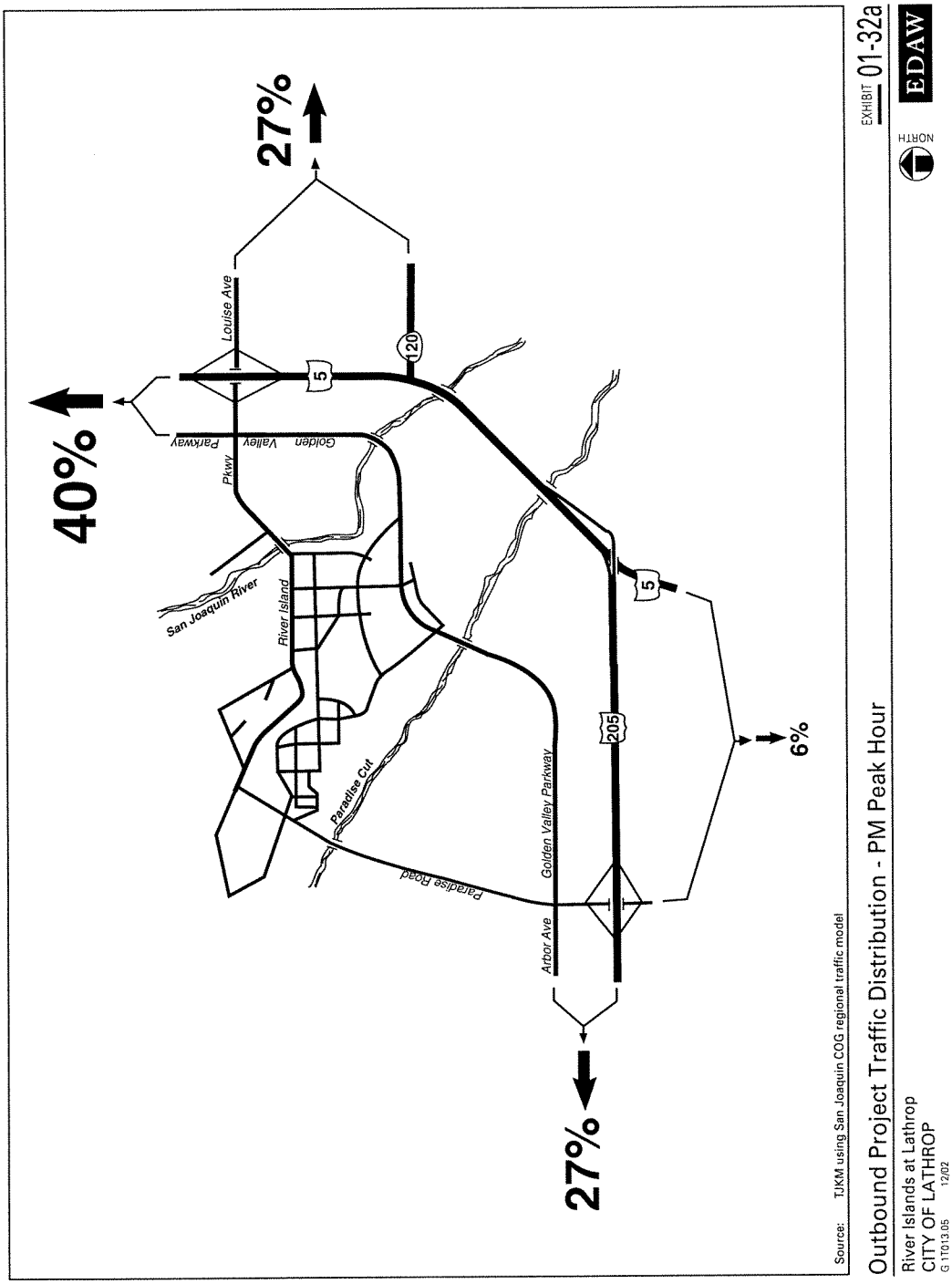
	Internal Trips	External Trips
River Islands Phase 1 (2015)		
AM peak hour	906 (21.3%)	3,347 (78.7%)
PM peak hour	1,299 (25.2%)	3,864 (74.8%)
River Islands buildout (2025)		
AM peak hour	2,686 (31.5%)	5,846 (68.5%)
PM peak hour	3,618 (33.8%)	7,090 (66.2%)

However, as discussed previously for Exhibits O1-32a and O1-32b, this information provides little support to the impact analysis because it does not give the reader an indication of LOS on area roadways or the project's affects on LOS.

O1-33 Contrasting estimated "outcommuting" levels from River Islands with estimated out commuting levels from other projects would not add to any analysis of whether the River Islands project would generate significant traffic impacts relative to baseline conditions and is not relevant to the SEIR. In addition, traffic effects from out commuting are incorporated into the SJCOG traffic model.

LETTER
O1
RESPONSE

continued ...



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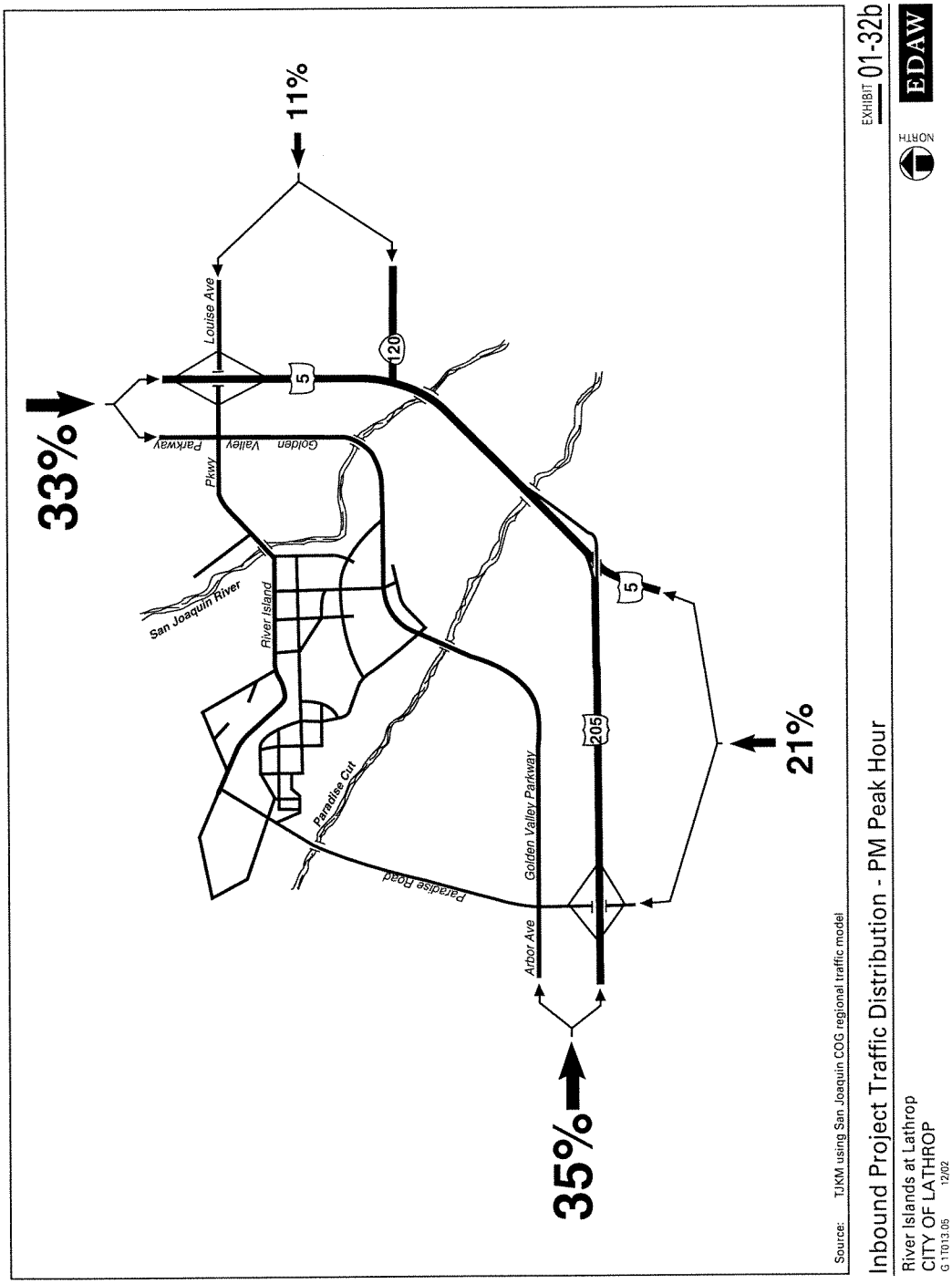
11%
33%
35%
21%
Louise Ave
Golden Valley Parkway
Pkwy
San Joaquin River
River Island
Paradise Cut
Paradise Road
Arbor Ave
Golden Valley Parkway
5
120
205
5
Source: TJKM using San Joaquin COG regional traffic model
NORTH
EXHIBIT 01-32b
EDAW
Inbound Project Traffic Distribution - PM Peak Hour
River Islands at Lathrop
CITY OF LATHROP
G:\T013.05 12/02

O1-34 The proposed project analyzed in the DSEIR includes the proposed and projected rate of job creation. An EIR is not required to analyze the consequences of the project not being developed as planned and it would be infeasible to speculate on the myriad of possible variations in projected variables that could occur over the life of any long term phased project. In addition, CEQA acknowledges the potential for the impact analysis in EIR's to be based on a certain level of projection. The projections included in the DSEIR are backed-up by independent economic analysis and are considered reasonable.

The job creation projections used in the DSEIR are based in part on an office absorption analysis for the River Islands Employment Center conducted by EDAW. The analysis is available for review at the City of Lathrop Community Development/Planning Department, 16775 Howland Road, Suite One, Lathrop, California 95330 (209/858-2860, extension 327). The absorption analysis considered a variety of factors including available employee base, historic and projected regional office employment patterns, market position of the River Islands project, San Joaquin County employment trends, local and regional office markets, and absorption patterns for existing similar employment centers such as Bishop Ranch in San Ramon and the Hacienda Business Park in Pleasanton. The absorption analysis concluded that approximately 39% of the total jobs anticipated to be generated in the employment center would be active by 2015 (mid-way through the assumed 2005-2025 buildout period). This is not considered an "optimistic job creation projection" as expressed by the commenter.

Two additional factors increase the probability of job creation occurring as projected in the employment center, which is the primary job generating land use on the project site. The Employment Center Zoning designation (shown as EC-RI in Exhibit 4.2-4 and covering almost the entire employment center) requires employers to have an average of 40 employees per an acre in these areas. This designation will prevent low job density uses such as warehouses from occupying the employment center. The 40 employees per an acre density is consistent with the employee densities at business parks such as Bishop Ranch and Hacienda Business Park. As required by the passage of Measure D in Lathrop, the project applicant will contribute $5,000 for every home sold into an Economic Development fund. This fund, which could grow to $55 million, would use 80% of the money to provide benefits to employers that locate at River Islands (e.g. pay for land, subsidize utility hook-ups). Therefore, there will be substantial financial incentives available for employers to locate at the project site.

Based on the available information the employment projections utilized in the DSEIR are considered reasonable and appropriate.

O1-35 Average daily traffic (ADT) volumes are not presented in the DSEIR because they are not used for any design determination or operational analysis required by Caltrans, San Joaquin County, the City of Tracy or the City of Lathrop. In other words, average daily trips are not the

determinant of roadway impacts. The DSEIR Appendix B ("Expanded Traffic Analysis and Data") contains exhibits showing AM and PM peak hour volumes on all local freeways contributed by the proposed project for 2007, 2015 and 2025 conditions. See Response O1-30 above.

O1-36 Please see Response O1-30 above. Information is provided in Appendix B to determine the percent change for buildout conditions through a comparison between Exhibits B-14, B-15, and B-16 (2025 Base Case conditions with no project) and Exhibits B-34, B-35 and B-38 (Base Case with the project). In situations where the project's contribution to already congested freeways would be more than 1%, listing the actual number of trips contributed would not alter the impact analysis or significance conclusions in the DSEIR. The impact is considered significant in the DSEIR. These freeway segments would already be operating at LOS F, as described in the DSEIR, and would continue to operate at LOS F with the trips contributed by the proposed project. Explicitly listing the number of trips contributed by the project would not add to the evaluation of significance relative to the significance threshold, and would no alter the mitigation required to address the impact.

O1-37 See response O1-34 above. The EDAW 2002 citation applies to an office absorption analysis conducted by EDAW's senior real estate economist for the employment center. The analysis was available at the time the DSEIR was prepared, although it was not compiled into a formal report format. The bibliography information was omitted from the References section in Chapter 9 in error. Bibliography information for the final report, rather than the raw analysis data, will be included in page 9-1 of the references section as EDAW 2003 (as shown in Chapter 3 of this FSEIR). As stated above in response O1-34, the office absorption analysis is available for review at the City of Lathrop Community Development/Planning Department.

The 8,500 jobs referenced by the commenter on page 4.4-50 is for the entire project in 2015 (completion of Phase 1), not just the employment center. The statement in the DSEIR reads "This results in 8,500 total jobs in the project by 2015." These jobs include jobs generated by the Town Center and the employment center. Jobs generated by the employment center were based on the office absorption analysis discussed above. Job generation for land uses in the Town Center and other areas were based on standard generation rates for retail, commercial, and other land uses. The commenter states that there appears to be inconsistencies between job assumptions used in the traffic analysis and those provided in the project description, then cites information specific to the employment center. The employment center only provides a portion of the jobs generated by the proposed project. If one looks only at employment center jobs they will not coincide with total jobs cited in various locations in the DSEIR. This appears to be the source of the inconsistency cited by the commenter.

O1-38 Mitigation measures in the Traffic section of the DSEIR (section 4.4) that require payment of Transportation Impact Fees also require implementation of the applicable roadway improvements listed in the mitigation measure. Payment of the fees is not the only element of the mitigation measure.

As described on page 4.4-22 of the DSEIR, the West Lathrop Specific Plan Regional Transportation Fee (Regional Fee) was calculated by dividing the needed funds for transportation improvements among all the development projects anticipated within the County for the 25 year period after the fee program was approved. Based on County wide modeling applied to the SEIR cumulative traffic analysis, the proposed project is not expected to result in a change in overall growth within the County (see response O1-57 below). Therefore, any differences between the Califia/Gold Rush City project and River Islands would not create a need to re-calculate the fee to adjust for funds to be collected. The proposed project is anticipated to generate fewer vehicle trips than the Califia/Gold Rush City project (see Response O1-31 above); therefore, there is not a need to adjust the fee to accommodate additional traffic improvements generated by increased project traffic. There is no apparent need to recalculate the Regional Fee and there are no current plans to undertake a recalculation.

O1-39 To date the City of Lathrop has been the only local agency to adopt the Regional Transportation Fee. As stated on page 4.4-22 of the DSEIR, the fee funding was divided among development projects anticipated within San Joaquin County over 25 years from the time the fee was adopted (1997). Therefore, the "Fee Funding" on page 4.4-72 and 4.4-73 assumes all jurisdictions containing one or more of these projects participates in the program. This includes San Joaquin County and all the cities within the county. If these agencies do not participate then sufficient funds will not be collected through the fee program to complete all the improvements listed in the program. However, the fees are reasonable (compared to a number of transportation fees throughout California), and they can and should be adopted as feasible mitigation by each of the jurisdictions in the county, including the County. The City of Lathrop strongly encourages that each of the relevant jurisdictions participates in the fee program. The City of Lathrop will participate in this program and will pay its proportionate fair share of costs to mitigate regional impacts to the degree presented in the DSEIR.

As a regional program, participation by other agencies in the Regional Transportation Fee is outside the control of the City of Lathrop. However, as stated in §15130 (a)(3) of the State CEQA guidelines, "...a project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The City of Lathrop will continue to contribute its proportionate fair share to the Regional Transportation Fee, and as such, will mitigate its contribution to cumulative significant traffic impacts as identified in the DSEIR. To date no money has been collected by the City since no development in the WLSP area has occurred.

O1-40 The WLSP Regional Transportation Fee, City of Lathrop Capital Facility Fees for Transportation Improvements, and the City of Tracy/San Joaquin County/City of Lathrop Cooperative Agreement and Traffic Fee, described on pages 4.4-21 through 4.4-24 and 4.4-71 through 4.4-74, were all developed in cooperation with Caltrans. Any proposed freeway and interchange improvements included in these funding plans (as described in the pages listed above) would be consistent with Caltrans plans.

Freeway improvements included in Mitigation Measure 4.4-l (and listed by the commenter) for 2025 do exceed freeway network improvements included in the 2001 San Joaquin County Regional Transportation Plan (RTP). The table below (Table O1-40a) shows RTP Tier 1 improvements (those with appropriated funding) that would be expected to be in place by 2025 versus the number of lanes determined to be required in the SEIR analysis to provide acceptable operation based on projected ultimate traffic volume demand (non-capacity constrained traffic volumes).

Table O1-40a
RTP Tier 1 Improvements for 2025

Location	Number of Lanes (2-Way)	
	Tier 1 RTP	Required for 2025 Ultimate Conditions
I-205 between I-5 and MacArthur Drive	6	12
SR 120 east of I-5	4	8
I-5 north of SR 120	6	10

The RTP Tier 2 unfunded freeway improvements in the Lathrop area (with no specific date) include widening I-5 (north of SR 120) to eight lanes and widening I-205 (entire length) to eight lanes, still below the lanes anticipated to be needed to provide acceptable operation. There are no current plans that include all the extra freeway lanes described in Mitigation Measure 4.4-l. When these extra lanes are planned and built, it is anticipated that construction would be funded by one or more regional transportation fees. However, as acknowledged in the discussion of Impact 4.4-l "actual freeway improvements may not be implemented by Caltrans rapidly enough to reduce the impact to less-than-significant levels." Therefore, the impact is identified as significant and unavoidable.

O1-41 Mitigation Measure 4.4-l identifies the number of freeway lanes that would be required to provide acceptable peak hour operation. Because of the number of lanes needed for I-5 between State Route 120 (S.R. 120) and I-205 is so large (7 lanes each direction in 2015 and 9 lanes each direction 2025), and given the existing configuration of this freeway segment, the potential

requirement for side by side freeways to provide the needed lanes was identified. Caltrans has been made aware of this potential need for the extra lanes through the SEIR public involvement process. However, Caltrans has no existing plans to provide these improvements and no preliminary drawings or other graphics to provide the side by side freeways are available. As identified in the discussion of Mitigation Measure 4.4-l, the needed freeway improvements to provide acceptable peak hour operation may not be implemented by Caltrans rapidly enough to reduce the impact to less-than-significant levels. In addition, the development of these improvements is outside the scope of the proposed project (i.e., they are regional improvements) and cannot be implemented solely by the proposed project. Therefore, the impact is considered significant and unavoidable. It should be noted that the additional lanes on I-5 between S.R. 120 and I-205 would be needed to accommodate anticipated future traffic demand (Base Case condition) even without the River Islands project, as discussed in Mitigation Measure 4.4-l.

O1-42 Caltrans has no existing plans or identified timetables to provide all the necessary improvements listed in Mitigation Measure 4.4-l. Therefore, it cannot be assured that the needed improvements will be provided by the time increases in traffic demand cause unacceptable peak hour operation. The consequences of this would be unacceptable levels of service on the affected freeway segments. Therefore, Impact 4.4-l is considered significant and unavoidable, as stated in the DSEIR.

O1-43 The WLSP EIR was certified by the City of Lathrop in 1996 and is conclusively presumed to comply with CEQA. Criticism of this EIR has no bearing on the analysis of the proposed project in the River Islands DSEIR. Analysis of impacts associated with Golden Valley Parkway is included in the discussions of offsite project features in various locations within the DSEIR (e.g. Terrestrial Biology, Impact 4.14-t, Cultural Resources, Impact 4.16-f). In addition, the discussion of growth inducing impacts on page 6-3 of the DSEIR specifically identifies that "...extension of Golden Valley Parkway south to I-205 could increase growth pressures along this corridor south of the project site." See also response O1-45.

O1-44 As shown in Exhibit 4.4-12, the traffic analysis assumed Golden Valley Parkway would connect to I-205 at a new Paradise Road-Chrisman Road/I-205 interchange. Mitigation Measure 4.4-k requires that a Paradise Road/I-205 Interchange be provided. If this interchange is not provided the "traffic forecasts" would be different in the sense that elements of Impact 4.4-k in this area would remain significant. The project description states that Golden Valley Parkway may connect to I-205 at a new Paradise Road/Chrisman Road interchange or at the existing MacArthur Drive interchange to accommodate the possibility that for a short period traffic from Golden Valley Parkway may only use the MacArthur interchange while the Paradise/Chrisman interchange is completed, and also because traffic from Golden Valley Parkway may access both these interchanges via Arbor Avenue (see Exhibit 4.4-12).

continued ...

O1-45 The certified WLSP EIR addressed impacts to agricultural lands and the EIR included the conceptual alignment of Golden Valley Parkway (GVP). That alignment has not changed, and the City of Lathrop in certifying the WLSP EIR and approving the WLSP, adopted findings accepting significant unavoidable impacts to agricultural land, including, it is presumed, to agricultural land affected by Golden Valley Parkway. A total of 5,800 acres of agricultural land conversion was identified in the WLSP EIR.

The River Islands DSEIR identified that the River Islands project would convert an estimated 4,115 gross acres of agricultural land to urban uses. It did not specifically identify acreage associated with conversion of agricultural land, or other agricultural land issues, associated with construction of GVP.

GVP would be approximately 3.5 miles long between Paradise Cut and it's connection to I-205 and would cover an approximately 60-foot wide right-of-way. GVP would not be constructed until Phase 2 of the proposed project, and its right-of-way has not been refined beyond the conceptual alignment identified in the WLSP EIR. It is intended that it will follow existing railroad, farm road, and canal rights-of-way to the degree possible to avoid disruption of farmland. However, even under the worst-case scenario, with the entire road right-of-way on agricultural land, it would result in conversion of an estimated $\pm$ 40-acres of agricultural land. This represents 0.7% of the total agricultural land conversion identified and accepted by the City in the WLSP EIR.

The $\pm$ 40-acres would add an additional 1% to the total agricultural conversion assumed for River Islands (increase from 4,115 acres to 4,155 acres). Although this acreage was not calculated in the River Islands DSEIR, it does not represent either a new significant impact nor a substantial increase in the severity of an impact for te following reasons; each reason being sufficient to address this issue:

1. The DSEIR identified conversion of 4,115 acres of agricultural land. It can not be reasonably argued that a 1% addition, $\pm$ 40 acres, is a substantial increase in the severity of this impact, which was already identified as significant and unavoidable in the DSEIR.

2. The WLSP EIR, certified as adequate, evaluated the WLSP, which included this same conceptual alignment of GVP and identified conversion of some 5,800 acres of agricultural land. Thus, the City, in adopting overriding considerations in the approval of the WLSP, already accepted this impact.

3. The River Islands DSEIR includes the San Joaquin Multi-Species Habitat Conservation and Open Space Plan as mitigation for biological impacts. This mitigation will result in payment of fees that will be used, in part, to help

conserve agricultural land in the County. This would partially mitigate impacts associated with agricultural land conversion, whereas there was no such mitigation available at the time the WLSP was approved. Therefore, the impact will be less, although still significant, then when the City previously accepted this impact.

As to specific conflicts, Impact 4.13-c of the DSEIR identifies the types of land use/agricultural conflicts between the road and adjacent agricultural lands that could be expected to occur from construction of this road. These include dust, restrictions on pesticide use, fragmentation of agricultural operations, and trespass, although these impacts would be less adjacent to a roadway than adjacent to residential uses. Mitigation Measure 4.13-c, to the degree it is relevant to construction of a roadway through agricultural land, would similarly be expected to mitigate related impacts to a less-than-significant level.

However, because the right-of-way for GVP has not been fully established, additional CEQA review will be required for construction of this road in Phase 2.

O1-46 Potential growth inducing impacts associated with Golden Valley Parkway are addressed on both page 6-3 and 6-4 of the DSEIR. The analysis provided satisfies the CEQA Guidelines regarding the evaluation of growth inducing impacts (as described on page 6-1). No further discussion of this impact is required in the DSEIR. However, please also see Response O1-45 regarding agricultural impacts.

O1-47 As stated on page 4.12-11 of the DSEIR, "According to the California Department of Boating and Waterways, capacity limitations of existing boat launch facilities is usually the limiting factor on boating opportunities." The availability of water surface area in the Delta region is seldom a limiting factor to boat use. This is expected to be the case in the vicinity of River Islands, with the availability of docks and boat launch facilities acting as the primary limiting factor for recreational boating rather than the capacity of the surrounding waterways (Old River, San Joaquin River, Paradise Cut) to accommodate boat traffic. A variety of watercraft currently pass through and maneuver within the San Joaquin River and Old River in the vicinity of the project site. With continued implementation of standard watercraft travel guidelines and the proposed speed restrictions (i.e. no wake zones) in the vicinity of the project site, watercraft will continue to be able to safely maneuver in and pass through the project area after project implementation. If there was a known reason to restrict the number of boats associated with the proposed project this would have been reflected in the project description or included as a mitigation measure in the DSEIR. There is currently no known reason or regulatory requirement to limit the number of boats, docks, or boat launch facilities associated with the proposed project. The distance that small versus medium boats can travel from the project site has no bearing on the impact analysis in the DSEIR. Within the Delta water system virtually any boat can travel

hundreds of miles from the project site, and even reach the ocean if desired. In addition, the comment provides no parameters to distinguish a small boat from a large boat; and like an automobile, there is no limitation to travel distance for a boat of any size as long as fuel is available along the route. Discovery Bay is a separate project from River Islands with different site constraints and existing setting conditions. Potential watercraft congestion issues within Discovery Bay have no bearing on the impact analysis of the River Islands project.

O1-48 The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the primary regulatory agency overseeing air quality in the project area. The DSEIR appropriately relies on the mitigation guidelines provided by this agency, and Mitigation Measure 4.5-f reflects these guidelines.

The SJVAPCD has provided a comment letter on the River Islands DSEIR (letter L10) and in response to the letter additional mitigation measures have been incorporated into Mitigation Measure 4.5-f (see response L10-5). One of these additional measures is a requirement that commercial businesses with 20 or more employees prepare and implement a trip reduction program. This is comparable to the commenter's request for "Transportation Demand Management Programs". The mitigation measure in the Mossdale Landing DEIR comparable to Mitigation Measure 4.5-f in the River Islands DSEIR only provides a handful of additional mitigation actions related to employee trip reduction (e.g. promoting vanpool programs and telecommuting). These items are all addressed in the additional mitigation measures incorporated into Mitigation Measure 4.5-f in response to SJVAPCD comment L10-5.

O1-49 An EIR is intended to evaluate the environmental impacts of a proposed project. The River Islands DSEIR fulfills this requirement for flood control and flooding related issues via the impact analysis in Section 4.8 "Hydrology and Water Quality". It is not intended, nor required, that an EIR evaluate the "pros and cons" of broad issues or concepts such as whether a site is a good site for urban development.

As described on pages 4.8-6 and 4.8-7 of the DSEIR, the Sacramento and San Joaquin River Basins Comprehensive Study (comprehensive study) is not a regulatory program. There is no requirement that a project be consistent with the study's draft guiding principles (only a draft version of the principles are available at this time). In addition, because the study includes no specific projects or actions at this time there is no way to analyze in the DSEIR whether the project would conflict with implementation of the comprehensive study. An informal evaluation of the River Islands project's consistency with the comprehensive study draft guidelines was conducted, but was not included in the DSEIR because it did not contribute to the impact analysis or understanding of the environmental effects of the proposed project. The project was found to be consistent with a majority of the draft guiding principles, including those listed by the commenter. The flood protection improvements associated with the proposed project are in

recognition of the fact that safety of project residents is a critical element of the proposed project. The widening of Paradise Cut and associated conservation of habitat and agricultural lands is consistent with the principle of agriculture and open space protection. Page 4.8-7 of the DSEIR also includes an excerpt from the comprehensive study draft interim report regarding the desire to improve conveyance capacity in Paradise Cut and promote riparian restoration. Both these interests are included in the proposed project.

O1-50 The flooding concern expressed by the commenter was also expressed in a comment letter sent by Reclamation District (RD) 2107 (letter L7), which is responsible for flood protection on Stewart Tract east of the Union Pacific Railroad (UPRR) tracks. Please also see response L7-1.

The impact analysis in the River Islands SEIR relies on a comparison with the existing baseline condition of the rock fill elevated UPRR berm with concrete culverts separating RD 2107 and the RID Area. Under this baseline condition, as evidenced by events during the 1997 floods, if a levee breach occurs in RD 2107, floodwaters back up behind the UPRR berm and rise in the RD 2107 area until the UPRR berm breaches. Although the two current 4-foot by 8-foot concrete culverts will allow some floodwaters to pass through the UPRR berm, the volume of flood waters from the San Joaquin River system entering RD 2107 during a levee breach would far exceed the capacity of these culverts and water would back up behind the UPRR berm.

Exhibit L7-1a (included with the response to comment L7) shows hydraulic modeling results for a levee breach in RD 2107 during a 1-in-100 Annual Exceedence Probability (AEP) flood event (100-year flood). Under existing conditions, floodwaters rise rapidly after a levee breach in RD 2107, reaching a maximum elevation of roughly 22 feet National Geodetic Vertical Datum (NGVD) (roughly equivalent to 22-feet above sea level at the project site). As stated above, although the concrete culverts allow some water to pass through to the RID Area, the capacity of these culverts is not sufficient to keep floodwaters from backing up behind the UPRR berm. Within approximately 24 hours, floodwaters reach their peak and the UPRR berm either breaches or is overtopped and then breaches. After the UPRR berm breaches, flood levels drop to a little less than 19 feet NGVD as water flows into the RID Area. However, until the original levee breach that resulted in the flooding is repaired, water continues to flow into RD 2107 and the RID Area from the San Joaquin River system and water levels rise again in RD 2107. Within 4 days after the UPRR berm breaches, water levels in RD 2107 reach an equilibrium with water levels in the San Joaquin River system and match river water levels until the original levee breach is repaired. Under existing conditions, after the original levee breach is repaired, floodwaters drain out of RD 2107 into the RID Area through the breach in the UPRR berm, percolate into the soil, and/or evaporate.

As identified in the discussion of Impact 4.8-m of the DSEIR, the proposed cross levee would prevent floodwaters from entering the River Islands Development Area (RID Area), thereby

protecting the developed project area (regardless of the condition of the UPRR berm), and could result in increased depth and duration of flooding in RD 2107 if a levee in the reclamation district were to fail. However, as described in the discussion of Impact 4.8-m and on page 3-38, included in the proposed project would be a removable levee segment along the northern Paradise Cut levee between I-5 and the western UPRR tracks and portable or permanent pumps to be used at the intersection of the UPRR berm and the Paradise Cut levee. During a levee breach in RD 2107, floodwaters would be impeded by the UPRR berm, then stopped by the cross levee, and would rise in a manner consistent with existing conditions. Similar to the eventual breaching of the UPRR berm, the removable levee segment could be breached along Paradise Cut, allowing floodwaters to exit RD 2107 and flow into Paradise Cut. As shown in Exhibit L7-1a, the removable levee segment would allow water to flow out of RD 2107 into Paradise Cut when flood levels reach approximately 21 NGVD. The volume of water moving through the roughly 100-foot-long removable levee segment is expected to approximately match the volume of water moving into RD 2107 from the original breach in the RD 2107 levee. Therefore, floodwater elevations in RD 2107 would reach equilibrium with flood elevations in the San Joaquin River system almost immediately after water starts passing through the removable levee segment.

As Exhibit L7-1a depicts, flood elevations under the existing condition and the proposed project match approximately 5 days after the original levee breach, and continue to follow the same declining curve, as floodwaters in RD 2107 remain in equilibrium with flood elevations in the San Joaquin River system. Flood elevations in RD 2107 would not begin to decline dramatically until the original levee breach was repaired. The timing of repairs may vary substantially depending on the location of the breach (e.g. accessability for heavy equipment), size of the breach, and other factors. Therefore, the timing of repairs is not shown on Exhibit L7-1a. Differences in flooding elevation and duration in RD 2107 between the existing condition and the proposed project before repair of a levee breach are not considered substantially different. Although the temporary dip in floodwater elevations after breaching of the UPRR berm under the existing condition does not occur under the proposed project (Exhibit L7-1a), maximum flood elevations are lower under the proposed project because of the presence of the removable levee segment. Within approximately 5 days of the originally levee breach, until repair of the breach, preproject and postproject conditions are the same. In either case, RD 2107 is inundated for the same amount of time.

It should be noted that under no flood conditions would breaching of the removable levee segment result in water flowing into RD 2107 from Paradise Cut. At the location of the proposed removable levee segment (intersection of the UPRR [former SPRR] tracks with Paradise Cut), floodwater elevations remain approximately 4 feet below elevations in the San Joaquin River due to topography and other factors. Flood elevation modeling conducted for up to the 1-in-200 AEP event both with and without the proposed project indicates that flood elevations in Paradise Cut

remain below the top of the removable levee segment (21-foot NGVD) (see Appendix I in the DSEIR, Figure 15). Therefore, the removable levee segment can be breached as soon as flooding begins in RD 2107.

During a flood event under proposed project conditions, after the original levee breach is repaired and floodwaters exiting RD 2107 through the removable levee segment recede to a level even with the top of the levee segment, no more water may flow via gravity out of RD 2107. At this point, pumps would be used to drain the remaining water from RD 2107. Use of the pumps mimics the existing condition in which remaining floodwaters in RD 2107 after the levee repair flow into the RID Area through the breach in the UPRR berm. Sufficient pump capacity would be provided to drain floodwaters at a rate comparable to the existing condition (also see response to comment L7-2, below).

With the combined use of the removable levee segment and pumps, the elevation and duration of flooding in RD 2107 after a levee breach are not considered to be substantially different from the existing condition. Therefore, the impact was considered less than significant.

Because the level and duration of flooding in RD 2107 under the proposed project would not be substantially different from the existing condition, concerns raised by the commenter, such as effects on agricultural operations, mining operations, I-5, the Manthey interchange, and emergency access would not apply.

O1-51 The potential effects of the proposed project on flood elevations have been quantified through hydraulic computer modeling, as documented in Appendix I of the DSEIR. The information in Appendix I is summarized in Section 4.8 textually (impact 4.8-m), graphically (exhibits 4.8-53 through 4.8-57), and in tables (Tables 4.8-28 through 4.8-31). The summary is extensive, complete, and intended to be understandable to the general public. The technical appendix is available for those desiring a more detailed analysis.

The analysis of project effects on downstream flood elevations in the DSEIR is considered thorough and accurate. The analysis assumed that levee failures would occur when the water surface elevation reached a point 3 feet below the top of the levee. This assumption was made based on the probability-of-failure curve developed as part of the Sacramento and San Joaquin Rivers Comprehensive Study, which was prepared as a joint effort by the U.S. Army Corps of Engineers (USACE) and the Reclamation Board. The failure curve shows a slow increase in the probability of levee failure as flood levels rise towards the top of the levee (see Exhibit 4.8-9 in the DSEIR). Depending where on the curve flood elevations intersect, the probability of levee failure increases by approximately 8% to 14% per every foot of increased flood level elevation, or from 0.67% to 1.2% per inch of elevation gain. When the flood elevation is 3 feet below the

top of the levee the curve reaches 100% probability of levee failure within the general levee system.

Based on the results of this modeling, and as described under Impact 4.8-m of the DSEIR, impacts on downstream levees associated with project implementation are considered less than significant for the following reasons:

- Under most circumstances, the proposed project reduces flood flow elevations for storms with less than the 1-in-100 Annual Exceedence Probability (AEP).
- There would be fewer expected downstream levee failures with the project than under existing conditions for storms with less than the 1-in-100 AEP (see Table 4.8-27 in the DSEIR).
- For storms with greater than 1-in-100 AEP, project-related increases in flood flow elevations would be minimal and the incidence of expected downstream levee failures are not expected to change.

Paradise Cut is not considered among these "downstream areas". During a 1-in-100 AEP event flood elevations increase up to several inches in this flood bypass facility under the proposed project (Table 4.8-30). This increase is intentional, resulting from widening the flow area in Paradise Cut and removing existing flow restrictions near the Paradise Weir as described on pages 3-30 through 3-32 of the DSEIR. The Paradise Cut improvements are designed to generate and accommodate these increased flows into the flood bypass facility.

For the 1-in-100 AEP event, where project related downstream flood elevation increases occur, these increases range from a fraction of an inch to approximately 1.7 inches on Old River at Tracy Boulevard (see Exhibits 4.8-53 through 4.8-57 and Table 4.8-30). Based on the levee failure curve, the increase in the probability of a levee failure under these conditions ranges from less than 0.1% to approximately 2% depending on location. Given the rarity of the 1-in-100 AEP event, the minor increases in levee failure probability projected during this event, and the decreases in flood elevations that would occur in several downstream areas (Table 4.8-30), the hydraulic modeling conducted in support of the SEIR analysis indicates that project implementation would not shift any significant flood control burden to offsite entities and no additional mitigation for downstream levees would be required.

It should be noted, as stated on page 4.8-45 of the DSEIR, that an independent review was commissioned by Reclamation District (RD) 17 of the hydraulic model used for the SEIR analysis. The review, conducted by Gerald T. Orlob, Ph.D, P.E. of Orlob & Associates, found that the model "reliably simulates floodflows in the project vicinity. Results of the model can also be considered conservative, with simulated flood elevations expected to exceed actual

conditions in the range of 0.50 foot." Therefore, actual reductions in flood stage elevations associated with project implementation could be expected to be greater than identified in the DSEIR and could occur over a greater range of AEP events. Conversely, actual increases in flood stage elevations associated with project implementation could be less than identified in the DSEIR and could occur over a smaller range of AEP events.

O1-52 The property in question is currently under option to the project applicant for the proposed project. Project elements associated with the Upper Paradise Cut Improvement Plan would need to be implemented because the project would not be feasible without construction of these elements.

O1-53 The terrestrial biology section of the DSEIR (Section 4.14) includes several mitigation measures that include actions other than implementation of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). See mitigation measures 4.14-e, 4.14-f, 4.14-o, 4.14-q, and 4.14-r.

The biological resources studies used for preparation of the DSEIR showed no evidence of black rail, or availability of suitable habitat, in the vicinity of the project site. Therefore, this species is not addressed in the DSEIR. Ground and marsh nesting birds such as northern harrier, and riparian nesting birds such as yellow-breasted chat are addressed in the DSEIR (see Impacts 4.14-j and 4.14l) via appropriate impact mechanisms. These species are not known to nest immediately at the shoreline of Delta waterways and are unlikely to be affected by changes in tidal elevation or boat wakes. The fact that much of shoreline in the Delta system consists of relatively steep levee slopes, and that little riparian vegetation is available, makes it unlikely that ground and riparian nesting birds would find the area along the waters edge suitable for nesting. This is particularly true in the vicinity of the River Islands project site where the San Joaquin River and Old are contained by riprapped levees (see photographs of the San Joaquin River and Old River provided Exhibits 4.17-3, 4.17-4, and 4.17-11). In addition, current boat traffic in the Delta results in boat wakes washing over shorelines multiple times during the nesting season of the bird species in question (spring through summer). Any birds nesting close enough to the shoreline to be affected by boat wakes would have their nests inundated sufficient amounts under existing conditions to result in egg mortality or nest abandonment. Any additional boat traffic associated with the proposed project would not result in additional incidents of nest mortality or abandonment. The impact identified by the commenter is considered purely speculative. The commenter provides no evidence that this impact mechanism occurs, or would occur at or near the project site. No further response is warranted.

The SJMSCP addresses potential impacts associated with human disturbance in many of the incidental take avoidance and minimization measures. Impacts associated with human disturbance are also addressed multiple times in the Terrestrial Biology section of the DSEIR,

such as potential nest abandonment resulting from construction disturbance (Impacts 4.14-f, 4.14-j, 4.14-k) and general project activity (Impacts 4.14-l, 4.14-o). These impacts include ground and marsh nesting species of birds. Human disturbance is also addressed as a potential impact mechanism for riparian brush rabbit (Impact 4.14-q). Many of the mitigation measures for these human disturbance related impacts originate from the SJMSCP incidental take avoidance and minimization measures designed to address this impact mechanism. The DSEIR adequately addresses human disturbance related impacts to biological resources. No further response is warranted.

O1-54 The specific timing for obtaining an incidental take permit from USFWS, if required, will be determined during the consultation process with the Service. No actions which could result in the take of an Endangered Species will be initiated before the developer is authorized to proceed in accordance with the City of Lathrop's incidental take permit obtained in reliance on the SJMSCP, or the developer completes a Section 7 consultation process required for the project. It is possible that some project activities that have no potential for take could begin prior to obtaining the incidental take permit. It is anticipated that construction of the high ground area during Phase 1a will require authorization from the Reclamation Board and the USACE. If the USACE determines that an action authorized by the USACE during Phase 1a of the proposed project has the potential for take of an endangered species, completion of consultation with USFWS and/or the National Marine Fisheries Service (NMFS) will be required prior to the USACE authorizing the activity.

O1-55 Section 15126.6 of the CEQA Guidelines states that the range of alternatives required in an EIR is governed by the "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. In addition, as required by §15126.6, the DSEIR evaluates a range of reasonable alternatives to the proposed project which would feasiblely attain most of the basic objectives of the project while avoiding or substantially lessening one or more of the significant impacts of the project. Decision makers are provided a range of alternatives in the River Islands DSEIR which allow for a comparison of different development intensities, different levels of impact, and different capacities to meet the project objectives: No Project (No Development) Alternative, Environmental Constraints (50% Development) Alternative, No Project (WLSP) Alternative .

The commenter provides no rationale for evaluating the alternatives suggested, such as what impacts the commenter feels would be avoided or reduced by the suggested alternatives. An alternative that is located in the portion of Stewart Tract east of the I-5 freeway, or east of the UPRR tracks, as suggested by the commenter would not be feasible because the area is not large enough to accommodate the proposed project. In addition, there are existing commercial land uses in this area (gas station, sand mining facility) that limit the suitability of the site, and the project applicant only has limited land ownership in this area. Limitations associated with this

alternative proposal are the same as many of those described in the discussion of Offsite Alternatives on pages 8-3 and 8-4 in the DSEIR. Utilizing the project site only for rural uses that would not require public services (as suggested by the commenter) would meet almost none of the project goals and objectives listed on pages 3-7 and 3-8 of the DSEIR. In addition, such an alternative would not be substantially different from the No Project alternative already evaluated in the DSEIR. Evaluating either of these proposed alternatives would not add to the alternatives analysis in the DSEIR, as these alternatives are either not feasible, or are so far removed from attaining even the most basic project objectives that they would not meet the CEQA test for consideration of alternatives.

O1-56 As discussed in Section 5.2.2 "List of Related Projects" the cumulative impacts analysis considers 18 related projects in the City of Lathrop, plus the proposed project (Table 5-1). The Mossdale Landing project and the proposed WRP #1 expansion are both included in the list of related projects evaluated in the cumulative impacts analysis. Potential impacts resulting from the need for wastewater treatment and recycled water disposal to serve the related projects (as applicable) is addressed in the cumulative impact analysis for public utilities (Section 5.3.10). In addition, both the cumulative impact analysis and the project level impact analysis for utilities (Section 4.11) consider potential impacts related to utility demand from future development in the City, via reference to projected utility demands and facility expansions included in the Master Plan and addressed in the Master Plan EIR.

O1-57 The SJCOG Regional Traffic Model is the most comprehensive traffic model available for the area encompassed by the proposed project and was therefore used as the basis for the traffic analysis. As stated on pages 4.4-28 and 4.4-29 of the DSEIR, population growth projections used in the SJCOG traffic model are based on County wide projections, with growth then disaggregated to communities and other geographic areas. Based on discussions with staff from SJCOG (Chesley) and the San Joaquin Valley Air Pollution Control District (SJVAPCD) (Jordan and Mitchell), if growth were to occur more rapidly in one community in the County than projected in the model, a shift in growth from other communities would be expected to occur. Thus, in order to evaluate the River Islands project as proposed (buildout by 2025), development assumptions for Lathrop and the rest of the County needed to be investigated and shifted to adjust for project related growth. However, this is not to suggest that the shifts will occur. See, also Response L5-2.

O1-58 The commenter provides no specific examples of where the analysis of cumulative air quality issues and associated mitigation in the DSEIR would be inadequate. No examples of where the analysis could be improved, or reasons why improvement would be needed are included in the comment. The analysis contained in the DSEIR adequately evaluates cumulative impacts due to past, present, and reasonably foreseeable future projects. The comment is noted; however, no response is possible.

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O2

December 2, 2002

(Via Facsimile (209) 858-5259 and U.S. Mail)

Bruce Coleman
Community Development Director
City of Lathrop
16775 Howland Road
Lathrop, California 95330

Re: Subsequent Environmental Impact Report for the River Islands at Lathrop Urban Design Concept and Related Approvals (SCH: 1993112027)

On behalf of several various water agencies and entities in the south San Joaquin County area, I am submitting this letter of comments to the Subsequent Environmental Impact Report for the River Islands at Lathrop Urban Design Concept and related Approvals.

Earlier this year, several of the water agencies and entities joining in this letter were invited to meet with a committee of individuals representing the River Islands at Lathrop project and Reclamation District 2062 and issues and concerns about the impact of additional water flows, salinity, siltation and pressure created on down stream levees were voiced. Additionally, a concern over the potential of the increased Paradise Cut area to hold back water during low flows was voiced. Although the River Island people and RD2062 indicated their intent to continue meetings with the agencies and entities in order to keep the agencies and entities informed of developments and to field concerns and potential impacts created by the project as they are identified, no further meetings were held. O2-1

The entities and agencies represented by this letter are a combination of agricultural irrigation entities and reclamation districts servicing rural agricultural lands. Although the concerns and impacts from the project are mentioned in the SEIR, the analysis for the impacts and need for mitigation resulting from the change in water flows and additional siltation that will result is not adequate. Common sense indicates that where the project seeks to divert larger quantities of water downstream during high water flows that downstream levees that held up but showed signs of questionable integrity during recent historical high water events may not be able to weather the storm. As well, the indicated work to existing levees around the project to create back bays and other water side excavations will undoubtedly send downstream additional materials to fill in the bottoms of water channels already in desperate need of dredging. Then combining O2-2

the increased silt that will be created with lower water flows during peak irrigation season and downstream areas already plagued with diversion problems resulting from low water flows and siltation of sump areas will increase.

It is indicated at page 2-5 of the SEIR in the first full paragraph from the top of the page that the Paradise Cut channel will be widened and deepened. This activity will send additional materials down stream to silt in downstream water channels as well as create a means of transporting larger quantities of water downstream during high water flows to channels NOT able to handle the additional flows. The aforementioned activity and concerns arising from the same are again indicated in the third paragraph of the page 2-5. The SEIR, however, does not mention that impacts to downstream irrigators nor levees are a significant concern. (SEIR, p.2-8, 1st paragraph; also SEIR p.3-30, 3rd paragraph).

The magnitude of impact that will be felt downstream is indicated, in part, by the figures mentioned at page 4.7-18 of the SEIR under the Impact analysis for 4.7-a and again the SEIR determines no significant impact to be mitigated. (SEIR, p. 4.7-23 under 4.7.4 Mitigation Measures).

O2-2
Cont'd

In referring to Table 2-1 at page 2-43 of the SEIR, it is clear that the project proponents do not believe that very little impact will result to downstream irrigators and levees regardless of what common sense indicates. (Impacts: 4.8-m and 4.8-n).

With regard to impact from the increased sediment from levee breaching, the only impact that seems to be of concern, as mentioned in the SEIR in Table 2-1, is to fish, not to any downstream waterways, irrigators or levees impacted from increased siltation clogging downstream waterways. (Table 2-1. page 2-70, Impact 4.15-b; page 2-70, 71, Impact 4.15-c; page 2-72, Impact 4.15-e).

Also, it does not seem reasonable that the project will have a beneficial effect on available water supplies as indicated in Table 2-1, page 2-44, Impact 4.8-q, where the project in full development will require more water for the intended development and will cause downstream irrigators more problems with their diversion efforts due to increased siltation and less flows at lower water elevations (usually during peak irrigation times). The lack of consideration of downstream irrigators that will be impacted by the project is again clearly missing from the indicated impacts. (Table 2-1, pp.2-72, 73, Impact 4.15-g; 4.15-i).

In Section 4.8.3 of the SEIR beginning at page 4.8-31, the proponents of the project conclude that the project does not impact water supplies outside of the project itself although the project will create additional sediment flows downstream and will affect water volume and elevation downstream that will affect downstream diverters. By making such a general conclusion, the proponents have concluded that there was no reason to model water sources outside the project area: at best the conclusion is self-serving. Especially given the laundry list of items listed on pp.4.8-32 and 33 of the SEIR that would indicate a significant impact and the fact that the project intends to substantially alter a stream or river course causing substantial siltation and erosion to occur downstream (offsite), the SEIR seems to indicate contradictory points. See also, Impact analysis 4.8-j on page 4.8-41 of the SEIR.

In considering the Tabled Impacts for 4.8-m and 4.8-n, pp4.8-43 through 47, it does not appear that any consideration was given to the impact of additional silt materials moving downstream nor the integrity of the downstream levees as indicated by the numerous boils that occurred during the1997 and 1998 events.

O2-2 Cont'd

It appears quite certain that downstream irrigators will be negatively impacted by the project as a result in the increased turbidity and siltation due to excavation and other construction work intended near the water and the reduction in water flows during low flow periods resulting in reduced "flushing" action to assist in clearing water channels and adding to the frequency of sump areas in and around diversions for irrigation pumping to become silted in and require maintenance not to mention the potential increase in pump equipment deterioration from increased pumping of silt sent down stream from the River Islands project.

It further appears that downstream levees will suffer negatively by the project resulting from increased siltation due to excavation and other construction work intended near the water and the reduction in water flows during low flow periods resulting in reduced "flushing" action to assist in clearing water channels. The effect will be to create more pressure on downstream levees during times of substantial surface water runoff and high water elevation thereby increasing likelihood of levee failure down stream.

The downstream levee entities believe that the proponent's modeling is flawed as it does not account for current conditions of the down stream levees that indicate that the integrity IS NOT at the level assumed in the modeling and does not account for the increased elevation of water resulting from the increase in siltation.

O2-3

The agencies and entities represented by these comments also join in any comments of the South Delta Water Agency, John Herrick, Esq., Alex Hildebrand and Dante Nomellini, Esq. in regard to the SEIR and the project. O2-4

Please include these comments in your review of the SEIR and thank you for the opportunity to participate in this process.

Very truly yours,

Dennis L. Hay

Cc: RD 773
RD1007
Naglee Burk Irrigation District
Independent Mutual Water Company
Fremont Irrigation Association
John Herrick, Esq.
Dante Nomellini, Esq.

LETTER
O2
RESPONSE

Law Offices of Mehlaff & Hay
Dennis L. Hay
Received on: December 2, 2002

O2-1 Meetings solely between the applicant and other agencies are not considered part of the Subsequent Environmental Impact Report (SEIR) review process. Agencies and entities were invited to participate in the CEQA project review via the notice of preparation, the public review of the Draft SEIR (DSEIR), and a public hearing on the DSEIR held on November 12, 2002. No environmental issues specific to the DSEIR were raised in this comment and no other responses are warranted.

O2-2 Three primary concerns are expressed in this comment:

- effects of increased flows in Paradise Cut on downstream levees,
- effects of project-induced siltation on downstream irrigators, and
- reduced water flows to downstream irrigators during peak irrigation times.

Each of these items is discussed below.

Increased Flood Flows
The commenter questions whether levees downstream from the project site that held up during past floods but showed signs of questionable integrity during recent floods would be able to tolerate increased flood flows generated by the proposed project. The most recent flood event in the project area was in 1997. This was considered a 1-in-89-Annual-Exceedence-Probability (AEP) event (89-year flood). As shown in Exhibits 4.8-53 through 4.8-57 in the DSEIR, implementation of the proposed project would result in reduced flood stage elevations in downstream areas of the San Joaquin River during a 1-in-89-AEP event, and in almost all other downstream areas (Old River, Middle River, Grant Line Canal) any increases in flood stage elevations would be approximately 1-inch or less. As shown in Table 4.8-27, these increases would not be expected to result in any additional levee failures.

The potential effects of the proposed project on flood elevations have been quantified through hydraulic computer modeling, as documented in Appendix I of the DSEIR. The analysis assumed that levee failures would occur when the water surface elevation reached a point 3 feet below the top of the levee. This assumption was made based on the probability-of-failure curve developed as part of the Sacramento and San Joaquin Rivers Comprehensive Study, which was prepared as a joint effort by the U.S. Army Corps of Engineers (USACE) and the Reclamation Board. The failure curve shows a slow increase in the probability of levee failure as flood levels rise towards the top of the levee (see Exhibit 4.8-9 in the DSEIR). Depending where on the curve flood elevations intersect, the probability of levee failure increases by approximately 8% to

continued ...

14% per every foot of increased flood level elevation, or from 0.67% to 1.2% per inch of elevation gain. When the flood elevation is 3 feet below the top of the levee the curve reaches 100% probability of levee failure within the general levee system.

Based on the results of this modeling, and as described under Impact 4.8-m of the DSEIR, impacts on downstream levees associated with project implementation are considered less than significant for the following reasons:

- Under most circumstances, the proposed project reduces flood flow elevations for storms with less than the 1-in-100 Annual Exceedence Probability (AEP).
- There would be fewer expected downstream levee failures with the project than under existing conditions for storms with less than the 1-in-100 AEP (see Table 4.8-27 in the DSEIR).
- For storms with greater than 1-in-100 AEP, project-related increases in flood flow elevations would be minimal and the incidence of expected downstream levee failures are not expected to change.

Paradise Cut is not considered among these "downstream areas". During a 1-in-100 AEP event flood elevations increase up to several inches in this flood bypass facility under the proposed project (Table 4.8-30). This increase is intentional, resulting from proposed (as part of the project) widening the flow area in Paradise Cut and removing existing flow restrictions near the Paradise Weir as described on pages 3-30 through 3-32 of the DSEIR. The Paradise Cut improvements are designed to generate and accommodate these increased flows into the flood bypass facility.

For the 1-in-100 AEP event, where project related downstream flood elevation increases occur, these increases range from a fraction of an inch to, at worst, an estimated 1.7 inches on Old River at Tracy Boulevard (see Exhibits 4.8-53 through 4.8-57 and Table 4.8-30). Based on the levee failure curve, the increase in the probability of a levee failure under these conditions ranges from less than 0.1% to approximately 2% depending on location. In other words, under the worst case conditions modeled here, the project would increase the probability of levee failure by 2% during a 1-in-100 AEP storm. Given the rarity of the 1-in-100 AEP event, the minor increases in levee failure probability projected during this event, and the decreases in flood elevations that would occur in several downstream areas (Table 4.8-30), the hydraulic modeling conducted in support of the SEIR analysis indicates that project implementation would not shift any significant flood control burden to offsite entities and no additional mitigation for downstream levees would be required.

continued ...

It should be noted, as stated on page 4.8-45 of the DSEIR, that an independent review was commissioned by Reclamation District (RD) 17 of the hydraulic model used for the SEIR analysis. The review, conducted by Gerald T. Orlob, Ph.D, P.E. of Orlob & Associates, found that the model "reliably simulates floodflows in the project vicinity. Results of the model can also be considered conservative, with simulated flood elevations expected to exceed actual conditions in the range of 0.50 foot." Dr. Orlob is a noted expert on hydraulic modeling. Based on Dr. Orlob's findings, actual reductions in flood stage elevations associated with project implementation could be expected to be greater than identified in the DSEIR and could occur over a greater range of AEP events. Conversely, actual increases in flood stage elevations associated with project implementation could be less than identified in the DSEIR and could occur over a smaller range of AEP events.

It cannot be reasonably argued, and no substantial supporting evidence is provided in the comment, that the decrease, or very slight increase in downstream flows during a 1-in-100 AEP event would adversely affect levees or increase flooding. The results of the hydraulic modeling conducted in support of the SEIR analysis indicate that project implementation would not shift the flood control burden to offsite entities; therefore, no additional mitigation for downstream levees is required.

The commenter states that the first paragraph of page 2-8 of the DSEIR does not mention impacts on downstream irrigators or levees. This is because the paragraph only addresses significant and unavoidable impacts. The full discussion of hydrologic impacts is provided in Section 4.8, "Hydrology and Water Quality." Several significant impacts are identified in that section; however, these impacts are all considered less than significant after mitigation and therefore would not be mentioned in a discussion of significant and unavoidable impacts. The commenter also mentions that impacts on downstream irrigators and levees are not mentioned on page 3-30. Chapter 3 provides the description of the proposed project. Analyzing impacts in this chapter would not be appropriate.

Siltation

The commenter generally contends that levee work, construction of back bays, deepening and widening of the Paradise Cut channel, and other project construction activities would result in the release of sediments that would travel downstream and fill the bottoms of downstream water channels already in need of dredging.

As described in the discussion of Impact 4.8-c, back bays and the increased channel width and depths in Paradise Cut would be constructed/excavated inside the existing levees before they would be connected with existing waterways. The only opportunities for sediment to be released into Delta waterways would be when levees are breached to initially fill these features and during construction of in-water features, such as bridges. Levee strengthening and construction of high-

ground corridors would all occur on the landward side of existing levees; therefore, there would be little to no opportunity for sediments to be released during these activities.

Any potential for erosion/sedimentation resulting from project construction and operation is addressed under various impacts in Section 4.8, "Hydrology and Water Quality," and Section 4.15, "Fisheries." The thresholds of significance for sedimentation related to these environmental issue areas are lower than any that would be related to sedimentation of downstream canals and waterways. Only minimal sediment releases would be required to exceed significance thresholds for water quality (e.g. state or federal water quality standards) or fisheries (e.g. result in adverse effects on endangered fish species). Whereas substantial sediment releases would be required to appreciably reduce the capacity of downstream waterways. Because the proposed project would not result in any significant water quality or fisheries impacts after mitigation, it also would not have any significant effects related to downstream sedimentation. Mitigation measures included in the DSEIR to address potential water quality and fisheries impacts from sediment releases are considered more than sufficient to also prevent any potential sediment impacts at downstream waterways.

The commenter questions the conclusion that Impact 4.7-a, "Geology, Soils, and Mineral Resources - Construction-Related Erosion," is less than significant. This impact is discussed in the "Geology, Soils, and Mineral Resources" section of the DSEIR, and from the perspective of this environmental issue area the impact is considered less than significant, with information supporting this conclusion provided in the discussion of the impact. However, project-related erosion and its potential effect on downstream irrigators and construction-related erosion are addressed in three separate impacts in Section 4.8, "Hydrology and Water Quality" (Impacts 4.8-a, 4.8-c, and 4.8-d), and is considered a significant impact in each case. Construction-related sediment inputs into adjacent waterways is also considered a significant impact in three instances in Section 4.15, "Fisheries" (Impacts 4.15-b, 4.15-c, and 4.15-d). All these impacts are considered less than significant after mitigation.

The commenter states that Impacts 4.15-b, 4.15-c, and 4.15-e, as described in the Impact Summary Table (Table 2-1), are the only impacts that address sedimentation, that the impacts focus only on fish, and that there is no discussion of sedimentation effects on downstream waterways. As discussed above, Impacts 4.8-a, 4.8-c, and 4.8-d in Section 4.8, "Hydrology and Water Quality," also address the potential for erosion and sediment releases in waterways during project construction. Any impacts that identify the sedimentation of waterways and any mitigation measures to prevent that sedimentation, whether it be related to fish, water quality, or other concerns, would also address downstream waterways because prevention of those releases at the project site would also address the potential for that sediment to be moved downstream.

continued ...

The commenter states that it does not appear that any consideration was given to the impact of additional silt material in the discussion of Impacts 4.8-m and 4.8-n. These two impacts address potential hydraulic and flood stage elevation effects associated with project implementation. Impacts associated with sedimentation during project construction and operation are analyzed independently in the discussions of Impacts 4.8-a, 4.8-c, 4.8-d, and 4.8-j.

The commenter states that the project would result in reduced water flows and resulting "flushing" action that remove sediments downstream of the project site. As discussed in Impact 4.8-n, the project is not expected to significantly affect nonflood hydrology in surrounding waterways; therefore, any existing sediment flushing action would not be altered. No substantial evidence is offered in the comment to refute this conclusion.

Reduced Water Flows

The commenter questions the conclusion that Impact 4.8-q, "Water Supplies to Other Users," would be less than significant and expresses that water use associated with the proposed project would result in less surface water flows to downstream irrigators during peak irrigation times. The comment does not connect project domestic water use (which will be through municipal deliveries) to downstream water availability. As described in the full analysis of Impact 4.8-q on pages 4.8-9 and 4.8-10, the proposed project could directly affect the water supplies of other users through two primary mechanisms: using regional supplies, thereby making them unavailable for others, or using local supplies, making them unavailable to others.

Using regional supplies for the proposed project could affect others if such supplies are not appropriately planned. The City of Lathrop has taken proactive steps to secure its own future water supply through a combination of groundwater and surface water supplies (South County Surface Water Supply Project) that it is legally entitled to receive. Because the City of Lathrop has secured and has rights to use its water supply and other users would not be adversely affected, impacts related to regional water supplies are considered less than significant. Regarding local water supplies, diversions from the Delta would be less under the proposed project relative to existing agricultural operations (up to approximately 6,500 acre-feet [af] less annually). The project applicant is legally entitled to these local water supplies via riparian and appropriative rights but would be diverting less water locally with the project compared to existing conditions and would be diverting water during times (i.e., late fall, winter) when water supply needs for local agricultural diverters are not as high. Therefore, the proposed project could result in increased surface flows to downstream irrigators during peak irrigation times and would have a beneficial effect related to local water supplies (also see the discussions of Impacts 4.8-f and 4.8-h).

The discussion of Impact 4.8-q goes on to identify three mechanisms by which the project could indirectly affect the water supplies of other users: decreased water quality, decreased water

surface elevation in the South Delta, or decreased water supply because of increased special-status fish mortalities. The proposed project is considered to have a net benefit on water quality because of the increased quality of water discharges from the project site relative to existing agricultural discharges (see the discussion of Impact 4.8-I). Therefore, no decreases in water supply would occur through this mechanism.

As described above, under the proposed project, direct diversions from surrounding waterways would be reduced by up to approximately 6,500 af annually, resulting in a slight net increase in water available to downstream users. The proposed levee and channel modifications also would not adversely affect water surface elevations during nonflood flows (see the discussion of Impact 4.8-n). Therefore, no decreases in water supply would occur through this mechanism.

It would be possible that there would be a decreased water supply if there were an increase in special-status fish mortalities from the project. If this were to occur, it could result in the need for additional restrictions on water diversions to protect these fish species. However, this is not the case. Overall, the proposed project would have a long-term net benefit on Delta fisheries because of improvements to fish habitat, flows, fish screens, and water quality (see Section 4.15, "Fisheries"). Therefore, no decreases in water supply to downstream irrigators would occur through this mechanism.

The analysis of potential project effects on water supplies to other users in the discussion of Impact 4.8-q is considered thorough and accurate. The commenter does not provide any information or data that refute the analysis or question the results. The River Islands project is not expected to have any adverse effects on water supplies available to downstream irrigators, and it may ultimately make additional water available to these irrigators.

The commenter contends that consideration of downstream irrigators is absent from the discussion of Impacts 4.15-g and 4.15-i, as described in Table 2-1. The descriptions of Impacts 4.15-g and 4.15-i in Table 2-1 are summaries of the full discussion of impacts and mitigation measures in Section 4.15, "Fisheries," in the body of the DSEIR. These impacts deal specifically with project effects on fisheries resources and therefore would not be expected to address affects on downstream irrigators or water supplies.

The commenter references the discussion of analysis methodology beginning on page 4.8-31 of the "Hydrology and Water Quality" section. The commenter states that "the proponents of the project conclude that the project does not impact water supplies...." It should be noted that the DSEIR was prepared by the City of Lathrop and the EIR consultant (EDAW), not the project proponent. Any conclusions in the SEIR are based on a thorough review and analysis of available information conducted by the City, EDAW, and associated subconsultants. The "laundry list" of items on pages 4.8-32 and 4.8-33 referenced by the commenter are a list of

impact mechanisms through which the project could affect hydrology and water quality, and the thresholds of significance for assessing impacts. There are no impact conclusions in this section and there are no discussions of the types and significance of project impacts. This type of information is included in the impact analysis section. The commenter also references Impact 4.8-j with no specific question or comment to respond to. As stated previously, the commenter appears to question the conclusions in the impact analysis of the DSEIR, but does not provide any information or data that refutes the analysis or questions the results.

O2-3 As stated previously in response O2-2, the levee failure assumptions used in the DSEIR analysis are based on the lower San Joaquin River probability of failure curve included in the Sacramento and San Joaquin River Basins Comprehensive Study (Comp Study) prepared by the U.S. Army Corps of Engineers (USACE) and the California State Reclamation Board. The Comp Study failure curve is believed to be the best data available on levee failure probabilities throughout the area potentially affected by the proposed project, and basing the SEIR's flood model levee failure assumptions on the Comp Study failure curve is considered a reasonable method for evaluating preproject and postproject flood hazard conditions. The commenter does not provide any data supporting the contention that levees downstream from the project site are not represented appropriately by the Comp Study failure curve or suggest a modeling method superior to use of the failure curve. In addition, as discussed above in the portion of response O2-2 related to increased flood flows, under most conditions the proposed project would result in downstream flood elevations decreasing, or increasing only minor amounts. Such minor increases in flood elevations are not considered to significantly impact downstream levees.

See the portion of the response to comment O2-2 related to siltation in response to the commenter's statement that increased siltation from the proposed project would result in increased flood stage elevations. Implementing the proposed project would not result in significant downstream siltation (after mitigation) related to water quality and fisheries. The thresholds of significance for sedimentation related to these environmental issue areas are lower than any that would be related to sedimentation of downstream canals and waterways. Therefore, if no significant siltation impacts occur related to water quality and fisheries, sufficient silt would not be released downstream to increase flood stage elevations in these areas.

O2-4 A comment letter has been received from the South Delta Water Agency signed by John Herrick (letter L9), and a response has been provided as required by CEQA. Any letters received by other individuals listed by the commenter also would be responded to, as required by CEQA.

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CITY OF LATHROP

PLANNING COMMISSION MEETING

TUESDAY, NOVEMBER 12, 2002

LATHROP CITY HALL

COUNCIL CHAMBERS

16775 HOWLAND ROAD

LATHROP, CALIFORNIA

6:16 PM

Reported by: Karen A. Joseph, CSR 10919

PERSONS PRESENT:

DEANNA D. WALSH, Principal Planner

SUSAN BURNS COCHRAN, City Attorney

BENNIE GATTO, Chair

CRYSTAL QUINLY, Planning Commissioner

STEPHEN A. DRESSER, Planning Commissioner

JAMES R. MONTY, Deputy Chief/Fire Marshal

GARY D. JAKOBS, AICP, Vice President, EDAW

SEAN BECHTA, Senior Project Manager, EDAW

BRUCE A. COLEMAN, Community Development Director

RAMON BATISTA IV, Assistant City Manager

BRIDGETTE WILLIAMS, Contract Planner

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CHAIRMAN GATTO: Back to Item 8, the public meeting. Item 8 is review the Environmental Impact Report on the River Islands at Lathrop project and Urban Design Concept.

MR. COLEMAN: Thank you, Mr. Chairman.

CHAIRMAN GATTO: Bruce.

MR. COLEMAN: I have a brief presentation and then I'm going to ask Gary Jakobs to give a more detailed presentation regarding the EIR itself. Just by way of background, back in February of '01, the City Council

entered into an agreement or authorized agreement with EDAW of Sacramento to prepare the Environmental Impact Report. That report, as you know, is now done. It's out for circulation. It was released for public review October the 16th and the public comment period ends after 45 days on December the 2nd.

We are then, depending upon the amount of time necessary to prepare responses and prepare some other documents relating to the entitlement, we're looking at a joint public hearing with the City Council and the Planning Commission, we expect in January, where the Planning Commission will be asked to act on the environmental document, make a recommendation on the environmental document and recommendations regarding the various entitlements.

And as we indicated in the staff report, there's a whole slough of entitlements that are related to this project. And then the City Council would need to take its action, and then there would have to be a second reading as part of the development agreement and any other ordinances that would be involved in this by the City Council.

At tonight's meeting, the purpose of the meeting is to provide a presentation to you, hear Planning Commission comments, hear comments from the public and

anyone else who would like to comment. And then those comments and the responses to those comments are prepared in writing, and they're then included in the final subsequent Environmental Impact Report. So at this point I'm going to ask Gary to make a presentation.

MR. JAKOBS: I'll try not to knock you over.

MR. COLEMAN: That's okay.

MR. JAKOBS: Pardon my voice tonight. I'll try not to cough too much as I give this presentation. I'm Gary Jakobs with EDAW. I'm the project director principal in charge of the EIR report. Hello again. It's good to be up here. I wanted to introduce a couple of our staff members who are in the audience tonight. Sean Bechta who is the project manager of this -- for this EIR.

And, Sean, why don't you stand up?

He worked very hard on producing this mass of documents. And I've only got two of them right here. There's two more that go with this. And then Jim Merck who is back there. Jim has been instrumental in coordinating a lot of the work we prepared.

Just showing this, this is the cover of the document for everybody. The purpose of tonight's hearing is to describe the project, summarize the plannings of the Draft Supplemental EIR and to receive comments on the

Draft Supplemental EIR. And as Bruce said, it's not to respond to the comments. It's to receive them and to respond later on in writing.

First of all, what is an Environmental Impact Report? The purpose of an EIR is to evaluate a project for its significant or potentially significant environment effects, to inform the public and decision makers of those effects, provide mitigation measures and alternatives that would feasibly reduce those significant effects, and identify impacts that cannot be mitigated or avoided.

What is a significant impact? It's something we're going to be talking about a lot. It's a substantial and adverse change in the physical environment. And that's an important concept. There's a lot of questions often about effects on property values and other social issues. CEQA is very specific that the impacts are on the physical environment.

This slide shows the general location of the West Lathrop Specific Plan. And it's right there going back, and then here's the River Islands project site. There was an Environmental Impact Report prepared in 1996 for the West Lathrop Specific Plan, and that EIR was certified and is an adequate document, adequate for use in considering subsequent projects. But this particular

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project has enough changes to it that were not contemplated in the West Lathrop Specific Plan that it was deemed necessary to prepare a subsequent Environmental Impact Report to look at the specific effects of this project.

Now the entitlements that are being sought are amendments to the general plan, are amendments to the West Lathrop Specific Plan and zoning codes, and then to the Califia development agreement, approval of the Urban Design Concepts, Williamson Act cancellation, and various other city entitlements. All of these actions are pertinent to the Stewart Tract area, and the general plan does have effects on the other areas of the city too.

What is the proposed project, what is River Islands? Excuse me. 11,000 new residences are proposed, 305 acres of employment, town center, a little over 16,500 jobs, 265 acres of parkland, flood control improvements. And in that parkland and in the facilities there are also a number of boating and dock facilities.

The project that we looked at in the Environmental Impact Report is really in three phases. It's two and a subphase. Phase 1-A, that's this area right here, that's 800 dwelling units. That's an area that's anticipated to be built out in 2007?

MR. BECHTA: '7.

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MR. JAKOBS: 2007. Phase 1, flood control, town center, and employment center, and over 4,000 total dwelling units. Phase 1 is located in this area. So it's both this area right here and this area. It's also flood control improvements in the Paradise Cut area. And then the final phase is the remainder of the project.

CHAIRMAN GATTO: Gary, you said phase 1 and then you mentioned 1 again. But you also show phase 1-A up there. Did I miss it? Did you mention phase 1-A?

MR. JAKOBS: Yeah. Phase 1-A is the first phase. That would be built up by 2007.

CHAIRMAN GATTO: Okay. Okay. I've got you. All right.

MR. JAKOBS: And phase 1 would be -- 2015 is the projected build-out of phase 1. And then phase 2, the remainder, would be up by 2025.

CHAIRMAN GATTO: Okay.

MR. JAKOBS: Most of the issues were analyzed in the Environmental Impact Report. We did not focus out any of the issues, so we revisited every single issue that had been addressed previously because of the changes in the project versus what was looked at before. We looked at land use consistency; population, employment, and housing; traffic; air quality; noise; geology; soils; mineral resources; hydrology; water quality; hazardous

materials; public services; utilities; recreation; agricultural resources; terrestrial biology; aquatic biology, which is fisheries; cultural resources; and aesthetic resources. Now these were the issues that were analyzed. Not all of them were determined to be significant.

The issues that were found to be significant, traffic, air quality, noise, geology, hydrology, hazardous materials, public services, utility, agriculture, terrestrial biology, fish, cultural resources, and aesthetic resources, these are all identified as significant impacts, all of which require mitigation where mitigation is feasible. Okay?

Now after mitigation is supplied, a number of these impacts are reduced to a less than significant level. And after the application of mitigation, we have four remaining topics in which we have significant unavoidable impacts. That's traffic, air quality, noise, agricultural resources.

I want to spend a few minutes talking about some of the elements of the project that are really the more significant elements that address some of the issues that really took a lot of our attention and analysis and the team's attention. First off, flood control elements. It's been a long-standing issue. How is the island going

to be flood protected and what does that mean? There will be wide levees and high ground corridors. This is a very high levee.

Sean, what's the width roughly? About a thousand feet?

MR. BECHTA: No, 300 feet.

MR. JAKOBS: Three hundred feet.

MR. BECHTA: Three hundred feet.

MR. JAKOBS: And with this width there's actually contemplated development on the levees. These are set back from the existing levees which would remain in place. Also there would be reinforcement of levees. The very significant component is Paradise Cut will be widened and deepened to provide for better flow through that long -- excuse me -- that longstanding flood control improvement that will be used to a greater extent than it is currently.

The island would be protected -- Stewart Tract would be protected to the 200-year flood protection level. What that means is that some of the other areas will experience -- some of the surrounding areas will actually experience increased flows during very, very high flood events; yet, we found this to be a less than significant impact. Why? Well, during the 100-year storm, almost every area surrounding the River Islands

area, the flood levels would be reduced during the 100-year, the 50-year, the 20-year storm events.

So particularly doing impacts in Paradise Cut results in a lot of flood control improvements that benefit the region. There's one area that experience is slightly increased, but it's in the area of a couple of inches during the 100-year storm. So for the most part, it's provided by the flood control facilities.

As we get into the 200-year storm because very little of the area, if any of the area, surrounding is protected to a 200-year level putting levees up to a certain height, well, it raises water levels elsewhere. We didn't call it significant because the 200-year flood is a highly, highly, highly unusual, rare circumstance. CEQA really asks us to look at probable impacts, and it focuses on impacts resulting in the 100-year storm up to 100-year storm. Because this project would substantially benefit most of the region during most common flood events up to the 100-year storm event, we felt that on balance the project would not be a significant impact to flood control.

This is a pretty complicated slide, I'll admit, but what it illustrates is some very important concepts and we decided that it was important to show it. Okay. What we show here are river water use. Right now River

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Islands or Califia, Stewart Tract, do take water out of the river. During storm events, water is discharged back into the river and it's not controlled by any urban structures. This is a pre-project Delta water requirement. So as you see right here, if you follow this thin line, as you see during the year, water withdrawn from the river actually peaks at about 300 acre-feet per month in the middle of the summer.

After the project you have a water requirement that was very low, so very little water would be taken out of the river during the summer or after the project. Now as far as return flows, this is -- these are return flows to the river under current conditions. And as you see, during the summertime of the year, you have a lot of water returning to the river: irrigation, return flows running off from the property. After the project we see stormwater flows and lake water pumped to the Deltas that are basically stormwater that needs to be discharged into the Delta, peaking in the winter months and falling off. And it's far less than under current conditions.

So what does this all mean? The overall quality of water discharged to the Delta improves, and I'll explain why in a moment. The overall volume of discharge decreases, and the discharge occurs at a better time. Why a better time? Well, as you saw in the slide

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previously, you have a lot of discharge in the summer months when the San Joaquin River is at its lowest time.

So with the agriculture runoff occurring at that time, you have relatively high concentrations of pollutants entering the river when the river water is at its least level, and meaning it's the least diluted by changing the time at which runoff occurs which is during the high winter runoff period when a lot of pollution occurs. Also under current conditions, there's very little control over how runoff occurs. Under post project conditions, there are best management practices a lot of new facilities that would be constructed on the project to control and clean the stormwater runoff before it enters the river.

This table here, which has a lot of numbers in it, shows basically the change in different pollutant types that enter the river post project. And for the most part, for just about every pollutant there's a decrease in the amount of constituent of total load that enters the river. There are a few that increase, but very few. And on balance we think there's a water quality benefit as a result of implementing the project and the practices that would occur.

Hydrology and fisheries, again, there's less water pumped from the project. Water is pumped in at a

better time of the year. It's pumped when there's a lot of water to begin with. Very importantly, the intakes, which are currently unscreened, will be screened as part of the project. That's a design element of the project, so that is something that was coordinated in. It's a huge benefit to fish to change the way the water is taken into the water site.

As far as traffic impacts, what we've shown here is where we're going to have significant unavoidable effects. The way the modeling was conducted for this project is a little bit unusual in that as you see time march on in the Environmental Impact Report, we see a lot of traffic added to the roadway system that is not project traffic. The model that our traffic engineer used was the San Joaquin Council of Governments' traffic model. And what that does is take all of the development that's expected to occur in the region, and it throws it on the roadway system. And then you throw the project on top of that.

So a lot of the roadways in the area become adversely affected with or without the project. The project adds to it. The project will add significant traffic to the region. There's no question about that. Roadways that will be affected are I-5, I-205, and State Route 120 would all be operating above their capacity,

the main lines of their freeways. The only way to resolve that is through regional transportation fees and a lot of widening. And even then it doesn't look like there's significant mitigation available to be able to fully mitigate impacts to those roadways.

The Louise Avenue interchange, the Mossdale interchange, and as you see, there's a circle that doesn't have an interchange in it. Right there. That's because that interchange would be abandoned as other interchanges are improved. The McArthur interchange also would be adversely affected as with the New Paradise Road interchange which doesn't exist right now. But once it's in existence, it will be adversely affected by project traffic.

A lot of mitigation. The City of Lathrop is ahead of its time in the region. It has committed to a regional transportation fee. That fee is intended to accommodate the City's fair share of traffic improvements that will be needed to resolve a lot of the problems. But it still would not resolve all of them.

Incidentally, the regional San Joaquin County Unified Pollution Air Control Commission is currently -- for your information, this isn't in the EIR. I talked to a staff person at the District -- is currently contemplating putting a trip fee on all new residential

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development in the San Joaquin Valley. And they complimented Lathrop in their advanced thinking in trying to address these issues. Just so you know.

Louise Avenue/McArthur Drive we have interchange improvements. Chrisman/Paradise interchange construction would occur. That's a mitigation measure in the project. Paradise Road to Arbor Avenue and McArthur Drive, all of them have improvements. And I-5 and I-205 will have additional lanes. A lot of these roads are provided by Cal-Trans. Projects will contribute fees to a lot of these improvements.

As far as water supply is concerned, the City is currently planning to expand its well field and is also in the process, as you know, of securing South San Joaquin Joint Irrigation District water. It's already been approved. Program is in place. All of this is consistent with the master plan and all is sufficient to serve the project.

Water treatment and recycling. Recycled water is going to be used extensively on site, and all recycled water would be consistent with the master plan, the recycled water master plan.

The noise impacts. The project itself does not add to significant noise, but it would place sensitive receptors, basically residences, within the 65, 60 to 65

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decibel. That's the contour that the City has deemed and most cities consider significant in terms of noise. There's the 60. There's the 65 contour, and here's some intersection of the contours. Where this impact would be noticeable is in outdoor areas. Indoor areas can all be mitigated through standard construction design and dual-pane windows and things like that. But some exterior levels would be noisy. Basically you'll hear freeway noise and you'll hear real noise in some outdoor areas, in those areas that are proposed to be constructed.

What are the next steps? Notice of preparation was released in November of 2001. Scoping meeting was held here in December of 2001. The Draft EIR was released October 17th, 2002. We have today's public hearing to receive comments. The public comment period closes December 2nd, 2002. That's the last day that written comments can be postmarked for consideration.

We'll then prepare response to comments and the Final EIR which will be the response to comments plus the Draft EIR. And then there will be a project decision by the City of Lathrop. And if the project is approved, then the City will file a notice of determination. So that pretty much is the public review procedure.

That's the presentation that I have tonight. If

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you have any questions or I can answer whatever I can about basically the process, but we're going to reserve substantive questions to our written responses.

CHAIRMAN GATTO: Okay. Thank you, Gary. Is there any questions of the Commission to hear at this time --

COMMISSIONER QUINLY: No.

CHAIRMAN GATTO: -- before I go to the audience?

COMMISSIONER DRESSER: No.

CHAIRMAN GATTO: Okay. At this time is there anyone in the audience that would like to make any comments on this project? Anyone in the audience for or against? Any public comment? Boy, you folks are awfully quiet out there.

COMMISSIONER QUINLY: They love it.

CHAIRMAN GATTO: They love it. Seeing none, I'll bring it back up to the Commission here. And I think I'll start to my right with our Planning Commissioner Crystal Quinly, which she does such a thorough job that she just about answers all of our questions.

COMMISSIONER QUINLY: Don't be scared this time. There's not a lot. Although I really am surprised, we don't have anybody from the public speaking for or against this. This is so big and nobody is here to show

concern. So anyway, hopefully somebody will read those minutes, somebody from the public. So I guess that's more than surprising that nobody would show up to comment on this.

Most of these are just comments, and if there is a question, I realize it will be answered later. Some things I just disagree with as far as if they were designated as less than significant. For example, on 2-9, population growth, it says less than significant. I guess it is to be compared to the West Lathrop Specific Plan which is a stand-alone to a project. It's definitely a significant impact on that. PH-1

On agricultural resources, 4.13, this is on page 2-52. As far as the mitigation measures, I believe that -- I thought it was cause. Anyway, they said that they also did not agree that these mitigations were acceptable or that there should be more. They could have been mitigated more. And I mean the statement here is, "Therefore, full compensation for losses would not be achieved." And that's a big concern. And I worked out the numbers. I want to say it was almost 10 percent in San Joaquin Valley as far as prime farmland and farmland we were going to convert. That's significant. And then I guess that's what we're seeing here is that's significant and that's unavoidable. PH-2

MR. JAKOBS: If I may ask a question, we are always looking for suggestions for mitigation that may not have been included in there. And if there is any that we can consider in our response to comments, that would be helpful.

PH-2 Cont'd

COMMISSIONER QUINLY: The 50 percent environmental alternative. I think that would be a good mitigation, a good place to start. I thought I had one for that. A lot of these also especially related to water. And this is on page 3-44. This is talking about the desired lake level and pumping water into and out. I guess I was wondering if that was approved by the state yet, if we received any permits from any of the state water boards. That's just a question there.

MR. JAKOBS: Typically the process that is followed is the Environmental Impact Report goes through the City. The City makes its approval decision on certifying the EIR and the project, and then responsible agencies can then use the certified EIR to make those decisions.

PH-3

COMMISSIONER QUINLY: Right.

MR. COLEMAN: It should be noted that the applicant has had a lot of discussions with state agencies, but as Gary just stated, that process could be subsequent to any action.

COMMISSIONER QUINLY: So we're expecting approval for most of these things?

MR. JAKOBS: We don't know.

COMMISSIONER QUINLY: I mean you've discussed it --

MR. COLEMAN: We can't determine that. We don't know.

COMMISSIONER QUINLY: I know. I know. Yeah. And some of these are very difficult.

MR. JAKOBS: There's been a lot of consultation with responsible agencies throughout this process, so there's been certainly a lot of discussion to determine whether or not these are within the realm of feasibility. But as far as approval is concerned, we do evaluate them.

COMMISSIONER QUINLY: That's right, and that's just a comment again on the permit process. I'm already to my second book here. To some of the other, I mean, significant and unavoidable traffic, air, noise, and agricultural resources, those are significant. And again, I'm really surprised there's nobody here to speak for any of those. I can't believe the Sierra Club didn't show up to at least comment on this.

Other concerns I had was on soils, that that was significant and the mitigation measures were to just be sure that we get engineering studies. Again, I just -- I

PH-3 Cont'd

PH-4

guess I have to assume that those mitigation measures are -- and the engineering studies are going to be adequate because we're going to be putting people on these. And the expansive soils, that was pretty severe.

PH-4 Cont'd

Cumulative impacts, I think the City of Lathrop right now is looking at 800,000 acres -- or, I'm sorry, 8,000 acres with all these new projects coming in. And it really -- the way some people think of it, including me, 8,000 acres we're going to pave over. And I also need to say though that this EIR and really this project is -- they have really gone out of their way, the developers, to be as environmentally friendly as you can get when you're just planting crops of homes.

PH-5

That also leads, I guess, into my comments on aesthetics. It is significant, and I think it is less than significant in the EIR, but I think it's significant to just see another crop of homes popping up. And it's going to be 8,000 acres. We're not really going to have any ag land left. We'll have Paradise Cut and hopefully we'll have some division in the cities in 30 years when all of this is developed.

PH-6

That's all of my comments. They did a really good job on the EIR. I didn't have any questions technical, and it's just a big project.

CHAIRMAN GATTO: Thank you, Crystal.

Commissioner Dresser?

COMMISSIONER DRESSER: Okay. Just a few items, and most of them have to do with timing. A lot of the items that are in the summary impact with the mitigation measures talk about triggers and monitoring and things and fees that are being collected to offset them. You had a nice graph up there regarding traffic and impacts of all traffic and how that was measured. And the timing of that is 2007, the widening of the freeways. Is that what it was? 2005? PH-7

MR. JAKOBS: I think it's 2007.

MR. BECHTA: 2007 for the I-205 widening.

COMMISSIONER DRESSER: Because there was one impact regarding the impact of the construction of the workers themselves on the streets and the bridge over there and maybe one-way traffic at certain times of the day and the impact that might have. Is there anything else that we can do around that? PH-8

Another question was concerning on page 2.27, 4.4-S, outside circulation talking about bike paths. "Eight to 10 feet typically for bike riders only." PH-9

MR. JAKOBS: The question --

COMMISSIONER DRESSER: The problem is it's possibly significant is the rating of that. It talks about people also walking. Where are the pedestrians

going to walk? And I think it mentions on one side only that it would be available on that. It would seem like if we're trying to develop something to encourage folks to walk and bicycle, that we give them the means or the path to do that. And it seems like this kind of hampers that a little bit. 2-27.

MR. COLEMAN: I was going to ask you. 2-27?

COMMISSIONER DRESSER: Yes.

MR. COLEMAN: Okay.

COMMISSIONER DRESSER: And I'm not sure if that just means widening that path a little bit to maybe make it safer for someone to walk on it. Anyway, that's just a comment.

MR. COLEMAN: We'll look at that.

COMMISSIONER DRESSER: This is a phasing or a timing question. It's in table 2-1 on page 2-32, 4.5-F. It talks about providing transit benches, shelters and things to encourage folks to get out and exercise, park and ride and things. What is the timing of that? How does that work with phase 1-A and phase 1? Where is that going to take place? Where is that going to --

MR. JAKOBS: We'll address that in writing, but a lot of the improvements that occur come in when the roadways are constructed. We will address that.

COMMISSIONER DRESSER: Okay. What's an

PH-9 Cont'd

PH-10

PH-11

environmental monitor?

MR. COLEMAN: What's an environmental monitor?

COMMISSIONER DRESSER: Uh-huh.

MR. COLEMAN: What the City is going to need to do is the City is going to, I think, bring on someone that's going to help monitor this. This is an extensive list of monitoring items that are going to be reviewed as -- assuming the project is approved. As we work on various phases of the project, final maps, for example, building permits, we're going to have to take responsibility for monitoring these. And in my view, we're going to need some outside resource to do that.

COMMISSIONER DRESSER: So it's the City?

MR. COLEMAN: No, the City will be responsible for the monitor.

MR. BECHTA: Excuse me. It will depend on the nature of the impact and the mitigation. There are some monitoring specifically to biological resources that will be done by others, some culture resources specialist.

COMMISSIONER DRESSER: So it's not a self-monitoring?

MR. COLEMAN: Oh, no, no.

MR. JAKOBS: As part of the approval process, the City will have to adopt a monitoring program that will spell out what each of the mitigation measures in

PH-11
Cont'd

here will be monitored. Who does it, how it's done, when it's done.

COMMISSIONER DRESSER: Bear with me while I'm flipping through the pages here. Traffic. Here's a question. I don't know if it's the right time to ask. And it has to do with the schools, and it's talking about building of schools K through 12 or a back-up plan that talked about building an elementary from K to 6 and then another set for 7 to 8. And I guess the numbers showed that we would need schools before the K through 12 would be fully developed. And so there was a plan in there, I think, to build three smaller schools or some schools to meet that. And I'm wondering what is the trigger to that because it doesn't take a few months to build a school.

MR. COLEMAN: I guess I can answer that one. There is also a mitigation agreement process that's ongoing between -- negotiations ongoing between the two school districts that are involved in this project. That's Banta and Tracy Unified. And although we have not seen that mitigation agreement yet, we're very much aware that it's an ongoing process and we're anticipating that that agreement is going to spell out certain trigger points.

All the City can require is the payment of fees. So certainly we're encouraging the developers and working

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PH-11 Cont'd

PH-12

closely with most school districts to try to come to a mitigation agreement, and we believe that's where a lot of this will get covered.

COMMISSIONER DRESSER: What I don't like to see is modulars being brought in on some property, and then all of a sudden in three years, tear it down and build another school. Or busing in between now and then.

MR. COLEMAN: Well, some of what's going on right now, at least the meetings that we have attended, the staff, deal with how do you phase development of the schools and build certain components of it. And hopefully those components can remain part of the permanent school. But that discussion is ongoing at this point.

PH-12
Cont'd

COMMISSIONER DRESSER: And then so how does that fit in at the end? Let's say when this EIR is done and all the comments are taken back, will that be spelled out at that time, or will that still be in the future of what that school plan will be?

MR. COLEMAN: Well, the only thing that we can require -- and I think the city attorney will correct me if I say anything wrong on this -- is we can require the payment of fees. That's all we can require. However, we are trying to encourage the two districts and the developers, very much trying to encourage on a proactive

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basis for them to come to an agreement so that we can -- we can respond to that question in terms of when the schools are going to be built, what the trigger points are going to be. Otherwise, it's really an issue that the school district is going to have to work on separately through the payment of fees, and we hope it doesn't go that approach.

COMMISSIONER DRESSER: I understand. That's a good position for the City to take, to encourage the developers. Okay. Thank you. That's all I have.

CHAIRMAN GATTO: Okay. Well, I kind of have to agree with what Crystal said. It's a big project. It's a shame that we don't have people here, but also I have to agree with her that to the point that I think the City and the project director hired the most capable people to do this project.

And I think that as you stated, there is a lot of things in here that don't look like they're going to be mitigated to the proper point. But, you know, where is Lathrop going to go if we don't start building? Okay. And I've said this since day one, you know. We're surrounded by other cities, especially Stockton and Manteca and Tracy, that are just closing in on us. Okay? And if we don't develop the land that we have, then some day somebody else is going to develop it, you know.

PH-12 Cont'd

PH-13

They're going to get to the point where they may take it away from us. That's a -- you know, a hard thing to say that, yeah, somebody will take land away from you, but there is a very good possibility, you know.

And I've said this time and time again. Our boundaries are set. We're only going to grow to a certain population. We can't jump rivers. We can't jump railroad tracks, you know. We can't jump roads because LAFCO has given us the boundaries. And that's where we are. We cannot grow beyond that point.

Now the other cities have got lots and lots of land that they can still gobble up. And they're still doing it, you know. And I think it's up to the higher echelons to say: Wait a minute. You better develop what you have now before you jump into something else.

And a good example of that would be LAFCO. And the last annexation that the City of Manteca tried was turned down because they're in that situation. They're moving so fast and they want more land just for future development that, you know, LAFCO has finally said: Wait a minute. You develop what you've got and then we'll look at that down the road. Lathrop is not in that situation, you know. We have our land. We want to develop it, so this is a start right here.

I had some on the EIR, but I think a few of them

were answered. I want to go to the Urban Design Concept. I noticed neither one of the commissioners here mentioned anything on the Urban Design Concept, but page 1 of 8 we're talking about trees and grasses on the bank. Now the only thing I'm concerned about is if when we get high water like we did in '97 and we have water coming down the river at 12, 15, 18,000 cubic feet a second. If we get trees planted too far down that bank, we're going to have a slow-up in that flow of water. Has anybody thought about that? Are we talking about our -- we're talking about the main channel; is that correct?

MR. COLEMAN: Well, let me try, and anybody can chip in if they want to.

PH-14

CHAIRMAN GATTO: These are just comments.

MR. COLEMAN: Oh, just comments. Okay.

CHAIRMAN GATTO: I'm just saying it's something we need to take a look at. Because if we start planting, I don't know if we would even be allowed to do that, planting trees, you know, on the river side, you know, of the main channel, you know. And then if we do get the high water, as I said, we're going to have a lot of that slow in the flow down the river. Is there somebody that agrees with me?

MR. COLEMAN: I think -- let me just say when the state reclamation board looks at this issue, it's one

of the issues that I believe they're going to be looking at in terms of what kind of planting is going to be allowed on -- as much as the applicant calls this high ground, it is in fact a levee, and the state has made it very clear to us since the meetings with the state that this is in fact a levee and they're going to have some say on how it's planted.

CHAIRMAN GATTO: Okay. I mean these are just comments. I'm not saying we need to do it one way or the other. Gary?

MR. JAKOBS: I do want to say that the analysis that was set up for the EIR does consider the plantings for the levees as part of the project. So that was assumed under the analysis.

PH-14
Cont'd

CHAIRMAN GATTO: But on the levees of the -- the new levees or the existing levees?

MR. BECHTA: Well, in the hydrological modeling, one of the -- one of the variables that we work in there is called the roughness of the surface. And in the hydrologic modeling that is reflected in the EIR, they increased the roughness coefficient along those levees to account for increased vegetation associated with the project. So what you see in the EIR regarding water levels and flood levels takes into account how any of the vegetation may have impeded the water or could impede the

water.

CHAIRMAN GATTO: Okay. I'm sure it was back in the EIR. 1-27, lake front parks. Now I -- I very much like the Urban Design Concept that I've looked at through this thing. I think it's a great setup. I was confused with the three circles in the center there of the parks. Now can somebody explain that to me? I mean, you know, the other ones are kind of singled out. The three in the middle look like they're all bunched up together for some reason.

MR. COLEMAN: You know, I'm not sure. It looks like more of a graphics type of thing than anything. It's simply intended as a park in that area, and I can't really tell you why the graphic shows three intertwined circles there. But we need to look at that. I'm not sure.

CHAIRMAN GATTO: Okay. 1-28, the next page. On canal streets. Now on these canals, we're going to have a system that's going to maintain the levee. That's correct? And also what depth are these canals going to be? I think we discussed it at one of our study sessions that we had. Does anybody remember? Was it 4 feet, 6 feet?

MR. COLEMAN: Does anybody know?

MR. BECHTA: I think 10 to 15 feet deep.

PH-14 Cont'd

PH-15

CHAIRMAN GATTO: Okay.

MR. BECHTA: Managed for up to a 2-feet elevation fluctuation.

CHAIRMAN GATTO: Does that meet with the fire department's rescue boat?

CHIEF MONTY: Yep. It will work.

CHAIRMAN GATTO: Okay. 1-76, private recreation facilities. Now when we say "private," are we going to have something like a gated community and a homeowners association and stuff like that? Is that what we're talking about, private recreation facilities?

MR. COLEMAN: There will be homeowners associations related to this project. As far as gating is concerned, I don't think there's been much in the way of discussion about that issue at this stage with the developer. Some of this will come under the very, very specific design review process that is subsequent to this urban design process. Because each district is going to need to go through its own neighborhood design review, if you would, subsequent to this Urban Design Concept if it were to be approved.

PH-15 Cont'd

CHAIRMAN GATTO: Okay. The 1-82, river Delta landscape. Has there been any discussion on -- I know there's a lot of dated trees out there. The discussion is to save all the trees possible when they do start this

PH-16

development or replant?

MS. WILLIAMS: That's a question that we would have to ask our staff, whether or not there's mitigation measures on preservation of trees that are existing now or are we doing replacement.

MR. BECHTA: There's not specific mitigation to avoid or preserve any of the trees out there. Really the trees inside the levee are very limited, some of them being inside the UP Railroad right of way where the project would not be able to affect them or have any input on them. The restoration plans that are in there, we considered those sufficient to compensate for any trees that might be removed on the project site.

PH-16 Cont'd

CHAIRMAN GATTO: Okay. Because when you take an oak tree down, you're talking about 40 or 50 years to get back to the size that it was.

Okay. 1-32 -- 1-132, roofs. And I think our fire marshal would probably be interested in this. They do mention wood. I know we're not too likely to stay with the wood design roof.

CHIEF MONTY: State law pretty well inhibits it unless it's treated to where it's fire resistent.

PH-17

CHAIRMAN GATTO: Okay. I knew you would give me the answer on that, Jim.

Okay. 1-133, energy. I like this particular

page right here because it really tells you that the developer is pushing to go with very energy efficient development, you know, all the way through. So I just want to make a comment on that. I really like that.

And then my last one was 1-1 -- well, along about that energy, fireplaces. I think there's new regulations that are just coming out; is that correct, Jim?

CHIEF MONTY: Next year. This year is voluntary. Next year is required.

CHAIRMAN GATTO: That is just about going to eliminate a fireplace. Is that to the point or they're going to have to do what?

CHIEF MONTY: It will have to meet certain state requirements.

CHAIRMAN GATTO: Okay. As far as --

CHIEF MONTY: How much soot it puts out.

CHAIRMAN GATTO: Okay. So I would suggest that the developer know ahead of time that when they build these homes, that they comply with the state regulations as far as fireplaces. I'm sure they will have all that.

MR. COLEMAN: I think that as the building and fire folks look at detailed house plans and all of those are going to be reviewed and considered.

CHAIRMAN GATTO: Okay. And then 1-172, street

PH-17
Cont'd

furniture. And it says that they will be different colored wood benches and chairs. Now that's fine and dandy. Wood is wood, you know, and it takes a lot of maintenance. Personally, I would just as soon see all of this furniture to be of metal concern. You know, I know it's a little bit harder to sit on, but, you know -- and wood may look a little better, but, you know, to me, it's going to be a maintenance problem. Just a suggestion.

PH-17 Cont'd

Okay. That's all I have. Is there any other questions from the Commission?

COMMISSIONER DRESSER: I have a couple comments. One has to do with furniture. I'm looking at the map on 1-175. And my only concern is because that when -- the dark section on the right, that's the town center; right?

MS. WILLIAMS: Yes.

COMMISSIONER DRESSER: The furniture and things that are going to be made available trying to get over to the town center that need some kind of accommodation. It might mean maybe more dense, more furniture available, more shade available, things like that. And in the back of my mind I'm always thinking what is going to encourage folks to -- which kind of leads into my other question. You have 1400 senior housing units in phase 2, and in phases 1-A, I think there's 394 or 64 units that would qualify as senior housing or low income because they're

PH-18

on 6,000 square foot or less lots. What is that? Can you describe what a unit looks like used in those two instances?

MR. COLEMAN: Well, as far as phase 2, we actually -- Woodlands? Is that Woodlands in there? Okay. Where's the description of the Woodlands section?

COMMISSIONER DRESSER: Are those apartments? Are they condominiums? Are they single, stand-alone units?

MR. COLEMAN: I think generally speaking in that area we're talking about single-family development, as I recall. I have to find the chart.

COMMISSIONER DRESSER: That's phase 2.

MR. COLEMAN: That's medium density. It's part of phase 2. Some of the areas where senior housing was being proposed was in the phase 2 area, and that's going to need a separate tract map. And each one of these areas needs a detailed neighborhood design review which is not included -- it's provided for in these documents in the specific plan and the UC, but this document doesn't get to this fine level of detail in terms of what the neighbor additional review process.

COMMISSIONER DRESSER: Okay.

MR. COLEMAN: I don't know if that answered your question.

PH-18
Cont'd

COMMISSIONER DRESSER: You did a nice job of dancing around it. Okay. Detailed information is what we -- I just want to make sure that the developers think about things like that. Because what is it? Fourteen hundred senior units on the far end of town, on the far end of the development. And this town center is way on this other side. You just think about things like that. Or people traveling there, senior people need to have shade and rest. Maybe a drink of water someplace would be nice too.

PH-18
Cont'd

But all in all, I think that the developer has done a nice job of laying out the plan and addressing the issues and things and doing the best they can to answer some of those items that come up. That's all I have.

CHAIRMAN GATTO: Crystal?

COMMISSIONER QUINLY: No.

CHAIRMAN GATTO: None. Okay. I think it's pretty much been said. With that, I guess we'll carry this on to our -- well, I'm getting off track here. I'm talking about another development. Is there any other report from staff that they would like to give us or --

MR. COLEMAN: On this matter?

CHAIRMAN GATTO: On this matter.

MR. COLEMAN: No, sir.

CHAIRMAN GATTO: Okay. Well, then I think that

will do it for this. Thank you very much. Hopefully everything will proceed as planned. Okay. We'll move on to Item 10, project updates.

(Time noted: 7:15 PM.)

STATE OF CALIFORNIA,)

)

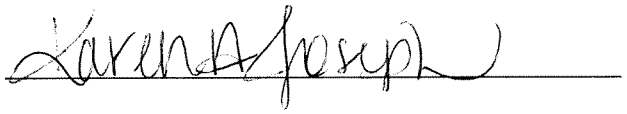
COUNTY OF SAN JOAQUIN.)

I, KAREN A. JOSEPH, a Certified Shorthand Reporter in and for the County of San Joaquin, State of California, do hereby certify:

That on November 12, 2002, thereof, I reported verbatim in shorthand writing the foregoing proceedings;

That I thereafter caused my shorthand writing to be reduced to typewriting, and that the foregoing transcript constitutes a full, true, and correct transcription of all proceedings had and given.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal this 20th day of November, 2002.



KAREN A. JOSEPH, CSR #10919

Certified Shorthand Reporter

LETTER
PH
RESPONSE

Transcripts of Public Hearing on the Draft SEIR
Received on: November 12, 2002

PH-1 The commenter questions the conclusion that Impact 4.3-b, related to population growth, is less than significant. The discussion of that impact states that increases in population associated with the proposed project exceed planned growth anticipated in the City of Lathrop General Plan (General Plan), the West Lathrop Specific Plan (WLSP), and the Lathrop Water, Wastewater, and Recycled Water Master Plan (Master Plan). As stated in the analysis of the impact, population growth by itself is not considered a significant environmental impact. However, development of housing, infrastructure, and facilities and services to accommodate this growth can have significant effects on the environment through land conversions and other mechanisms. Direct impacts associated with development needed to accommodate increased population are evaluated in appropriate sections of the DSEIR (e.g., Section 4.4, "Traffic"; Section 4.10, "Public Services; Section 4.11, "Public Utilities"; Section 4.13, "Agricultural Resources; Section 4.14, "Terrestrial Biology"). Potential inconsistencies with planning documents (General Plan, WLSP) that may lead to significant environmental effects are also evaluated in each section. Therefore, impacts associated with population growth are evaluated throughout the DSEIR and are identified as significant where appropriate.

PH-2 The commenter concurs with the conclusion in the DSEIR that Impact 4.13-a, "Conversion of Important Farmland," is significant and requests that additional mitigation be included in the SEIR. A possible mitigation approach suggested by the commenter is the Environmental Constraints (50% Development) Alternative. Participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), as described in the discussion of Mitigation Measure 4.13-a, is considered a feasible and reasonable approach to partially mitigating impacts associated with the conversion of important farmland on the project site. However, as identified in the DSEIR, the impact would still be considered significant after mitigation. It is not expected that there is any feasible mitigation measure(s) that could reduce the impact to less-than-significant levels, given the level of farmland conversion anticipated under the proposed project and the fact that any conversion of important farmland is considered a significant impact. Even other potential mitigation measures, such as purchase of conservation easements, do not reduce the impact of converting farmland to less-than-significant levels.

Adoption of the Environmental Constraints (50% Development) Alternative is not considered feasible for a variety of reasons. As described on page 8-24 of the DSEIR, the No-Project (50% Development) Alternative was selected as a midrange alternative to determine whether a substantial reduction in the size of the project would avoid some of the significant and unavoidable impacts that have been identified for the proposed project. However, given the large scale of the proposed project and the extensive infrastructure needed to support the project (e.g., levees, wet utilities, roads, bridges), it was considered unknown in the DSEIR whether this

substantially reduced development scenario would be financially feasible or could be effectively integrated into the City's planning goals. Further, it was considered uncertain whether the alternative could attain most of the basic project objectives, including providing substantial employment opportunities and a harmonious mix of land uses.

Economic analysis provided by the applicant indicates that implementing the Environmental Constraints (50% Development) Alternative would require increases in housing prices that would make the project financially infeasible. Under the proposed project, costs for implementation of the flood protection program (e.g., setback levees, high-ground corridors, levee strengthening) are estimated to average approximately $10,000 per housing unit, based on the construction of 11,000 units. Other fixed costs, such as the land purchase price and construction of roads, bridges, and utilities, are also estimated to total approximately $10,000 per housing unit. Therefore, on average, the price of each housing unit must accommodate this $20,000 in fixed costs. Under the Environmental Constraints (50% Development) Alternative, these costs would not change substantially, while the number of housing units is cut in half, resulting in approximately $40,000 of fixed costs attributed to each housing unit. The applicant has stated that to recoup this increase in per unit fixed costs, housing prices would either be so high on the project site that the homes would be unmarketable, or profit per unit would be so low that the project would not be financially feasible. Therefore, implementation of the Environmental Constraints (50% Development) Alternative is not considered a viable alternative to the proposed project.

It should also be noted that although implementing the Environmental Constraints (50% Development) Alternative would reduce a variety of impacts relative to the proposed project, several impacts related to traffic, air quality, noise, and agricultural resources would still be considered significant and unavoidable under this alternative (see alternatives analysis in Chapter 8 of the DSEIR).

PH-3 The comment consists of a question regarding permitting for pumping water into and out of the proposed internal project lake. The question was answered during the public hearing, and the answer is included on pages 19 and 20 of the hearing transcripts. No further response is required.

PH-4 The commenter requests assurance that mitigation measures provided in the DSEIR related to soil hazards are adequate. Mitigation measures to identify and correct hazardous soil conditions in the DSEIR are considered sufficient to reduce impacts to less-than-significant levels. The geology and soils analysis in the DSEIR is based on geotechnical studies prepared by registered engineers, and future studies and investigations shall be prepared by qualified engineers. All required studies, reports, and corrective actions shall be implemented before and during project earthwork activities.

continued ...

PH-5 The commenter provides her opinion regarding the level of planned future development in the City and the quality of the project. These are not EIR-related issues and do not require a response.

PH-6 The commenter questions the conclusion in the DSEIR that visual impacts associated with the conversion of agricultural land to homes on the project site would be less than significant. The following thresholds of significance used in the "Aesthetic Resources" section of the DSEIR are relevant to this comment:

- cause a substantial adverse impact on a scenic vista;
- substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings along a state scenic highway; and
- substantially degrade the existing visual character or quality of the site and its surroundings.

None of the highways near the project site (I-5/I-205/SR 120) are considered state scenic highways. Therefore, no significant impact relative to the second significance threshold would occur. Because of levees, highways, and other elevated facilities in the project vicinity, the only potential for scenic vistas are from the tops of these elevated areas. As described in the discussion of Impact 4.17-b, background views of Mt. Diablo and the surrounding hills from the nearby freeways may be obscured if some buildings are eventually permitted to exceed five stories, but the views would not be blocked. Therefore, any adverse effects on scenic vistas are not considered significant.

When assessing whether the project would substantially degrade the existing visual character or quality of a site and its surroundings, both the views and the viewers must be considered. As discussed for Impact 4.17-a, only limited project features would be visible from surrounding lands because of obstructions of views by levees and highway corridors and revegetation and landscaping included in the proposed project. In addition, those who do view project features from surrounding lands typically would consist of small numbers of residents in dispersed farmsteads/homes in the agricultural lands and farmers and others tending those lands. Given these conditions, views of the site from surrounding lands were not considered to be substantially degraded. A similar conclusion was reached in the discussion of Impact 4.17-b. Because only limited project features would be visible to drivers on the surrounding freeways, and these viewers are not considered sensitive visual receptors because of the developed nature of much of the area and the associated low expectations of adjacent views while driving on these freeways, views of the sites from adjacent freeways were not considered to be substantially degraded.

It should be noted that although a large area of agricultural land (almost 4,000 acres) would be converted to development under the proposed project, very little of this area is currently visible to persons not actually on the project site because levees and raised freeways block views of the area. Therefore, for most of the people living and working in the project region or traveling through it, a fairly small view area would be changed after project implementation relative to the overall size of the project.

PH-7 The commenter asks whether freeway widening referenced in the DSEIR would occur in 2007. The question was answered during the hearing by stating that the widening of I-205 is planned to be completed in 2007 (see page 22 of the hearing transcripts). The timing of various freeway improvements assumed as part of the traffic base case scenario is described further in Appendix B of the DSEIR, on pages B-21 through B-23. The timing of freeway improvements associated with mitigation measures included in the DSEIR is described in the discussion of each mitigation measure. Typically, the timing of improvements included in the mitigation measures is related to the results of the Stewart Tract Traffic Monitoring Program or completion of a project buildout phase. In some instances, needed freeway improvements are outside the scope of the proposed project and would be implemented solely by Caltrans. In part because no schedule has been developed by Caltrans for some of these improvements (Mitigation Measure 4.4-l), the impact is considered significant and unavoidable.

PH-8 The commenter references traffic impacts on the Manthey Road bridge during Phase 1a of project operation (Impact 4.4-q) and asks whether any additional mitigation options are available. As mentioned in the discussion of mitigation measure 4.4-q, there is no feasible cost-effective measure that could widen the travel lanes on the Manthey Road bridge over the San Joaquin River. The three mitigation options provided in Mitigation Measure 4.4-q are considered the most effective approaches available to minimize the temporary traffic impacts on the Manthey Road bridge during Phase 1a of project operation.

PH-9 The commenter mentions the discussion of Impact 4.4-s, which states that planned 8- to 10-foot-wide joint use pedestrian and bicycle trails included in the project description might not be wide enough to support both uses and could result in conflicts between pedestrians and bike riders in locations with moderate to high pedestrian volumes. The commenter further states that the impact would hinder the project's intent of providing walking and bicycling as transportation options to project residents.

Mitigation Measure 4.4-s addresses this impact, and the commenter's concern, by requiring the project's pedestrian circulation system be altered to eliminate potential safety concerns associated with conflicts with bicyclists. Reserving right-of-way for pedestrian trails, as required in the mitigation measure, could involve widening joint use pedestrian and bicycle trails or creating separate pedestrian-only trails distinct from bicycle trails.

PH-10 The commenter asks when transit shelters and benches, park-and-ride lots, and other facilities that encourage use of alternative transportation methods would be constructed relative to the various project phases. These types of facilities must be shown on each final map for project development before approval of the maps by the City. The alternative transportation facilities must be constructed as shown on the final maps as development proceeds in the particular project area.

PH-11 The commenter asks what an "environmental monitor" is. Environmental monitors are referenced several times in discussions of mitigation measures in the DSEIR. The question was answered during the hearing, and the response is included on pages 24 and 25 of the hearing transcripts. No further response is required.

PH-12 The commenter asks what the "triggers" would be for constructing schools associated with the proposed project and expressed concerns regarding planning of school facilities and the potential need for busing. The comment was answered during the hearing, and the response is included on pages 25-27 of the hearing transcripts. No further response is required.

PH-13 The commenter states that there are some items in the DSEIR "that don't look like they're going to be mitigated to the proper point." However, the commenter gives no specific examples. Therefore, no response is possible beyond stating that the assessment of impacts and provision of mitigation measures in the DSEIR are considered accurate, complete, and consistent with the requirements of CEQA. The DSEIR also identifies those impacts that cannot be mitigated to a less-than-significant level (see Chapter 7, "Significant and Unavoidable Impacts").

PH-14 The commenter asks whether the potential for proposed revegetation and landscaping along the levee banks to slow flood flows was considered. The comment was answered during the hearing, and the response is included on pages 29-31 of the hearing transcripts. No further response is required.

PH-15 The commenter's comments relate specifically to the Urban Design Concept (UDC) and do not pertain to the environmental analysis in the DSEIR. Therefore, no response is required. However, the comment was addressed during the hearing and response information is included on pages 31 and 32 of the hearing transcripts.

PH-16 Although the comment is focused on an element of the UDC, it relates to the mitigation approach in the DSEIR. The core of the comment is whether existing trees on the project site would be preserved. There are no impacts or mitigation measures in the DSEIR specific to the removal or preservation of individual trees because individual trees on their own are not considered a significant resource on the project site. However, where trees are associated with a significant resource, such as included in riparian habitat or functioning as a nesting site for Swainson's

hawk, mitigation measures are provided related to avoidance or compensation for the loss of the resource. In addition, as stated during the public hearing (see transcripts), habitat restoration activities associated with the proposed project are considered sufficient to compensate for the loss of any individual trees during project implementation.

PH-17 The comments and questions relate specifically to the UDC and do not pertain to the environmental analysis in the DSEIR. Therefore, no further response is required.

PH-18 Most of the comment/question relates specifically to items in the UDC and does not pertain to the environmental analysis in the DSEIR. However, the commenter's question was answered during the hearing, and the response is included on page 36 of the hearing transcripts. No further response is required.

The commenter also asks about the 394 housing units included in Phase 1a that could "qualify as senior housing or low income because they're on 6,000 square foot or less lots" and what they would look like. These 394 housing units are described in the discussion of Impact 4.3-e, on page 4.3-12 of the DSEIR. The impact discussion states that the City of Lathrop's Housing Implementation and Monitoring Policy No. 10 includes a provision that single-family housing on small lots under 6,000 square feet can be considered as an alternative to meeting affordable housing needs otherwise requiring apartment development. Of the 800 single-family housing units proposed for River Islands Phase 1a, 394 are planned on lots smaller than 6,000 square feet. These would be standard single-family homes but could be considered as assisting in meeting the City's affordable housing needs because they are on lots smaller than 6,000 square feet, per the City's Housing Implementation and Monitoring Policy No. 10.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse

Gray Davis
Governor

December 3, 2002

Bruce Coleman
City of Lathrop
16775 Howland Road, Suite 1
Lathrop, CA 95330

Subject: River Islands at Lathrop
SCH#: 1993112027

Dear Bruce Coleman:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 2, 2002, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible 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. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

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 the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 1993112027
Project Title River Islands at Lathrop
Lead Agency Lathrop, City of

Type SIR Supplemental EIR

Description River Islands at Lathrop is a proposed as a mixed-use residential/commercial development project on 4,905 acres on Stewart Tract and Paradise Cut. The project includes an employment center, a town center, dock facilities (1,360 docks what would accomodate up to 1,525 boats), residences (11,000 units), and golf courses. It also includes various flood management elements; construction of back bays, channels, and other water features; biological habitat restoration/creation; and retention of natural lands. Proposed offsite project elements include an electrical transmission line, a natural gas pipeline, and a road extension to Interstate 205. The project also includes amendments to the Lathrop General Plan and West Lathrop Specific Plan and involves various entitlements.

Lead Agency Contact

Name Bruce Coleman
Agency City of Lathrop
Phone 209/858-2860 **Fax**
email
Address 16775 Howland Road, Suite 1
City Lathrop **State** CA **Zip** 95330

Project Location

County San Joaquin
City Lathrop
Region
Cross Streets Louise Avenue, Manthey Road
Parcel No. 213-110-01,-02,-03,213-120-01,-02,213-130-05,-06,-07, 213-200-01,-02,213-210-01,-02,-03,-04,-05,
Township **Range** **Section** **Base**

Proximity to:

Highways I-5/205, SR 120
Airports
Railways UPRR
Waterways San Joaquin River & Old River
Schools Widmore School, Lathrop Elementary School
Land Use RecR (Recreational Residential), RC (Recreational Commercial), RegC (Regional Commercial), VC (Village Center), TS (Transit Station), OS (Landscaped Open Space Corridor)

Project Issues Aesthetic/Visual; Agricultural Land; Archaeologic-Historic; Air Quality; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Social; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Growth Inducing; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Boating and Waterways; Colorado River Board; Department of Fish and Game, Region 2; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Department of Housing and Community Development; Department of Health Services; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission; Delta Protection Commission

3 REVISIONS TO THE DRAFT SEIR

In response to comments received on the draft SEIR and to provide corrections to minor errors in the document, revisions have been made to the SEIR. A compilation of the revisions is provided below. Deletions from the text are shown struck out; additions to the text are shown underlined. All text references below refer to pages in the draft SEIR. None of these changes affects significance determinations for impacts identified in the draft SEIR, nor do they change the severity of any identified impacts.

1. In response to comment S2-7, on **page 1-7**, under "State Actions/Permits," the following text is hereby added as the new final bulleted item under "Regional Water Quality Control Board - Central Valley Region 5": "review of recycled water storage pond design."

2. On **page 2-8**, the following change is hereby made to the end of the first paragraph so that the text corresponds with the discussion in Chapter 5, "Cumulative Impacts" (section 5.3.16, "Aesthetic Resources") : "...fisheries; aesthetic resources; and odor; it also would potentially contribute to significant cumulative surface water quality impacts."

3. In response to comment L1-2, on **pages 2-45** and **2-46** (Table 2-1), in the description of Mitigation Measure 4.10-b, the following change is hereby made: "The applicant shall pay to the ~~City~~ LMFPD all applicable fire service fees and assessments required for its fair share...."

4. In response to comment L1-2, on **page 2-48** (Table 2-1), in the description of Mitigation Measure 4.10-g, the following change is hereby made:

   > The City shall not allow occupancy of any project residences until a mitigation agreement has been executed between the project applicant and the BESD and TUSD regarding the provision of school services for the proposed project or payment of the state-mandated school impact fee ~~City~~ to the districts.

5. In response to comment O1-37, the citation at the end of the paragraph that concludes at the top of **page 3-57** is hereby changed as follows: "(EDAW ~~2002~~ 2003)."

6. On **page 4.2-16**, the following change is hereby made to the bulleted item addressing EC-RI (Employment Center [River Islands]) to correct a typographical error and reflect anticipated job generation expressed in the project description (page 3-13): "The Employment Center is expected to provide approximately ~~17,000~~ 15,000 new jobs at buildout...."

7. On **page 4.4-6**, in the first paragraph under "Roadways," the following change is made so that the text accurately reflects actual conditions (such as shown in Exhibit 4.4-1): "Local access is provided by Louise Avenue and Manthey Road to the north and ~~west~~ east of the project site...."

8. In response to comment L6-3, in the first paragraph on **page 4.4-9** (describing Paradise Road), the following change is hereby made: "...just north of Arbor Avenue. Paradise Road crosses

Tom Paine Slough via a two-lane bridge owned and operated by San Joaquin County. It has a two-lane overpass...."

9. On **page 4.4-17**, under "Existing Freeway Ramp Merge/Diverge Operation," the following change is hereby made to clarify which diverge from I-205 is being referred to, as shown in Exhibit 4.4-1: "During the AM peak hour the merge from the Manthey Road southbound hook on-ramp to southbound I-5 operates at LOS E conditions and the westbound I-205 diverge to the MacArthur Drive off-ramp operates unacceptably at LOS E."

10. In response to comment L6-4, on **page 4.4-63** (the last page of Table 4.4-8), in the Arbor Avenue "w/o Paradise/Golden Val Pkwy" row in the "@I/S" column under "Build-Out" and "2025 Base Case Plus Project," the dash is hereby replaced with "Signal."

    In addition, there are two other changes to Table 4.4-8, both on **page 4.4-62**. In the Louise - River Islands Pkwy "w/o SB Ramps" row, in the "@I/S" column under "Phase 1A" and "2007 Base Case NO Project," a dash is hereby included in that cell to clarify that no improvements are planned for this location under Phase 1a, consistent with the discussion on page 4.4-61. In the MacArthur Boulevard "EB Offramp from I-205" row, in the "Lanes" column under "Phase 1 Mitigation" and "Plus Project Req. Mitigation," the text is hereby changed from "+1" to "+1(2)" to reflect the fact that the addition of a lane to the off-ramp would bring the total number of lanes on the off-ramp to two, following the format presented in the remainder of the table.

11. On **page 4.4-71**, in the description of Impact 4.4-u, the heading is hereby changed as follows: "Traffic - Provisions for Public Transit (~~Year 2007, 2015 & 2025~~ Base Case ~~+~~ Plus Project)" for consistency with the headings in the remainder of the traffic impact discussion.

12. In response to comment L6-2, on **page 4.4-81**, in the first paragraph, in the list of traffic improvements under buildout for Mitigation Measure 4.4-f, the following text is hereby added as the fourth bulleted item: "Install signage identifying Paradise Road and Arbor Avenue as the route between the project site and the MacArthur Drive/I-205 interchange."

13. On **page 4.4-87**, in the list of roadway improvements under Phase 1, the text is hereby changed as follows to correspond with the information presented in Table B-27, "Freeway Segment Mitigated Level of Service under 2015 Base Case and Base Case + Project Phase 1 Conditions":

    I-5 (south of I-205) ~~3~~ 2 lanes northbound/3 lanes southbound

14. In response to comment S3b-2, on **page 4.4-89**, the following text is hereby added to the end of the last bulleted item in the description of Mitigation Measure 4.4-m:

    > In addition, the City shall ensure that traffic volumes on the I-5/Manthey/Mossdale interchange are included as part of the Stewart Tract Traffic Mitigation Monitoring Program and shall process the encroachment permit to allow ramp meters to be installed when ramp volumes determined by Caltrans to be critical are reached during Phase 1a.

Other developments that add traffic to this interchange shall be responsible for paying their pro-rata share of the cost of the ramp meters.

15. In response to comment L6-2, on **page 4.4-90**, in the first paragraph, in the list of traffic improvements under Phase 1 for Mitigation Measure 4.4-o, the following text is hereby added as the third bulleted item: "Install signage identifying Paradise Road and Arbor Avenue as the route between the project site and the MacArthur Drive/I-205 interchange."

16. In response to comment L10-6, on **page 4.5-23**, the following text is hereby added to the end of the second paragraph under "4.5.4 Mitigation Measures," following "with respect to mobile source TACs": "The project applicant shall coordinate with the SJVAPCD as the project proceeds to assess situations where toxic risk from diesel PM may occur and to review methodologies that may become available to estimate this risk."

17. In response to comment L10-3, the following text is hereby added to the bottom of **page 4.5-23**. It becomes the fourth paragraph in the discussion of Mitigation Measure 4.5-a:

> It is recognized that SJVAPCD Regulation VIII, upon which the following control measures are based, has recently undergone revision and that these control measures are subject to future periodic revision. Therefore, the project applicant shall annually contact the SJVAPCD to identify the most recent fugitive dust control measures required to be implemented by the proposed project and implement them accordingly during project construction.

18. In response to comment L10-2, on **page 4.5-24**, the following text is hereby added to the description of Mitigation Measure 4.5-a, following the last bulleted item:

> In addition to the measures identified above, the following measures from Table 6-3 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) are identified as potential mitigation measures that may be required by the SJVAPCD:
>
> - Install wind breaks at windward sides of construction areas.
> - Comply with the National Emission Standards for Hazardous Air Pollutants (NESHAPS) during the renovation/demolition of any existing buildings on the project site with the potential to contain asbestos. Consult the SJVAPCD's Asbestos-Compliance Assistance Bulletin, dated December 1994, to ascertain whether individual structures on the project site are subject to NESHAPS.

19. In response to comment L10-4, on **page 4.5-24**, the following text is hereby added to the description of Mitigation Measure 4.5-a, immediately following the insert described above in revision 18:

> In addition to the measures identified above, the following measures from Table 6-4 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) are identified as

potential construction equipment mitigation measures that may be required by SJVAPCD:

- Use alternative fueled construction equipment.
- Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use at any one time.
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).
- Curtail construction during periods of high ambient pollutant concentration; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways (or ceasing/reducing heavy-duty equipment usage on Spare the Air Days).
- Before construction contracts are issued, the applicant should perform a review of new technology, as it relates to heavy-duty equipment, to determine what if any advances in emissions reduction are available for use. It is anticipated that in the near future both NO_X and PM_{10} control equipment will be available. The District would be available for consultation on this process.

20. In response to comment L10-5, the following text is hereby added to the description of Mitigation Measure 4.5-f, after the last bulleted item on **page 4.5-25**:

The following additional measures shall be implemented where feasible as part of the design of the proposed project and/or during project operation:

- Planting of deciduous trees on the south-facing and westerly facing sides of buildings.
- Natural gas lines and electrical outlets should be installed in patio areas to encourage the use of gas and/or electric barbecues.
- Allow businesses or individuals through the zoning and building permit process the option of installing electric/natural gas fuel hookups.
- If a gasoline service station is developed as part of the proposed project, it is encouraged that natural gas fueling be incorporated as part of the station.
- Each onsite commercial business employing 20 or more persons shall prepare and implement a trip reduction program to reduce motor vehicle trips to the greatest extent feasible. Each program shall be reviewed and approved by the City of Lathrop before business permits are issued, and shall encourage carpooling, vanpooling, use of transit and use of alternative modes of transportation (e.g., bicycles, electric vehicles).
- The project applicant shall develop and implement a program to encourage employers in the Employment Center to promote the use of low-emission

vehicles. The program may include financial incentives, preferred parking, or other benefits for employees and businesses that use low-emission vehicles.

- The City of Lathrop is encouraged to permit home offices and satellite work centers in the zoning provisions for the proposed project to encourage/facilitate telecommuting.

- The City shall encourage the applicant to develop/participate in a program to provide, or subsidize the purchase cost of, electric lawnmowers and electric edgers for project home owners.

21. In response to comment O1-29, the following text is hereby added to **page 4.8-10**, at the end of the first paragraph under "Section 303(d) Impaired Waters List": "RWQCB staff members have recently recommended that Old River be 303(d) listed as an impaired water body for dissolved oxygen, and the board is expected to take action on this recommendation in 2003."

22. In response to comment O1-29, the following text is hereby added to **page 4.8-27**, at the end of the third paragraph under "Dissolved Oxygen": "RWQCB staff members have recommended that Old River be 303(d) listed as an impaired water body for DO, and the board is expected to take action on this recommendation in 2003."

23. In response to comment S4-3, the following table hereby replaces the version of Table 4.8-31 that appears on **page 4.8-90**:

Table 4.8-31 Pre- and Post-Project Downstream Peak Floodflow Velocities (feet per second)

Flood Event	San Joaquin River (Vernalis to Stockton Ship Channel)		Paradise Cut		Old River (Stewart Tract)		Old River (downstream of Stewart Tract)		Grant Line Canal	
	Existing	With Project	Existing	With Project	Existing	With Project	Existing	With Project	Existing	With Project
1 in 10 AEP	5.76	5.64	2.47	3.11	4.69	4.61	2.57	2.64	2.81	2.88
1 in 50 AEP	7.48	6.58	3.63	4.04	5.40	5.37	3.41	3.55	3.67	3.78
1 in 100 AEP	8.70	8.66	4.30	4.83	6.57	6.63	3.77	3.96	4.03	4.15
1 in 200 AEP	11.59	11.93	5.34	5.08	8.50	8.55	4.53	4.88	4.95	5.42

Note: Values are average cross-sectional velocities as computed in UNET model simulations.

24. In response to comment L1-2, two changes are hereby made to **page 4.10-17**. The following change is made to the last sentence of the first paragraph of the description of Mitigation Measure 4.10-b: "The applicant shall pay to the ~~City~~ LMFPD all applicable fire service fees and assessments...." The following change is made to the last sentence of the second paragraph of

the same description: "The applicant shall pay to the ~~City~~ LMFPD all applicable fire service fees and assessments...."

25. In response to comment L1-2, the following change is hereby made to **page 4.10-19**, at the end of the first paragraph in the description of Mitigation Measure 4.10-g: "...the proposed project or payment of the state-mandated school impact fee ~~City~~ to the districts."

26. In response to comment O1-8, the following changes are hereby made to **page 4.11-21**. The description of Mitigation Measure 4.11-a is changed as follows:

> ~~No portion of the proposed project shall be occupied until~~ Once sufficient multi-drought year water supply is available to serve that portion of the project site being developed and water infrastructure (e.g., pipelines) to serve the area is complete, certificates of occupancy may be issued.

The description of Mitigation Measure 4.11-c is changed as follows:

> ~~Occupancy of individual developments included in Phase 1a and Phase 1 shall not be permitted by the City until~~ Once both adequate wastewater treatment capacity and tertiary treatment to Title 22 standards for unrestricted use are available at WRP #1 or WRP #3 to serve ~~this development~~ individual developments included in Phase 1a and Phase 1, certificates of occupancy may be issued.

The description of Mitigation Measure 4.11-d is changed as follows:

> ~~Elements of Phase 2 project development that would generate demand for wastewater treatment capacity shall not commence until~~ Once both adequate wastewater treatment capacity and tertiary treatment to Title 22 standards for unrestricted use are available to serve ~~the particular development area~~ elements of Phase 2 project development that would generate demand for these services, certificates of occupancy may be issued. It is expected that the necessary treatment capacity would require additional expansion of WRP #1 and/or construction of WRP ~~#2 or~~ #3 in accordance with the City's adopted Water, Wastewater, and Recycled Water Master Plan.

27. On **page 7-3**, under "7.2.5 Cumulative Impacts," the following change is hereby made so that the text corresponds with the discussion in Chapter 5, "Cumulative Impacts" (section 5.3.16, "Aesthetic Resources") : "...fisheries; aesthetic resources; and odor; it also would potentially contribute to significant cumulative surface water quality impacts."

28. On **page 8-25**, in Table 8-2, the acreage shown in the "Development acreage in RID Area" row and in the "Net Change" column is hereby changed from "1,962 acres" to "-1,962 acres" to correct a typographical error. This is consistent with conditions described in the text of section 8.3.3.

29. In response to comment O1-37, the following reference is hereby added to **page 9-1**, under "Chapter 3, 'Description of the Proposed Project,'" following the "EDAW, Inc. 2002" entry:

> EDAW, Inc. 2003 (January). Office Absorption Analysis: River Islands at Lathrop. San Francisco, CA. Prepared for City of Lathrop, Lathrop, CA.

30. Table B-51, "Freeway Ramp Merge/Diverge Level of Service Existing & Existing + Project Full Buildout," and Table B-52, "I-5 Weave Analysis between SR 120 and I-205 (Caltrans Leish Method) Existing & Existing + Project Buildout," were inadvertently omitted from Volume IIa of the draft SEIR. They are included at the end of this chapter. The data in these tables are accurately reflected in the discussion in both section 4.4 and Appendix B. The data in Table B-51 are reflected in the discussion on page 4.4-17 (including Table 4.4-4), pages 4.4-64 and 4.4-65, and page B-57. The data in Table B-52 are reflected in the discussion on pages 4.4-18 through 4.4-20 (including Table 4.4-5), pages 4.4-65 and 4.4-66, and page B-57.

Table B-51

FREEWAY RAMP MERGE/DIVERGE
LEVEL OF SERVICE
EXISTING & EXISTING + PROJECT FULL BUILDOUT

INTERCHANGE	RAMP	CONDITION	RAMP LANES	FREEWAY LANES	AM PEAK HOUR		PM PEAK HOUR	
					EXISTING	EXISTING + PROJECT FULL BUILDOUT	EXISTING	EXISTING + PROJECT FULL BUILDOUT
I-5/Louise Ave.	NB Off	Diverge	1	3	B	B	C	C
	NB On	Merge	1	3	B	B	C	C
	SB Off	Diverge	1	3	C	C	B	B
	SB On	Merge	1	3	C	C	B	C
I-205/MacArthur Dr.	EB Off	Diverge	1	2	B	B	E	E
	EB On	Merge	1	2	B	B	F	F
	WB Off	Diverge	1	2	E	F	C	C
	WB On	Merge	1	2	D	F	C	C

Year 2000 Highway Capacity Manual Analysis Methodology
Source: Crane Transportation Group

Table B-52

I-5 WEAVE ANALYSIS BETWEEN S.R.120 AND I-205
(CALTRANS LEISH METHOD)
EXISTING & EXISTING + PROJECT BUILDOUT

NORTHBOUND I-5

LOCATION	AM PEAK HOUR LOS		PM PEAK HOUR LOS	
	EXISTING	EXISTING + PROJECT BUILDOUT	EXISTING	EXISTING + PROJECT BUILDOUT
From I-205 Merge to Mossdale Road Off-Ramp Diverge (3,160 feet) I-5 NB Weave to Off-Ramp	A	A	F	F
From Mossdale Road On-Ramp Merge to S.R.120 Diverge (1,620 feet) On-Ramp Weave to I-5 NB	A	A	E	E

SOUTHBOUND I-5

LOCATION	AM PEAK HOUR LOS		PM PEAK HOUR LOS	
	EXISTING	EXISTING + PROJECT BUILDOUT	EXISTING	EXISTING + PROJECT BUILDOUT
From S.R.120 Merge to Manthey Road Off-Ramp Diverge (2,200 feet) I-5 SB Weave to Off-Ramp	C	C	A	A
From Manthey Road On-Ramp Merge to I-205 Diverge (2,900 feet) On-Ramp Weave to I-5 SB	F	F	C	C

Source: Crane Transportation Group