Ross Valley Flood Protection & Watershed Program

Date: 10/24/18

COUNTY OF MARIN

Additional comments, questions or suggestions:

PLEASE EXPLAIN HOW THE WATER COMING OUT AT ~~THAT~~ IS NOW AT THE FISH LADDER WILL BE DIVERTED AWAY FROM THE DOWNTOWN.
(THE FISH LADDER IS 48' FROM MY OFFICE CONFERENCE ROOM)

[redacted]

Please submit comments via email to Tonya Redfield, Capital Planning & Project Manager, at TRedfield@marincounty.org or via mail to Marin County Flood Control & Water Conservation District, P.O. Box 4186, San Rafael, CA 94913

US Army Corps of Engineers.

Corte Madera Creek Flood Risk Management Project Draft EIS/EIR

MARIN COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Additional comments, questions or suggestions:

I am seriously concerned about the impact on Sir Francis Drake traffic if bypass is ℄ located as shown. There are no real alternative. Currently only 2 routes out of upper Ross Valley to Hwy 101. A thorough traffic mitigation plan must be included.

Please submit comments via email to Cynthia Fowler at *Corte.Madera@usacr.army.mil* or via mail to U.S. Army Corps of Engineers, San Francisco District, Attn: Cynthia Fowler, 1455 Market Street, San Francisco, CA 94103-1398

US Army Corps of Engineers.

Corte Madera Creek Flood Risk Management Project Draft EIS/EIR

MARIN COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Please provide comments below **(Name and Address MUST BE included in order for comment to be accepted):**

Date: 11/01/2018

Nam [redacted]

the fish ladder is due to be removed in 2020 - why not remove it now??

Please submit comments via email to Cynthia Fowler at *Corte.Madera@usace.army.mil* or via mail to U.S. Army Corps of Engineers, San Francisco District, Attn: Cynthia Fowler, 1455 Market Street, San Francisco, CA 94103-1398

Ms. Tyler's comment is at the end of this email chain.

From: Lewis, Liz
To: Elizabeth Brekhus; Tyler Child
Cc: Jon Child; rsimonitch@townofross.org; Redfield, Tonya; Corte Madera; Davis, Hugh
Subject: [Non-DoD Source] RE: Flood Project - Ross
Date: Wednesday, November 14, 2018 11:12:25 AM

Hello Tyler,

I am forwarding your comments on the Corte Madera Creek Flood Risk Management Project environmental report to the US Army Corps of Engineers Environmental Manager for this project -Cynthia Fowler. Contact information for Cynthia is provided below. Elizabeth thank you for forwarding Tyler's email to the Flood Control District.

The Draft EIS/EIR and Appendices <Blockedhttp://marinwatersheds.org/resources/publications-reports/corte-madera-creek-flood-risk-management-project-draft-eiseir> are now available. View the Draft EIS/EIR Notice of Availability <Blockedhttp://marinwatersheds.org/sites/default/files/2018-10/20181010_CMCFRM_NOA_FINAL2.pdf> and a Project Update <Blockedhttp://marinwatersheds.org/sites/default/files/2018-10/20181010_CMCFRM_ProjectUpdate_Final3.pdf> . A 45-day public review period is open until 4:00 pm on November 27, 2018. Comments will be accepted by mail or email anytime during the comment period to:

Cynthia Jo Fowler
Corte.Madera@usace.army.mil <mailto:planningemail@usace.army.mil>
U.S. Army Corps of Engineers, San Francisco District
ATTN: Cynthia Jo Fowler,
1455 Market Street, San Francisco, CA 94103-1398

Thanks,

Liz

Liz Lewis

Planning Manager

Marin County Public Works

lizlewis@marincounty.org <mailto:lizlewis@marincounty.org>

415.473.7226

From: Elizabeth Brekhus <elizabethb@brekhus.com>
Sent: Wednesday, November 14, 2018 10:41 AM
To: Tyler Child <tylerbchild@gmail.com>
Cc: Jon Child <child.jon@gmail.com>; Lewis, Liz <LizLewis@marincounty.org>; rsimonitch@townofross.org
Subject: Re: Flood Project - Ross

Hopefully Town staff will respond with their perspective of whether that concern is addressed. Copying Rich above.

The comment period is through 11/27 and because your concern may not be well addressed by the Draft EIR, it would be good to communicate that concern directly. The Town listed a number of concerns but I am not sure that one is really flushed out.

Email your concern to Liz Lewis (she is copied above) before 11/27: Liz Lewis <lizlewis@marincounty.org <mailto:lizlewis@marincounty.org> >

Thanks!

Elizabeth Brekhus, Esq.
Brekhus Law Partners
1000 Drakes Landing Road
Greenbrae, CA 94904
phone: (415) 461-1001
facsimile: (415) 461-7356
elizabethb@brekhus.com <mailto:elizabethb@brekhus.com>

General Civil Litigation in the San Francisco Bay Area

On Nov 14, 2018, at 10:01 AM, Tyler Child <tylerbchild@gmail.com <mailto:tylerbchild@gmail.com> >

wrote:

Greetings,

My name is [redacted], the little yellow victorian two doors down from the restaurant Marche, with my husband and 3 young children. We have been following the flood project meetings and information since the town first introduced the idea.

I understand there was a meeting last night at the civic center, but unfortunately we were unable to attend due to sitter issues and my husbands work travel. I feel like I missed an opportunity to speak up, but still felt compelled to send a follow up email.

After reading through the different proposals it's my understanding that our lot will be directly affected by the plans and ideas submitted. I have many questions and concerns, but wanted to pass along one question that I would have asked at last nights meeting. Has anyone looked into what, if any, environment issues the construction will cause?

Basically, as the mother of 3 small children that attend the town school across the street, and live directly in the path of construction, I'm wondering what they will be exposed as construction takes place for such a long period of time.

Thank you for taking the time to read through my email. I feel like there is not much to be done at this point, but wanted to pass along my concerns. Please let me know if you have any questions or comments.

[redacted]

From: Schott, Liz
To: Corte Madera
Subject: [Non-DoD Source] Attention: Cynthia Fowler
Date: Tuesday, November 13, 2018 10:00:47 AM

Dear Ms. Fowler,

In response to the USACE's request for public comments regarding the Corte Madera Creek Flood Risk Management Project, Kentfield School District submits the following:

Modeling shows that the planned improvements to the concrete channel will result in less flooding in Ross and San Anselmo no more and no less flooding in Kentfield .

This seems hard to believe. If you add capacity upstream and do nothing downstream, where does the water go, particularly in the event of high tides, which is almost always when flooding occurs. The physics don't work.

Rising sea levels are also a factor that we are concerned about affecting the modeling.

It is hard to see how this isn't going to result in more flooding of our Kent Middle School campus and potentially Bacich as it is located in the McAllister neighborhood which looks like it is going to get walloped.

Thank you for your consideration of our concerns.

Sincerely,

Liz Schott

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Liz Schott
Superintendent
Kentfield School District
750 College Avenue
Kentfield, CA 94904
(415) 458-5130; fax (415) 458-5137

The Kentfield School District's mission is to inspire and challenge all students to live, learn, and lead to their fullest potential. We deliver a quality education that empowers our students to reach high, work hard, and be kind.

From: [redacted]
To: Corte Madera
Subject: [Non-DoD Source] Attn. Cynthia Jo Fowler
Date: Saturday, November 17, 2018 3:52:28 PM

Hello Cynthia,

Regarding the Corte Madera Creek Flood Risk Management Project, my property is [redacted] in Kentfield, close to the upstream end of the Granton Park Flood Wall. I have attended several meetings about the project, have asked several questions about the exact location of the Granton Park Flood Wall, and have had Felix Meneau, Zone Engineer, visit my property, but I have not been able to learn exactly where the wall will be located.

Please clarify the exact location of the wall, particularly in regard to the wall's proximity to our property. We are planning some small construction on our property near the creek and need to know where to locate our construction so as not to interfere with the wall or its construction.

Regarding Alternative J, Figure 3-5d, the cross section indicates that the wall will be built on top of the existing concrete channel wall. In contrast, Hugh Davis, Project Engineer, said that the wall would be built 10 - 15 feet from the concrete channel. Please clarify.

Depending on the location of the wall, how far upstream it starts and how far from the concrete channel it will be, the "no vegetation zone" may affect the many trees along our property line that borders Corte Madera Creek.

Thank you for your attention in clarifying the requested information.

[redacted]

Kentfield Planning Advisory Board

P.O. Box 304, Kentfield, California 94914

November 23, 2018

U.S. Army Corps of Engineers
San Francisco Division
1455 Market Street
San Francisco, CA 94103-1398
Attn: Cynthia Jo Fowler

Dear Ms. Fowler,

On behalf of the Kentfield Planning Advisory Board (KPAB), following review and discussion of the DEIS/EIR for the Corte Madera Creek Flood Risk Management Project at our public meeting held on November 14, 2018, our comments are submitted as follows:

- Please identify trees that would be removed or damaged on public and adjacent private property in conjunction with the construction of the Sir Francis Drake bypass, along with measures to mitigate for this impact.
- Describe impacts to the College of Marin Student Services Bridge, College Avenue Bridge, and Stadium Way Bridge, and the associated public utility lines under the bridges, when flood debris collides with the structures.
- The angle of the entrance to the Sir Francis Drake Blvd bypass appears to have an approximately 90-degree angle turn. How might this abrupt turn affect movement of floodwater entering the bypass at a fairly high speed?
- Would floodwater leaving the bypass at Frederick Allen Park potentially cause bank erosion? If so, what mitigation measures could be taken so that erosion does not occur?
- What is the elevation of the bypass at its entrance in relation to the creek water?
- Describe any impact to the Kentfield Gardens neighborhood from floodwater which has flowed downstream from the upper Ross Valley.
- What effect on the College of Marin and Kent Avenue properties would there be when floodwater surges against the Granton Park floodwall?
- The County and Corps should jointly prepare evacuation plans for the Ross Valley to be available in an emergency situation when travel on Sir Francis Drake Blvd is temporarily closed down or restricted during bypass construction.
- The KPAB prefers the Alternative F project, depending on available funds.

On behalf of the Kentfield Community, thank you to you and your associates for your efforts to reduce the impact of flooding on the lower Ross Valley.

Best regards,

Anne Petersen

Anne Petersen, Chairman

Cc: Supervisor Katie Rice
Bitsa Freeman
John Mann

Ross McKenna
Greg Nelson
Neil Park
Pamela Scott
Ann Thomas

FRIENDS OF
CORTE MADERA CREEK
WATERSHED

November 25, 2018

U.S. Army Corps of Engineers, San Francisco Division
ATTN: Cynthia Jo Fowler
1455 Market Street
San Francisco CA 94103-1398
Via email: Corte.Madera@usace.army.mil

RE: Joint Draft Environmental Impact Statement/ Environmental Impact Report for the Corte Madera Creek Flood Risk Management Project, Marin County, California

Dear Ms. Fowler,

After having waited decades for progress on addressing the chronic flooding in the Ross Valley, Friends of Corte Madera Creek Watershed is pleased to have the opportunity to review this Draft Environmental Impact Statement/Environmental Report (EIS/EIR). We find the analysis in the Draft EIS/EIR adequate given the level of detail available at this stage. We urge moving through the process to the Record of Decision expeditiously.

Although we would prefer Alternative F, Friends recognizes the constraints of the single-purpose authorization for this dated U.S. Army Corps of Engineers (USACE) project and, within those limits, supports the selection of Alternative J as the Tentatively Selected Plan (TSP). Not only would this alternative reduce the risk of flooding on numerous parcels in the watershed, it would remove significant barriers to salmonid migration in the watershed. The Denil fish ladder and the upper portion of the concrete channel, both of which would be removed, are passable by only a few spawning salmonids. Although it is clear that the fish ladder is a problem, the concrete channel is a velocity barrier at most flows suitable for fish passage.

One issue needs to be more thoroughly evaluated: The part of the concrete channel that will remain has a number of “resting pools” that do not function properly. Will that reach of concrete channel continue to provide a velocity barrier to spawning steelhead? And will the remaining channel continue to be too hot and provide no shelter for migrating smolts? It may be necessary to include retrofitting the resting pools that are not removed.

The description of the proposed bypass culverts states that they would have screens or grating to keep spawning salmonids from entering them. The EIS/EIR should include a thorough analysis to ensure their proper functioning.

In addition, the concrete channel is now 50 years old and shows its age. We request that the EIS/EIR include an evaluation of its structural integrity. This is especially important if the walls

are made higher and/or the channel must be retrofitted to meet fish passage criteria set by NOAA Fisheries and the California Department of Fish and Wildlife (CDFW).

Friends has been told by the CDFW engineers that as long as the these barriers are in place, no money will be available from CDFW for work in upstream reaches of the creek; we look forward to completion of this project so that we are better able to move forward with other barrier removal projects in San Anselmo and Sleepy Hollow creeks.

We also value the restoration of riparian habitat that would be possible at Allen Park. Not only will fish benefit from having a natural creek bed, so will macroinvertebrates and a variety of wildlife. Curiously, the vegetation along the concrete channel is characterized as "riverine (concrete channel)" in the EIS/EIR. However, it is separated from and has no contact with the creek; it should be described as a landscaped area.

We are eager to see the components of the TSP that will be funded by Marin County and the grant from the California Department of Water Resources move forward without delay, so we urge the USACE to complete the approval process for the EIS/EIR as quickly as possible and to provide the County with the permits necessary to modify the existing channel.

In addition, there are potential projects to remove the right wall and part or all of the bottom of the concrete channel on College of Marin (COM) property that are not included in the TSP. COM has plans for new construction and we hope to incorporate some wall removal into their plans before setback walls are installed downstream of the SMN bridge. These projects have both flood risk reduction and environmental benefits, and we hope to obtain funding for these multi-benefit projects on the COM campus as soon as environmental review for the USACE project is complete.

In summary, we find the analysis in the Draft EIS/EIR adequate given the level of detail available at this stage. We urge moving through the process to add more detail and then approve the Record of Decision expeditiously.

We also have the following comments and corrections, listed in the order they occur in the draft document.

Fig 3-1a *et al.* The base maps show the existing bike path downstream of Stadium Way on the right bank of the creek. However, the gravel path on the right bank downstream of Stadium Way is used for access by the Flood Control District and COM; it peters out by the COM fields where it encounters the relict mouth of Tamalpais Creek. The main paved path crosses on the Stadium Way Bridge and follows the left bank of the creek.

Page 4.6-3 Starting on this page in section 4.6.2.1, "riverine (concrete channel)" is included as a habitat type. Describing planting along a concrete channel where it is

	completely cut off from the water in the channel as riverine seems inappropriate. That is a landscaped area—note the drip irrigation.
Page 4.6-4	Change "waddle" to "wattle" Add French broom (*Genista monspessulana*) to understory.
Page 4.6-9	Although sometimes the flow is very low, Corte Madera Creek is virtually never completely dry.
Page 4.6-21	Delete California clapper rail. Since the genus was reevaluated, the term Clapper rail no longer is used for rails in California. Ridgway's rails (*Rallus obsoletus*) breed in Hal Brown Park, a short distance downstream of the project area, and in the wetlands around COM's Lot 13, just east of the project area. They are occasionally seen foraging in the fringing tidal wetlands at the downstream end of the project area and around the relict mouth of Tamalpais Creek. For a discussion of rails, see: https://www.fws.gov/uploadedFiles/Region_8/NWRS/Zone_2/San_Francisco_Bay_Complex/e-tideline%20winter%20final.pdf
AMM-BIO-7	Measures to protect Ridgway's rails that are foraging in the area should be added.
Fig 4.11-1	The COM athletic fields are mislabeled as Kent Middle School
Appendix N	The list of foreseeable projects in Table 7 includes two projects at Marin County (sic) Day School in Corte Madera. The school, properly known as Marin Country Day School, is on the north side of Ring Mountain, an area that drains directly to San Francisco Bay. These two projects would have no impact on Corte Madera Creek.

Sincerely,

Sandra Guldman

Sandra Guldman, Vice President

c: Tonya Redfield, Ross Valley Program Watershed

November, 26, 2018

U.S. Army Corps of Engineers, San Francisco District
ATTN: Cynthia Jo Fowler
1455 Market Street, San Francisco, CA 94103-1398

Dear Ms. Cynthia Jo Fowler:

Thank you for the opportunity to comment on the Corte Madera Creek Flood Risk Management Project Environmental Impact Statement/ Environmental Impact Report – October 2018.

Trees

ES-9 states: "The riparian habitat impact analysis is conservative and addresses the loss to riparian habitat assuming a 15-foot buffer without a variance. ETL 1110-2-583 provides USACE design policy for vegetation near levees, dams, and floodwalls."

This statement is incorrect: the USACE analysis is far from "conservative." The Corps has not correctly calculated the number of trees being removed. They calculated 26 trees when in fact there are more than 150 trees in the Frederick Allen Park and the east side of the concrete channel. This can be identified in Alternative J, page 2 of 5, at Station 370+00 (Fish Ladder) to 361+00. **FIG. 1**

Also, the Corps has received two letters from the California Water Board, one dated June 10, 2016: **"We emphasize that, given the federal-approved beneficial uses of Corte Madera Creek, notably its status as critical habitat for listed steelhead, it is unlikely we will issue a water quality certification (Clean Water Act 401 permit)" FIG. 2**

The second letter dated January 5, 2017 (page 3) similarly objects: "Corps staff indicated that internal regulations mandate the removal of all vegetation (with the apparent exception of grasses and similar short herbaceous plants) within 15 feet of each side of a floodwall. Each of the four alternatives presented by the Corps during the December meeting includes hundreds of feet of floodwalls along Units 2 through 4. Removal of a 30-foot-wide swath of vegetation along these floodwalls would decimate the already limited riparian cover along much of Units 2 through 4 and result in significant impacts to the creek's beneficial uses. It is unlikely that Project alternatives that include removal of vegetation near floodwalls (beyond what might be necessary to construct the floodwalls) would be permittable by the Water Board." It continues," The fact that the Corps has not responded as Congress directed to revise the policy by 2016 does not change the fact that the existing policy violates State environmental regulations. As a result, the County may be forced to apply for a variance to the Corps' rules. This does not change our position on the regulatory issue." **FIG. 3**

Who determines whether a Variance should and will be granted? Corps current vegetation policy as clarified at the Jared Huffman meeting (11/1/18) and restated at the Board of Supervisors meeting (11/13/18), plus the **Executive Summary page ES-9** appear to indicate no Variance should be anticipated because benefits of the vegetation will be denied in favor of compliance with ETL 1110-2-583. **FIG. 4**

Alternative J, page 2 of 5, at Station 370-00 (Fish Ladder) Unit 3 to 375+65 (Lagunitas Road Bridge) to Unit 4, calls for a Fish Passage Transition Grading. Appendix Q. **Deepen Channel (Retained) "**Although in some cases expensive and may result in increased maintenance costs, channel deepening would provide flood risk management benefits." **Obstruction Removal -Trees, Boulders, Fish Ladder (Retained)** "This measure focuses on increasing channel capacity through clearance of impediments to flow." There are many oaks and

silver ash that provide the canopy for fish and wildlife. How many will be removed as a result of the above-mentioned policies? These trees are beneficial vegetation, not impediments to flow. **FIG 1.**

Sewer

It is important to compare Alternative J Page 2-5 **FIG1.** with Corte Madera Creek Flood Risk Management Project, Phase1, Request for Proposal to Provide Final Design & Permit Acquisition Services page 25 of 10. **FIG 5.** Not only is the existing sewer line being excavated, demolished and relocated in Fredrick Allen Park, but it is also under Sir Francis Drake Blvd from Station 365+00 to 390+00. The new twin 12'x7' culverts are 20' underground. What is the depth of the sewer line? How many laterals from homes connect to the sewer line? How many feet of sewer lines pass under flood walls between the fish ladder and Granton Park?

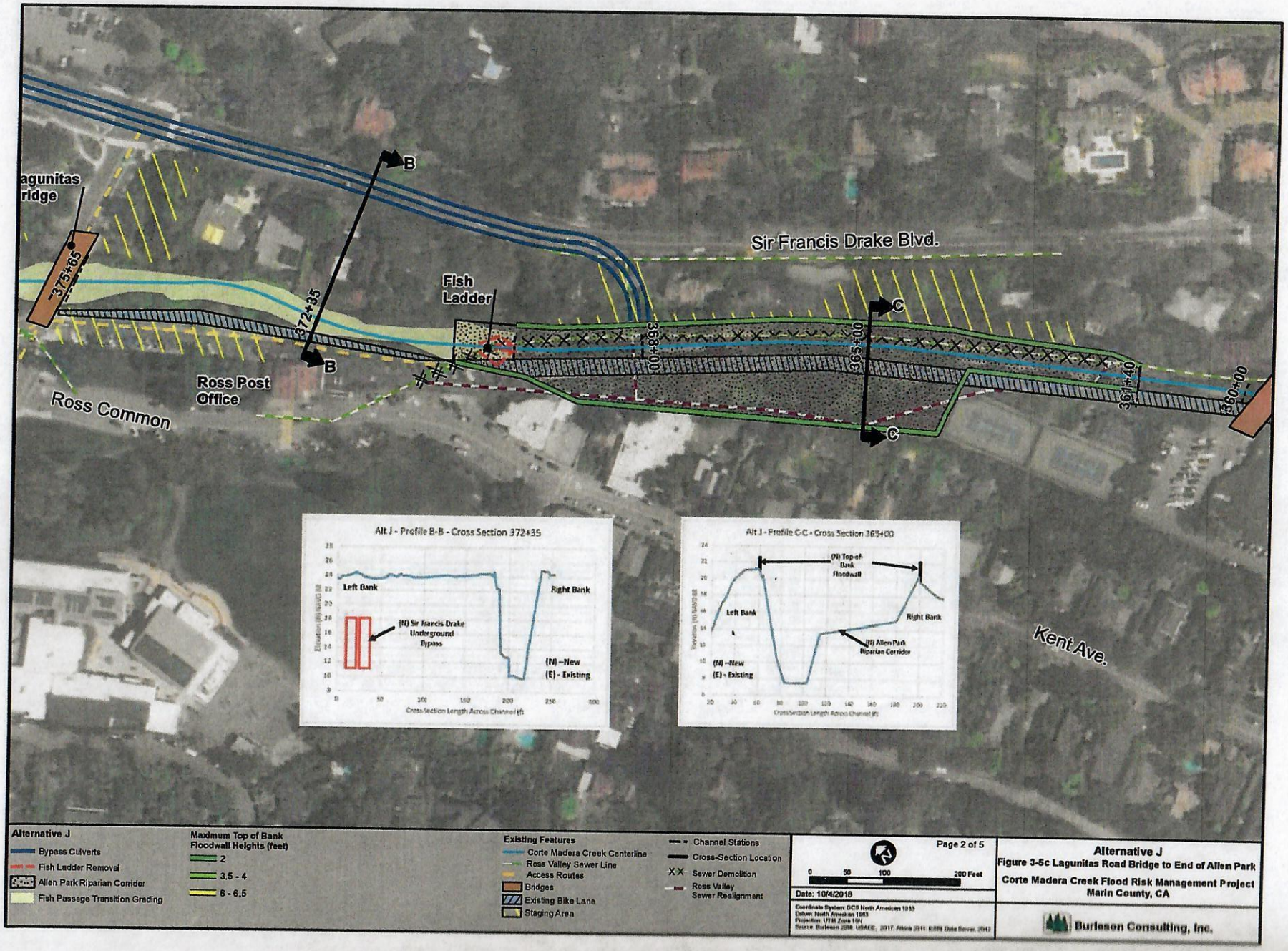
Also, the culvert excavation is to be 20', into bed rock with unknown geotechnical knowledge of the problems anticipated. How does this effect RVSD function during construction, how long will disruption last, what are the added costs? If costs are unknown, what estimates are being used to calculate the cost of the project?

There are at least two creek crossings and three (under flood wall) crossings under flood walls proposed by Alt J. Cross sections at specific Station 368+00 and 361+40 indicates 16' deep creek bed, plus 3' clearance for sewer line. How does the required 19' affect function of the sewer pipes? How does this deep excavation add to as yet unquantified estimates for vegetation removal, stability, seepage, settlements yet unknown per Geotechnical Appendix N 5.1.1, 5.1.2, 5.1.3? What is the cost of excavation, demolition and relocation of the sewer lines, including laterals, in Units 4 and 3? **FIG 6.**

25 Year Level of Protection

I do not feel Alternative J is a viable plan. The Army Corps has calculated the need for two 7'x12' culverts or possibly three box culverts in a bypass channel with many unknown impediments to construction and many unknown consequences. If the 25-year level of flood protection through Ross is not achieved, then the San Anselmo Flood Reduction Plan which stops at the Winship Bridge falsely assumes Ross will have an equal 25-year level of protection.

I include two letters from my attorney regarding the failed process and potential damages I may suffer as a result of County and Corps proposals. Residents on Sylvan Lane and Sir Francis Drake Blvd. are threatened by "greater flow volumes passing downstream". Further, Alternative J in being designed primarily to benefit Ross, does not afford similar protection to areas downstream of Ross. I cannot support such an inequitable proposal. **FIG 7. And FIG 8.**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375+65
372+35
B
B
Fish
Ladder
Sir Francis Drake Blvd.
368+00
365+00
361+40
360+00
C
C
Ross Post
Office
Ross Common
Kent Ave.
Alt J - Profile B-B - Cross Section 372+35
Left Bank
Right Bank
(N) Sir Francis Drake
Underground
Bypass
(N) –New
(E) - Existing
Cross-Section Length Across Channel (ft)
Alt J - Profile C-C - Cross Section 365+00
(N) Top-of-
Bank
Floodwall
Left Bank
Right Bank
(N) Allen Park
Riparian Corridor
(N) –New
(E) - Existing
Cross-Section Length Across Channel (ft)
Alternative J
Bypass Culverts
Fish Ladder Removal
Allen Park Riparian Corridor
Fish Passage Transition Grading
Maximum Top of Bank
Floodwall Heights (feet)
2
3.5 - 4
6 - 6.5
Existing Features
Corte Madera Creek Centerline
Ross Valley Sewer Line
Access Routes
Bridges
Existing Bike Lane
Staging Area
Channel Stations
Cross-Section Location
Sewer Demolition
Ross Valley
Sewer Realignment
Page 2 of 5
0 50 100 200 Feet
Date: 10/4/2018
Alternative J
Figure 3-5c Lagunitas Road Bridge to End of Allen Park
Corte Madera Creek Flood Risk Management Project
Marin County, CA
Burleson Consulting, Inc.

FIG 1.

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail: No hard copy to follow.

June 10, 2016

US Army Corps of Engineers
San Francisco District
1455 Market Street, 16th Floor
San Francisco, CA 94103
Attn: Ms. Kelly Janes
Email: kelly.a.janes@usace.army.mil

Subject: Comments on Draft Report Synopsis for the Corte Madera Creek Flood Risk Management General Reevaluation Study: Alternatives Milestone

Dear Ms. Janes:

The San Francisco Bay Regional Water Quality Control Board (Water Board) appreciates the invitation to review the draft Report Synopsis (Synopsis) for the Corte Madera Creek Flood Risk Management (Project) General Reevaluation Study: Alternatives Milestone (GRR), dated May 17, 2016. Based on the information provided in the GRR, we offer the following comments. Much like our earlier scoping comments on the Project's Notice of CEQA/NEPA Preparation (NOP), these comments are intended to advise the Corps of State and Regional Water Board policies and requirements, so they may be incorporated into proposed design alternatives.

Our comments fall into two categories: (1) broad comments on the Project's overall approach and authorities and (2) more specific comments and questions about the measures and analyses described within the GRR/Synopsis.

Overall Project Approach

Alternative Authorizations.

The existing authority for the Project is for a single-purpose flood control project, to be implemented under the relatively antiquated policies of the Flood Control Acts of 1944 and 1962. This single-purpose approach limits environmental improvements to only those necessary to offset the Project's environmental impacts and requires a strict approach to cost-benefit analysis that does not count environmental improvements as benefits. This approach is inconsistent with Water Board policies regarding the protection and enhancement of beneficial uses, as well as more modern multi-objective flood risk management approaches (such as those promoted by the Corps' non-federal sponsor, the Marin County Flood Control and Water Conservation District, referred to here as the "District") that improve riparian, floodplain, and in-stream aquatic habitats. **We emphasize that, given the federally-approved beneficial uses of Corte Madera Creek, notably its**

FIG 2.

status as critical habitat for listed steelhead, it is unlikely we will issue a water quality certification (Clean Water Act §401 permit) for a single-purpose flood control project in the creek.

Fortunately, the Project's preliminary authority analysis (cited in the Synopsis) indicates that the Project has study authority for Units 1-4 but only construction authority for Unit 4. Therefore, new authority for the Project will be necessary in order to construct improvements to Units 1-3. This situation presents a remarkable opportunity to utilize more modern and appropriate federal authorities for both Units 1-3 and Unit 4, so that the Project can simultaneously reduce flood risk and protect and improve the creek's beneficial uses. Some authorities that might be particularly applicable include:

- **Section 1135 of the Water Resources Development Act (WRDA) of 1986.** Congress specifically wrote this authority so that the Corps could retrofit its past projects to address the environmental and ecological damage resulting from those projects. As amended in multiple subsequent WRDAs, this authority has a 75% federal / 25% non-federal cost share arrangement, a federal cost limit of $10 million, and the non-federal entity can pay up to 100% of its cost share through in-kind contributions. In addition, this authority utilizes a *cost-effectiveness* approach and is not subject to the limitations of a *cost-benefit* approach. This authority could apply to Units 1-3, where the armoring and channelization of Corte Madera Creek has resulted in significant, long-term impacts to the creek's fisheries, habitats, and beneficial uses.

- **Section 212 of the WRDA of 1999.** Congress introduced this authority in 1999 so that the Corps could implement projects that reduced flood hazards while restoring the natural functions and values of rivers and streams. This authority has a 65% federal / 35% non-federal cost share arrangement, a federal cost limit of $15 million ($30 million if authorized through Congressional action), and a cost-effectiveness approach similar to Section 1135 described above. This authority could apply to Unit 4, where flood risk reduction improvements have yet to be constructed by the Corps.

In both of these cases, the study work done to-date for Units 1-4 under the existing authorization could form the basis for future planning; there would be no need for either the Corps or the District to start planning from scratch. These alternative authorizations would also make it easier for the District to leverage grant funding sources such as Prop 1 (CA Dept. of Water Resources) or Measure AA (San Francisco Bay Restoration Authority) to fund environmental improvements. Finally, given the Project's contentious history within Ross Valley, a multi-objective approach that reduces flood risk while improving ecosystem services within the creek is much more likely to receive public support. For these reasons, we strongly urge the Corps and the District to consider these alternative authorizations and work to get them included in the next available WRDA.

Site-Specific Opportunities for Channel Naturalization.

In the Synopsis, separate arrays of alternatives are assessed for Unit 1, Units 2 & 3, and Unit 4. The assessments appear to assume that the alternative treatments would be applied to an entire unit or units, without considering site-specific opportunities and

constraints. The Project's location within a highly constrained right-of-way necessitates a more fine-grained approach that considers localized and likely discontinuous adjustments to Corte Madera Creek, especially along the concrete channel. The mile-long concrete channel within Units 2 and 3 provides virtually no functional aquatic or riparian habitat and makes upstream or downstream passage for federally and State-listed steelhead challenging under most flow conditions. Where feasible – even in small stretches – channel naturalization measures such as concrete removal, floodplain development, vegetation establishment, bank biostabilization, and others could result in significant improvements to stream ecology, all while maintaining or improving flood passage. Such improvements could be implemented within the existing Project right-of-way or in discrete areas where adjacent land uses (e.g., parking lots, parks) could allow for the right-of-way to be expanded. These measures could even be coordinated with improvements to adjacent recreational facilities, such as the Route 15 bike path, that would help the Project gain public support.

There are multiple examples of formerly concrete channels that have been naturalized within their existing right-of-way, including Santa Rosa Creek through the Prince Memorial Greenway in downtown Santa Rosa, Sonoma County (see Photos 1 and 2 below). The Corps should assess how lessons learned from these and related projects might be applied to the Project and take a more nuanced look at localized opportunities for channel naturalization.

Photos 1 (left) and **2** (right), showing Santa Rosa Creek before and after naturalization of its formerly concrete channel within an existing right-of-way.

Climate Change and Sea Level Rise.

Page 31 of the Synopsis states that the Corps will have to update its assessment of the potential effects of sea level rise (SLR) on Project alternatives. Climate change is likely to affect the Project through two mechanisms: by raising downstream tailwater elevations through sea level rise and related increases in storm surge elevations, and by changing the frequency, intensity, and duration of precipitation events that drive flood flows. The former has been the subject of much research over the past decade; we recommend application of the SLR estimates from the National Research Council (NRC) publication "Sea Level Rise for the Coasts of California, Oregon, and Washington" (2012)[1] and the

THEY ARE DOING THIS

[1] http://www.nap.edu/catalog/13389/sea-level-rise-for-the-coasts-of-california-oregon-and-washington

corresponding guidance from the California Coastal Commission approved August 12, 2015 (see Table 1 below). We recommend that the Corps apply this guidance in a conservative manner; i.e. utilizing the higher range of SLR estimates in its analysis instead of the lower-mid range.

TIME PERIOD*	NORTH OF CAPE MENDOCINO[19]	SOUTH OF CAPE MENDOCINO
by 2030	-2 – 9 in (-4 – +23 cm)	2 – 12 in (4 – 30 cm)
by 2050	-1 – 19 in (-3 – + 48 cm)	5 – 24 in (12 – 61 cm)
by 2100	4 – 56 in (10 – 143 cm)	17 – 66 in (42 – 167 cm)

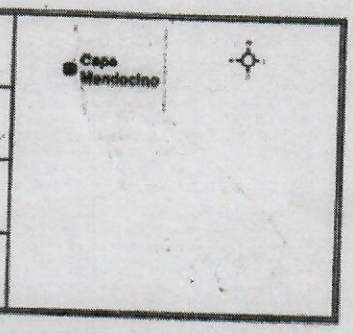

Table 1. Sea level rise estimates from NRC's 2012 report, as quoted in the Coastal Commission's 2015 guidance document.[2] *Note that these estimates use the year 2000 as a baseline.

Local scientists at the Pepperwood Preserve (Lisa Micheli), the Creekside Center for Earth Observation (Stu Weiss), and other institutions are currently downscaling a suite of global climate models and climate change scenarios to the watershed scale in Marin, including Corte Madera Creek, in an attempt to parse out the potential effects of climate change on watershed hydrology (including precipitation, evapotranspiration, and runoff).[3] This is a relatively newer field of study with different regional uncertainties than those inherent to SLR analysis. Nonetheless, we recommend that the Corps consult with these scientists and include a range of "with climate change" hydrologic (in addition to SLR) scenarios in its planning and flood modeling for the Project, in order to identify flood management alternatives that will be resilient now and in the future.

Specific Measures and Analyses in the GRR

Proposed Structural Measures.

The Synopsis makes it clear that under the existing single-purpose flood control authority, proposed improvements to Unit 4 will entail some variation of flood walls, channel deepening, and/or channel widening, potentially combined with the raising, floodproofing, or relocation of (very expensive and privately-owned) structures within the floodway. The proposed alternatives for Units 1-3 are similar, comprising widening of the concrete channel in combination with setback floodwalls or levees. All of these alternatives are likely to result in significant impacts to beneficial uses of the creek, including the uses of cold freshwater habitat, fish migration, fish spawning, warm freshwater habitat, and wildlife habitat. These potential impacts include, but are not limited to:

- ***Inappropriate channel velocities.*** If channel adjustments in Units 1-3 are not properly designed to accommodate increased flows from Unit 4, excessively high flows in the former would likely become even more difficult for native fish to tolerate (including in-

[2] http://www.coastal.ca.gov/climate/slrguidance.html
[3] For example, see this publication from Micheli et al. in 2012: http://ca.water.usgs.gov/pubs/2012/MicheliEtAl2012.html

migrating steelhead adults and out-migrating steelhead smolts). Conversely, channel geometries in Unit 4 that are larger than the bankfull (channel-forming) geometry could result in low flows that cause excessive sedimentation, reducing channel complexity, burying spawning gravels, and creating conditions that may trigger harmful sediment removal (channel dredging) activities. This impact is especially likely in portions of Unit 4 that are proposed for deepening, as channel invert elevations are controlled by the downstream concrete inverts in Units 3 and 2, respectively. Such deepening is likely to provide a minimum (temporary) flood benefit at a high cost.

- ***Widespread loss of channel complexity.*** Despite a history of modification and extensive haphazard armoring, the creek in Unit 4 still maintains some of the complex geomorphic features found in healthy creeks. Channel widening and deepening will likely lead to the loss of features such as riffles, shallow pools, deeper scour pools, floodplain terraces, off-channel ponds, undercut banks, snags, and related features that provide food, shelter from predators, velocity refugia, breeding habitat, and more to a broad range of aquatic and riparian species. In essence, creek widening and deepening will lead to a more homogenous creek that would support a smalle disturbance-tolerant aquatic life.

- ***Loss of riparian cover.*** Creek widening and deepening in Unit 4 and the con of flood walls/levees in Units 1-4 would likely lead to significant temporary and permanent losses of riparian vegetation along the channel banks and at the to bank. Due to concrete channelization, Units 1-3 are already largely devoid of a functional riparian habitat, and the loss of what minimal shading exists would d the suitability of the channel to support aquatic life even further. Portions of Uni abundant mature riparian cover, and the loss of this vegetation would result in significant reductions in shading, aquatic food web support, and other riparian ecosystem services.

It is imperative that any proposed changes to channel dimensions in Unit 4 be based equilibrium cross-section that is subject to neither excessive erosion nor deposition. If portions of Unit 4 have localized problems with excessive erosion or deposition, then channel morphology should be altered only on the sound application of equilibrium references and shear stress data. Past creek studies may provide this information, in which case they should be referenced as appropriate.

Absence of measures to enhance ecosystem functions in Units 1-3.

Consistent with the Project's single-purpose flood control study authorization, none of the measures described in the Synopsis would improve conditions in the concrete channel for aquatic and riparian fish and wildlife or otherwise enhance the beneficial uses discussed above. For example, none of the structural measures include features that would increase the relative amount of riparian vegetation along or above the channel. As previously discussed, riparian vegetation (especially within/along the wetted channel) plays a crucial role in the health of stream corridors, and there are established methods of increasing ecologically-functional vegetative cover that are consistent with flood management objectives. None of the measures address the existing "fish resting" pools in the concrete

channel, which do not function as intended. Finally, there is no discussion of tidal wetland restoration along portions of Unit 1, which would be a significant improvement given the near complete loss of these habitats along lower Corte Madera Creek (due in large part to past filling and dredging by the Corps). Given the need for new construction authority for Units 1-3, we look forward to discussing these and related concepts further with the Corps.

Questions concerning GRR analyses.

We have the following questions about the analyses and/or conclusions presented in the Synopsis and would appreciate discussing these concerns with the Corps:

- Are the modeling results presented in Figure 8 from a new HEC-RAS model? The results appear to be from an unsteady-state model, but, to our knowledge, such a model has not yet been prepared for the Project. If the results are from a new model, was it developed by the Corps or Stetson Engineers? If the latter, has the Corps reviewed this model and can it be shared with the Water Board?

- The flow capacity for Unit 4 described in Table 3 (3,100 cfs) is lower than the flow capacity described in previous Project studies. Can you describe how the Corps arrived at this lower value?

- Under "Sedimentation" on page 23, the Corps describes "recent studies" that have arrived at more realistic channel roughness values for the concrete-lined portions of Units 2 and 3. Which studies are these and can they be shared with the Water Board?

Again, we appreciate the opportunity to comment on the Synopsis and look forward to future collaboration with the Corps on this important project. Please contact Christina Toms at 510-622-2506 or christina.toms@waterboards.ca.gov with any questions or comments.

Sincerely,

Digitally signed by Bruce H. Wolfe
DN: cn=Bruce H. Wolfe, o=SWRCB, ou=Region 2, email=bwolfe@waterboards.ca.gov, c=US
Date: 2016.06.10 16:37:59 -07'00'

Bruce H. Wolfe
Executive Officer

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail: No hard copy to follow

January 5, 2017

U.S. Army Corps of Engineers
San Francisco District
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San Francisco, CA 94103
Attn.: Ms. Kelly Janes
Email: kelly.a.janes@usace.army.mil

Subject: Comments on December 2016 Design Updates for the Corte Madera Creek Flood Risk Management Project

Dear Ms. Janes:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciate the invitation to comment on the Corte Madera Creek Flood Risk Management Project (Project) materials presented at the December 7, 2016, inter-agency meeting between the Corps, Marin County, the Water Board, the National Marine Fisheries Service (NMFS), and the U.S. Fish and Wildlife Service (USFWS). The materials presented at the meeting included an evaluation of fish passage improvement alternatives, as well as an updated array of flood control project design alternatives. We have organized our comments accordingly.

These comments are meant to build upon our earlier comments on the Project, particularly our June 10, 2016, comments on the General Reevaluation Study: Alternatives Milestone, and our March 1, 2016, comments on the scoping of the Project's Joint EIR/EIS. We consider those earlier comments incorporated by reference into those presented here.

Fish Passage and Concrete Removal

In general, the Water Board supports measures to improve passage for both in-migrating steelhead adults and out-migrating smolts throughout the length of the concrete channel in Units 2 and 3. The existing concrete channel is challenging for steelhead to navigate under a broad range of flow conditions, and its existence makes it difficult for funders to justify investing in fish passage and related habitat improvements farther upstream. We are in agreement with NMFS (comments to the Corps dated November 8, 2016) that the fish passage analysis cited by the Corps (Michael Love and Associates 2007) should go further and evaluate the potential for Units 2 and 3 to support not just passage but rearing, foraging, osmoregulation, smoltification, and related functions necessary to support steelhead through a range of life stages.

FIG 3.

status as critical habitat for listed steelhead, it is unlikely we will issue a water quality certification (Clean Water Act §401 permit) for a single-purpose flood control project in the creek.

Fortunately, the Project's preliminary authority analysis (cited in the Synopsis) indicates that the Project has study authority for Units 1-4 but only construction authority for Unit 4. Therefore, new authority for the Project will be necessary in order to construct improvements to Units 1-3. This situation presents a remarkable opportunity to utilize more modern and appropriate federal authorities for both Units 1-3 and Unit 4, so that the Project can simultaneously reduce flood risk and protect and improve the creek's beneficial uses. Some authorities that might be particularly applicable include:

- **Section 1135 of the Water Resources Development Act (WRDA) of 1986.** Congress specifically wrote this authority so that the Corps could retrofit its past projects to address the environmental and ecological damage resulting from those projects. As amended in multiple subsequent WRDAs, this authority has a 75% federal / 25% non-federal cost share arrangement, a federal cost limit of $10 million, and the non-federal entity can pay up to 100% of its cost share through in-kind contributions. In addition, this authority utilizes a *cost-effectiveness* approach and is not subject to the limitations of a *cost-benefit* approach. This authority could apply to Units 1-3, where the armoring and channelization of Corte Madera Creek has resulted in significant, long-term impacts to the creek's fisheries, habitats, and beneficial uses.

- **Section 212 of the WRDA of 1999.** Congress introduced this authority in 1999 so that the Corps could implement projects that reduced flood hazards while restoring the natural functions and values of rivers and streams. This authority has a 65% federal / 35% non-federal cost share arrangement, a federal cost limit of $15 million ($30 million if authorized through Congressional action), and a cost-effectiveness approach similar to Section 1135 described above. This authority could apply to Unit 4, where flood risk reduction improvements have yet to be constructed by the Corps.

In both of these cases, the study work done to-date for Units 1-4 under the existing authorization could form the basis for future planning; there would be no need for either the Corps or the District to start planning from scratch. These alternative authorizations would also make it easier for the District to leverage grant funding sources such as Prop 1 (CA Dept. of Water Resources) or Measure AA (San Francisco Bay Restoration Authority) to fund environmental improvements. Finally, given the Project's contentious history within Ross Valley, a multi-objective approach that reduces flood risk while improving ecosystem services within the creek is much more likely to receive public support. For these reasons, we strongly urge the Corps and the District to consider these alternative authorizations and work to get them included in the next available WRDA.

Site-Specific Opportunities for Channel Naturalization.

In the Synopsis, separate arrays of alternatives are assessed for Unit 1, Units 2 & 3, and Unit 4. The assessments appear to assume that the alternative treatments would be applied to an entire unit or units, without considering site-specific opportunities and

Vegetation Removal near Floodwalls

Corps staff indicated that internal regulations mandate the removal of all vegetation (with the apparent exception of grasses and similar short herbaceous plants) within 15 feet of each side of a floodwall. Each of the four alternatives presented by the Corps during the December meeting includes hundreds of feet of floodwalls along Units 2 through 4. Removal of a 30-foot-wide swath of vegetation along these floodwalls would decimate the already limited riparian cover[3] along much of Units 2 through 4 and result in significant impacts to the creek's beneficial uses. It is unlikely that Project alternatives that include removal of vegetation near floodwalls (beyond what might be necessary to construct the floodwalls) would be permittable by the Water Board.

We remind the Corps that the Water Board, the California Department of Fish and Wildlife (CDFW), and the State Water Resources Control Board informed the Corps in writing in 2009 that the levee and floodwall vegetation policies violate State wildlife and water quality protection laws and that the policies as stated would not allow projects implementing the policies to be permitted in California. The Water Board, the California Department of Water Resources, and CDFW collaborated with other stakeholders to add a provision to the 2014 Water Resources Development Act requiring the Corps to reassess and revise the vegetation policy. The fact that the Corps has not responded as Congress directed to revise the policy by 2016 does not change the fact that the existing policy violates State environmental regulations. As a result, the County may be forced to apply for a variance to the Corps' rules. This does not change our position on the regulatory issue.

If large existing trees are lost as a result of the development of a comprehensive, re-envisioned restoration/naturalization plan for the stream corridor, the Water Board will evaluate the loss of individual trees against gains in riparian vegetation that provide improved ecological functions, such as vegetation added along the channel margins.

Conclusion

Again, we appreciate the opportunity to comment on this latest design update, and look forward to future collaboration with the Corps on this important project. Please contact Christina Toms at 510-622-2506 or christina.toms@waterboards.ca.gov with any questions or comments.

Sincerely,

Bruce Wolfe

Digitally signed
by Bruce H. Wolfe
Date: 2017.01.05
14:38:29 -08'00'

Bruce H. Wolfe
Executive Officer

[3] Note that "riparian" in this case refers to all vegetation that provides riparian functions (shading, allocthonous carbon inputs, etc.) to the creek channel; it is not limited to willows, alders, and associated species that are traditionally considered "riparian" species.

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Geotechnical Risks for Bypass Construction

Several borings from a geotechnical investigation along the left bank encountered shallow bedrock. The use of a temporary shoring system will need to be evaluated as sheet piles may not be sufficient to excavate to the depths currently anticipated for the bypass. Additional geotechnical investigations will be needed to better understand the subsurface soil and rock characteristics along the bypass alignment. This could have significant cost impacts during Project construction.

Vegetation Variance along Floodwalls

The riparian habitat impact analysis is conservative and addresses the loss to riparian habitat assuming a 15-foot buffer without a variance. ETL 1110-2-583 provides USACE design policy for vegetation near levees, dams, and floodwalls. Vegetation policy guidance letters (October 2017) indicate that vegetation variances may be granted in cases where the flood safety risks of the vegetation do not outweigh the benefits of allowing non-policy compliant vegetation. A risk analysis will be performed for Corte Madera Creek prior to PED and results of those findings will be included in the final design to assess compliance with ETL 1110-2-583. This will determine to what extent riparian vegetation could be restored at Frederick Allen Park Riparian Corridor within 15 feet of floodwalls.

Sir Francis Drake Boulevard Rehabilitation Project and Bypass Construction

Kittle Creek is an intermittent stream that drains under Sir Francis Drake Boulevard near the Lagunitas Road Bridge. The Sir Francis Drake Boulevard Rehabilitation Project will alter the drainage of Kittle Creek and likely construct a culvert beneath the road. Because a culvert and bypass would be constructed beneath Sir Francis Drake Boulevard, coordination during Project design would be required. Many cumulative impacts could be avoided to resources evaluated in this EIS/EIR if the Sir Francis Drake Boulevard rehabilitation project and the bypass were designed and constructed together.

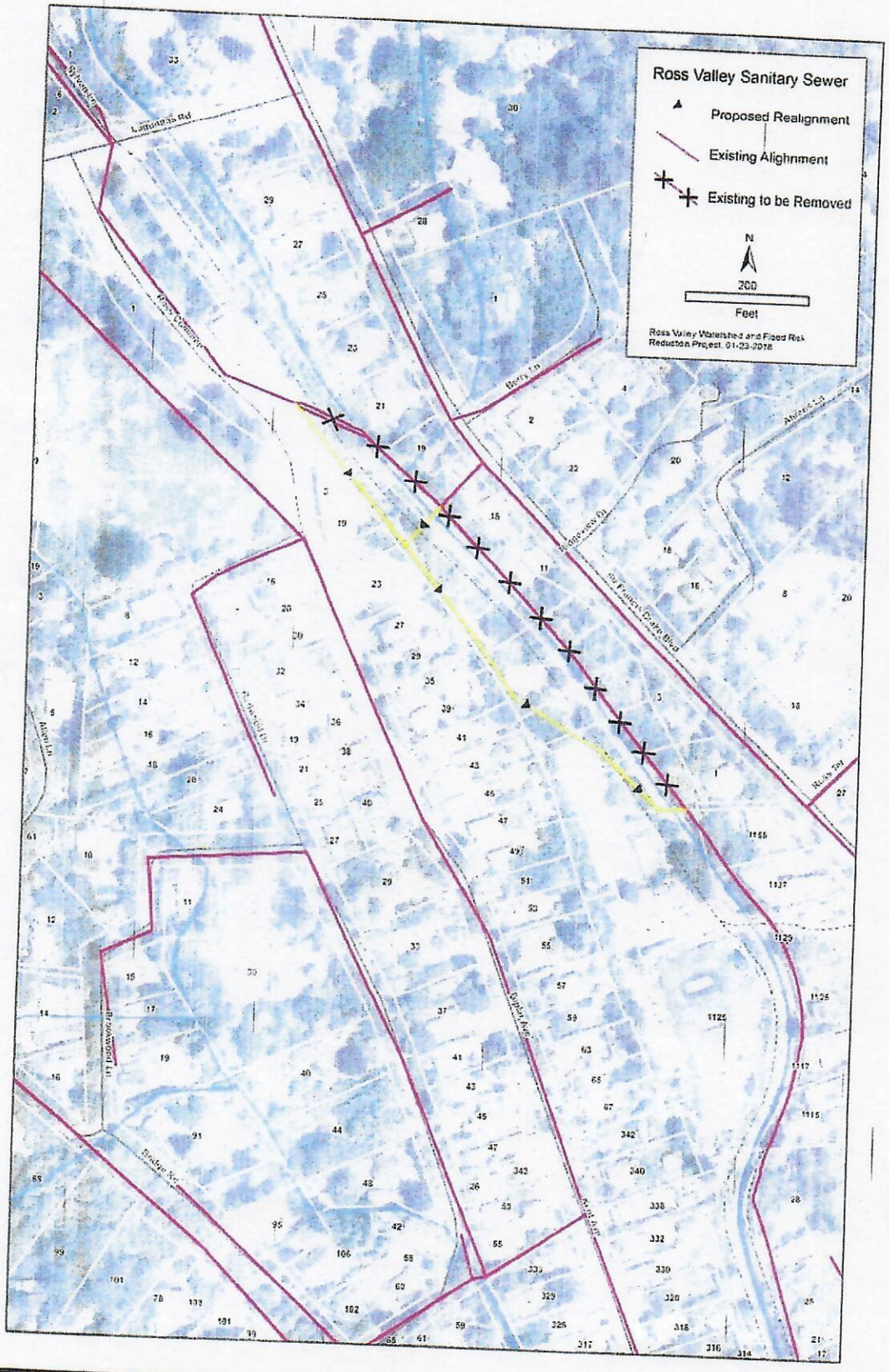
Ross Valley Sanitary Sewer
Proposed Realignment
Existing Alignment
Existing to be Removed
N
200
Feet
Ross Valley Watershed and Flood Risk Reduction Project, 01-23-2018

FIG 5.

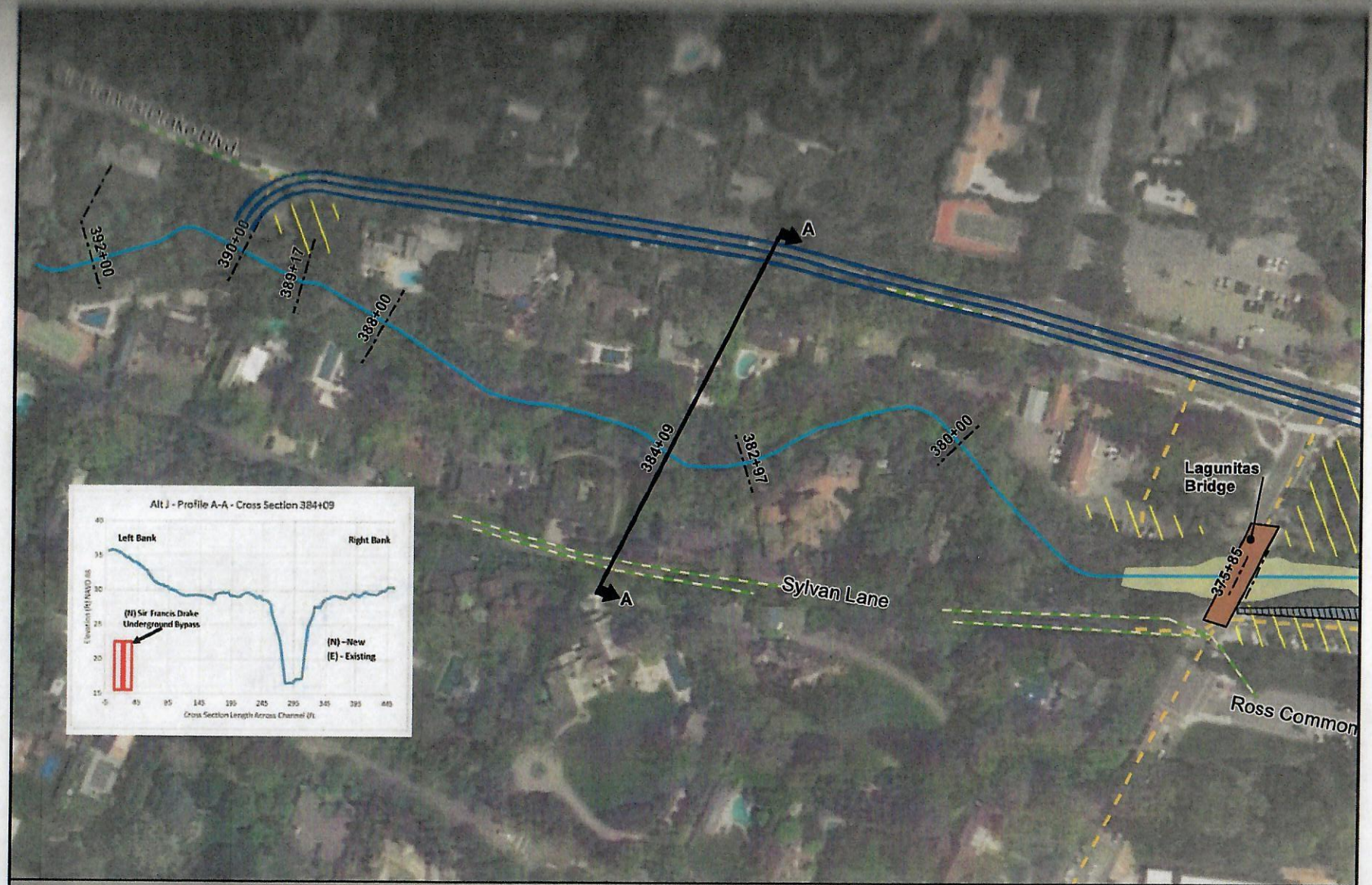
392+00
390+00
389+17
388+00
384+09
382+97
380+00
375+85
A
A
Lagunitas Bridge
Sylvan Lane
Ross Common
Alt J - Profile A-A - Cross Section 384+09
Left Bank
Right Bank
(N) Sir Francis Drake Underground Bypass
(N) - New
(E) - Existing
Cross Section Length Across Channel (ft)
Alternative J
Bypass Culverts
Fish Ladder Removal
Allen Park Riparian Corridor
Fish Passage Transition Grading
Maximum Top of Bank Floodwall Heights (feet)
2
3.5 - 4
6 - 6.5
Existing Features
Corte Madera Creek Centerline
Ross Valley Sewer Line
Access Routes
Bridges
Existing Bike Lane
Staging Area
Channel Stations
Cross-Section Location
Sewer Demolition
Ross Valley Sewer Realignment
Page 1 of 5
0 50 100 200 Feet
Date: 10/4/2018
Coordinate System: GCS North American 1983
Datum: North American 1983
Projection: UTM Zone 10N
Source: Burleson 2018; USACE, 2017; Atkins 2011; ESRI Data Server, 2012
Alternative J
Figure 3-5b Upstream Limit to Lagunitas Road Bridge
Corte Madera Creek Flood Risk Management Project
Marin County, CA
Burleson Consulting, Inc.

FIG 6.

February 29, 2016

By Electronic Delivery

Stephen M. Willis, Environmental Manager
U.S. Army Corps of Engineers, San Francisco District
1455 Market Street, 17th Floor
San Francisco, CA 94103

Re: Notice of Preparation and Intent to Prepare a Joint Environmental Impact Statement and Report for the Proposed Corte Madera Creek Flood Control Project, Marin County, California

Dear Mr. Willis:

Thank you for the opportunity to provide comments to the Marin County Flood Control and Water Conservation District ("District") and the U.S. Army Corps of Engineers ("Corps") regarding the scope of a joint environmental impact statement and report ("EIS/R") for the proposed Corte Madera Creek Flood Control Project ("Project").

These comments are submitted on behalf of Mr. Charles Goodman, a longtime resident of the Town of Ross. Mr. Goodman owns property on Sylvan Lane, which is within the scoping boundary of Corte Madera Creek "Unit 4." Mr. Goodman and his neighbors will experience the most direct impacts of any actions that may be proposed by Corps or the County to address the potential for flooding in the vicinity of the Project.

Our principal concern at this point is that the Corps and the County have acted prematurely in starting the environmental review process for the proposed Project. The Notice of Preparation and Intent fails to provide even a simple description of the project, which is among the most basic requirements of both the National Environmental Protection Act ("NEPA"), 42 U.S.C. Section 4321 et seq., and the California Environmental Quality Act ("CEQA"), California Public Resources Code, Section 21000 et seq.

The Council on Environmental Quality ("CEQ") has adopted specific regulations under NEPA that require a Notice of Intent ("NOI") to "briefly . . . [d]escribe the proposed action and possible alternatives."[1] The U.S. Army Corps of Engineers' ("Corps") own NEPA regulations likewise require that an NOI "[b]riefly describe the proposed action."[2] For CEQA purposes, a Notice of Preparation ("NOP") must provide "a brief description

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[1] 40 C.F.R. §1508.22(a).
[2] 33 C.F.R. Appendix C to Part 230.

FIG 7

of the proposed action and its location."[3] The state's CEQA Guidelines clarify that an NOP must provide "sufficient information describing the project and the potential environmental effects to enable . . . a meaningful response."[4] A "description of the project," the "location of the project," and the "[p]robable environmental effects of the project" are the very "minimum" requirements of the NOP.[5] While the project description need not be as extensive as the description in the final environmental impact report, the NOP must still fulfill the purpose of CEQA to alert the public to what the proposed project actually is, so that interested persons can assess and comment on its potential environmental impacts.[6]

The NOP/NOI provided for the Corte Madera Creek Flood Control Project does not meet these minimum requirements; indeed, it fails to describe the project *at all*. While the document lists a number of Project objectives, it fails to describe possible means of accomplishing those objectives or any actions that the project might entail. Without this information, the public cannot meaningfully provide input on the scope of issues that the Corps and County will need to consider in its environmental review. Under federal regulations, a project cannot go through environmental review until the government "has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated."[7]

We appreciate that planning is important in agency decision-making.[8] For this reason, federal agencies are permitted to undertake a scoping process before they issue an NOI.[9] But a pre-NOI scoping process must still provide enough public notice and enough infor-

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[3] Cal. Pub. Res. Code § 21092(b)(1).
[4] 14 C.C.R. §15082(a)(1).
[5] 14 C.C.R. §15082(a)(1)(A)-(C).
[6] *Maintain Our Desert Environment v. Town of Apple Valley*, 120 Cal.App.4th 396, 441-42 (2004), *as modified July 2, 2004.*
[7] 40 C.F.R. § 1508.23.
[8] *See* CEQ Memorandum for Heads of Federal Departments and Agencies, "Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act" (Mar. 6, 2012), *available at* https://ceq.doe.gov/current_developments/docs/Improving_NEPA_Efficiencies_06Mar2012.pdf.
[9] *See id.* (citing CEQ Memorandum to Agencies, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations" (Mar. 16, 1981), *available at* ceq.hss.doe.gov/nepa/regs/40/11-19.HTM#13 (Question 13 and Answer)).

mation on a project proposal to allow the public and relevant agencies to effectively participate in the government's planning process.[10] Unless very specific procedures are followed, early scoping cannot be a substitute for the normal scoping process that occurs after the publication of a proper NOI.[11]

For the reasons discussed above, we do not believe that a proper NOP/NOI has yet been issued. Nor have any pre-scoping procedures provided enough information to allow effective public participation. We therefore urge the Corps and County to issue a new NOP/NOI as soon as practicable and give the public the opportunity the law requires to provide effective scoping comments on the Project.

Sincerely,

Kevin T. Haroff

cc: Hugh Davis, P.E.
Associate Civil Engineer
Marin County Flood Control & Water Conservation District,
Department of Public Works
3501 Civic Center Dr # 304, San Rafael, CA 94903

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[10] CEQ Memorandum to Agencies, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations" (Mar. 16, 1981), *available at* ceq.hss.doe.gov/nepa/regs/40/11-19.HTM#13 (Question 13 and Answer).

[11] CEQ Memorandum to Agencies, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations" (Mar. 16, 1981), *available at* ceq.hss.doe.gov/nepa/regs/40/11-19.HTM#13 (Question 13 and Answer).

MARTEN LAW

September 10, 2018

By Electronic Delivery

Ms. Rachael Reid, Environmental Planning Manager
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Ms. Elizabeth Lewis, Water Resources Planning Manager
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Re: August 2018 Final Environmental Impact Report for the
Proposed San Anselmo Flood Risk Reduction (SAFRR) Project

Dear Ms. Reid and Ms. Lewis:

I am writing to follow up on my July 2, 2018, letter, submitted on behalf of myself, Mr. Charles Goodman of Ross, and others, to provide comments on the May 2018 Draft Environmental Impact Report ("EIR," or in draft form, the "DEIR") for the Proposed San Anselmo Flood Risk Reduction Project ("SAFRR Project" or "Project"). The Marin County Flood Control and Water Conservation District ("Flood Control District" or "District"), has been designated as the "lead agency" for the Project for purposes of compliance with the California Environmental Quality Act ("CEQA"), Pub. Resources Code Section 21000 et seq.

The District has now issued a proposed Final EIR ("FEIR") for the Project, which included responses to comments on the May 2018 Draft DEIR. I appreciate the efforts of District staff in preparing the FEIR and associated responses to comments. I have serious concerns, however, as to whether the District's evaluation of and response to comments submitted by interested parties meets the requirements of Section 15088 of the California State CEQA Guidelines ("CEQA Guidelines"). As you know, CEQA Guidelines Section 15088(c) requires that "recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. *Conclusory statements unsupported by factual information will not suffice.*" [emphasis added.]

FIG 8.

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In my July 2, 2018 letter, I expressed concerns over the disconnect between the DEIR and the environmental review being conducted at a programmatic level for the Ross Valley Flood Protection and Watershed Program ("Ross Valley Program" or "Program"). The DEIR acknowledged that the Project is intended to be part of a larger effort to reduce flood risks throughout Marin County's Ross Valley. It also made clear, however, that

> Specific details regarding the exact size, design, location, sequencing, and phasing of Ross Valley Program elements have not been determined yet. Because of this, the Flood Control District is preparing a Program Environmental Impact Report (PEIR) that will analyze the significant environmental effects of implementing Program elements to reduce flooding risk in Ross Valley [sic].... The Flood Control District, its [i.e., the Marin County] Board of Supervisors, Responsible and Trustee agencies, and the public will use that PEIR and the associated public comment processes to inform decision making and help determine which Ross Valley Program elements should be implemented.

See DEIR p. 3-4.

The more limited focus on Project-level environmental impacts in the DEIR undermines this acknowledgement of the need to address Ross Valley flood risks initially at a programmatic level. As stated in the California State CEQA Guidelines ("CEQA Guidelines"), program EIRs should be prepared at the outset for any "series of actions that can be considered as one large project and are related ... geographically [or as] logical parts in the chain of contemplated actions ..." CEQA Guidelines Section 15168(a). Moreover, "[s]ubsequent activities in the program must be examined in light of the program EIR ...." CEQA Guidelines Section 15168(c). The DEIR turned this approach on its head, by seeking to address the environmental impacts of the Project *before* the program EIR has been completed, and therefore *before* the environmental setting of the Project within the Ross Valley has been adequately assessed.

In responding to comments on the DEIR, the District acknowledges that the "[t]iering a project EIR from a Program EIR is an option, and can be more efficient ...." *See* FEIR Vol. 2 – Response to Comments ("RC"), p. 3.4-141. The District's response goes on to state, however, that tiering "is never required and would not be possible in this case because the program EIR has not yet been completed." While it is true the program EIR has not "yet been completed," it is *not* true that tiering is never required, and the District provides no legal support to suggest that tiering should not be required in the present case. By separating its assessment of the environmental impacts of the Project from its yet-to-be-proposed area-wide flood control program, the District has improperly "piecemealed" its review of those impacts in violation of CEQA. *See Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376; *Berkeley Keep Jets Over the Bay Com. V. Board of Port Cmrs.* (2001) 91 Cal.App.4th 1344.

As the California Supreme Court has stated, government agencies cannot allow "environmental considerations [to] become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences." *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283-284. By issuing its EIR for the SAFRR Project before it has issued even preliminary draft environmental documents for the Ross Valley Program as a whole, the District has almost certainly violated CEQA's prohibition against piecemealing.

Finally, the District's response to comments acknowledges that the SAFRR Project will have significant and unavoidable impacts on property owners and communities located downstream of the Project. *See* RC, p. 3.4-143. It minimizes those impacts by suggesting they are limited to property owners "near the Winship Bridge (between the Barber Street Bridge and the Sir Francis Drake Bridge)." *Id.* It further dismisses concerns expressed about the potential impacts on communities located near and downstream of the confluence of San Anselmo and Ross Creeks, on the grounds that "the San Anselmo Creek channel capacity gets much larger immediately downstream of the Sir Francis Drake Bridge, large enough that the project would not affect water surface elevation downstream of the Sir Francis Drake Bridge during the flood events modeled." RC, p. 3.4-141.

The District's response to comments disregards the DEIR's recognition that the Project will "substantially alter the existing drainage pattern of the [Corte Madera Creek] watershed, altering patterns of flooding onsite and offsite," alterations which the DEIR characterized this impact as both "*Significant and Unavoidable*" environmental impacts. DEIR, at 4.9-51. The DEIR specifically acknowledged that the Project will result in "new flooding downstream of the Project area," and that these outcomes will be a "significant impact." DEIR, at 4.9-55. The DEIR dismissed these projected impacts as the result of "modeled effects and outcomes of the Project if implemented independently," and suggests that they will be mitigated by the "likely" removal and redesign of "flow-constraining bridges" to "allow greater flow volumes to pass downstream into Corte Madera Creek (formed at the confluence of San Anselmo Creek and Ross Creek) . . . ." *Id.*

There is nothing in the District's environmental analyses to indicate that those impacts are necessarily limited to property owners "near the Winship Bridge." Those living in all downstream communities (including Kentfield, Greenbrae, Larkspur, and Corte Madera) have legitimate and unresolved concerns about the potential for increased flooding that could result from the Project. By adopting the FEIR without identifying reasonable and feasible measures to mitigate unavoidable downstream impacts of the SAFFR Project, the District risks violating CEQA's requirement to "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Resources Code § 21002.1(b). *See City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341.

The District may attempt to avoid this requirement by adopting a "statement of overriding considerations" pursuant to CEQA Guidelines Section 15093, stating that the project has "legal, social, technological or other benefits that outweigh its unavoidable adverse environmental impacts." Under CEQA Guidelines Section 15093(b), any such statement must be "supported by substantial evidence in the record." The District has failed, however, to provide any substantial record evidence to support a statement of overriding considerations in the present case.

For these reasons, and for reasons stated by others who also have expressed concerning over the District's review of environmental impacts associated with the SAFRR Project, I respectfully request that the District not approve the FEIR as currently proposed, or (at a minimum) that it defer approval of the FEIR until after completion and consideration of the Ross Valley Program EIR at a later date.

Very truly yours,

Kevin Haroff

Kevin T. Haroff

cc: Hugh Davis, P.E., Associate Civil Engineer
Marin County Flood Control & Water Conservation District
hdavis@marincounty.org

Katie Rice, Supervisor
Marin County Board of Supervisors
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Members of the Ross Town Council
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Novembre 26, 2018

Felix Meneau, PE, CFM
ZONE ENGINEER
County of Marin - Department of Public Works
3501 Civic Center Drive, Suite 304
San Rafael, CA 94903

RE: College for Marin Comments to Corte Madera Creek Flood Risk Management Project EIR

Dear Mr. Meneau,
Thank you for the opportunity to review the Environmental Impact Report for the Corte Madera Creek Flood Risk Management Project prepared by the U.S. Army Corps of Engineers, Marin County Flood Control and Water Conservation District. The College of Marin has reviewed the document and we are providing our comments in the Attachment to this letter.

Please feel free to contact me if you have any questions or need further clarification on our comments. I can be reached at 415-485-9518, Ext. 7518.

Sincerely,

Isidro Farias
Director of Capital Projects

Attachment

cc:
Greg Nelson, Vice President of Finance & College Operations
Klaus Christiansen, Director of Facilities Planning, Maintenance & Operations
Ellen Clements, Gilbane Program Manager

College of Marin Comments to Environmental Impact Statement/Environmental Impact Report for the Corte Madera Creek Flood Risk Management Project

Alternative A Figure 3-1f

The setback flood wall encroaches heavily on college property, as it encroaches on an area where we are planning on building our new Maintenance & Operations building and also cuts through our proposed new softball field.

Alternative B Figure 3-2d

The setback flood wall encroaches heavily on college property, encompassing storm water detention basins meant to contain run off from Science Math Nursing building and could have a potentially adverse effect on College of Marin runoff causing flooding to college facilities.

The proposed grading affects bike path used heavily by students.

The area identified for construction staging will be needed by the college for swing space during our own facilities improvements specifically the new construction related to the Learning Resource Center building replacement project.

Alternative B Figure 3-2e

The setback flood wall encroaches heavily on college property, encompassing storm water detention basins meant to contain run off from Science Math Nursing building and could have a potentially adverse effect on College of Marin runoff causing flooding to college facilities.

The setback flood wall encroaches heavily on college property encompassing an area to the south of both the Student Services Building and Learning Resource Center Building which are both slated to undergo major construction in the next 2 years.

The area identified for grading affects the College of Marin Health Service Building as well as a building leased to Marin County Sheriff's Department.

The area identified for grading affects Student Services Bridge.

The area identified for grading affects ADA path of travel from parking lots to main campus.

The area identified for grading affects drive aisle between parking lots.

The area identified for grading affects ADA parking spaces along creek.

The area identified for grading affects drive aisle around solar canopy installation and there are possible interference issues with solar canopies.

The area Identified for a 6' wall is atrocious and will have the effect of creating a wall between the main parking lots and campus creating an uninviting entrance for students.

Alternative B Figure 3-2f

The area identified for construction staging will be part of the new Maintenance and Operations building and District warehouse construction project scheduled to start next year. The area will not be available for staging.

Depending on material and color, the area identified for floodwall on COM property it may affect the batters eye for the baseball players making it difficult for them to see pitches being thrown.

The proposed staging area also encroaches into our softball field that is currently under construction.

Alternative F Figure 3-3d

The setback flood wall encroaches heavily on college property, encompassing storm water detention basins meant to contain run off from Science Math Nursing building and could have a potentially adverse effect on College of Marin runoff causing flooding to college facilities.

The grading affects bike path used heavily by students.

The area identified for construction staging will be needed by the college for swing space during our own facilities improvement projects.

Alternative F Figure 3-3e

The setback flood wall encroaches heavily on college property, encompassing storm water detention basins meant to contain run off from Science Math Nursing building and could have a potentially adverse effect on College of Marin runoff causing flooding to college facilities.

The setback flood wall encroaches heavily on college property encompassing an area to the south of both the Student Services building and Learning Resource Center Building which are both slated to undergo major construction in the next 2 years.

The area identified for Grading affects the College of Marin Health Service Building as well as a building leased to Marin County Sheriff's Department.

The area Identified for grading affects Student Services Bridge.

The area identified for grading affects ADA path of travel from parking lots to main campus.

The area identified for grading affects drive aisle between parking lots.

The area identified for grading affects ADA parking spaces along creek.

The area identified for grading affects drive aisle around solar canopy installation and there is possible interference issues with solar canopies.

The area Identified for a 6' wall is atrocious and will have the effect of creating a wall between the main parking lots and campus creating an uninviting entrance for students.

Alternative F Figure 3-3f

The area identified for bank layback could potentially interfere with new College Maintenance and Operations and Warehouse buildings construction project.

Depending on material and color, the area identified for floodwall on COM property would affect the batters eye for the baseball players making it difficult for them to see pitches being thrown.

Alternative G Figure 3-4d

The setback flood wall encroaches heavily on college property, encompassing storm water detention basins meant to contain run off from Science Math Nursing building and could have a potentially adverse effect on College of Marin runoff causing flooding to college facilities.

The potential grading affects bike path used heavily by students

The area identified for construction staging will be needed by the college for swing space during our own facilities improvements

Alternative G Figure 3-4e

The setback flood wall encroaches heavily on college property, encompassing storm water detention basins meant to contain run off from Science Math Nursing building and could have a potentially adverse effect on College of Marin runoff causing flooding to college facilities.

The setback flood wall encroaches heavily on college property encompassing an area to the south of both the Student Services building and Learning Resource Building which are both slated to undergo major construction in the next 2 years.

The area identified for Grading affects the College of Marin Health Service Building as well as a building leased to Marin County Sheriff's Department.

The area Identified for grading affects Student Services Bridge.

The area identified for grading affects ADA path of travel from parking lots to main campus.

The area identified for grading affects drive aisle between parking lots.

The area identified for grading affects ADA parking spaces along creek.

The area identified for grading affects drive aisle around solar canopy installation and there are possible interference issues with solar canopies.

The area Identified for a 6' wall is atrocious and will have the effect of creating a wall between the main parking lots and campus creating an uninviting entrance for students.

Alternative G Figure 3-4f

The area identified for construction staging will be part of the new Maintenance and Operations building and district warehouse construction project schedule to start next year. Area will not be availed for staging.

The proposed stating area also encroaches into our softball field that is currently under construction.

Depending on material and color, the area identified for floodwall on COM property would affect the batters eye for the baseball players making it difficult for them to see pitches being thrown.

Alternative J Figure 3-5d

The area identified for construction staging will be needed by the college for swing space during our own facilities improvements.

Alternative J Figure 3-5e

The area identified for construction staging will be needed by the college for swing space during our own facilities improvements.

Table 3-2 Summary of Features for Corte Madera Creek Alternatives

Widening of the concrete channel bottom and right bank through college owned property through the main portion of campus adversely affects ingress and egress to campus from our main parking lots. It has the potential to interfere with newly installed Photovoltaic Solar canopies that were recently installed in the parking lots. It affects the Student Services bridge which would require modification and or replacement.

The setback walls onto College of Marin property will be an eyesore and potentially affect areas of the campus storm water system increasing the likelihood of damage to campus facilities in the event of a flood.

Section 4.4.2.5 Sensitive Receptors

The College of Marin has a very diverse student body. We currently serve students as young as high school freshmen as well as the elderly and athletes. These individuals encompass the entire range of people identified as being in the sensitive receptor category, including those with breathing issues.

Section 4.6.3.3 Effects and Mitigation

I have no comment on the effects of widening on the wildlife and vegetation.

Section 4.8.3.3 Effects and Mitigation

The areas identified for staging on College of Marin property are largely unavailable due to our own construction projects.

The areas identified for construction on college property will adversely affect student travel to and from campus.

The areas Identified for construction will adversely affect college programs.

Section 4.9 Subsection Bicycle Pedestrian Pathway

Modifications made to the bicycle pedestrian pathway could have adverse effects on ingress and egress for students to the college campus.

Matthew D. Visick
mvisick@reubenlaw.com

November 26, 2018

Delivered Via Overnight Mail and Electronic Mail (Corte.Madera@usace.army.mil)

United States Army Corps of Engineers, San Francisco District
ATTN: Cynthia Jo Fowler
1455 Market Street
San Francisco, CA 94103-1398

Re: Corte Madera Creek Flood Risk Management Project
Comments on Joint Draft EIS/EIR
Our File No.: 11195.01

Dear Ms. Fowler:

Our office represents Connor Kidd, who resides with his wife and two young children at 11 Sir Francis Drake Boulevard in Ross, California. Their home is directly adjacent to the Frederick Allen Park Riparian Corridor proposed in Alternatives F, G, and J of the Corte Madera Creek Flood Risk Management Project (the "**Project**"), and approximately 200 feet downstream of the proposed bypass tunnels under Sir Francis Drake Boulevard. The Kidd family and the community generally experience Corte Madera Creek as a community resource and not a flood control project. They feel strongly that any changes to the Creek must be made in a way that is thoughtful and minimize impacts to the community, and not rushed to allow use of a particular source of funding. Unfortunately, the analysis of the Project in the Joint Draft Environmental Impact Statement/Environmental Impact Report ("**DEIS/DEIR**") is not adequate to allow the public to review and understand the scope of the Project's potential impacts and provide suggestions regarding mitigation measures or alternatives that might lessen those impacts. We provide the comments below with the expectation that the DEIS/DEIR will be revised and recirculated so that the public can have an adequate opportunity to review and provide input on this important Project.

1. The Project Described in the DEIS/DEIR is Not the Same Project Described in the Notice of Preparation/Notice of Intent and at the Scoping Meeting

The fundamental purpose of the National Environmental Policy Act ("**NEPA**") and the California Environmental Quality Act ("**CEQA**") is to provide the public and decision-makers with adequate information on the potential environmental impacts of a project before it is

approved. The courts have repeatedly held that public involvement is critical to the environmental review process, and have required public agencies to revise and recirculate environmental review documents where information shared with the public was inadequate to allow public involvement.

In this case, the Corps significantly revised the Project—to include the Frederick Allen Park Riparian Corridor and add two approximately 2,400 foot long bypass tunnels under Sir Francis Drake Boulevard—after issuance of the Notice of Preparation/Notice of Intent ("**NOP/NOI**") and the Scoping Meeting. The Frederick Allen Park Riparian Corridor would sacrifice a beloved Town park with mature trees, and eliminate noise barriers and visual screening between the Town and homes along Sir Francis Drake Boulevard, for the sake of flood control without a clear understanding of its costs or benefits. The bypass tunnels would create havoc, identified in the DEIS/DEIR as significant and unavoidable, along the main arterial road in the area. These are not minor revisions.

Both CEQA and NEPA require that a project description contain sufficient detail to allow adequate review and analysis of environmental impacts, a requirement that cannot be met here given that fundamental changes to the Project were made after the NOP/NOI and the Scoping Meeting. As the courts have explained, "an accurate, stable, and finite project description is the sine qua non of an informative and legally sufficient EIR." Further, under CEQA, the environmental review included in the initial study must include the entire project under consideration. The project description in the DEIS/DEIR fails to meet these standards.

2. The DEIS/DEIR Does Not Provide Adequate Information to Allow Meaningful Public Comment on the Project

CEQA requires that an EIR "must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project."[1] The DEIS/DEIR fails to meet this standard.

The purpose of an EIR is "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."[2] CEQA provides, and many cases have confirmed, that "public participation is an essential part of the CEQA process."[3] To that end, CEQA requires the lead agency to prepare an EIR "as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment."[4] And where an EIR fails to provide adequate

[1] *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 405/
[2] Pub. Res. Code § 21061.
[3] 14 Cal. Code Regs. ("**CEQA Guidelines**") § 15201; *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123.
[4] CEQA Guidelines § 15004, subd. (b).

information to allow for public review and comment, CEQA requires that it be revised and recirculated for further public review before it can be certified.[5]

Here, the DEIS/DEIR was released before the various Project alternatives ("**Alternatives**") were adequately defined. The DEIS/DEIR lacks sufficient detail regarding the Alternatives to allow the Corps or the public to evaluate their respective environmental impacts, explaining that the analysis of Alternatives is

> based on a preliminary level of design (Appendix I), which the project delivery team (PDT) used to complete hydraulic models (HEC-RAS) to estimate floodwall heights. Further refinements to design elements, (e.g. floodwall heights and footprints), may change during preconstruction engineering and design (PED) for the selected alternative. . . .[6]

This position is problematic for two reasons. First, the DEIS/DEIR does not include a complete copy of the preliminary level of design (Appendix I). Second, deferring the formulation of a specific design until after an Alternative is selected, precludes a meaningful comparison of the environmental costs and benefits of the various Alternatives, short-circuiting the NEPA and CEQA processes.

The specific issues identified below must be analyzed before the public can meaningfully participate in the environmental review of the Project.

a. Appendix I - Preliminary Detailed Layout Plan

— The Preliminary Detailed Layout Plan is not included as part of Appendix I in the DEIS/DEIR. This information is needed to evaluate impacts.

b. Figure 3-5c and Appendix I

— Given the lack of detail, it is not possible to evaluate the impacts of the Project on homes located along Sir Francis Drake Boulevard. One inch represents approximately 200 feet and numerous homes are within 25 feet of the Corte Madera Creek (i.e., 1/8 inch on the drawing). Detailed drawings should be provided that clearly show the impacts on these properties.

— Given the lack of detail, it is not possible to locate the proposed flood walls or evaluate and understand the environmental impacts on properties along Sir Francis Drake Boulevard. The DEIS/DEIR should be revised to confirm that all flood walls would be set back from private property, and by 20 feet.

[5] CEQA Guidelines § 15088.5.
[6] DEIS/DEIR § 3.1, p. 3-1.

— The drawing outlines staging areas, and indicates that portions of public and private properties along Sir Francis Drake will be used as staging. The DEIS/DEIR should be revised to explain how the Project would be affected, and how it would be completed, if the public or private property owners do not agree to allow the use of such properties for staging, construction, or otherwise.

— If public or private properties are used for staging, the DEIS/DEIR must consider the safety of residents, especially small children, in and around a staging area. Where the use of land for a staging area deprives a resident, especially small children, of recreational space, that impact must also be considered.

— Many of the locations identified for staging are located on steep slopes. The DEIS/DEIR should analyze whether such areas would be leveled before they could be used as staging areas and, if so, what the environmental impacts of such grading and filling would be, including potential effects on flooding. The DEIS/DEIR should also consider the leveling additional space for recreational use (beyond what may be required for staging) to mitigate the loss of what is currently recreational area to staging.

— If flood walls are moved from their existing top of bank location toward the property owners along Sir Francis Drake Boulevard, it will reduce the usable space each resident has in their yard. The residents have agreements with the county to utilize these parcels. These impacts are not considered in the DEIS/DEIR. Specific setbacks of at least 20 feet should be provided to minimize impacts to these properties.

c. Bypass Impacts

— The DEIS/DEIR discusses the impacts the bypass would have on traffic, but fails to acknowledge the potential impact that reintroducing a significant volume of flood waters could have on homes downstream of the bypass, particularly those located immediately downstream like the Kidd household.

— The DEIS/DEIR acknowledges that there may be difficulties implementing a shoring system for the construction of the bypass, but does not acknowledge the potential impacts that large scale excavation for the bypass may have on neighboring property owners, like the Kidd household.

— Table 2-3 of the DEIS/DEIR states repeatedly that "[b]ypass is preferred by some private property owners and Resource Agencies." Please confirm which property owners who are located downstream of the bypass expressed a preference for the bypass.

d. Page 4.4-14 - Impact Air-4

— The DEIS/DEIR states that exhaust would be concentrated in staging grounds and construction site. Homes along Sir Francis Drake Boulevard near these staging areas, particularly homes with small children, should be considered sensitive receptors.

e. Section 4.4.3 and Appendix I - Air Quality and Climate Change

— Section 4.4.3.1 describes avoidance and minimization measures of climate change. Section 2.7 of Appendix I notes that the Project will generate excess materials and off-haul should be limited to within proximity of the Project to limit cost. The DEIS/DEIR should consider how emissions and costs could be further limited if property owners along Sir Francis Drake Boulevard, whose properties are often steeply sloped, accepted soil to use as fill on their properties.

f. Page 3.8 – Alternative J, Introduction

— The DEIS/DEIR indicates that the Frederick Allen Park Riparian Corridor will only have 2 foot high flood walls. It is not possible to evaluate the impacts of the flood walls without an understanding of the elevation from which the 2 foot measurement is calculated. The topography changes dramatically and the specific location and height of the flood walls are difficult to evaluate.

g. Vibration – Section 3.10.2, page 3-15

— The Project equipment includes a Vibratory Pile Driver. Table 4.10-7 indicates a pile driver as the greatest vibration source with peak particle velocity at 25 feet of 0.170 to 0.734 and table 4.10-2 (CalTrans Vibration Guide) indicates that maximum peak vibration for older homes is 0.5 – 0.3. Many of the homes along Sir Francis Drake Boulevard, including the Kidd residence, are within 25 feet of the Creek where the top of bank flood walls appear to be proposed. The DEIS/DEIR must consider health risks and property damage to these locations.

h. Noise - Section 3.10.2 , page 3-15

— The Project equipment includes a Vibratory Pile Driver. Table 4.10-and table 4.10-8 & 4-10-9 lists the pile driver as the loudest piece of equipment. Many homes along Sir Francis Drake Boulevard, including the Kidd residence, are less than 25 feet from the Creek (the studied distance) and table 4.10-3 suggests that the pile driver creates decibels that are clearly unacceptable with proximity of single family home use (particularly homes like the Kidds' where small children are at the residence during the day). The only mitigation measure listed in Table E-1 on page

ES-7 is sound barriers. This noise is in close proximity to homes and alternative construction methods should be considered. The DEIS/DEIR should consider using drilled piles as an alternative to mitigate noise. Pile drivers are rarely used in large urban areas (e.g., San Francisco) due to their noise impacts and using drilled piles. For the same reasons, pile drives should not be used on the Project.

i. Socioeconomic Impacts

— The Project would force homes with the lowest value in the Town of Ross to bear the brunt of the project, during construction and later through reduced access to recreational space adjacent to homeowners' yards. The DEIS/DEIR should consider these socioeconomic impacts.

j. Table ES-1, LND-4

— Table ES-1 and impact analysis LND-4 should show that Alternatives J and F would result in permanent conversion of existing land use. The Project would permanently impact homeowners along Sir Francis Drake Boulevard who would lose access to recreational area and the DEIS/DEIR should consider mitigation measures to address this impact.

k. Table 4.15-3, SOC-2 and SOC-3

— The DEIS/DEIR should recognize that Alternatives J and F would have a significant impact by displacing substantial numbers of existing houses and people, necessitating the construction of replacement housing elsewhere. The Project will displace substantial numbers of families from their homes, including the Kidd household, due to the noise and construction. The Project will at least temporarily and potentially permanently (unclear with the level of detail provided in the DEIS/DEIR) remove most if not all of the recreational space for residents along Sir Francis Drake Boulevard.

l. Real Estate Values

— Homeowners along Sir Francis Drake Boulevard opposite site of Fredrick Allen Park will experience reduction in value and have near unsellable homes during the Project construction, and based on the level of detail in the DEIS/DEIR it is possible that they will suffer a permanent decrease in value. The DEIS/DEIR should recognize this impact and propose mitigation.

m. Property Acquisition And Easements

— Table 2-4 and Table 1 in Appendix J indicate real estate costs of approximately $19 million. On page 4.11-7 under Permanent Conversion of Existing Land, the

DEIS/DEIR indicates that "…channel widening would require easements…" and Table 4.11-3 indicates that 0.23 acres of residential land under alternative J will require easements. The DEIS/DEIR should explain what land specifically would need to be purchased, and where easements would be required, to build the Project.

— Table 3.2 indicates that no real estate would be acquired, but that permanent easements would be required across 3.44 acres. The parcels for easement are not identified. Additionally, the Real Estate Appendix of the EIR does not contain project maps or identify the parcels that will be impacted. The DEIS/DEIR should identify the parcels and maps to allow an analysis of Project impacts.

n. Appendix H

— The project maps (Exhibit A) is not included. It is not possible to analyze the real estate plan without maps of impacted parcels.

o. Page 4.10-7 section 4.10.2.2, page 4.12-7, page 4.16-3 section 4.16.2.3

— There are two schools that are not mentioned – the Garden School Preschool (https://magc.org/programs/magc-garden-school/) located within the Marin Art and Garden Center and the Ross Preschool (http://www.therosspreschool.org/) located at St. John's Church. The DEIS/DEIR should be updated to include analysis of these two schools and evaluate potential impacts of the Projects on all schools.

p. Future Drainage Along Sir Francis Drake Boulevard

— Water currently drains through the yards of homeowners on Sir Francis Drake Boulevard along Corte Madera Creek due to both uphill run-off from across Sir Francis Drake Boulevard and run-off from the fish ladder limiting flow in the Creek. The DEIS/DEIR should study how this water can get to the creek without these yards continuing to be impacted as secondary drainage channels. Further, the DEIS/DEIR must explain how construction of the Project, including increased flood wall heights, will not exacerbate this problem.

q. Pumps and Setback Levees

— The DEIS/DEIR proposes pumps and setback levees without reference to location or other details that would allow evaluation of impacts or mitigation (See Section 2.5 Summary of Management Measures; see also pages 4.2-10- 4.2-11, discussing the need for additional pump stations in all alternatives and above ground diesel tanks). This is noted as a Significant and Unavoidable impact. Without more information, it is not possible to evaluate whether additional mitigation measures could be incorporated to reduce this impact to a less than significant level (e.g., mitigation for noise, vibration, and aesthetics). The DEIS/DEIR should be revised

to include complete information regarding the pumps and setback levees, as well as any diesel tanks required to service the pumps.

r. Section 3.3.2 – Floodwall Construction

— The DEIS/DEIR provides that "[a]ny floodwalls that interfere with runoff or subsurface flow into the creek would be identified and accommodation would be made depending on the size, type and depth of the drainage structure without impacting the intended operational purpose and integrity of both the floodwall and the drainage structure." As noted above, there is significant runoff along Sir Francis Drake currently. Runoff will be constricted with construction of flood walls in Unit 3. The DEIS/DEIR should study the potential flooding of parcels along Sir Francis Drake Boulevard based on currently available information to show that floodwalls will not create flooding impacts. Any impacts should be mitigated without these yards continuing to be impacted as secondary drainage channels. Deferral of this analysis to a later point is impermissible piecemealing of the Project analysis.

s. Project Phasing

— Marin County Flood Board Staff has indicated that the Project has funding for Phase I (see Table 2-3 of appendix I) or the Frederick Allen Park Riparian Corridor portion of the project from a Department of Water Resources Grant not discussed in the DEIS/DEIR, but the grant does not include the bypass structures and some of the downstream floodwalls. What will be the environmental, social, and ecological impact if only the currently funded portion of the Project is completed? Will higher flood walls be required to achieve the flood benefit? What is the relative benefit of Phase I, with and without inclusion of the Frederick Allen Park Riparian Corridor?

t. Appendix J - Cost Engineering

— The cost to remove the Fish Ladder and Frederick Allen Park Riparian Corridor do not seem to match information provided by the County of Marin Flood Control District. The numbers in Appendix J appear to be meaningfully lower, creating the concern that the Project cost have not been carefully considered. The DEIS/DEIR should be revised to resolve this discrepancy and confirm the true costs of the Project.

u. Aesthetics

— The DEIS/DEIR does not provide detailed landscaping plans for stakeholders to evaluate the changes in vegetation. The DEIS/DEIR acknowledge on page 4.8-18 that tree removal would be required but defers analysis of what trees would be removed until after certification of the DEIS/DEIR. This is impermissible

piecemealing of a project. The DEIS/DEIR should be revised to include an analysis of which trees and other vegetation would be required to be removed to allow for the Project and consider the impacts associated with their removal.

v. Vegetation

— The DEIS/DEIR does not include a detailed landscaping plan for the Frederick Allen Park Riparian Corridor but nonetheless, concludes on Page 4.8-18 that removal of the trees within the Corridor and replacement of a less dense tree canopy would create a "park-like" setting. This conclusion cannot be evaluated without a detailed landscaping plan. The DEIS/DEIR should be revised to include a detailed landscaping plan for the Frederick Allen Park Riparian Corridor that allows such an evaluation.

w. Privacy

— Current vegetation along Corte Madera Creek and within Frederick Allen Park provides privacy to the homes and yards along Sir Francis Drake Boulevard. The loss of this vegetation will allow people across the Creek to see into homes, allowing them to see when residents are home, which creates a potential safety issue. The DEIS/DEIR should consider this impact.

x. Personal Recreation Space

— The DEIS/DEIR in Section 4.9 does not address the loss of recreation space for homes along Corte Madera Creek. If the Creek bank is moved toward the homes along Sir Francis Drake Boulevard, it will impact the personal recreation area of residents. The DEIS/DEIR should recognize this impact and consider mitigation measures for this impact, including the improvement of the remaining recreational space for the homes along Sir Francis Drake Boulevard.

y. Creek Access

— The tentatively selected plan intends to improve access to Corte Madera Creek from the Frederick Allen Park side of the Project, but does not address access for residents living along Sir Francis Drake Boulevard. The DEIS/DEIR should consider this impact.

z. Safety and Maintenance of Public Park.

— The Project would create new maintenance and safety concerns. The DEIS/DEIR does not adequately explain the responsibility for maintenance and safety related to the Frederick Allen Park Riparian Corridor, or even explain what guidelines and policies might be needed. The DEIS/DEIR should fully consider this impact.

aa. Areas of Controversy, Executive Summary and Section 9.4.1

— The list should include the Frederick Allen Park Riparian Corridor and the bypass tunnels under Sir Francis Drake Boulevard.

3. Impact Conclusions in the DEIS/DEIR Are Not Adequately Supported

The DEIS/DEIR concludes that many impacts are not significant or are significant and unavoidable without adequately supporting those conclusions. These include, but are not limited to, the following:

— **Land Use**. Table 4.11-4 indicates a less than significant impact under Impact LND-4, which considers whether the suggesting that the Project would not that "LND-4: Result in permanent conversion of existing land uses" would have a "LTS" or less than significant impact. How can this conclusion be drawn without identifying the parcels or locations of the easements?

— **Emergency Services.** Construction will make it difficult to access homes and yards along Sir Francis Drake Boulevard. This would create a safety risk for emergency service access. The DEIS/DEIR states that this impact would be less than significant with mitigation (M-HAZ-1), but it is unclear what supports this conclusion. The DEIS/DEIR should be revised to include support for this conclusion.

— **AES-1**. Construction of the Fredrick Allen Park Riparian Corridor would require the removal of a wooded habitat with numerous mature trees and landscape and the DEIS/DEIR does not specify the re-planting of a similar mature landscape. This is a significant impact. The DEIS/DEIR should be revised to acknowledge this impact and should consider waiver of the 15-foot setback for vegetation to mitigate the impact.

— **AES-2**. Homes along Sir Francis Drake Boulevard look out on mature landscape and vegetation along Corte Madera Creek and within Fredrick Allen Park (see photo 4.8-I on page 4.8-12). The removal of the landscape and vegetation along the Creek and within the Park will have a significant impact for these property owners. The planting of vegetation within the Frederick Allen Park Riparian Corridor and on the opposite bank, particularly outside the 15-foot buffer area, will not be even roughly equivalent to existing conditions and will not mitigate this impact. The DEIS/DEIR should be revised to acknowledge this impact and propose adequate mitigation.

— **AES- 4**. The removal of vegetation within Corte Madera Creek and Frederick Allen Park would create new sources of substantial light or glare for homes along Sir Francis Drake Boulevard, which would adversely affect day or night time views in the area. During the day, these homes will no longer benefit from the shade and wooded nature of the mature landscape, and at night they will have glare from the downtown of the Town of Ross due to the lack of mature vegetation. The DEIS/DEIR should be revised to acknowledge this impact and propose adequate mitigation.

— **Table 4.8-2**. It is not possible to conclude that the Frederick Allen Park Riparian Corridor would have a beneficial aesthetic impact without any level of Project design details.

— **Table 4.8-3**. It is not possible to conclude that the Frederick Allen Park Riparian Corridor would have a less than significant impact without providing any level of Project design details.

4. Revision and Recirculation of the DEIS/DEIR is Necessary to Allow for Public Comment on the Project

Recirculation of an EIR prior to certification is required when "[t]he draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded."[7]

For the reasons described above, the DEIS/DEIR is so fundamentally and basically inadequate that recirculation of a new DEIS/DEIR is required to allow the public to meaningfully review and comment on the Project.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

Matthew D. Visick

cc: Connor Kidd

[7] CEQA Guidelines § 15088.5; *Laurel Heights Improvement Assn v. Regents of University of California* (1993) 6 Cal.4th 1112, 1130.

[redacted]

November 26, 2018

U.S. Army Corps of Engineers, San Francisco District
ATTN: Cynthia Jo Fowler
1455 Market Street
San Francisco, CA 94103-1398

Marin County Flood Control and Water Conservation District
ATTN: Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

Re: Comments from 19 Sir Francis Drake Blvd., Ross, CA 94957 on the USACE and Marin County Flood Control and Water Conservation District Corte Madera Creek Flood Risk Management Project Joint Draft Environmental Impact Statement/Environmental Impact Report

Dear Ms. Fowler and members of the Marin County Flood District Board:

Thank you for the opportunity to provide comments regarding the Corte Madera Creek Flood Risk Management Project (the Project) Joint Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) dated October 2018.

We live at [redacted] a property that is bounded to the northeast by SFDB and which runs along and extends into the concrete channel portion of Corte Madera Creek that is discussed in the Project. The fish ladder referenced in the document is at the upstream end of our property. Our property is also bounded to the east by one of the Marin County Flood Control and Water Conservation District (Flood District) properties identified as a staging area in Alternative J of the DEIS/EIR. We, along with a few neighbors, stand to bear the majority of the impacts identified in the DEIS/EIR.

This letter expands upon verbal comments I ([redacted]) provided at the November 13 County Board of Supervisors hearing. It identifies a number of specific items in the DEIS/EIR on which we are requesting additional detail or clarification of the Project elements. Generally, while we believe it is imperative that the Ross Valley community address the potential for flooding along Corte Madera Creek, and we appreciate that our property may potentially benefit from reduced flood risk with implementation of the Project, we don't believe the EIR analysis adequately documents the flood risk reduction and we feel it lacks sufficient detail for us to understand the impacts to our property.

Essentially, we are being asked to comment on a project without being provided with enough information to develop an informed opinion. We respectfully request that the DEIS/EIR be revised and recirculated to give us more detailed information in order to fully understand and comment on potential Project impacts. In addition, we are hopeful that we will have the opportunity to work with the USACE and the Flood District to better understand how the Project will be specifically implemented on our property and the adjacent parcels and to discuss design solutions that minimize the detrimental impacts to our property and quality of life.

Our primary concerns include:

- Potential for increased flood risk from overland flow that cannot enter the channel due to construction of the proposed floodwall
- Loss of livable area around our home
- The aesthetic impact of the proposed floodwall and removal of vegetation on, behind, and alongside our property
- Construction and associated noise and other disruptive impacts
- Potential reduction in property value due to the above-described circumstances

Following are our comments or requests for clarification by section on the DEIS/EIR document:

General Comments

- It was stated at the October 30, 2018 public meeting at the Ross Town Hall that only Phase 1 is funded at this time. What level of flood reduction would be provided if future phases of the Project aren't funded? Would higher floodwalls be required, as is implied by the description of alternatives that do not include the bypass culverts and have higher floodwalls?
- Please clarify why the tentatively selected plan is designed to address 25-year storm events but not more significant storms we are experiencing with increased frequency and which are predicted to be more common with climate change.
- We request that the design allow access to the creek corridor from our property via a gate in the floodwall so that we may access and use the pedestrian path in the Allen Park Creek Corridor.

Executive Summary

- P. ES-3 – The Alternative J description states that "Maximum floodwall height around Allen Park Corridor would be 2 feet." Please indicate the top of bank heights so that the full perceived height of the wall from individual properties can be understood. Also, there is a discrepancy between this definitive statement and page ES-8 under Floodwall Heights of the Tentatively Selected Plan where it states that analysis has not been conducted to "determine the exact heights of floodwalls, and thus the heights could change after the analysis is complete." Please clarify in the description of Alternative J that the exact floodwall heights are not known.
- P. ES-3 – The Alternative J description states that "Permanent easements would total 3.44 acres and temporary easements would affect 3.87 acres." Please identify where those easements are required.

- P. ES-4 – Water Quality section – It says in the last paragraph that the floodwalls "may impede flood flows of the existing interior drainage systems, resulting in the need for additional facilities to relieve flooding [...] The current level of design for the action alternatives is not sufficient to predict accurately requirements for such facilities." Please develop the design to a sufficient level to predict the need for additional facilities to address interior drainage. Without this information, the risk of flooding on our property cannot be understood.
- P. ES-5 – The Aesthetics section states that "project features would not extend more than 12 feet above ground surface." Please specify where Project features would exceed the 2' floodwalls so that the aesthetic impact on our property can be understood.
- P. ES-5 – Please clarify why there is no summary of aesthetic impacts under Alternative J since it would also include construction of floodwalls and removal of trees along the creek. These Project elements suggest a potential determination of significant impact under Alternative J.
- P. ES-5 – The Noise and Vibration section states "Construction noise from other projects represents a temporary, yet pervasive type of noise source in the study area." Please identify what construction this is referring to. We do not experience pervasive construction noise at our home.
- P. ES-5 – The Noise and Vibration section states that mitigation measures will include restricting work hours; however, the next paragraph states that night work might occur during culvert installation. Please clarify how restricting work hours will be used as a form of mitigation.
- P. ES-5 – The Land Use section states that impacts to changes in land use in Alternative J were considered less than significant. Please clarify why this was determined to be the case since permanent and temporary easements would be required and area that is currently in residential and open space use would be converted to the riparian corridor.
- P. ES-7, Table ES-1 – Please describe why Alternative J was not determined to substantially degrade the existing visual character or quality of the study area since it would include a great deal of tree removal which would dramatically degrade the views through and to the creek corridor from all surrounding properties.
- P. ES-6 – The Socioeconomics section states that under Alternative J "residents would be temporarily relocated to nearby hotels while utilities are offline." Please indicate which residents this applies to and how relocation would be handled so that we can determine whether we would experience associated impacts.
- P. ES-9, Vegetation Variance along Floodwalls – Please describe the criteria for the variance that would allow restoration of riparian vegetation. The fact that the extent of tree restoration is not yet determined prevents the determination of aesthetic impacts on our property.

Section 3 – Description of Alternatives

- P. 3-2, Section 3.3.1 Fish Ladder Removal and New Transition – The description of "channel modifications" does not provide sufficient detail to understand the proposed width of the stream corridor at the fish ladder or the treatment of the left bank transition downstream of the fish ladder.
- P. 3-3, Section 3.3.2 Floodwall Construction states that "Any floodwalls that interfere with runoff or subsurface flow into the creek would be identified and

accommodation would be made depending on the size, type and depth of the drainage structure without impacting the intended operational purpose and integrity of both the floodwall and the drainage structure." Please elaborate regarding how the floodwalls will interfere with drainage on properties along the creek corridor in Unit 3 and what mitigation measures will be implemented. Please provide evidence that flooding from overland flow will not be increased on these properties.

- Pp. 3-8-3-10, Section 3.8 Alternative J description
    - There is insufficient information regarding the proposed grading, specific location of floodwalls, location of utilities, and area of tree removal relative to property boundaries along the creek corridor. The lack of detail in this section prevents an assessment of the impacts on property owners.
    - The bypass culverts included in this alternative were not described or included in the distributed materials at the public meetings conducted in the Fall of 2017. The EIR lacks sufficient detail regarding the construction of the culverts so it is not possible to fully analyze their noise, traffic, or other impacts in this document.
- P. 3-15, Table 3-4 – Please provide more information on the 300-day construction period for the bypass culverts. How would this element of the Project be phased to minimize traffic impacts?
- Table 3-7
    - Under NOI-2 there is no reference to sound barriers, which were described earlier in the document. Please provide more information about these.
    - Please provide more information regarding the lack of Avoidance and Minimization Measures for aesthetic impacts.
- Table 3-8, Summary of Alternative Impacts – Under Aesthetics, please provide a more detailed rationale for the determination of Less than Significant Impacts under Alternative J given the tree removal along the creek corridor.
- Figure 3-5c
    - The figure does not include parcel lines, making it difficult to understand the exact locations of the items identified on the map including the floodwall, sewer line removal, staging area, bypass culverts, and fish passage transition grading.
    - It is difficult to determine the shade of green used for the floodwalls and whether it indicates floodwalls of 2 feet or 3.5-4 feet.
    - The section locations do not sufficiently illustrate the varying conditions along the length of the corridor.

Section 4 – Affected Environment, Environmental Consequences and Cumulative Effects

4.1 Hydrology and Hydraulics

- Section 4.1.3.3 Effects and Mitigation – There is not enough information regarding the construction and operation of the interior drainage system to determine the impacts. Please ensure that the Project design does not rely on or impede secondary drainage of stormwater coming from across SFDB and along the backyards of the properties lining the creek corridor.
- P. 4.1-26 – It is unclear how the Project will address overland flooding including water coming from SFD towards the creek across our property and adjacent

parcels. How will this water return to the channel after construction of the floodwalls? There is insufficient detail regarding pumping that will take place to avoid the collection of water on residential properties on the opposite side of the floodwall from the creek corridor.

- There is no description of how the increased water volume in the Allen Park Riparian Corridor will funnel into the creek corridor at the downstream end. Will there be any backup of water from that point?

4.8 Aesthetics

- This section of the EIR does not sufficiently address the impact of loss of trees on our property and that of our neighbors along the creek corridor. Also, because the description of Alternative J does not specify whether the trees will be removed on the Flood District property between 19 SFDB and 15 SFDB, though this is implied by the bypass culverts, it is not possible to determine what the aesthetic impacts will be. This property is currently covered by mature woodlands which provide an attractive setting and privacy for our home.
- P. 4.8 11, Section 4.8.2.4 Existing Visual Setting of Units 2 and 3 – This section does not identify the aesthetic condition of the properties on the north east side of the creek. These properties have a beautiful scenic view through trees across the creek corridor. It should also be acknowledged that the view along the pedestrian pathway within Allen Creek Park is characterized by an attractive, mature tree canopy. This section is incomplete as written.
- P. 4.8-14, Section 4.8.3.1 Avoidance and Minimization Measures – AMM-BIO-3 does not describe the extent of disturbance to existing vegetation. Will trees be removed along the creek behind 19 SFDB? The EIR references required 15' of clearance on either side of the wall and a potential variance of this 15' requirement. Please provide the criteria for the variance and indicate the likelihood that a variance would be granted. Also, please describe how the wall can be screened and whether property owners will have a say in the flood wall locations and appearance.

4.10 Noise

- This section lacks a thorough description of the noise that will be experienced by homeowners along the creek corridor during each phase of Project construction. At our home at 19 SFDB, Paul Furusho works out of a home office and will not be able to conduct his work during daytime construction activity. Please utilize best practices for noise reduction in the development of construction plans, including the selection of equipment, so as to minimize quality of life impacts to nearby residents.
- 4.10-14 – Please provide more detail on the appearance, location and effects of the sound barriers described.
- 4.10-10 – We are concerned by the references to night-time construction of the bypass culverts. We anticipate that this will make it very difficult for our family to sleep. Our son's bedroom is in the front of the house overlooking SFDB. There is no description of night-time noise mitigation strategies or specific details regarding temporary resident relocation. We request that any relocation plans be developed in cooperation with those affected to minimize disruption to our routines and quality of life.

4.11 Land Use

- P. 4.11-9 – The description of Alternative J refers to .23 acres on seven properties requiring permanent easements. There is no identification of which parcels were included in this calculation. We request identification of each property where temporary and permanent easements will be required. Please provide maps that illustrate these areas.

4.13 Traffic, Transportation and Circulation

- The description of the bypass culvert construction does not describe how homeowners living along SFDB will access their homes during road closure. This aspect of the transportation-related impacts cannot be evaluated based on the information provided.

4.15 Socioeconomic Impacts

- The DEIS/EIR does not make any reference to the likelihood that properties most directly impacted by the Project will experience a reduction in value in advance of and during construction and the fact that property owners will not be able to readily sell their homes if needed during the long duration of the construction.
- This section does not reference the fact that Alternative J will result in the removal of usable green space from the rear yards of families. Please address here, or wherever appropriate in the DEIS/EIR, the loss of livable space on the SFDB parcels along the existing concrete channel.

4.16 Public Services, Utilities, and Energy

- P. 4.16-7 – There is insufficient detail regarding the relocation of the sewer line. This prevents the identification of impacts on homeowners whose backyards will be dug up for this element of the Project.
- P. 4.16-7 – There is insufficient detail regarding the relocation of utilities along SFDB during the bypass culvert construction. It is not possible to determine the associated impacts to nearby homeowners.
- P. 4.16-7 – There is a reference to "installation of pump stations and other interior drainage facilities to divert water into the creek." This section lacks sufficient detail regarding the function and location of these facilities, preventing a complete determination of the Project's flood benefit, and the impacts that may be borne by the properties where floodwalls are constructed.
- We suggest that any relocation of utilities within SFDB include a simultaneous "burying" of overhead utility lines to reduce the risk of power line damage and fire risk from trees and to improve the appearance of SFDB as it crosses through the Town of Ross.

Appendix A, Hydraulics and Hydrology

- P. 49, Section 7.4.1, Denil Fish Ladder – Please indicate the width of the transitional staging area where the fish ladder is removed and how this relates to our property boundary. The document states that the channel will be widened for 115 feet upstream. Will this widened area be narrowed at the location of the fish ladder at the edge of our property? We request additional information regarding the design of this component of the Project in order to understand the impacts.

- P. 50, Section 7.4.5 Bypass Culvert Under Sir Francis Drake Boulevard – There is no description of how the water flow will be affected by the emptying of the bypass culverts into the creek corridor at the downstream end between 19 SFDB and 15 SFDB. We request further description of this design so that we can understand the impacts to adjacent properties. Will there be a rise in creek height at this point or induced splash? Will there be any upstream back up here behind our property?

Appendix H, Real Estate Cost

- Section 4 – The description of Alternative J notes a specific land area of 8.72 acres where easements will be required. The text references a map in Exhibit A, but there is no map included on that page. Please provide this map so properties requiring easements can be identified and affected landowners can understand this aspect of the Project.
- Section 12 – The cost estimate in Table 1 is insufficiently detailed to understand what is included in the calculations. There also seems to be a discrepancy in the number of parcels and landowners when compared to the description of required easements in Section 4.
- Section 13 – The text concludes that no displacements will be required for this alternative. Does the cost estimate include temporary relocation expenses for property owners impacted by night-time construction, referenced in the Noise section of the DEIS/EIR?

Appendix I, Civil Design

- P. 2, Section 1.5 Tentatively Selected Plan (TSP) / Recommended Plan states that "Alternative J would require minimal riparian vegetation removal because the majority of work would occur along an existing roadway." There is no description of the extent of work area and where vegetation removal would take place. The property identified as staging area where the bypass culverts would enter the channel between 19 SFDB and 15 SFDB is currently covered with dense, mature woodlands. Removal of these trees would not be minimal.
- P. 3, Section 1.5 Tentatively Selected Plan (TSP) / Recommended Plan states that "a maximum of 4 feet high perimeter floodwall is proposed around the Allen Park riparian corridor." This is inconsistent with statements in the document that the maximum floodwall height will be 2 feet. Please address this discrepancy.
- P. 5, Section 2.1.5 Tree Replanting states that replanting will be included "during the next design refinement." The lack of tree replanting plans in the document makes it impossible to understand the complete array of impacts on affected properties.
- P. 6, Table 2.1 references 1.37 acres of tree removal. Please include maps that indicate where this land is located so the extent of tree removal can be understood by affected property owners.
- P. 6, Section 2.2 Relocations – Please provide a map to scale that illustrates the sewer line relocation described so that affected property owners understand the extent of this work.
- P. 7, Section 2.3 Utilities – Please include parcel lines on the map in Attachment 5 that indicates where the referenced utilities in Table 2.2 are located.

- P. 29, Section 3.3.2 Floodwalls – The retention or replacement of concrete walls along the left bank of the channel in the Allen Park Corridor is not in keeping with the descriptions of the Project provided at the 2017 public meetings. Without more complete illustrations of the Project included in the document, it is not clear how it can be concluded that Alternative J will represent a positive aesthetic impact in the Allen Creek Corridor area.
- Attachment 2 Preliminary Proposed Access Route and Staging Area Locations – The map on Plate 2 shows the alignment of the bypass culverts going under our house rather than within the adjacent Flood District property that is identified as a staging area. Please provide a more accurate map to scale that includes parcel lines so that we can be confident in our understanding of the Project impacts.
- Attachment 4 Preliminary Cross Sections – These sections are very difficult to interpret and do not appear to represent the condition that will occur at our property. Please provide a section at our property that includes the adjacent structures and vegetation so that we can understand the relationship of the floodwalls and Project construction to our home and yard. The topographic, development, and ownership conditions vary significantly from one property to the next in this area.
- Attachment 6 Concept Structural Details -- The inverted "T" type floodwall design suggests broad horizontal footing that could hinder the growth of trees along the floodwalls, depending on its depth. Please utilize a design which does not preclude the growth of replacement trees and other vegetation adjacent to the wall along the creek corridor, should a vegetation variance be granted.

We would like to add that we have had a number of conversations with our neighbors who are similarly impacted by this Project and we share several of the same concerns they have raised in letters and hearings throughout this process. They are:

- Connor & Julie Kidd - 11 Sir Francis Drake Blvd, Ross, CA
- Leslie & Brad O'Connell - 15 Sir Francis Drake Blvd, Ross, CA
- Kristen & Ben Swann - 3 Sir Francis Drake Blvd, Ross, CA

Lastly, we note that we would have appreciated an extension of the comment period by 15 days, per the Town of Ross' and others' requests, as we are drafting this letter over the Thanksgiving holiday, having spent the last several weeks trying to find time to attend the Project-related meetings and review the document in detail.

Thank you for your consideration of these comments. We are grateful for the efforts of the County Flood District staff to date in seeking input from stakeholders, and we look forward to continued collaboration as the Project progresses. We would be happy to discuss our comments at any time.

cc: Joe Chinn, Ross Town Manager
Richard Simonitch, Ross Public Works Director
Tonya Redfield, Ross Valley Watershed Flood Risk Reduction Program Manager

From: [redacted]
To: Corte Madera
Subject: [Non-DoD Source] Public Comment Corte Madera Creek Draft Report
Date: Monday, November 26, 2018 9:32:49 PM

Dear Cynthia,

We live in the Granton Park neighborhood of Kentfield at [redacted].

Here are photos, two of which were taken from our front porch on Tuesday morning 2-7-17 and you can see the level of the flood water in relation to our fence. The third photo is a basin area at the end of Laurel Avenue next to the creek.

Our home flooded twice exactly thirty days apart in January and February of 2017. Our four neighbors on Laurel Avenue flooded to some extent as did our immediate neighbor on Locust Avenue.

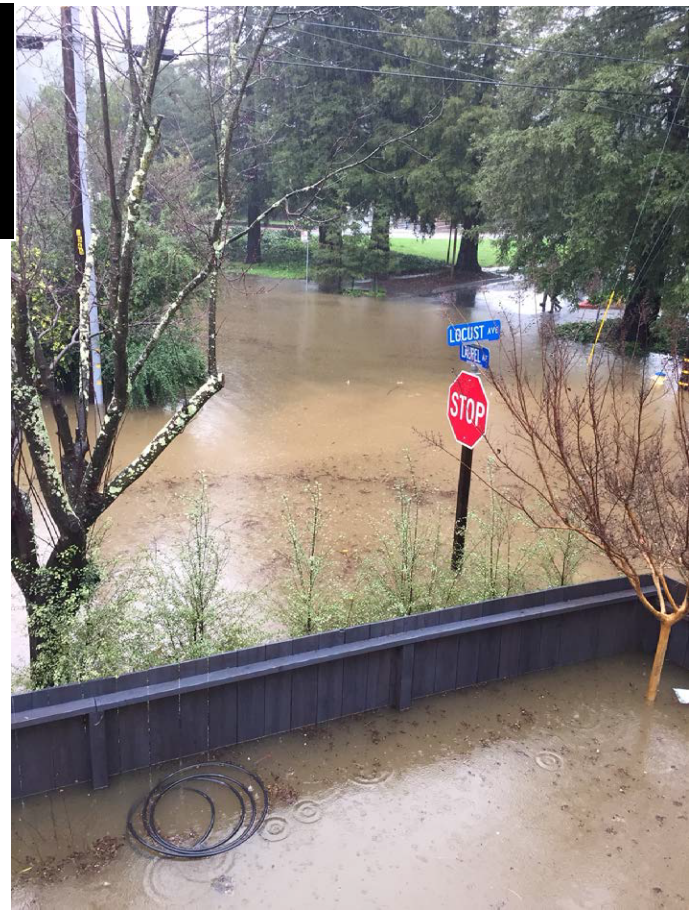
The main floor of our home was unlivable due to the extent of damage and displaced our 3 children from their bedrooms, bathrooms, family room and laundry room. We had to make two insurance claims and were out of pocket for two large deductibles. As you can imagine it took months for the repairs and furniture to be replaced which caused an enormous amount of stress on two full time working parents.

The neighborhood started a shared email about this flooding and it seems that the speed and amount of water that was rushing down our street during the second flood on 2-7-17 was unprecedented. It seems very apparent that the work that has been done in the last few years on the creek system in San Anselmo and in raising the bridge in Ross has affected a change in the creek next to our neighborhood. On top of this it seems known that the concrete channel next to Granton Park is a flawed enginerring design by the Army Corps and cannot handle the water capacity when there is heavy flow particularly during high tides as the bay water also backs up into the channel and the choking point of the creek is right at Granton Park. San Anselmo did not flood and yet our neighborhood was under water 3 times between December 1, 2016-February 7, 2017. This problem is tantamount and absolutely has to be addressed as quickly as possible.

We feel that the project being reviewed will help our neighborhood immensely and given that we seem to be one of the highest flood risk areas in Marin we plead with the District to help pass this project and turn it into a reality. Even if only Phase One can be accomplished with widening the creek at Ross and building the flood wall along our neighborhood the flood risk in Granton Park will be reduced significantly.

We appreciate your consideration.

Sincerely,
[redacted]


LOCUST AVE
LAUREL ST
STOP

From: [redacted]
[redacted]@usace.mil
Subject: [Non-DoD Source] Re Ross Valley Flood CMC Draft
Date: Monday, November 26, 2018 11:41:48 AM

Attention Cynthia Fowler.

I hope all this engineering WORKS, considering it is 10 years in the planning, extremely expensive and slow moving.
I think our county supervisors bear a lot of responsibility for a great waste of time and money by farming out the planning to
contractors instead of.....
.....More listening (for solutions) to longtime residents of the Ross Valley many of who know a lot from decades of experience living here in this flood zone.
This could have been a lot less costly and more environmentally beneficial to all.

I WONDER IF THESE PLANS WILL EVER COME TO PASS?

Let's face it, there are a lot of building structures too close to or actually IN the creek path.
With climate change upon us, these structures and other impediments need to be removed so that the flood water can reach the bay without creating huge damage.
I think it is as simple as that.

As a San Anselmo resident since 1971, I have experienced the devastation that has occurred in the past and will happened again.

Sincerely
[redacted]

From: [redacted] Madera
Subject: [Non-DoD Source] USACE Corte Madera Creek Flood Risk Management Project
Date: Monday, November 26, 2018 9:42:57 PM

Hello,

I am writing to express my support for "Alternative J" and secondly "Alternative F" for the Corte Madera Creek project. I have walked and biked along that creek my whole life, including the sections in question. The concrete needs to be removed. It is extraordinarily unhealthy - often smelly, too. I've seen fish carcasses in there before. Anything that will improve the health of the creek/ecosystem will improve the health of the (human) community. For this reason I support the two alternatives that create, rather than destroy, riparian woodland habitat. I know Frederick Allen Park is a sensitive topic. While the loss of mature trees is a shame, I believe a restored floodplain will be more aesthetically pleasing and ecologically sound over time if replanted with appropriate vegetation. Why not have a community planting/restoration day?! Also - I am a strong supporter of educational signage for the completed project.

Thank you!

[redacted]

MARIN CONSERVATION LEAGUE

Protecting Marin Since 1934

November 27, 2018

U.S. Army Corps of Engineers San Francisco Division
1455 Market Street
San Francisco, CA 94103-1398
Attn: Cynthia Jo Fowler
Via Email: Corte.Madera@usace.army.mil

Re: **Joint Draft Environmental Impact Statement/Environmental Impact Report**
Corte Madera Creek Flood Risk Management Project, Marin County, California

Dear Ms. Fowler:

Marin Conservation League (MCL) supports this project to lessen the continuing periodic flooding in the Ross Valley. The DEIS/EIR provides sufficient description of the project, alternatives, impacts, and recommended mitigations for present purposes. We understand that more detailed plans are contingent on the Tentatively Selected Plan meeting federal standards to support a positive Record of Decision.

MCL offers only minor requests for further information in the EIS:

- Define interior drainage and project flooding, distinguishing any differences, and clarify the differing jurisdictional responsibilities.

- Describe flood district easements in the project area, and/or right-of-ways on private properties, and their uses and constraints. These are issues about which the general public often has little knowledge.

- Provide an estimation of the number and types of trees, on both public and adjacent private property, that would be removed and/or damaged during construction of the Sir Francis Drake Blvd bypass. Tree removal, whether directly due to construction or as a later consequence of root damage, would constitute a habitat loss and impair the visual character of this corridor. Are there any further measures, such as installation of young trees following construction, which could be introduced to help compensate for the loss of mature trees?

- Water temperature, particularly in view of the increasing unpredictably of weather conditions, remains a challenge for aquatic species dependent on cooler water. Any addition of canopy along the concrete channel, could help stabilize water temperature in that reach.

- We are aware of concerns about the functionality of resting pools in the upper 1,900 feet of the channel, and also support further study to determine if improvements could be made. Ross Valley streams that once teemed with Coho and steelhead have been re-

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San Rafael, CA 94903-1977

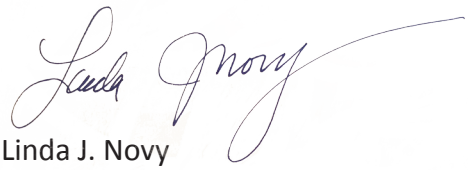
duced to only occasional sightings of Steelhead, along with infrequent Chinook. While we cannot bring back historic conditions, we look forward to this project improving waterways sufficiently to ease passage to the upper creek and boost current populations.

- Project noise and traffic impacts are unavoidable. We believe that early, frequent, and broad public notification, through all relevant media, regarding the anticipated timing of these impacts would help alleviate public inconvenience.

Along with improving public safety and greatly reducing damage to homes and businesses during storm events, completion of the USACE program would improve conditions for steelhead trout and salmon, and numerous other species. Removal of the Denil fish ladder would eliminate a formidable obstacle for steelhead trying to reach upstream spawning gravels and rearing habitat, and the improved habitat resulting from the removal of concrete walls and restoration at Allen Park will benefit fish and other aquatic wildlife.

Although there are actions that could further reduce flood potential and improve the environment, these benefits would exceed project costs and make federal approval unlikely, so are deferred at this time. We look forward to the College Avenue Bridge culverts and other improvements being considered in the future, and encourage expedient completion of the current environmental review process. MCL looks forward to the Record of Decision approving the FEIS and authorizing the Corps to proceed with design and construction as funding is available.

Sincerely,



Linda J. Novy
President

11/27/18

Attn: Cynthia Jo Fowler, USACE SF District

From: [redacted]

Re: Comments on the Draft EIS/EIR for the Corte Madera Creek [CMC] Flood Risk Management Project

I am concerned the hydraulic analysis that provides the basis for design of the project misrepresents flood stages in the concrete channel section of Corte Madera Creek, [Units 2 and 3]. This analysis has not addressed two important interacting hydraulic processes that determine the height of the flood stage for a given flood flow. These are the question of which flow state occurs: deep subcritical flow, or shallow supercritical flow; and how sediment transport affects flood conveyance and flow state. This omission calls into question the reliability of the proposed design in this reach, particularly as it applies to the height of proposed flood walls and it has implications for floodplain inundation mapping of the adjacent area. It also raises a question of inconsistency between how the proposed design is represented in the EIS and the hydraulics analysis that is supposed to inform it.

This is not a new critique, it dates from evaluations conducted in the aftermath of the 1982 flood, but the issues raised still have not been explicitly addressed. They are succinctly stated in this clip from the article 'Rethinking Flood Control Channel Design' published in the American Society of Civil Engineers 'Civil Engineering' magazine of January 1990.

ROUGH TIMES

Many residents of California's wealthy Marin County were willing to live with flooding of the Corte Madera Creek if it meant that the natural stream corridor could be left intact. So when a concrete-channel flood-control project was proposed, they rallied against it. But in spite of local opposition, Unit 3 of the U.S. Army Corps of Engineers' Corte Madera Creek flood-control project was completed in 1972. Its design was based on the mistaken assumption that the standard project flood could be safely conveyed with a low Manning's roughness (0.014) that would allow supercritical flow to occur. What later occurred illustrates the problems of a single-purpose approach to designing a flood-control channel.

During the record flood of Jan. 4, 1982, the concrete channel overtopped its banks and flooded adjacent properties, even though the flow was well below design capacity. Measurements of peak flood elevations and of flow made it possible to reproduce the hydraulics of the flow by using HEC-2. Instead of Manning's roughness of 0.014, the actual roughness was at least 0.03.

After another failure during a smaller flood in 1986, the Corps estimated that much of the increase in roughness was due to the resistance effect of sediment bed forms moving down the channel. This caused the channel to flow subcritically instead of supercritically, causing flood elevations about 6 ft higher than predicted. During the flood, large amounts of gravel and boulders were conveyed through the channel and deposited in the delta at the channel mouth.

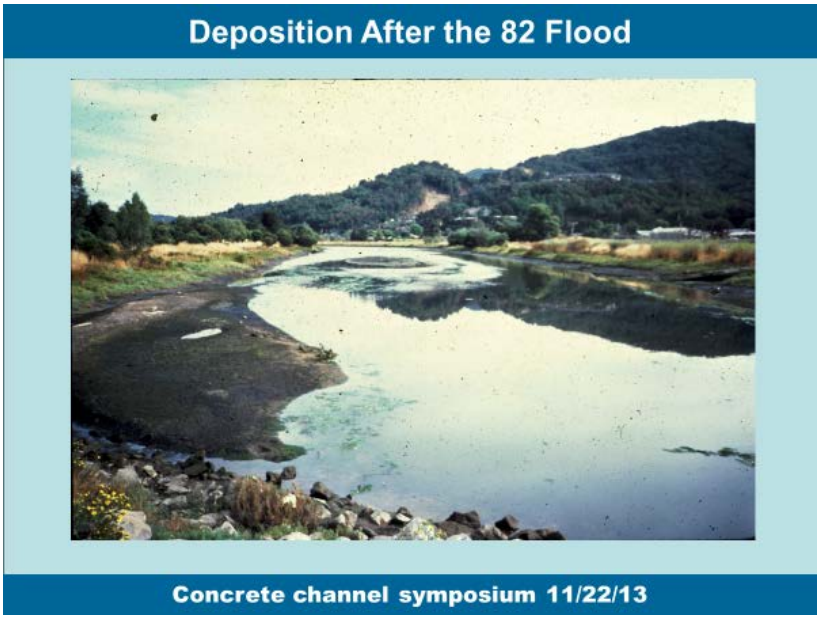
Fluvial geomorphologists had previously recognized the effect of increasing bed-load sediment size on increasing Manning's roughness values in natural channels, as well as the increase in the size of the bed load moved by larger flood flows. But the Corte Madera Creek project was designed with the flawed assumption that clear-water flow without sediment occurs during large floods. Unfortunately, this mistaken idea is still used in the design of many flood-control projects.

The Impact of Sediment Transport on Flood Stage

Unfortunately, a casual reader of the draft EIS and Appendix A might mistakenly infer from repeated discussion of sedimenta*tion* that the role of sediment transport on flood conveyance has actually been considered in this design, and sediment*ation* might explain why a flood control project that was designed to convey a 200 year flood, has repeatedly overtopped its banks, even in a 5 year event, like that occurred in February 1986 as illustrated below at the College of Marin:

In California large flood events on natural streams convey large amounts of 'bed-load' sediments -sand, gravel and boulders. Since the 1970's, how these bed-load sediments increase channel resistance, [characterized as 'Manning's roughness'] and hence flood stages, has been well established by researchers in field and flume tests. For example, the slide shown below of a Corps of Engineers flume experiment illustrates how gravel moving along the bed can form waves that further increases roughness.

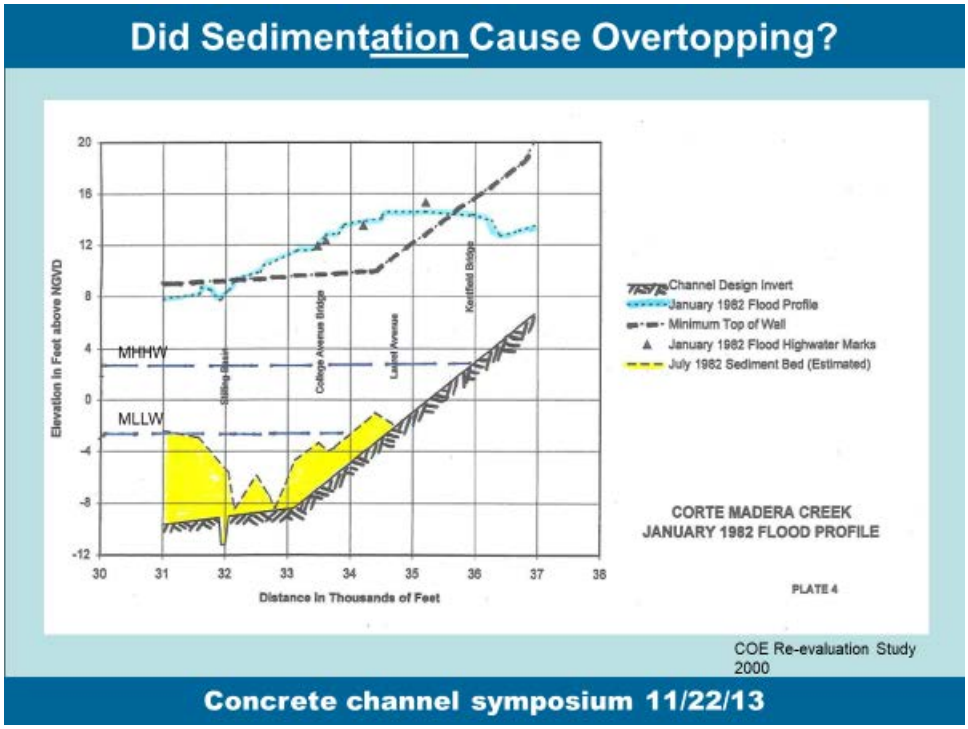
During a major flood event, as flows rise, more and more bed-load sediments are scoured from the natural channel and conveyed downstream. Once they enter a concrete channel, they are transported along the channel bed until velocities drop at the mouth of the creek, where they deposit forming a delta. The delta created by the 1982 flood downstream of the end of the concrete channel on Corte Madera Creek is shown in the slide below. It mainly consisted of sand, gravel, and boulders.



The lower end of the Corte Madera Creek concrete channel is tidally influenced and is subject to sedimentation by estuarine muds. Repeated surveys, for example as shown fig 4-1-2, show this sedimentation occurs in the subtidal reach well downstream of where flood flows overflow the top of the concrete channel. During large flood events it is probable that these accumulated sediments in the lower reach are scoured down to the concrete bed before the flood peak when flow velocities can be of the order of 20 ft/sec. Even if they did not scour and, theoretically, assumed the character of immobile set concrete, their presence in the channel at this location would not affect flood stages far upstream.

The influence of accumulated sedimentation, as opposed to the resistance caused by moving bedload sediment has been modelled and researched in prior studies of Corte Madera Creek and the similarly designed Mission Creek in Santa Barbara, including those conducted by the Corps of Engineers [R. Copeland August 2000. 'Corte Madera Creek Modified Unit 4 Sedimentation Study', US Army Corps of Engineers Waterways Experiment Station.].

The slide shown below of the water surface profile of the record 1982 flood event illustrates one such modelling study.



Floodwater overtopped the channel bank in the vicinity of Kentfield Hospital, well upstream of the zone of sediment deposition. This high flood stage can only be explained by a higher than anticipated Manning's roughness. My studies calculated this to be 0.03, Copeland's Waterways Experiment Station study estimated 0.028. These values are consistent with flood stages observed on other streams.

In contrast, the modeling analysis described in the DEIS assumed a much lower value of 0.018 as if the channel bed was always and only smooth concrete.

The effect of sediment transport is not discussed in the EIS nor are the prior Corps of Engineers Waterways Experiment Station studies discussed or referenced.

To have to critique such an important omission at this late stage in the planning process is inexplicable as this sediment transport phenomenon was first identified in 1982, has been part of the public record since at least 1988 and has resulted in changes to the Corps' design manual EM 1150-2-1610 'Hydraulic Design of Flood Control Channels' in 1994. This manual now advises designers of flood channels to consider the role of bed load transport on channel hydraulics.

Flow State

The selection of appropriate Manning's roughness values has a major effect on predicted flood levels, but this effect is compounded when a higher roughness changes the flow state as actually occurs in large flood events on Corte Madera Creek.

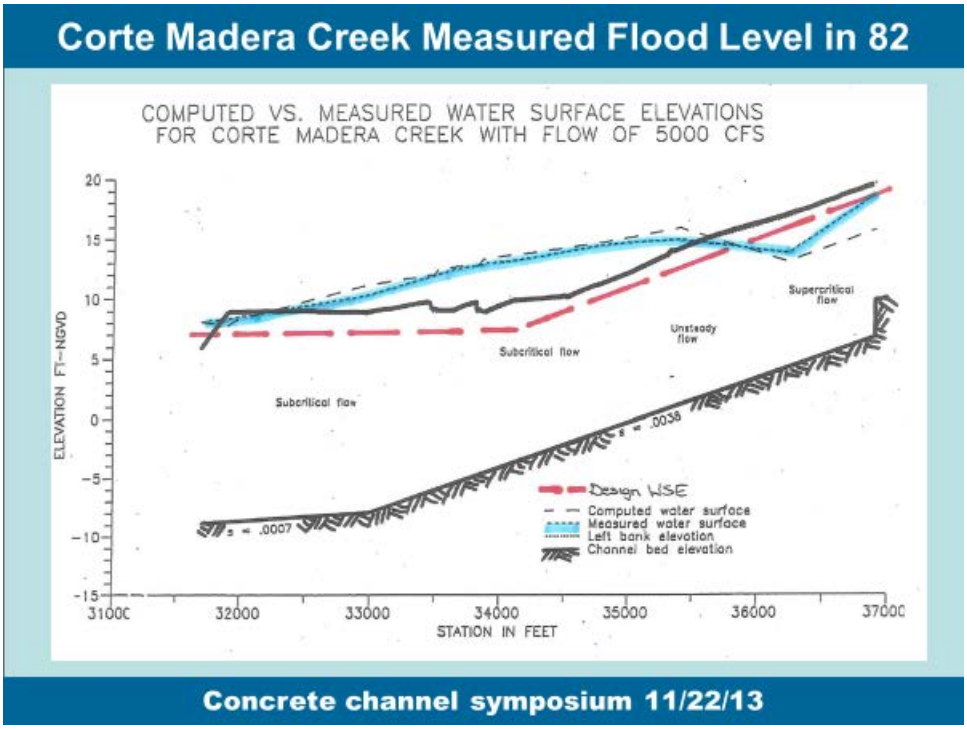
Flood flows in the unmodified creek upstream are retarded by natural roughness elements in the channel and are always in a 'sub-critical' state. Flows entering a smooth concrete channel accelerate to a different state: fast moving shallow 'super-critical' flow. The original hydraulic design strategy of the Corte

Madera Creek project developed in the 1960's was based on what we now see as a mistaken assumption that large floods would be 'clear water' and the roughness of the channel would be the same as for smooth concrete. Under such assumptions the flow would be super-critical. This allowed the original designers to plan for a narrower concrete channel and larger area of floodplain development.

If the channel were to remain smooth, fast-moving shallow flows would continue downstream until the channel deepens and widens. Here a 'hydraulic jump' occurs, usually characterized by a series of rolling waves, and the flow reverts to its former deeper slower moving sub-critical state. In the original design of the CMC project this hydraulic jump was supposed to happen in a stilling basin constructed at the mouth of the channel.

However, if the channel is not completely smooth the hydraulic 'jump' can occur upstream of where it was intended and overtop the channel bank. This is what has happened during flood events on Corte Madera Creek as shown in the measurement and modelling of the 1982 flood stages.

Previous Corps studies have mistakenly attributed the overbank flow upstream to backwater from prior sediments accumulated in the sub-tidal reach -as if these were fixed in place. If this concept is still guiding design decisions the EIS should substantiate the rationale for how this could happen on such a steep gradient stream by showing water surface profile and roughness assumptions.



The slide above shows flow immediately downstream of the fish ladder accelerating and transitioning from sub-critical to super-critical about 1000 ft downstream. Here the flow decelerates, becomes unsteady, and a hydraulic jump occurs, and the flow state reverts to the deeper slower moving sub-critical state because of the higher roughness created by moving bed-load. During the 1982 event observed sub-

critical flood stages were 5 to 6 ft higher than the calculated super-critical design water surface elevation, even though the in-channel flow of 4700 cfs was considerably less than the design flood of 7500 cfs.

The photos below illustrate the difference between shallow fast-moving supercritical flow immediately below the Ross fish ladder and slower deeper subcritical flow further downstream during the same small flood event on 2/9/ 2017. [Figure 9 of attachment 3 to Appendix A incidentally illustrates the unsteady flow/hydraulic jump transition from super to sub-critical flow state for the same event.]

The DEIS and Appendix A has no discussion of the significance of the transition between super and sub-critical flow induced by higher roughness and its implications for floodwall design.

There is no explanation why the original concrete channel designed for super-critical flow and intended to convey the 200 years flood does not perform as intended and overflows in a 5-year event.

Model Calibration and Verification

The numerical model is first calibrated on the 12/15/2016 flood. This minor flood event, 3400cfs, would probably be too small to convey significant amounts of bed load sediments, and is contained within the

concrete channel in Unit 3. Calibrating on this event is therefore likely to underestimate roughness. Nevertheless, the profile of the water surface elevation shown in figure 5 indicate a transition from super to sub-critical flow well upstream of the College Avenue bridge.

The second flood used for calibration, the 6800 cfs flow on 12/31/05 is an appropriate reference flood. However, no flood profile is shown of the calibration. The statement is made '*These n values were adjusted as required during calibration of the upgraded model'* [P40, Appendix A], but these Manning's roughness values are not disclosed nor are their implication for flow state discussed. Based on Table 2 it appears that the predicted water surface elevations may be consistent with sub-critical flows in the steep reach of Unit 3. If so, this is an important finding that would drive the hydraulic design.

In appendix A there is an extensive obfuscating discussion of how the model was manipulated by subtracting subtidal accumulated sediment values from the channel depth -as if the sediment was fixed in place in the downstream reach. This seems to be presented as if it would account for overbank flow far upstream. The document does not state whether this manipulation was used in calibration.

In the description of the hydraulic modeling contained in Attachment 3 of Appendix A of the DEIS, there is no mention of what flow state is evaluated, even though an adequate calibration of the numerical model must take this process into account.

The experience of the 1982 event is an appropriate flood for verification of the model. Unfortunately, because key calibration parameters were not described and because the modelled water surface profile is not presented, it is impossible to assess how good the verification is. It may show modeled water levels consistent with subcritical flow and high roughness in the Unit 3 steep section, contradicting the narrative elsewhere in the DEIS, for example the assumption of a Manning's roughness value of 0.018. The validation does not discuss whether its results are consistent with earlier, more exhaustive, calibrations by the Waterways Experiment Station which modelled in-channel flow in this event to be 4700cfs. [Copeland 2000]

Although not clearly stated it appears that the intent of the proposed project is to increase the flood conveyance of Unit 3 from 3400 cfs to 5430 cfs primarily by installing flood walls. It may be possible to do this, but this is not demonstrated by the calibration and verification. For example, it appears the model still includes an over-optimistic assumption of a low channel roughness value that would induce supercritical flow, and underestimate flood stages.

Impact on design

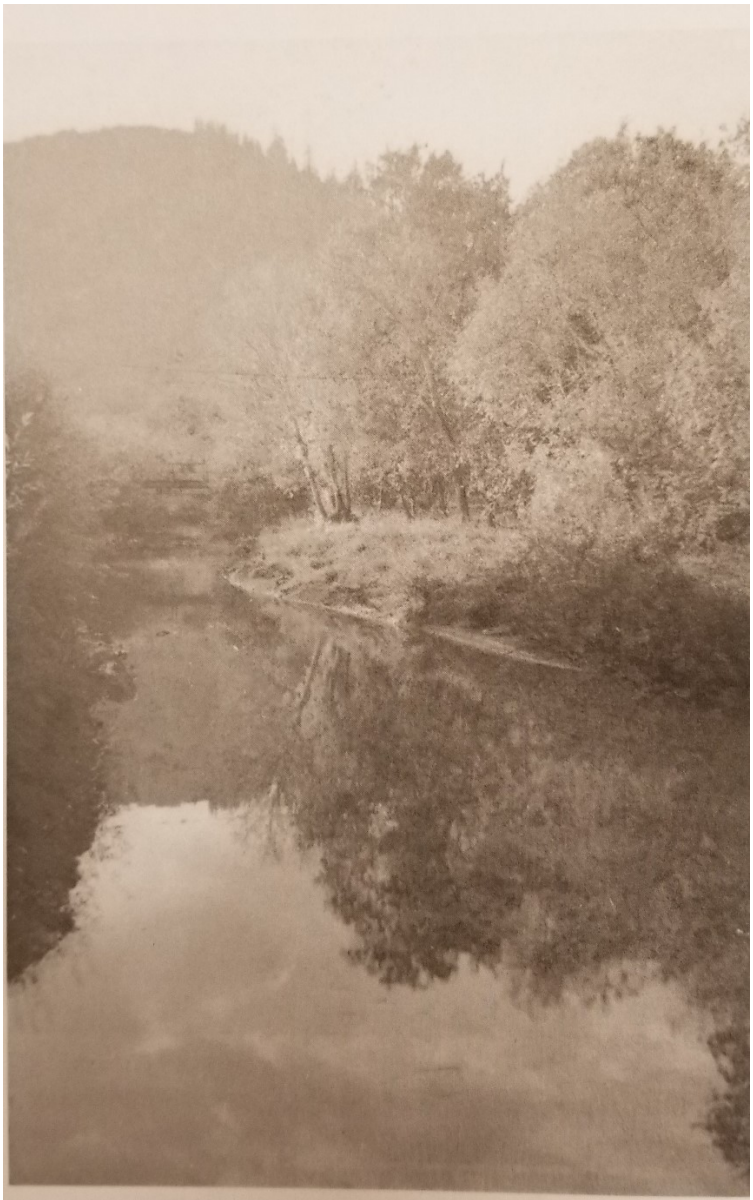
Because the interaction between roughness, flow state and flood stage are not discussed in the DEIS, it is may be that the model to be used in key design decisions on floodwall heights is flawed. In addition, there appears to be a contradiction in how an important element in the design is represented: the restoration of a more natural riparian transition between Units 3 and 4. Is described in Section 7.4.1 as

The fish ladder would be replaced with a combination of natural bed material and biotechnical bank stabilization or stone protection treatments to eliminate the hydraulic jump and create a smooth transition that would also improve fish passage.

This important and attractive feature of the project, that allows for a minor restoration of ecologic functions destroyed by the original construction of the concrete channel in 1971, inevitably will create higher roughness and sub-critical flow needed for fish passage in this reach. However, the hydraulic jump would not be eliminated, just moved downstream where overbank flow will still occur.

The task of the DEIS is to explain clearly and convincingly how these design elements will be balanced with flood damage reduction. This can only be done by explicitly stating the main assumptions and logic used in the hydraulic modeling calibration and presenting the results as water surface profiles for each alternative including hydraulic grade lines to inform what flow state is assumed.

A model that properly simulates actual processes observed to occur during flood events on Corte Madera Creek might also lead to other more imaginative retrofit alternatives that provide a higher level of flood damage reduction while restoring ecologic values lost when the concrete channel was constructed.



Corte Madera Creek, looking upstream from the College Avenue bridge in the 1930s. (Marin History Museum)

City of Larkspur

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Website: www.cityoflarkspur.org

Ms. Cynthia Jo Fowler
US Army Corps of Engineers
San Francisco District
1455 Market Street
San Francisco, CA 94103-1398

Via email: corte.madera@usace.army.mil

November 27, 2018

RE: CORTE MADERA CREEK FLOOD RISK MANAGEMENT PROJECT, MARIN COUNTY, CALIFORNIA

Thank you for the opportunity to provide comment on the above referenced project. The City of Larkspur is a participant in and supporter of the Ross Valley Watershed Flood Risk Reduction Program.

The City supports the development of projects that will reduce flood risks in the watershed, while not creating any additional flood risks in Larkspur. The City looks forward to the next steps in designing and modeling of the proposed improvements such that the EIR/ EIS's conclusion that the proposed project would not increase flood risk in areas downstream can be fully vetted and confirmed.

Sincerely,

Julian Skinner, PE
City of Larkspur City Engineer/ Public Works Director

Copy To: City Council
Dan Schwarz, City Manager
Neal Toft, Planning and Building Manager

November 27, 2018

Cynthia Jo Fowler; US Army Corps of Engineers, San Francisco District (via email)

Board of Supervisors; Marin County Flood Control and Water Conservation District (via email)

Re: Corte Madera Creek Flood Risk Management Project; Joint Draft Environmental Impact Statement/Draft Environmental Report

Dear Ms. Fowler and the Marin County Flood District Board,

Although I am a member of the Ross Town Council, I submit these comments as an individual and not on behalf of the Town of Ross (comments submitted November 20).

Under Alternative J, the Draft EIS/EIR proposes installing two parallel box culverts (each 12' wide and 7' high) under Sir Francis Drake Boulevard (SFD) in Ross for approximately 2,200' (affecting the majority of SFD in our Town). This feat will require trenching 20' deep and 30' wide. I have three significant concerns such a project would cause:

1. **Immense and Insurmountable Traffic Issues**

In Ross, SFD is only a two-lane road (unlike in San Anselmo and most of Kentfield, where it is four). As a result, traffic travelling in both directions on SFD through Ross must merge into a single lane. SFD is a major artery through the Ross Valley that drivers use to access San Anselmo, Fairfax, west Marin, etc.

Given those formidable circumstances, it is incomprehensible how such construction could occur without severe traffic disruption and chaos, making travel on SFD in and through Ross virtually impossible.

Further, this construction is estimated to take 300 days, dramatically disrupting all drivers travelling in the Ross Valley through Ross – not just Ross residents. There are many organizations in Ross accessed via SFD that would also be dramatically impacted (*e.g.*, Ross School; Ross Post Office; the downtown Ross merchants; St. John's Church; St. Anselm's Church; Marin Art and Garden Center; the Branson School; Natalie Coffin Greene Park; the open space of the MMWD watershed).

The Draft EIR/EIS indicates that there would be significant traffic impacts, and that a "Traffic Control Plan would be implemented to reduce impacts, but would not eliminate traffic impacts." No Traffic Control Plan is included. Realistically, given the enormous constraints, it seems impossible to design any

Traffic Control Plan that could even begin to address the massive traffic impacts such a project would cause. Further, many utilities run under SFD that would need to be relocated, dramatically complicating the project and undoubtedly extending the estimated 300 day construction period.

2. **Severe Construction Noise, Dirt and Light**

Such an enormous project would generate a tremendous amount of noise, dirt and light (if construction is done at night). It would be especially disruptive to those residents living along and near Sir Francis Drake and those who live on the serene hillsides surrounding it.

3. **Reckless Safety and Emergency Services Risks**

Most importantly, I am extremely concerned about how any emergency services could be adequately provided on a timely basis in and through our Town.

We have lived in Ross for 26 years. During that time, traffic along Sir Francis Drake Boulevard (SFD) has become increasingly heavy and now, on many days, is unbearable. What used to take a quick 10 minutes from Ross heading east to the 101 freeway now often takes 30 and sometimes even 45 minutes. Frequently traffic is at a dead stop through Ross. As a result, many of us find ourselves rearranging our travel schedules in an attempt to avoid these bottlenecks. Like almost every other Ross resident, we must access our home via SFD. Our Police and Fire Departments are located in the middle of this project.

Such a project would greatly exacerbate this situation, severely impacting our Town's ability to provide adequate emergency services. It would also detrimentally affect emergency vehicles needing to travel on SFD to other towns (*e.g.*, an ambulance from San Anselmo to Marin General Hospital).

In addition, what if a disaster occurs during this construction that requires residents in Ross and/or the Ross Valley to evacuate? If SFD is reduced to just one lane, or completely closed, it's impossible to imagine how any evacuation could be accomplished safely and efficiently (especially given what recently happened in Paradise with its horrific and deadly evacuations).

In conclusion, I wholeheartedly support addressing flood control issues in the Ross Valley. However, there must be a better way to accomplish this that does not involve

- installing two enormous bypass culverts
- closing down one or both lanes of a two-lane road
- tearing up the majority of SFD in Ross (2,200')
- digging 20' deep and 30' wide trenches
- disrupting SFD and the surrounding area for at least 300 days
- relocating multiple utilities
- creating insurmountable traffic delays for the residents of Ross and the entire Ross Valley
- causing massive noise, dirt, and light issues
- playing havoc with emergency services, and
- blocking safe and efficient evacuation paths.

These mammoth disruptions and imprudent safety risks seem far too extreme for the benefits derived. Other realistic and reasonable alternatives must be found.

Very truly yours,

[redacted]

ROSS VALLEY SANITARY DISTRICT

2960 Kerner Blvd., San Rafael, CA 94901
Tel. (415) 259-2949 | Fax (415) 460-2149 | Web: www.rvsd.org

November 27, 2018

U.S. Army Corp of Engineers, San Francisco District
ATTN: Cynthia Jo Fowler
1455 Market Street
San Francisco, CA 94103-1398

VIA EMAIL: Corte.Madera@usace.army.mil

Subject: Corte Madera Creek Flood Risk Management Project
Draft Environmental Impact Statement (EIS)/Environmental Impact Report (EIR)
Ross Valley Sanitary District Comments

Ross Valley Sanitary District

Ross Valley Sanitary District ("RVSD") maintains approximately 194 miles of sewer and trunk sewer lines and 8.4 miles of force main which serve the communities of Sleepy Hollow, Fairfax, San Anselmo, Ross, Larkspur, Kentfield, and Greenbrae. On an average dry weather day, RVSD conveys 3.9 million gallons (MG) of wastewater to Central Marin Sanitation Agency (CMSA) wastewater treatment plant (WWTP) for treatment.

Wet weather inflow and infiltration (I&I), which is storm water that directly and indirectly gets into the sewer system, is a significant concern and can negatively affect operating performance of both RVSD and CMSA. During peak wet weather events, RVSD flows reported at the WWTP increase to as much as 19 times the average dry weather flows. Modeled wastewater within RVSD's system increase by as much as a factor of 20 during our 10-year 24-hour design storm event. Rainfall-dependent increases in I&I can cause large volume sanitary sewer overflows when the capacity of the system is exceeded, which are very hard to manage when there are also access issues due to high creek flows and/or localized flooding. RVSD is focusing on I&I reduction efforts throughout our system and needs to maintain or improve our ability to access our infrastructure during large rain events.

Corte Madera Creek Flood Risk Management Project

The Corte Madera Creek Flood Risk Management Project ("Corte Madera Creek Flood Project") objective is to manage flood risk and potential induced flooding from Corte Madera Creek. The tentatively selected plan (TSP)/Recommended plan includes a 2,200-foot underground bypass that runs under Sir Francis Drake Boulevard (Blvd) (Underground Bypass), a 900-foot 2-acre Allen Park riparian corridor feature which includes relocation of existing 36-inch and 12-inch diameter sanitary sewer infrastructure (Allen Park Riparian Corridor), and floodwalls along the perimeter of Allen Park and along the creek banks below the park (Floodwalls). The Corte Madera Creek Flood Project will relocate and also impact RVSD sewer lines, including portions of the critical 36- to 39-inch-diameter reinforced concrete pipe (RCP) Ross Valley Trunk Sewer, which conveys 60% of the wastewater from our

service area. RVSD does not have sufficient information at this time to determine all the impacts of the Corte Madera Creek Flood Project, particularly with respect to access for operation and maintenance (O&M) of the Ross Valley Trunk Sewer, any potential for or mitigation of increases in wet weather I&I, and the potential impact/feasibility of construction of the floodwalls and underground bypass pipe crossings of sewer lines in Sir Francis Drake Blvd. RVSD requests additional coordination for sewer infrastructure design and protection, and sewer design reviews and approvals by RVSD during the Corte Madera Creek Flood Project design. Key potential impacts and factors that are important considerations for RVSD for future design efforts are discussed below under the headings for the Corte Madera Creek Flood Project features, including Allen Park Riparian Corridor, Underground Bypass, and Floodwalls.

- **Comment RVSD.1 – RVSD does not have sufficient information at this time to determine all the impacts of the Corte Madera Creek Flood Risk Management Project on RVSD sewer lines and our access to them for operations and maintenance. RVSD requests additional coordination for sewer infrastructure design and protection, and sewer design reviews and approvals by RVSD during design of the project.**

ALLEN PARK RIPARIAN CORRIDOR

Approximately 1,000 linear feet of the Ross Valley Trunk Sewer is planned to be relocated within the Allen Park Riparian Corridor feature of the Corte Madera Creek Flood Project. RVSD appreciates early communications with the Corte Madera Creek Flood Project team and that additional coordination is planned as the project design proceeds. The sewer infrastructure impacted by the Allen Park Riparian Corridor portion of the project includes the cured-in-place-pipe-(CIPP-)lined Techite double-barrel siphon at Ross Post Office, downstream 36-inch-diameter reinforced concrete pipe (RCP) to the Ross/Kentfield border, and a 12-inch-diameter asbestos cement (AC) sewer line from Sir Francis Drake Blvd which connects to the trunk sewer line through/within the Marin County Flood Control & Water Conservation District parcel (APN 073-273-39). The relocated trunk sewer is proposed along and parallel with the right-side perimeter (western) floodwall from the post office parking lot through Allen Park to a new creek crossing to 1155 Sir Francis Drake Blvd, Kentfield.

- **Comment RVSD.2 – Some RVSD sewer infrastructure is not shown/listed on the maps/tables in Appendix I: Civil Design, or the asset information (such as diameter and material) is incorrect. RVSD has prepared and enclosed a GIS layer of our sewer system schematic map in the vicinity of the project which includes key asset information, and additional record drawings for Sir Francis Drake Blvd sewer lines can be provided to the design team upon request.**

The Ross Valley Trunk sewer is a critical backbone of our sewer infrastructure, which will need to remain in service or be fully bypassed during construction. Additionally, the relocated trunk sewer and incoming sewer line hydraulic, structural, O&M, and I&I condition must be equal or better than the existing pipelines. If siphon(s) are required to cross Corte Madera Creek, design would need to minimize O&M and other failure risks.

The 12-inch-diameter AC sewer line conveying flows from Sir Francis Drake Blvd currently discharges into the Ross Valley Trunk Sewer on the north/east side of the Corte Madera Creek. This pipe may need to be realigned within the Allen Park Riparian Corridor to construct the Underground Bypass pipes.

- **Comment RVSD.3 – RVSD sewer lines, including the Ross Valley Trunk Sewer, are critical infrastructure that must remain in service or be fully bypassed at all times. The existing RVSD sewer and trunk sewer lines in the project area were condition assessed (structural, hydraulic, O&M), are in good condition, and are/were anticipated to be in service without major rehabilitation or improvement for the next 30+**

years. The hydraulic, structural, O&M and I&I condition of relocated or impacted trunk sewer and incoming sewer lines, including siphons if required, need to be equal to or better than the existing pipelines.

Ross Valley Trunk Sewer Access

Based on prior communications, RVSD understands the new pipeline alignment of the Ross Valley Trunk Sewer in the Allen Park Riparian Corridor would be under and/or accessed by a pathway. RVSD needs to be able to access to the trunk sewer line at all times, including during peak rain events. The pathway would need to be suitable for (1) infrequent access to the pipeline at manholes by heavy cleaning (Vactor/Vac-Con trucks with a full load of water) or large diameter pipeline inspection equipment, and (2) more frequent access by smaller trucks and vehicles. Manholes for access need to be just upstream and downstream of any creek crossing, and every 350 to 450 feet. RVSD would need easement(s) allowing for routine and emergency O&M activities, ingress and egress, and potential future construction activities such as repair, replacement, and sewer bypass.

- **Comment RVSD.4 – RVSD needs to be able to access sewer and trunk sewer lines within the Allen Park Riparian Corridor, including during heavy rainfall events, for activities such as preventive and emergency cleaning, inspection, monitoring, bypass, and construction activities. RVSD requests the design specifically evaluate access impacts and mitigations for relocated sewer infrastructure. RVSD will require sanitary sewer easements for the relocated sewers which also include ingress and egress rights.**

Wet Weather I&I

The relocated trunk sewer line needs to be designed to minimize I&I into the pipe and manholes. This is important given the new alignment will be within the floodwalls/floodplain and not isolated from the creek water by the concrete lined channel as it is now. Design criteria, such as pipe and manhole material, trench backfill and possible raised manhole lids, should be able to mitigate for potential impacts, which should be disclosed.

- **Comment RVSD.5 – RVSD requests the design specifically evaluate wet weather I&I impacts and mitigations for existing and relocated sewer infrastructure.**

UNDERGROUND BYPASS

The proposed 2,200-foot-long Underground Bypass will be built from two 12 feet wide by 7 feet high reinforced concrete box culverts in Sir Francis Drake Blvd. The horizontal and vertical alignment of the Underground Bypass will very likely conflict with existing sewer infrastructure in Sir Francis Drake Blvd. RVSD has an 8- to 10-inch-diameter sewer line generally in an alignment along the western edge of the southbound lane of Sir Francis Drake Blvd, paralleling the new Underground Bypass. Public sewer lines cross Sir Francis Drake Blvd at 38/40 Sir Francis Drake Blvd, Laurel Grove Ave, 28 Sir Francis Drake Blvd, and Berry Ln. This sewer line, and sewer lines that discharge into it, are not all included on the maps or tables in Appendix I: Civil Design. Private sewer laterals also connect to the sewer line from both sides of the street.

The vertical alignment of the new Underground Bypass pipes may conflict with the existing elevations of the public sewer lines from the east and private sewer laterals from the east and west which discharge into the Sir Francis Drake Blvd sewer line. Existing sewer elevations will conflict with the Underground Bypass Pipes as the sewer flows downstream (to the south), based on a preliminary comparison of sewer record drawing information with the profiles from Alternative J (Alt J):

- *Alt J – Profile A-A – Cross Section 384+09*, approximately 38 Sir Francis Drake Blvd in Ross, the invert of our 8-inch-diameter mainline is approximately 23.9 and the top of the Underground Bypass flow cross section area is shown at approximately 22.5.
- *Alt J – Profile B-B – Cross Section 372+35*, approximately 28 Sir Francis Drake Blvd in Ross, the invert of our 10-inch-diameter mainline is approximately 14.8, which would be in the middle of the Underground Bypass flow cross section area (elevations approximately 11 at invert and 18 at top).

Reviewing record information and locating the horizontal and vertical alignments of the sewer lines and private sewer laterals early in design would be helpful to determine if/where there are conflicts and the feasibility and impacts of Underground Bypass pipes crossings of existing or, if required, realigned public and private sewer infrastructure.

- **Comment RVSD.6 – RVSD requests additional sewer utility research and coordination along the Underground Bypass pipe alignment to identify early in the design any conflicts with the existing alignments, and feasible alternatives for addressing them.**

FLOODWALLS (DOWNSTREAM OF ALLEN PARK RIPARIAN CORRIDOR)

The Ross Valley Trunk Sewer is located in the left bank of the creek downstream of the Allen Park Riparian Corridor. The trunk sewer lines were constructed at the same time as the concrete lined sections of Corte Madera Creek. The proposed Corte Madera Creek Flood Project floodwalls are described in the project in three sections: Allen Park Perimeter (see above), Granton Park Neighborhood, and College Avenue. The Granton Park Neighborhood floodwalls are proposed to be installed as a separate wall adjacent and attached to the landward face of the existing concrete channel wall. The College Avenue floodwalls are proposed to be overbank at the left bank of the creek. RVSD requests design review verification that the new floodwalls/support column construction does not change the loading over the Ross Valley Trunk Sewer and that the pipe can be protected during construction activities. Also, if sewer manholes are creek side of the floodwalls, impacts on access and from any increased wet weather I&I would be concerns.

- **Comment RVSD.7 – RVSD requests additional coordination and specific evaluation during design of any access, I&I reduction, and pipeline protection measures that could/should be included with construction of the floodwalls.**

Ross Valley Sanitary District sewer is directly impacted when there is flooding within our service area, with increased wet weather I&I flows and difficulty accessing our infrastructure. Corte Madera Creek flood risk management improvements will improve the performance of our system by keeping storm water in the creek and out of our system. RVSD looks forward to coordinating with the Corte Madera Creek Flood Risk Management Project design team as the design progresses to identify and mitigate impacts to our sewer infrastructure and support design of a project that meets the goals of flood risk management as well as sewer relocation, protection and access suitable for long-term sanitary sewer system operations and maintenance.

- **Comment RVSD.8 – RVSD would like to review and approve any sanitary sewer infrastructure design elements included in the Corte Madera Creek Flood Risk Management Project.**

Sincerely,

Katherine Hayden, P.E.
Infrastructure Assets Manager
Email: khayden@rvsd.org
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Steven M. Moore, P.E.
General Manager
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Enclosures:

1. Zipfile of GIS system map in the vicinity of the project

CC: Marin County Flood Control & Water Resources District, County of Marin DPW, via email:
(CLando@marincounty.org; HDavis@marincounty.org; TRedfield@marincounty.org; FMeneau@marincounty.org)

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November 27, 2018

Via U.S. and Electronic Mail

Cynthia Jo Fowler
Corte.Madera@usace.army.mil
U.S. Army Corps of Engineers, San Francisco District
ATTN: Cynthia Jo Fowler,
1455 Market Street, San Francisco, CA 94103-1398

Re: Corte Madera Creek Flood Risk Management Project Draft EIS/EIR

Dear Ms. Fowler:

This letter provides the comments of [redacted], Ph.D., on the Corte Madera Creek Flood Risk Management Project Draft Environmental Impact Statement/Environmental Impact Report ("Draft EIS/EIR") prepared by the U.S. Army Corp of Engineers ("USACOE") and the Marin County Flood Control and Water Conservation District ("District") (collectively, "Agencies"). The [redacted] own and reside at [redacted]. As described in further detail below, their home will be directly impacted by the Project and as such the O'Connells have a significant interest in ensuring that the USACOE and the District have fulfilled their respective legal obligations under the National Environmental Policy Act ("NEPA")[1] and the California Environmental Quality Act ("CEQA")[2]. Unfortunately, the Draft EIS/EIR is legally deficient in numerous ways, not least of which are: an inadequate project description, in particular as it relates to core elements of Alternative J, designated the "Agency Preferred Alternative;" inadequate analysis of the Project's potentially significant impacts; and inadequate mitigation to address the Project's environmental impacts.[3] The Project should not proceed until the issues raised in this letter are addressed and the Draft EIS/EIR is revised and recirculated for further public review and comment. Otherwise, the USACOE and the

[1] 43 U.S.C. §§ 4321 et seq. NEPA is implemented pursuant to regulations promulgated by the Council on Environmental Quality ("CEQ"), codified at 40 C.F.R. §§ 1500 et seq. ("CEQ Regulations").
[2] Cal. Pub. Res. Code §§ 21000–21189; CEQA is implemented pursuant to California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000– 15387 ("CEQA Guidelines").
[3] For purposes of this letter, we use the term "Project" to refer to Alternative J since this alternative has been identified as the Agency Preferred Alternative and the Tentatively Selected Plan. The broader elements of the Risk Management Project and the other alternatives are separately referenced as such.

District will have failed in fulfilling their fundamental obligation to inform the public and decisionmakers of the potential environmental consequences of the Project.

BACKGROUND

The O'Connells' home is located on Sir Francis Drake Blvd. on a relatively narrow strip of land between the street and Corte Madera Creek. Their house abuts the existing concrete culvert and is (roughly) across the creek from the far-eastern end of Ross Commons. The O'Connells' property also immediately abuts the District-owned parcel of land where the Unit 4 Bypass is shown to terminate. See Draft EIS/EIR, Figure 3-5c. With permission from the District, the O'Connells - whose home lacks a driveway or garage - have used this parcel for off-street parking since they purchased the home in 2003.

The O'Connells' lived in their home during the 2005 Flood Event, which resulted in fast-flowing water surrounding their home on all sides for several hours and their basement being flooded. Importantly, during this event, the existing concrete channel did not overflow and was therefore not the source of the flooding on their property or the immediate surrounding area. Rather, the flooding came from the upstream overflow of Corte Madera Creek starting at Lagunitas Bridge, as well as from the eastside of Sir Francis Drake Blvd. in the area surrounding the Marin Art and Garden Center. Without the channel operating as designed, the flooding of the O'Connells' home and surrounding areas would likely have been significantly worse. The O'Connells have significant concerns that the Project proposes to remove the one element of the existing flood management system – the concrete channel – that did not fail during the 2005 flood and subsequent events and replace it with a vaguely described "Riparian Corridor." This concern is exacerbated by the fact that the Project will result in the Unit 4 Bypass emptying significant volumes of diverted water into this new, untested "Riparian Corridor" directly adjacent to their home.

Making matters worse, the Agencies have now identified Alternative J as the Agency Preferred Alternative and Tentatively Selected Plan despite the fact that this version of the Project, including in particular the creation of the Allen Park Riparian Corridor, was never disclosed in the Notice of Preparation/Notice of Intent ("NOP/NOI") for the Project or during the numerous community scoping meetings that occurred. To the O'Connells and numerous other members of the community, it feels as if the Agencies have pulled a bait and switch, promising a flood control project that would address the significant flooding problems that have plagued the Ross Valley community for decades, only to deliver a project that looks nothing like what has been discussed over the past several years.

NEPA and CEQA share a fundamental purpose: to inform the public and decision-makers about potentially significant environmental effects of proposed projects before they are carried out. See CEQA Guidelines § 15002(a)(1); 40 C.F.R. § 1500.1(b). Here, the public process that lead to the publication of the Draft EIS/EIR, and the document itself, fundamentally fail in this regard.

COMMENTS

1. The Description of Alternatives Fails to Comply with NEPA or CEQA.

While NEPA and CEQA are substantially similar, the two laws differ in important aspects. Whereas NEPA has been described as "essentially procedural" (*Stryker's Bay Neighborhood Council, Inc. v. Karlen* (1980) 444 U.S. 223), CEQA imposes substantive duties on local agencies to protect the environment and mitigate significant impacts when feasible. In serving these substantive mandates, courts have held that "an accurate, stable, and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197-200. The project must be described accurately to allow reviewers and decision makers to balance the project's benefits against its environmental costs, to consider mitigation measures, and to assess the advantages of the no-project and other alternatives. *Id.*; see also 40 C.F.R. § 1502.14 (description of alternatives including the proposed action "is the heart of the environmental impact statement" that "shall … (b) Devote **substantial treatment** to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.") (Emphasis added).

Here, while the "Description of Alternatives" has the trappings of the sufficient project description, it fails to provide sufficient detail to allow the public and decision-makers to understand to true scope of the Project. Specifically:

a. Construction of the Unit 4 Bypass is a fundamental component of the Agency Preferred Alternative. Nevertheless, the Draft EIS/EIR admits that the "[c]onstruction methodology of the bypass under Sir Francis Drake Boulevard has not yet been determined." Draft EIS/EIR, p. ES-8. The potential disruption to the Ross Valley community from construction of the Unit 4 Bypass cannot be overstated. Sir Francis Drake Blvd. is a heavily trafficked, two-lane major thoroughfare that provides the sole direct access to and from Highway 101. It also provides the sole eastbound access to the Kentfield Hospital. Disrupting traffic on the identified stretch of Sir Francis Drake Blvd. for any duration of time has the potential to, *inter alia*, cause significant traffic delays, increase response times for public safety vehicles in the area, limit eastbound access to Kentfield Hospital, and significantly increase exposure to toxic air contaminants from idling vehicles. The Draft EIS/EIR may not simply defer this issue to some future, unspecified time because the methodology chosen to construct the Unit 4 Bypass has the potential to directly affect the level of impact associated with these and other potentially significant environmental impacts, which then directly affects the viability and wisdom associated with approving Alternative J. The Description of Alternatives must be revised to specifically describe the various construction methodologies under consideration, and a comparison of impacts associated with the various methodologies must then be promulgated throughout the Draft EIS/EIR.

The description of the Unit 4 Bypass is also improperly vague concerning the transitions from Corte Madera Creek to Sir Francis Drake Blvd. The Description of Alternatives provides merely that "the bypass would exit and re-enter the creek at properties on Sir Francis Drake Boulevard that are owned by the District." Draft EIS/EIR p. 3-7. While this is true, it does not acknowledge that the parcel where re-entry to the creek will occur is immediately adjacent to the O'Connells residence. The failure to describe the close proximity of the re-entry parcel to an existing residence undermines the subsequent impact analysis, in terms of both construction impacts (e.g., noise, exposure to toxic air contaminants) and operational impacts (e.g., soil subsidence and erosion associated with the re-introduction of significant volumes of water directly adjacent to the O'Connells' residence). The Draft EIS/EIR must be revised to acknowledged and address these issues.

b. The Draft EIS/EIR provides that "the use of a temporary shoring system will need to be evaluated as sheet piles may not be sufficient to excavate to the depths currently anticipated for the bypass. Additional geotechnical investigations will be needed to better understand the subsurface soil and rock characteristics along the bypass alignment. This could have significant cost impacts during Project construction." By their own admission, the Agencies are deferring in-depth consideration of a fundamental component of the Project-construction methodology. As in Comment 1.a, this is legally inadequate. The Draft EIS/EIR must be revised to describe the potential scenarios and outcomes associated with this issue, and to compare the environmental impacts associated with those outcomes throughout the EIR.

c. The description of the Allen Park Riparian Corridor is wholly deficient. Initially, the Draft EIS/EIR fails to describe the existing environment in sufficient detail to allow the reader to understand what physical changes will occur with construction of the Allen Park Riparian Corridor. The Draft EIS/EIR states that Riparian Corridor will be constructed at Frederick P. Allen Park. Remarkably, the Draft EIS/EIR is completely silent about what will happen to the existing park setting. There is no description or estimate of the number of trees that may need to be removed, for example, or the potential loss of useable recreation area. Further, the Description of Alternatives provides that the Riparian Corridor "would include a widened, native substrate channel that allows higher flows to spread over a larger area …." Draft EIS/EIR p. 3-7. Presumably, implementation of a "native substrate channel" involves removal of the existing concrete channel in this area, though this is not described anywhere.

The various tables describing the construction activities provide no additional information. Table 3-3 – Construction Measures for Each Alternative identifies the following as the "Phase 1 (Unit 3)" construction activities: "Prepare site (grade changes, clearing and grubbing, tree removal); Construct Allen Park Riparian Corridor; Remove existing Denil fish ladder and replace with smooth transition between Units 3 and 4." Each of these activities sounds benign enough, if vague, until compared to Table 3-5, which notes

(without explanation) that these activities will require use of, e.g., articulated haulers, earth moving dozers, dump trucks, and various types of excavators, loaders, and soil compactors. The Description of Alternatives must be revised to properly describe the scope of construction associated with the Allen Park Riparian Corridor, as well as the alleged "operational" benefits of removing an existing concrete channel that has not overflowed in the past and replacing it with an incomplete alternative. See Draft EIS/EIS, App.A, p. 50 ("Further refinements are being developed for the Allen Park Riparian Corridor by the District and could be incorporated into the Recommended Plan. As a result, some design elements (e.g. floodwalls) may change prior Preconstruction Engineering and Design (PED) for the Recommended Plan. The Recommended Plan will be updated based on the R&U analysis that will be conducted.

d. The Draft EIS/EIR states that funding has yet to be secured for the Unit 4 Bypass, which means that, if Alternative J is selected as the Project, there is a legitimate possibility that only "Phase 1" of the Project will be constructed. Phase 1 includes the removal of the Denil fish ladder and the construction of the Allen Park Riparian Corridor only. Since the Draft EIS/EIR has expressly acknowledged the possibility that only Phase 1 will be constructed, it must separately analyze and mitigate the potential environmental effects of Phase 1. Otherwise, the Draft EIS/EIR fails to inform the public and decision makers of the potential consequences and tradeoffs of selecting Alternative J. This is particularly important here because, absent the Unit 4 Bypass, the upstream conditions that have resulted in the most significant flooding during past flood events will remain unaddressed while the one component of the existing flood management system that has not failed during past flood events – the concrete channel in Unit 3 – will be removed and replaced by a new and untested Riparian Corridor.

2. The Description of the Existing Setting is Inadequate.

Pursuant to CEQA Guidelines § 15125(a), an EIR "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." See also 40 C.F.R. § 1502.15 ("The environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration."). The Draft EIS/EIR fundamentally fails in this regard.

Generally, the Draft EIS/EIR fails to identify the number of buildings and habitable structures that are impacted under the current conditions in the event of a 10-year, 25-year, or 100-year flood event. The failure to include this information means that the environmental analysis fails to compare impacts to structures under the existing conditions to the impacts that would occur under

the Project. Without this information, the public and decision-makers are left to guess whether the Project will actually improve conditions.

More specifically, the Draft EIS/EIR fails to describe in any detail the existing conditions in the area where the Allen Park Riparian Corridor is proposed to be constructed. This includes the existing park and recreational pathways that connect Ross to Kentfield along the existing culvert, as well as the residences, including the O'Connells' residence, on the other side of the channel. The existing environmental includes a significant number of mature trees on both sides of the creek. In particular, the existing trees and vegetation on the side of the Sir Francis Drake Blvd.-side of the creek serve as a forested curtain that provide noise and privacy screening for the residents along this stretch. The failure to properly describe this setting results in the Draft EIS/EIR ignoring potential environmental impact, including but not limited to aesthetic and noise impacts, as further discussed below.

3. The Draft EIS/EIRs Reliance on Avoidance and Minimization Measures is Not Permitted by CEQA.

Throughout Chapter 4 of the Draft EIS/EIR, the document includes "Avoidance and Minimization Measures" under the analysis of environmental consequences. The Draft EIS/EIR relies upon these Avoidance and Minimization Measures to reach the various environmental significance determinations. In other words, the Avoidance and Minimization Measures are essentially included as part of the Project and the significance determinations assume the measures will be implemented. This analytical approach fails for several reasons.

First, the general inclusion of Avoidance and Minimization Measures as part of the overall Project is not permitted under CEQA. Pursuant to *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656, measures designed to reduce or mitigate impacts cannot be incorporated as part of the Project where doing so results in the EIR's failure to disclose significant impacts and the effectiveness of mitigation measures in reducing those impacts. Here, by assuming the Avoidance and Minimization Measures are part of the Project for purposes of the impact analysis, the Draft EIS/EIR has failed to disclose the true impacts of the Project and to separately determine the feasibility of the Avoidance and Minimization Measures to reduce impacts. Further, the Avoidance and Minimization Measures have not been incorporated into the Mitigation Monitoring and Reporting Program, which means they are not legally enforceable pursuant to CEQA. See CEQA Guidelines § 15126.4(a)(2) ("mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments."). As structured, the Avoidance and Minimization Measures are essentially optional, and the Agencies would be free to ignore those measures if they prove inconvenient.

The Draft EIS/EIR also lacks substantial evidence concerning the feasibility of the various Avoidance and Mitigation Measures, and simply assumes, in remarkably abbreviated analysis, that the measures are not only feasible, but will reduce the Project's impacts to less than significant in

numerous instances. The analysis of Impact GEO-3 is but one example of this improper approach. Pursuant to Impact GEO-3, the Project would have a potentially significant impact if it would "result in substantial soil erosion or the loss of topsoil." In discussing whether the Project's implementation, rather than construction, would have such an impact, the Draft EIS/EIR provides only the following: "Each of the alternatives could directly or indirectly result in accelerated soil erosion." The analysis fails to disclose how this might occur, or where along the Project path such erosion is most likely to occur. For example, the Project proposes to re-introduce large volumes of water from the Unit 4 Bypass into the creek at the new Riparian Corridor, which includes construction of a "native substrate channel." The Draft EIS/EIR fails to discuss how the deposition of this large volume of water might impact or accelerate soil erosion in this area once the exiting concrete channel is removed.

As if the short-hand analysis of this issue was not bad enough, the Draft EIR then concludes that "implementation of AMMs would result in a less than significant impact for all action alternatives." However, the Draft EIS/EIR fails to explain how these (unenforceable) measures will actually achieve this goal. There is absolutely no discussion of the feasibility of the various Avoidance and Minimization Measures; nor does the Draft EIS/EIR include any substantial evidence concerning these measures feasibility.

In addition, many of the Avoidance and Minimization Measures amount to improper deferred mitigation under CEQA. Pursuant CEQA, formulation of mitigation measures should not be deferred to a future date unless measures include a specific, enforceable performance standard. See e.g., *Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 525. The Avoidance and Minimization Measures include numerous examples where the sole obligation is to develop a future plan. See e.g., AMM-GEO-1, AMM-GEO-3. Such future plan obligations have been consistently rejected by the courts as inadequate under CEQA. See e.g., *Endangered Habitats League, Inc. v. County of Orange* (2005) 141 Cal.App.4th 777, 793-394 (mitigation of construction impacts inadequate because it merely required a report to be prepared for county approval without setting any standards). This issue is exacerbated here since the Avoidance and Minimization Measures are not legally enforceable as mitigation measures under CEQA, meaning the Agencies have not only deferred the development of the measures designed to mitigate Project impacts, but have not committed themselves to actually implement these measures.

To address these issues, the Draft EIS/EIR needs to be revised and recirculated to include analysis of the Project's impacts both with and without the Avoidance and Mitigation Measures. See *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 185 (incorporation of Transportation Service Plan into project description did not violate CEQA where EIR disclosed and analyzed impacts to transportation and traffic both with and without plan). Further, the analysis needs to be expanded to demonstrate the feasibility of these measures, in particular in the context of the specific Project-features the Agencies have selected as part of the Agency Preferred Alternative (e.g., the Riparian Corridor). Finally, to the extent the Avoidance and Minimization Measures are required to be implemented pursuant to a separate

regulatory scheme (i.e., an NPDES permit) or are necessary to mitigate the Project's impacts to less than significant, the measures must be incorporated into the Mitigation Monitoring and Reporting Program and made separately legally enforceable.

4. Specific Comments on Chapter 4.

   a. 4.1 Hydrology and Hydraulics

      i. Section 4.1.3.2, Methodology for Impact Analysis and Significance Thresholds, states that "Alternative J was designed to provide a flood protection for 4% AEP Flood events within and upstream of the Frederick S. Allen Park (Allen Park) Riparian Corridor, but downstream of the Allen Park Riparian Corridor was not." However, there is no explanation why this decision was made or discussion of the potential consequences of such decision. See App. A, § 8.3. The Draft EIS/EIR must be revised to address this issue.

      ii. Neither Section 4.1.3.3 Effects and Mitigation nor Appendix A seems to provide information concerning the volume of water that will be diverted through the Unit 4 Bypass and reintroduced to the creek at the newly constructed Riparian Corridor. The reintroduction of large volumes of water in this area combined with the removal of the existing concrete barrier has the potential to affect the nearby natural berm through accelerated soil subsidence and erosion. Without information concerning the volume of reintroduced water, it is impossible to evaluate these concerns.

      iii. Based on a comparison of Plates 4 (Alternative A) and 5 (B) to Plates 6 (F), 7 (G) and 8 (J) in Appendix A, it is not clear how construction of the Riparian Corridor improves potential flood conditions in the area surrounding the Riparian Corridor. Plates 6-8 appear to show 4% ACE Flood depths of up to 3-5 feet in the area of the Riparian Corridor (though admittedly the color scheme makes the Plates difficult to read), whereas Plates 4 and 5 appear to show no 4% ACE Flood depths without the Riparian Corridor. The discussion in Section 4.1.3.3 ignores this issue and instead focuses on the purportedly improved conditions downstream from the Riparian Corridor. However, Plate 8 seems to indicate that the 4% ACE Flood depths downstream in the area of College of Marin are the worst under Alternative J, presumably because of the unexplained decision not to design to the 4% AEP Flood standard under Alternative J. The Draft EIS/EIR needs to better explain why Alternative J is the Agency Preferred Alternative in light of this information.

   b. 4.4 Air Quality

i. As noted above in Section 1, the failure to identify the construction methodology for the Unit 4 Bypass makes any assessment of construction-related air emissions legally inadequate. Nevertheless, the Draft EIS/EIR purports to analyze construction-related emissions. Since the Draft EIS/EIR has failed to identify the construction methodology for the Unit 4 Bypass, this information appears to be mostly speculative and therefore in adequate for purposes of assessing the actual scope of the air quality impacts associated with the Project. Thus, the Air Quality analysis needs to be revised and recirculated to identify and compare the various methodologies under consideration, and to identify mitigation as necessary. Only by including such information can the public and decision-makers have the appropriate level of information to select between the various Alternatives.

ii. The Draft EIS/EIR focuses solely on emissions from construction equipment. However, lengthy traffic delays resulting in significant increases in idling time are a reasonably foreseeable impact of the Project. Specifically, by proposing to construct the Unit 4 Bypass under a very busy, two-lane thoroughfare for which there are virtually no alternative routes, Alternatives G, H, and J will cause significant traffic delays that are not inherent in Alternatives A and B. Such delays will result in an increase in vehicle idling time, which will result in an increase in air emissions, in particular diesel particulate matter. Thus, when compared to Alternatives A and B, Alternatives G, H and J will have greater impacts to air quality during the construction period. The Air Quality analysis needs to be revised and recirculated to include this information and consider any appropriate mitigation. Otherwise, the public and decision makers lack he necessary information to make informed choices between the various Alternatives.

c. 4.8 – Aesthetics

i. Page 4.8-14 includes the following statement: "Because additional mitigation measures for Impacts AES1-1 and AES-2 are not feasible beyond the existing AMMs, significant impacts were determined to be significant and unavoidable." This statement is problematic for several reasons. First, no AMM AES-2 is identified. Second, in Table 3-7, no AMMs are identified for Aesthetics whatsoever. Third, there is no analysis or substantial evidence supporting the statement that "additional mitigation measures … are not feasible;" therefore, the Draft EIS/EIR must be revised and recirculated to either change this conclusion or provide an explanation. See Comment 3. That explanation must include what mitigation measures might have been found to be infeasible and why.

ii. The impact analysis includes numerous statements concerning Project activities that are not included in the Project description, creating an unstable project description, uncertainty concerning what activities the Project will undertake, and

confusion as to the scope of the Project impacts. For example, on p. 4.8-18, the Draft EIS/EIR states: "A tree survey would be completed prior to Project implementation **if tree removal would be required**, as determined during preconstruction engineering design. Revegetation along Sir Francis Drake Boulevard would be completed, and additional tree planting **could** be required elsewhere to accommodate local policy." (Emphases added). While tree removal is identified as a potential Project component in Table 3-3, this statement makes it seem as if tree removal is not a certainty. Instead, the decision concerning tree removal will apparently be made by engineers, without opportunity for public comment and the consideration of potential mitigation measures. Further, the analysis provides that trees "could be" replaced elsewhere according to local policy, a possibility not included in the Project Description. The analysis also fails to identify the local policy in question, fails to identify the "elsewhere" trees might be planted and the potential aesthetic impacts associated with those locations, and fails to explain the process by which all of these decisions will be made.

Page 4.8-18 also includes the following statement: "Grading of the park would require removal of trees and other vegetation. **The park would be revegetated with native riparian habitat with species similar to those in Unit 4, with a less dense canopy to maintain a "park-like" appearance**." Again, this statement is found nowhere in the Description of Alternatives, creating uncertainty as to whether this work is a component of the Project or is being proposed as a form of mitigation. Further, there is no explanation concerning the types of "native riparian habitat" that would be used to revegetate the park, who gets to make the decision concerning the appropriate denseness of the tree canopy, and what opportunity the public will have in commenting and shaping these very vague activities. Further, the proposed floodwalls along the creek in the area of the Riparian Corridor will have underground foundations and footings, ensuring that the only feasible replacement vegetation will be shallow-rooting trees and plants. The Draft EIS/EIS fails to acknowledge this fact, identify the type of shallow-rooted trees and plants that might be viable in this changed environment, or analyze the potential aesthetic impacts associated with this change.

The Draft EIS/EIR needs to be revised and recirculated to explain whether these and other statements are meant to be components of the Project, the details concerning these activities, who the decision-makers will be since the Agencies lack jurisdiction over these matters, and what opportunities there will be for public involvement.

iii. The analysis fails to consider the aesthetic impacts to the neighbors, including the O'Connells, who will be impacted by the implementation of the Riparian Habitat. The existing trees and foliage on the Sir Francis Drake Blvd.-side of the creek serve

as a forested curtain providing privacy and noise reduction for the residents along this stretch. The removal of the trees will substantially degrade the visual quality of this area and create an essentially barren stretch of land. The analysis needs to be revised to address this issue, both as a short-term construction impact and a long-term "operational" impact. The fact that the floodwalls will limit the types of trees and foliage that will be able to be planted along this stretch post-project only exacerbates the O'Connells' concerns. Further, the Draft EIS/EIR needs to include mitigation requiring implementation of natural privacy screening during construction (e.g., through use of mature potted trees and plants) as well as the permanent replacement of trees and vegetation on private property impacted by the Project, in particular the construction of the Riparian Habitat. Such mitigation is facially feasible and therefore must be considered.

d. 4.10 Noise

i. The analysis for Impact NOI-1 identifies Mitigation NOI-1 but concludes that, even with implementation of this measure, the impact would be significant and unavoidable. As noted above, the O'Connells' residence is located immediately adjacent to the District-owned parcel identified for use as the re-entry point for the Unit 4 Bypass. The parcel is in such close proximity to their home that they have used it for parking, with the District's permission, since they purchased the home in 2003. Additional feasible mitigation must be considered and adopted, such as funding the temporary relocation to local hotels or AirBNBs for receptors such as the O'Connells who will be most affected by the construction noise.[4]

CONCLUSION

For the foregoing reasons, as well as for the reasons stated in other comment letters on the Draft EIS/EIR which are incorporated herein by reference, the Draft EIS/EIR must be revised and recirculated so the public and decision makers can understand the actual environmental effects from the Project.

Sincerely,

Todd W. Smith

Cc: [redacted]

[4] This mitigation measure has been found feasible for other California projects involving significant construction noise. See https://psbweb.co.kern.ca.us/UtilityPages/Planning/EIRS/oil_gas/DraftEIR/Oil_Gas_DEIR_Vol1_Complete.pdf.

[redacted]

VIA U.S. MAIL AND EMAIL (Corte.Madera@usace.army.mil)

Comments Submitted by:

[redacted] [Ross Property Owner]

[redacted] [Kentfield Prop. Owner]

November 27, 2018

U.S. Army Corps of Engineers, San Francisco District
Attn: Cynthia Jo Fowler
1455 Market Street
San Francisco, CA 94103-1398

Re: Corte Madera Creek Flood Risk Management Project Draft EIS/EIR Comments

Dear Ms. Fowler:

The following are our comments relating to the Corte Madera Creek Flood Risk Management Project Draft EIS/EIR.

Comment 1. The Project as described in the DEIS/EIR Is Not Authorized Under the Water Resources Development Act of 1986

The Project is represented in the DEIS/EIR as being authorized under the Water Resources Development Act of 1986 (PL 99-862, Section 823. However, the Project appears to be outside the WRDA authorization. At page 2-3 under "Universal Constraint" it is stated that the project design, construction, and operations and maintenance must comply with applicable federal law. At page 1-7 it is stated that "[T]he scope of the GGR is to formulate effective, efficient and environmentally acceptable plans with a focus on completing Unit 4 in accordance with the existing Project Authorization." At page 2-3 it is stated that "Based on the preliminary authority analysis, all project features are limited to Unit 4, including any downstream or upstream modifications required to fully implement completion of Unit 4.

The Water Resources Development Act (WRDA), as is stated at page 1-4 of the DEIS/EIR, provides that:

"The project for flood control on Corte Madera Creek, Marin County, California, authorized by section 201 of the Flood Control Act of 1962 is modified ***to authorize and direct the Secretary to construct the project for Unit 4, from the vicinity of Lagunitas Road Bridge to Sir Francis Drake***

Boulevard, substantially in accordance with the plan dated February 1977 on file in the office of San Francisco District Engineer. The plan is further modified to authorize and direct the Secretary to construct such flood-proofing measures as may be necessary to individual properties and other necessary structural measures in the vicinity of Lagunitas Road Bridge to insure the proper functioning of the completed portions of the authorized project. *The project is further modified to eliminate any channel modifications upstream of Sir Francis Drake Boulevard."[Emphasis added.]*

The Plan Dated February 1977 on File in the Office of San Francisco District Engineer (the Royston Plan) sets forth the Study Area Description as:

> "The area analyzed and described in this report extends upstream along Corte Madera Creek from the present termination of a concrete channel, 700 feet south or downstream from Lagunitas Bridge, north to the Sir Francis Drake Boulevard Bridge, a distance of approximately 3,000 feet. Also included in the study is the section of Ross Creek from its confluence with Corte Madera Creek west to the Shady Lane Bridge. The study boundaries coincide with the flood plain of Corte Madera Creek.
>
> The study area consists of 70 acres (.11 square miles) and includes 52 residents, the Ross Town Hall, Fire Station and United States Post Office – Ross Station. The Ross business area lies just south of the study area. The population of the study area is approximately 150 out of about 2,700 people in Ross." [Royston Report, Page 3]

At page 6 of the Royston Plan it states that "In preparing a study for the Unit 4 section of Corte Madera Creek the Design Team was directed to:

> "2. Systematically narrow the number of concepts examining the citizens' views, cost to benefit ratios, and other pertinent factors. The Team shall recommend a positive means to achieve such protection. **A flood control channel has been constructed on Corte Madera Creek from San Francisco Bay upstream to approximately 700 feet below the Lagunitas Bridge. The proposed methods of flood protection shall utilize the constructed portion of the channel."** [Royston Report, page 6]. [Emphasis added.]

Finally, the "Recommended Plan" is described at pages 77 to 83 of the Royston Plan and summarized in the Conclusion:

> "The recommended Final Plan (alternative 3a) accomplishes the aim of funneling 100 year flood waters into existing concrete channels while protecting all houses in the Study Area from the 100 year flood." [Royston Report, page 94]

The Project as described in the DEIS/EIR appears to conflict with the WRDA authorization provisions on multiple points, including, but not limited to, the following: (i) the WRDA authorizes and directs the Secretary to construct the project for Unit 4, from the vicinity of Lagunitas Bridge to Sir

Francis Drake while the Project includes construction in Unit 2 and 3 that are outside of the area stated in the WRDA; (ii) the study area of the plan referenced in the WRDA is limited to Unit 4 while the Project study area includes Unit1, Unit 2 and Unit 3 in addition to Unit 4; (iii) the plan referenced in the WRDA is limited to Unit 4 while the Project includes Unit 1, Unit 2, and Unit 3 in addition to Unit 4; (iv) the plan referenced in the WRDA directs that "the proposed methods of flood protection shall utilize the constructed portion of the channel while the Project includes the demolition of the channel in Unit 3; and (v) the Project as described in the DEIS/EIR is not substantially in accordance with the Plan or the Recommended Plan 3a.

The DEIS/EIR must be revised to include the preliminary authorization analysis referred to at page 2-3. Further the DEIS/EIR must be revised to add the issue of "whether the Project is authorized under the Water Resources Development Act of 1986" to the Areas of Controversy and Unresolved Issues Sections.

Comment 2. The Project Described in the DEIS/DEIR is Not the Same Project Described in the Notice of Preparation/Notice of Intent and at the Scoping Meeting

The fundamental purpose of the National Environmental Quality Act ("**NEPA**") and the California Environmental Quality Act ("**CEQA**") is to provide the public and decision-makers with adequate information on the potential environmental impacts of a project before it is approved. The courts have repeatedly held that public involvement is critical to the environmental review process and have required public agencies to revise and recirculate environmental review documents where information shared with the public was inadequate to allow public involvement.

In this case, the Corps significantly revised the Project—to include the Frederick Allen Park Riparian Corridor and add two approximately 2,400 foot long bypass tunnels under Sir Francis Drake Boulevard—after issuance of the Notice of Preparation/Notice of Intent ("**NOP/NOI**") and the Scoping Meeting. The Frederick Allen Park Riparian Corridor would sacrifice a Town park with mature trees, and eliminate noise barriers and visual screening between the Town and homes along Sir Francis Drake Boulevard, for the sake of flood control without a clear understanding of its costs or benefits. The bypass tunnels would create havoc, identified in the DEIS/DEIR as significant and unavoidable, along the main arterial road in the area. These are not minor revisions.

Both CEQA and NEPA require that a project description contain sufficient detail to allow adequate review and analysis of environmental impacts, a requirement that cannot be met here given that fundamental changes to the Project were made after the NOP/NOI and the Scoping Meeting. As the courts have explained, an accurate, stable, and finite project description is the sine qua non of an informative and legally sufficient EIR. Further, under CEQA, the environmental review included in the initial study must include the entire project under consideration. The project description in the DEIS/DEIR fails to meet these standards. The DEIS/EIR must be revised and recirculated.

cc: Ross Town Council, Ross Town Manager, Ross Town Engineer

U.S. Environmental Protection Agency, NEPA Review Office

[redacted]

VIA U.S. MAIL AND EMAIL (Corte.Madera@usace.army.mil)

Comments Submitted by:

[redacted] [redacted] [redacted]

[Ross Property Owner] [Kentfield Prop. Owner]

November 27, 2018

U.S. Army Corps of Engineers, San Francisco District
Attn: Cynthia Jo Fowler
1455 Market Street
San Francisco, CA 94103-1398

Re: Corte Madera Creek Flood Risk Management Project Draft EIS/EIR Comments

Dear Ms. Fowler:

We reside at [redacted] Sir Francis Drake Boulevard in the Town of Ross. Our property fronts on Sir Francis Drake Boulevard (SFDB) and is contiguous with the Marin County Flood Control District's parcels that form the westerly boundary of the proposed Riparian Corridor. Our property along with the property of our neighbors along SFDB are the most directly impacted private properties by the proposed Project. Hugh and Luanne Cadden who are Ross property owners and Tom and Jac Cadden who own property on Stadium Avenue in Kentfield are submitting these Comments as well.

On October 26, 2018, we sent a request to the USACE requesting that the 45-day comment period be extended for 15-days, from November 27 to December 12, so that we would have more time to adequately review and respond to the 500 page report and the 500 page Appendices of technical information and data. On October 27, one day later, our request for an extension was summarily denied. Given the November 27, 2018 deadline, we are submitting the following comments and reserve the right to provide further comments. We are also not waiving our right to challenge the inadequacy of our opportunity to review and comment on the DEIS/EIR.

The following are our comments. We are providing these comments with the expectation that the DEIS/EIR will be revised and recirculated so that we along with the broader public can have an adequate opportunity to review and provide input on the proposed Product.

A. The DEIS/EIR Does Not Provide Adequate Information to Allow Meaningful Public Comment

The environmental impacts relating to the Project as described in the DEIS/EIR cannot be adequately understood or evaluated because the level of information and analysis provided in the DEIS/EIR is insufficient, inadequate, inconsistent and conflicting.

Based on our review of what little information is provided, it appears: (i) that significant and unavoidable impacts are treated as less than significant; (ii) that significant and unavoidable impacts are acknowledged without analysis or mitigation proposals; (iii) that significant and unavoidable impacts are simply not acknowledged; and (iv) that the analyses across the major elements are incomplete and inconsistently applied.

The issues discussed below must be analyzed before the public can meaningfully participate in the environmental review of the Project.

Comment 1. Allen Park Riparian Corridor. The Allen Park Riparian Corridor is so generally described that it is inadequate for the purposes of identifying and evaluating the resulting environmental impacts. Alternatives F, G and J call for the demolition of the channel, the widening and reconfiguration of the creek bed, the removal of hundreds of trees and the creation of a park in the floodplain. Without some idea as to the elevations, topography, and distances, it is impossible to adequately identify and evaluate the onsite and offsite environmental impacts. The DEIS/EIR must be revised to include plans and maps showing the elevation, topography and distance details for the entire Riparian Corridor area.

Comment 2. Allen Park Riparian Corridor. The cross sections provided in Appendix I, Civil Design, Attachment 4 are insufficient and inadequate to identify and evaluate the environmental impacts relating to the Riparian Corridor. There are too few and they lack the necessary detail. Additional and more detailed cross sections are needed to better understand the extent of concrete channel removal, grading, excavation, slopes, elevations, and installation of new retaining walls and flood walls in the Allen Park Riparian Corridor. The DEIS/EIR must be revised to include at least four cross sections that reflect the concrete channel removal, grading, excavation, slopes, elevations, and installation of new retaining walls and floods in the Allen Park Riparian Corridor.

Comment 3. Water Quality: WQ-1: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality. The removal and relocation of the existing 39 inch sewer line is a significant and unavoidable impact to water quality. While the existing and functioning sewer line is located outside the eastern side of the channel, the new channel will be undergrounded somewhere in the Riparian Corridor flood plain. The potential environmental impacts on water quality and habitat are obvious. The removal and relocation of the sewer line is not analyzed in the DEIS/EIR. The DEIR/EIR must be revised to include an analysis of the environmental impacts associated with the relocation of the sewer main in the riparian corridor floodplain and mitigation proposals.

Comment 4. Water Quality. WQ-3: Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

With respect to Interior Drainage, the environmental impacts relating to Alternative J cannot be adequately understood or evaluated because the level of information and analysis provided by the DEIS/EIR is insufficient, inconsistent, conflicting and constitutes piecemealing. At page ES-3 under Water Quality it is stated that the water quality analysis in the DEIS/EIR evaluates the effects of the proposed Project on: "… impacts resulting from construction of storm drainage facilities."

Yet on the next page, ES-4, when discussing drainage, it is stated that "These floodwalls would prevent or reduce creek flood flows into the floodplain but may impede flood flows of the existing interior drainage systems, resulting in the need for additional facilities to relieve flooding within the floodwalls. The current level of design for the action alternatives is not sufficient to predict accurately requirements for such facilities. Construction could cause significant impacts to biological resources, water quality, traffic, noise quality and other resources. Until the design of the project progresses further, neither the extent of impacts nor the ability to avoid or mitigate them can be known. The construction of new storm water drainage facilities or expansion of existing facilities could cause significant environmental effects."

Finally, in Appendix Q, Screening Measures, at page Q-5 it states "Interior Drainage (Dropped). All FRM projects have residual risk associated with them. Modification of the interior drainage system is one way to plan for and reduce residual risk. The PDT has determined that this measure will not effectively meet the project objectives at this project site." In the accompanying Table F-1 at page Q-8 which summarizes the screening criterion and outcomes of the measures for the Project, Interior Drainage is rated as "Low Effective; Low Efficiency; High Acceptable; Carry Forward No; and Notes- Does not address objectives."

How can the interior drainage environmental impacts be adequately identified and evaluated without a plan. The DEIS/EIR must be revised to include a plan of the interior drainage system including but not limited to the locations of pumps; and the levees and floodwalls. The DEIS/EIR must also be revised to include an analysis of the associated environmental impacts and mitigation proposals.

Comment 5. Aesthetics: Riparian Corridor – AES – 1: Substantially degrade the existing visual character or quality of the study area and its surroundings. AES – 2: Have a substantial adverse effect on a scenic vista.

The Aesthetic impacts are treated as "less than significant" and not indicated as significant and unavoidable in Table – ES-1. The impacts to the existing visual character and scenic vistas are clearly significant and unavoidable impacts. The existing Town of Ross Park as well as the eastern side of the channel is wooded with several hundred trees providing shade, a canopy over the entire area and parklike vistas. Alternative F, G and J call for the transformation of the Frederick Allen Park area, a level, forested park area into a floodplain. Further, it proposes to remove trees in the existing Frederick Allen Park and to remove all trees and vegetation on the eastern SFDB side of the proposed corridor from the fish ladder to the Ross Kentfield border leaving all the homes on the eastern SFDB side without the existing wooded vista and privacy barrier. The DEIR/EIR must be revised to acknowledge these Aesthetic impacts as significant and unavoidable and include an analysis of the environmental impacts and mitigation proposals.

Comment 6. Land Use: Riparian Corridor – LND 4. Result in permanent conversion of existing land uses. Land Use impacts for Alternatives F, G and J are considered to be "less than significant" and not indicated as significant and unavoidable in Table ES-1.

Alternatives F, G and J clearly result in the permanent conversion of existing land uses. Town of Ross properties that are park and recreation are being converted to floodplains and District properties that are used for flood control are being converted into park and recreation. A level forested, Town owned community park is being converted into a flood control feature. Permanent and temporary easements for a range of uses are proposed. In addition, a 39 inch sewer line is proposed to be undergrounded in the Riparian Corridor. These land use conversions are significant. The DEIS/EIR must be revised to acknowledge the land use impacts as significant and unavoidable and to include an analysis of the land use impacts and mitigation proposals.

Comment 7. Noise and Vibration: NOI-2: A substantial temporary or periodic increase in ambient noise levels in the project vicinity, above levels existing without the project. While construction noise is identified as significant and unavoidable and mitigation measures proposed, there is no analysis of the noise impacts for Alternatives F, G and J related to the anticipated increase in recreation use or the offsite noise impacts on the easterly SFDB properties. At present the ambient noise associated with the existing pedestrian and bicycle path and the tennis courts are muted by the tree cover and east side embankment trees and foliage, all of which will be removed essentially to the eastern shared property line with the District. The proposed widening in the Riparian Corridor brings the park and noise closer to the SFDB residences while at the same time removing the trees and foliage that mute ambient noise. Neither the onsite or offsite operational noise impacts which are significant and direct have been analyzed. The DEIS/EIR must be revised to acknowledge the onsite and offsite operational noise impacts as significant and unavoidable and to include an analysis of the operational onsite and offsite noise environmental impacts and mitigation proposals.

Comment 8. Public Health and Safety. Alternatives F, G and J include the creation and operation of a public park and recreation element that is proposed to be situated in an active floodplain and could increase the recreation use. There is no analysis of the resulting impacts on public health and safety which are significant and well known. Marin County's recently released report on County homelessness finds desperately needed shelter shrinking. Further, this time last year Boyd Park in neighboring San Rafael was closed for thirty days because of chronic well documented daytime drug activities by homeless park visitors. The current channel is lined with graffiti that evidences unchecked, nighttime vandalism within fifty or so feet of the SFDR properties. Public park and recreational use impacts are known to include increased policing requirements and to burden limited municipal and county resources. The DEIS/EIR must be revised to include an analysis of these public health and public safety impacts.

B. Offsite Environmental Impacts of Allen Park Riparian Corridor on the adjacent SFDB Properties

Comment 9. Riparian Corridor and SFDB Properties. The properties located at 1 SFDB, 3 SFDB, 11 SFDB and 15 SFDB are at ground zero in terms of the construction and operation of the Riparian Corridor and park and are directly and significantly impacted by the proposed Riparian Corridor and park. Yet there is no analysis of the offsite impacts on these properties.

The eastside boundary of the proposed Allen Park Riparian Corridor is a north-south shared boundary line between the District owned parcels and the rear boundary lines of five private residences that are located at 1 SFDB, 3 SFDB, 11 SFDB, and 15 SFDB. These parcels front on SFDB and the residences and/or outdoor living areas are situated only a matter of some feet from the shared boundary line with the District. In fact, the District's renderings show the boundary line touching one of the residences. The area between the top of the existing channel and the shared boundary lines from the fish ladder to the Ross Kentfield border is densely planted with trees and foliage that are essential to privacy and safety; muting the ambient noise from the tennis courts and the pedestrian/bike path; and providing shade and wooded vistas.

In addition, the north-south shared boundary line is marked by a depression which is narrow at the fish ladder end and widens and deepens as it goes in the down steam direction forming a drainage channel that terminates at a channel intake culvert at the northwest corner of 1 SFDB. Historically, apart from overtopping at the fish ladder, storm water flows from SFDB over these properties to the low point depression, moves in the downstream direction towards the intake culvert which allows the flow to reverse impeding drainage creating the water in the drainage channel to rise.

During an outreach meeting with the SFDB property owners, District representatives walked the properties with the property owners; staked some areas of the shared boundary line area to indicate approximate "top of floodwall" elevations and staked the approximate 15-foot setbacks; and discussed the elevation, topography, screening, noise and drainage issues and concerns. The approximate elevations of ground to top of flood wall on the stakes ranged from 2.1 feet at 15 SFDB rising to 12.9 feet at 3 SFDB. The approximate staked location of the floodwall ranged from 10 feet east of the existing channel at 15 SFDB to 45 feet at 3 SFDB. District staff also provided the property owners with cross-sections of their properties which indicated possible flood mitigation consisting of a culvert and landfill. This document is not in the DEIS/EIR.

Finally, the 39-inch sewer line that is required to be removed and relocated is currently located between the east wall of the cement channel and the District SFDB shared boundaries. It runs from the fish ladder area to the Ross Kentfield border. The location of the exiting 39-inch sewer line is under the current embankment which forms the western side of the internal drainage ditch. The DEIS/EIR must be revised to acknowledge the offsite environmental impacts on the SFDB properties as significant and unavoidable and to include an analysis of the offsite environmental impacts on the SFDB properties and mitigation proposals. Further, the DEIS/EIR must be revised to include a plan and cross sections that show the location, elevation and topography of the top of floodwall and the area between the top of floodwall, the 15 foot setback and the shared District SFDB property lines.

Comment 10. Water Quality: **Riparian Corridor** – **AES** – 1: **Substantially degrade the existing visual character or quality of the study area and its surroundings. AES – 2: Have a substantial adverse effect on a scenic vista.**

Neither the offsite environmental impacts resulting from the Riparian Corridor on the SFDB properties internal drainage system or the possible mitigation culvert/fill is noted or discussed in the DEIS/EIR.

The proposed Riparian Corridor in Alternative F, G and J which entails the removal of the channel, the widening of the creek bed and the alteration of the embankment along the full length of the shared property lines will have significant and unavoidable impacts on the SFDB interior drainage system. The

DEIS/EIR must be revised to acknowledge the offsite environmental impacts on the internal drainage system on the SFDB properties as significant and unavoidable and include an analysis of the environmental impacts on the internal drainage and mitigation proposals.

Comment 11. Aesthetics: Riparian Corridor – AES – 1: **Substantially degrade the existing visual character or quality of the study area and its surroundings. AES – 2: Have a substantial adverse effect on a scenic vista.**

The offsite Aesthetic environmental impacts resulting from the Riparian Corridor on the SFDB properties are not addressed in the DEIS/EIR. These impacts on the SFDB properties are clearly significant and unavoidable. Alternatives F, G and J propose to remove trees in the existing Frederick Allen Park and to remove all trees and vegetation on the eastern SFDB side of the proposed corridor from the fish ladder to the Ross Kentfield border leaving all the homes on the eastern SFDB side without the existing wooded vista and privacy barrier. The DEIS/EIR must be revised to acknowledge the offsite Aesthetic environmental impacts on the SFDB properties as significant and unavoidable and to include an analysis of the offsite Aesthetic environmental impacts and mitigation proposals.

Comment 12. Land Use: Riparian Corridor – LND 4. Result in permanent conversion of existing land uses.

The offsite Land Use environmental impacts resulting from the Riparian Corridor on the SFDB properties are not addressed in the DEIS/EIR. These impacts on the SFDB properties are clearly significant and unavoidable. Alternatives F, G and J propose to create a floodplain flood and park element by moving the existing eastside of the concrete channel from the fish ladder to the Ross Kentfield border easterly toward the SFDB properties. The widening as staked by the District ranges from about 10 feet at 15 SFDB to about 45 feet at 3 SFDB. The widening will change the grade at the shared property line increasing the internal drainage on the SFDB properties. Further, the proposed staging will eliminate the use of virtually all of the outdoor areas on these properties. The DEIS/EIR must be revised to acknowledge the offsite Land Use environmental impacts on the SFDB properties as significant and unavoidable and to include an analysis of the Land Use environmental impacts on the SFDB properties and mitigation proposals.

Comment 13. Noise: Noise and Vibration: NOI-2: A substantial temporary or periodic increase in ambient noise levels in the project vicinity, above levels existing without the project.

The offsite Noise environmental impacts resulting from the Riparian Corridor on the SFDB properties are not addressed in the DEIS/EIR. These impacts on the SFDB properties are clearly significant and unavoidable. Alternatives F, G and J propose to remove trees in the existing Frederick Allen Park and to remove all trees and vegetation on the eastern SFDB side of the proposed corridor from the fish ladder to the Ross Kentfield border. The existing woods, tree canopy and foliage mute the ambient noise from the tennis courts and pedestrian and bicycle paths. Further, more paths are proposed in the floodplain which will be closer to the SFDB properties and lower in elevation thereby increasing the ambient noise at the SFDB properties. While the DEIS/EIR addresses the construction noises, it does not address the offsite noise impacts on the SFDB properties which are significant and unavoidable. The DEIS/EIR must be revised to acknowledge the offsite Noise environmental impacts on the SFDB properties as significant and unavoidable and to include an analysis of the Noise environmental impacts on the SFDB properties and mitigation proposals.

Comment 14. Staging and Relocation. With respect to the proposed staging and staging areas, the environmental impacts cannot be adequately understood or evaluated because the level of information and analysis are insufficient and conflicting. Given the construction schedule, equipment and tasks, the proximity of our homes, work schedules and small children sleep schedules and safety and the loss of outdoor living and play space, we may be unable to live in our homes and temporary housing may be necessary.

Proposed staging is discussed at Section 4.13.3.3 Effects and Mitigation. Under the heading Staging Areas, eight staging areas are identified and listed sequentially by Unit at page 4.13-9. There are none identified or listed on or near the subject SFDB properties. This conflicts with the information and maps contained in Appendix H, Real Estate Costs, Section 2.9 and Attachment 2 Preliminary Proposed Access Roads, and Staging Area Location, Plates which clearly show three proposed Staging Areas on or near 1 SFDB. 3 SFDB, 11 SFDB and 15 SFDB. The DEIS/EIR must be revised to include each staging area proposed to be located on 1 SFDB, 3 SFDB, 11 SFDB and 15 SFDB, the nature of the staging to be conducted and the dimensions of the area to be used for staging.

Comment 15. Temporary and Permanent Easements Alternative J - With respect to the proposed temporary and permanent easements proposed for Alternative J, the environmental impacts cannot be adequately understood or evaluated because the level of information and analysis provided by the DEIS/EIR is insufficient. The onsite and offsite environmental impacts cannot be adequately evaluated without the location of each easement and the nature of the easement. The DEIS/EIR must be revised to provide the location and type of each easement proposed for Alternative J.

C. Hydrology Models, AEP Levels and Removal of the Fish Ladder

Comment 16. Hydrology and Hydraulics. Appendix A, Hydrology and Hydraulics, summarizes the hydraulic assumptions used for the hydraulic modeling and the modeling outcomes for each of the Project action alternatives which are also mapped. The hydraulic analyses and modeling are incomplete and inconsistently applied and internally inconsistent.

With respect to the removal of the Denil Fish Ladder, while this is a common feature of all the action alternatives, there is no hydrological modeling design that relates to simply removing the fish ladder. At the public on-site held at Frederick Allen Park, District representatives were asked by numerous people whether they would run the model with just removing the fish ladder to determine what the flood reduction benefits would be. A District representative responded that they were and that it would be available soon. It is not provided in the DEIS/EIR. Given the cost estimates and the material difference in environmental impacts, it is likely that an action alternative with the removal of the fish ladder and the existing channel may be the least costly and most efficient with nest to no significant environmental impacts. Yet no such action alternatives were selected. The DEIS/EIR must be revised to include a new action alternative selection analysis that includes an action alternative consisting of the fish ladder removal element and retaining the concrete channel.

Comment 17: At page 48, Appendix A, it states that "[f]ive action alternatives (A, B, F, G, and J) were developed to address the need for flood control improvements to Unit 4 and related improvements to Units 3 and 2 of the Corte Madera Creek Flood Risk Management Project. All action alternatives except Alternative J are intended to increase the channel hydraulic capacity of the entire study reach to enable

it to contain discharges up to the 4% annual exceedance probability (AEP) flood event. Alternative J was designed to provide a flood protection for 4% AEP flood events within and upstream of the Allen Park Riparian Corridor, but downstream of the Allen Park Riparian Corridor was not." [Emphasis added.]

The comparative analysis of the action alternatives described in the DEIS/EIR and Appendix A, Hydrology and Hydraulics is flawed. Alternative J is designed to provide a flood risk reduction benefit for 4 percent AEP flood protection only within and upstream of the Frederick S. Allen Park Riparian Corridor and not the entire reach as was done with all the other action alternatives. This is comparing apples to oranges. A valid comparison requires that Alternative J be modeled for the entire reach and the related benefit cost ratio be determined. The DEIS/EIR must be revised to include a comparison of the flood risk reduction benefits for the 4 percent AEP flood event for all the action alternatives, including Alternative J, for the entire reach and the associated benefit cost ratio calculated for each action alternative.

Comment 18: At page 47 of Appendix A it states that "Risk and Uncertainty (R&U) has not been conducted on this project as of the TSP Milestone (August 2018). The team decided to forego the R&U analysis on each of the alternatives leading up to the TSP, and to instead apply R&U on the TSP. This decision was documented in the risk register and is discussed in Section 9.1.2. R&U will be conducted to optimize the assurance of the recommended plan. The analysis will follow the procedures from Engineering Manual (EM) 1100-2-1619, *Risk-Based Analysis for Flood Damage Reduction Studies* (USACE 1976) *and* ER 1105-2-101, *Risk Analysis for Flood Damage Reduction Studies (*USACE 2006).

The comparative analysis of the action alternatives described in the DEIS/EIR and Appendix A, Hydrology and Hydraulics is flawed and constitutes piecemealing. A valid comparative analysis requires that all action alternatives be subject to the R&U analysis now. Instead, the R&U is being deferred and then only applied to Alternative J. How can the comparative impacts and costs be identified and evaluated when the R&U analysis is deferred and only applied to Alternative J. Further, there is no Section 9.1.2 where the foregoing of the R&U analysis is referenced as being discussed. The DEIS/EIR must be revised to include the R&U analysis for all the action alternatives and to provide a comparative analysis of the respective results.

Comment 19: At page 52 of Appendix A it is stated that "[t]his alternative [J] does NOT include some of the features included in previous alternatives such as: RCB culverts at College Ave, College of Marin channel widening, or bench excavation. This alternative was formulated primarily to provide flood protection in Unit 4, so some features in Units 2 and 3 were removed from previous alternatives. For example, the RCB culverts at College Avenue were not included in this alternative. The culverts previously were used to reduce the water surface elevation and increase conveyance at College Avenue to reduce the height of the floodwalls needed in Units 2 and 3. Alternative J does not provide assurance of 3 feet throughout Units 2 and 3, whereas previous alternatives did provide assurance through Units 2 and 3. This alternative does not include floodwalls along both channel banks, and the channel overtops along the right bank upstream from College Avenue for the design 4% ACE flood. Alternative J does not provide assurance of 3 feet throughout Units 2 and 3, whereas previous alternatives did provide assurance through Units 2 and 3."

The comparative analysis is flawed. The action alternative design formulations are deliberately varied and different. Some features in Units 2 and 3 were removed from previous alternatives while Alternative J the TSP includes features in Unit 2 and 3. There is no basis provided for removing or

retaining features. How can the outcomes be compared? The DEIS/EIR must be revised to include a detailed explanation of the design formulations for each of the action alternatives.

Comment 20. Removal of the Denil Fish Ladder Design Modeling. The design features for the removal of the fish ladder should include the removal of the fish ladder and the transition smoothing and the existing cement channel instead of the Riparian Corridor; and the By-Pass. The second model would be the same but not include the By-Pass. The DEIS/EIR must be revised to include a comparison of the flood risk reduction benefits for the 10%, 4% and 1% AEP for Alternative J without the Riparian Corridor element, that is, instead of the Riparian Corridor the existing cement channel is used. The DEIS/EIR should be further revised to include a comparison of the flood risk reduction benefits for the 10%, 4% and 1% AEP of Alternative J without the Riparian Corridor element and without the By-Pass element, that is, instead of the Riparian Corridor the existing cement channel is used and the By-Pass is not included. Finally the DEIS/EIR must be revised to include a comparison of the flood risk reduction benefits for the 10%, 4% and 1% AEP for simply removing the fish ladder.

Comment 21. Hydrology and Hydraulics. Alternative J Without By-Pass – 4 percent AEP Modeling. With the publication of the DEIS/EIR we learned for the first time that a principal feature of the Flood Risk Reduction Project involves a 2200-foot SFDB underground by-pass culvert system. This By-Pass is not funded and will require an act of Congress to get funding. An unpredictable and time-consuming process at best.

Notwithstanding the associated delay and lack of probability with respect to funding, the entire environmental impact analysis of Alternative J is based on hydrological modeling that includes the SFDB by-pass. [Appendix A Hydraulics and Hydrology, Section 7.4.5, page 50.] This means that unless and until the by-pass is built, which could be many years or never, we will be building and operating a flood system that is in fact not providing the flood risk reduction benefits for a 4 percent AEP flood protection as designed and represented. In fact, without further modelling, we will not even know what the flood risk reduction benefits are during this period not to mention the environmental impacts. This could create real public health and public security impacts. The DEIS/EIR must be revised to include a comparison of the flood risk reduction benefits for the 10%, 4% and 1% AEP flood event for completing all of Alternative J compared with only completing the Phase 1 part of the Project.

D. Cost Engineering and Benefit-Cost Analysis of Alternative J – Mitigation and Sewer and Utility Relocation Costs

Comment 22. Cost Engineering and Benefit-Cost Analysis of Alternative J and Mitigation Costs. Table 2-Benefit Cost Analysis of Final Array of Alternatives at page 2-16 shows Mitigation costs as $0*. The asterisk is explained at the bottom of the Table as follows:

> " * The construction of Alternatives B, F and G include College of Marin widening. The construction of Alternatives F, G and J include Allen Park Floodplain Riparian Corridor. College of Marin widening and Allen Park Floodplain Riparian Corridor provide both conveyance and environmental benefits (i.e. incidental environmental outputs), such that there are no additional mitigation costs (e.g. offsite real estate) to construct these alternatives."

This is a conclusion and no analysis is provided in the DEIS/EIR to support the conclusion that the Mitigation Cost are $0. The DEIS/EIR must be revised to include a detailed net benefits analysis identifying each of the conveyances and environmental impacts (i.e. incidental environmental outputs) considered and how they were valued and netted to arrive at $0.

Comment 23. Cost Engineering and Benefit-Cost Analysis for Alternative J – Sewer Relocation Cost. At page ES-8 it is stated that "The relocation of the sanitary sewer line, which intersects with the fish ladder and Allen Park Riparian Corridor, have not been factored into the current cost estimate." Yet at a recent Workshop a District representative acknowledged that they did know the cost of relocating the sewer line. The relocation of the 39 inch sewer line entails the removal of over 1000 linear feet of sewer line; the construction of over 1000 linear feet of new sewer line; and the establishment and removal of temporary sewer lines during construction.

The relocation of the sewer line is a major cost item that affects the benefit cost ratio. The Cost Engineering information relating to Alternative J and presented in Appendix J and Tables 2-4 and 2-5 does not include the costs associated with the sewer removal and relocation. As such, the Benefit-Cost Analysis for Alternative J reflected in Table 2-4 does not reflect the known and required costs of the Project and needs to be recalculated with the sewer removal and relocation costs included. The DEIS/EIR must be revised to include the sewer relocation costs; to include the recalculation of the Benefit Cost Ratio with the sewer relocation costs included; and to determine if the inclusion of the sewer relocation costs affect the selection of Alternative J.

Comment 24. Cost Engineering and Benefit-Cost Analysis for Alternative J - Utility Relocation Costs. The $3,427,722.14 cost estimate for Utility Relocation in Appendix J is categorized as "General" and is not broken down by utility. We believe, as does the Town of Ross, that the utility relocation cost is underestimated. The By-Pass alone entails the relocation of multiple underground utilities under SFDB for a distance of 2200 feet. In order to evaluate the estimated costs for relocating the utilities which impacts the benefit cost ratio and selection of Alternative J, it is necessary to have the cost information for each of the various utilities to be relocated for each phase of the project. The DEIS/EIR must be revised to include a more detailed analysis of the utility relocation costs including but not limited to a line item breakdown describing each utility relocation and the related cost.

Comment 25. Time Line and Budget Alternative J, Cost Share Allocations – Federal and Non-Federal Share

The Time Line and Budget are presented in Section 6.5 at page 6.6 and in Table 6-1 and Table 6.2. Apart from the two tables the only explanation provided is that Table 6.1 presents the timeline and budget for the Project and that Table 6-2 presents the federal and non-federal cost share allocations for the Project. In Table 6-2 the Project Items are listed by category followed by the Federal share amount, the Non-Federal share amount and the Total. There are no Item categories or amounts for Sewer Relocation, Landscape, Park Improvements or Interior drainage. As such, the budget information provided in the DEIS/EIR is incomplete and inaccurate and cannot be adequately evaluated. Likewise, the Benefit Cost Ratio and Selection of Alternative J are inaccurate. The EIR/EIS must be revised to include at least the cost figures for the Sewer Relocation, the Utilities Relocation, the Landscape Design and Landscaping for the Riparian Corridor, the Park Improvements for the Riparian Corridor and the Interior Drainage system as well as the respective federal and non-federal share. Further, the DEIS/EIR

must be revised to include the recalculation of the Benefit Cost Ratio with the Sewer Relocation, the Utilities Relocation, the Landscape Design and Landscaping for the Riparian Corridor, the Park Improvements for the Riparian Corridor and the Interior Drainage system costs included; and to determine if the inclusion of these costs affect the selection of Alternative J.

Comment 26. Real Estate Costs Alternative J. The real estate costs for Alternative J are incomplete and cannot be adequately evaluated without the referenced exhibits which were not provided and a more detailed breakdown between private and Town owned properties. It cannot be determined how much of the total LERRDs figure of $19.232,264 is attributed to Town owned properties; whether the Town is being compensated or donating the property; and what accounting standards were applied to arrive at the real estate costs associated with the Town owned properties. The DEIS/EIR must be revised to include Exhibit A Project Maps, Exhibit B Utility/Facilities Inventory and Exhibit C NFS Notification of Risks Prior to Notification and P.L. 91-646 to Appendix H, Real Estate Costs. The DEIS/EIR should be further revised to include a breakdown of the LERRDs costs between private and Town owned properties; whether the Town is being compensated or contributing the properties; and how the values for the Town properties were arrived at.

It is well established that recirculation of an EIR prior to certification is required when a draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment are precluded. As discussed above, the DEIS/EIR is so fundamentally and basically inadequate that recirculation of a new DEIS/EIR is required to allow the public to meaningfully review and comment on the Project.

cc: Ross Town Council, Ross Town Manager, Ross Town Engineer
U.S. Environmental Protection Agency, NEPA Review Office

November 27, 2018

Via Electronic Mail and US Mail
U.S. Army Corps of Engineers, San Francisco District
1455 Market Street
San Francisco, CA 94103-1398
Attn: Ms. Cynthia Alternative Jo Fowler

RE: USACE Corte Madera Creek Flood Risk Management Project; Objection to EIR and Alternative "J"

I am writing this letter to express my opposition to the proposed flood proposal known as "Alternative "Alternative J" described in the Corte Madera Creek Flood Risk Management Project Environmental Impact Statement/Environmental Impact Report dated October 2018 (the "EIR") whereby the U.S. Army Corps of Engineers as the NEPA Lead Agency, and the Marin County Flood Control and Water Conservation District as the CEQA Lead Agency are recommending to tear out approximately one-have mile of Sir Francis Drake Boulevard and dig a one-half mile trench for the installation of a massive concrete culvert that is 12 feet wide by 7 feet high. I strongly oppose the Project and do not believe that the EIR has adequately addressed the serious and negative impacts of the proposed Project for the following reasons.

1. Alternative J fails to address or provide details on the negative impact it would have on the town of Ross, Ross residents, the trees along Sir Francis Drake Boulevard ("SFD"), the trees along the creek, and thousands of Marin county residents that rely on driving on SFD daily through the town of Ross.

2. Alternative J would have a tremendous negative impact on town of Ross and Ross residents, creating a traffic nightmare, disruptive noise and dust, none of which have been adequately presented in the EIR.

3. Alternative J has too many unknown potential impacts and important details that have not been worked out or disclosed to the public. It is unacceptable that the details of Alternative J will not be disclosed to residents until AFTER the plan is approved. Residents deserve to know details such has what the proposed flood wall will look like, what the damage to trees and other landscaping along SFD will be, what the environmental impact is on the trees along SFD, noise, dirt, vibration damage, damage to town businesses, etc.

4. Numerous trees along SFD will be killed because their roots will be cut in the process of the SFD being dug up and enormous trenches dug to install 2 culverts that are 12' wide and 7' high. Alternative J does not take into account this damage and destruction of large and fragile mature trees and other well established trees that are growing along this section of SFD that have a wide root structure. Alternatively J could result in the death of many treasured trees that now line SFD with the road being excavated at least 10' feet

down for over a half mile in length. The Town of Ross and its residents have worked diligently to beautify SFD and these mature trees will be destroyed and are irreplaceable. Ross has worked hard to beautify the stretch of SFD that goes through Ross by planting and maintaining the trees, encouraging homeowners to plant and water trees on SFD, and landscape their property along SFD. Alternative J does not address or discuss the damage to trees and plants along SFD OR whether the trees and plants will be replaced OR whether homeowners will be compensated for their losses. Alternative J would significantly ruin the aesthetics of the Town of Ross.

5. Alternative J's massive trenching would destroy the heavily tree lined section of SFD. Killing and/or damaging the mature trees and vegetation along SFD in Ross would drastically and dramatically change the whole character and feel of Ross, and severely damage the character of the town of Ross which Ross has worked so hard to preserve over the last century. Ross has worked hard to preserve and maintain the quaint, natural feel of the town. The Ross section of SFD is the only section of SFD that is heavily tree lined 2 lanes and still has a "country" feel to it (from the 101 freeway through San Anselmo). This will be destroyed by the massive digging of a half mile of enormous trenches. Killing the trees and landscaping along this section of SFD will permanently ruin one of the most beloved characteristics of the Town of Ross.

6. There will be tremendous dirt, noise, vibration, and dust created by this massive digging of the proposed trench that is at least 10' deep and 30' wide. No details have been provided as to the extent of the dirt, dust, and noise and the impact it will have on residents homes home abut or are close to SFD.

7. Alternative J places Ross residents at risk. The Ross Police and Fire Departments are located right on SFD in the heart of the construction zone. There is no other way to access them. No proposed details have been provided about how the Ross Police and Fire personnel and emergency vehicles will be able to access the Police and Fire station while SFD is torn up during construction or how they will be able to respond quickly to emergencies at homes along the SFD when the road is under construction. It will be dangerous to have SFD closed or in major construction adjacent to the Ross Police and Fire stations.

8. There are two main thorough fares for residents of San Anselmo, Fairfax, Woodacre, San Geronimo, Lagunitas, Forest Knolls, and West Marin County traveling to East Marin and to highways 101 leading to Northern & Southern Marin, and San Francisco, and to highway 580 to the East Bay. These two thorough fares consist of 2nd Street through San Rafael and the SFD corridor through Ross. Both of these two corridors are already extremely crowded with traffic, and to close the SFD corridor would cause overwhelming congestion through the San Rafael, 2nd Street corridor, and all of San Rafael. Marin county residents cannot endure 1 year of SFD being closed and under construction. There will be significant negative impacts on traffic through San Rafael, as well as other quiet residential streets such as Shady lane as a result of traffic diversions forcing residents of towns such as San Anselmo and Fairfax who currently use SFD through Ross to reach the 101 Freeway to find alternative routes.

9. Project J is likely to have a significant negative impact on the Marin Art & Garden Center ("MAGC"). MAGC is a cultural jewel of Marin County. MAGC has historical significance for both the Town of Ross and Marin County. It is the original homestead of the Ross founder and the original location of the Marin County fair. MACG is a nonprofit and puts on outdoor concerts, indoor and outdoor dinners, educational programs, and art shows and exhibits, and home to a preschool, summer camps, and the Barn theatre for Marin county residents of all ages—from toddlers to octogenarians. It is a very popular location for weddings, as well as memorials. MAGC has worked so hard to organize community activities and build involvement while raising funds to preserve and maintain the MAGC. Alternative J's loud construction noise from massive digging and dirt, and the impact on access to MAGC through road closures is likely to severely harm business at MAGC. The noise, the dirt, and massive construction machinery will ruin the tranquil atmosphere of MAGC and discourage customers from hosting events there which are vital to MAGC's continued survival. It will make access to MAGC so difficult and unpleasant that no one will want to come to MAGC with all the noise and dirt and difficult access.

10. Alternative J places Ross School children at risk. The construction and the staging area for the massive digging equipment and 12'x7' culverts will be at the Ross Post Office which is right across from the Ross School—a K-8 school. It is dangerous to have heavy equipment and lots of workmen in such close proximity to Ross School. It would be impossible to do background checks on every workmen and to monitor all the workmen that would be involved with Alternative J. Many young children cross SFD at the Lagunitas intersection with SFD to get to school, and will be placed in harm's way as a result of the extension construction activities proposed by Alternative J.

11. Alternative J will hurt the small businesses in the town of Ross which already struggle and depend on people from outside the town of Ross to patronize them. Under Alternative J, it will be difficult to access these small businesses with SFD closed and/or under major construction and will severely hurt these businesses.

12. The EIR fails to adequately address how much of the land, trees, landscape, and homes on either side of SFD will be affected by the digging and the heavy machinery or where the dirt that is dug out will be dumped or stored.

13. The EIR fails to adequately address how the vibration from the heavy digging will affect the homes and other structures along SFD. And no mention that with this massive digging, that it will create a massive rat problem in the area from the rats being disturbed.

14. Alternative J will make it very difficult for Ross residents to enter and leave Ross since the Lagunitas Bridge is the main entrance to the town of Ross and it is in the heart of the construction zone. The majority of Ross residents get to their homes, the Ross School, and the Post Office (where all mail is delivered) via SFD and the Lagunitas Bridge. This is significant since this is the main route that Ross residents take to get to Ross School. In addition, it is the main route that Ross residents take to get to the Ross Post Office

where Ross residents must go to pick up their mail since there is no mail home delivery in Ross.

15. With respect to the Allen Park Bypass, Alternative J will also kill all the mature, beautiful old trees along the creek that are within the 15' setback. These trees are irreplaceable. It changes the character of the town of Ross to destroy a beautiful, tranquil park in the heart of the town and replace it with a cement "holding tank". Moreover, Alternative J's plan does not even include any money for facing the ugly concrete wall with beautiful stone and landscaping that could cover and hide the wall.

16. There are less invasive and alternatives to Alternative J that should be tried first such as just removing the narrow Fish Ladder.

17. The County of Marin and the Town of Ross should not support Alternative J. They should look into advancing better proposals, NOT the cheapest proposal. There may be better alternatives even if those alternatives may cost more. For example, increasing water capacity at Phoenix Lake and rebuilding the dam would have added benefit of increasing water stored for use during drought conditions. The long term negative impacts of Alternative J far outweigh the potential cost increases of pursuing other alternative plans.

In conclusion, for all of the foregoing reasons Alternative J should be rejected. The Town of Ross and the Marin County Board of Supervisors should not support Alternative J.

Sincerely,

[redacted]

Ross, CA 94957

cc: Ross Town Council
Marin County Board of Supervisors

From: [redacted]
To: Corte Madera
Subject: [Non-DoD Source] Public Comment on the Corte Madera Creek Flood Risk Management Project by Ross Asselstine
Date: Tuesday, November 27, 2018 3:45:28 PM

Ms Fowler,

I have made extensive public comments on all aspects of the Ross Valley Flood Management projects over the last eight of so years. I have the following comments on the noted draft EIR.

1) I am greatly surprised that the USACE would participate in a project of such high cost and little benefit. It appears to me that the scope and scale would only have been conceived by those grasping for straws and wanting to spend grant money. Does USACE fully support all financial aspect of all elements of this project and if not what portions of the work would not be considered if this was a USACE standalone project?

2) Word-searching the document for the word “pump” results in 49 uses of the word. Just a few are related to construction activities. Searching for the word “generator” helps one find that emergency generators are likely required to power pumps in the event that the power grid is interrupted. I think it is fair to assess that there is no scenario where pumps would not be required to move water from behind barriers such as channel walls, levees and or dykes, and then back into the creek. I fully appreciate that the USACE and CA Water Resources Board both include language in their heads of terms and or funding agreements that fully obligate the Marin County Flood Zone 9 to fund and perform all maintenance and operations as well as be liable for any losses due to any form of failure of operations during a flood event. As Marin County and this Flood Zone have exactly zero permanent dedicated funding source for this work, does the USACE question its own involvement in something that, based on all other unfunded maintenance work in Marin County, will not be maintained?

3) Quite simply put, a design that is not “failsafe” appears to considerably increase the liability and financial exposure to the community. Currently, most structures in the flood plain have flood insurance; no rational person could believe that taxpayers in the valley could be responsible for their loss. This design appears to seek to convey that some structures will no longer be in the flood plain and hence, people have been led to believe that their properties no longer be flooded as frequently. The reality appears to be that this would only be true under very limited conditions. What legal responsibilities does the USACE have now or any time in the future to speak clearly and in detail about the real potential for the great range of potential problems and outcomes that might arise from this design?

4) People have spent money to raise their homes since the 2005 flood. That cost is borne by them and their flood insurance can be terminated. The only form of fully successful flood protection effort in our valley is to flood proof or raise structures. The report (page 2-13) discounts these options because it “Would leave many homes, businesses, and structures, in floodplain”. I find this to be exceptionally surprising if not alarming. The quoted text would suggest that the project actually removes numerous buildings from the flood plain. Based on the comments in items 2) and 3) above, any structures that might be proposed to be out of the flood plain are wholly dependent on pump stations being fully operative. I find the report to be inadequate and without due diligence on this subject. It appears more than fair that a non-structural alternative would consider the building codes now in place to obligate owners to raise structures, the ever-increasing number of property owners that raise their buildings voluntarily as well as other options to motivate and or aid flood proofing and raising buildings. To ignore the most common sense mitigation measure, most prudent financial option, the lowest risk alternative is simply astounding. Will there be a more diligent study of this issue or will the EIR be used as just another form of “public outreach” to ignore the obvious?

5) As you are likely aware, an act of congress in the late 1930’s put in place the requirement for the USACE to perform a Benefit-Cost Study. We are both aware that most every project runs over budget. I have to imagine that

because of this, not option will have a positive benefit-cost ratio. Further, all benefit is to a very, very small number of private properties. In short, I think the benefit-cost presentation is narrowly described to who benefits as well as dependent on zero cost overruns. I would like to see all backup to the figures on page 2-16. Can you please forward that to me? Will there be a more diligent study of this issue or will the EIR be used as just another form of “public outreach” to ignore the obvious?

I am quite obviously disenchanted and disheartened with the last eight years of chasing the wild and impractical dreams of bulldozers reducing the flood losses in the valley. We’ve wasted tens of millions of dollars without the aid of USACE. All by ourselves,…. bobbing along in a flood of money going down the drain.

I would hope that involvement of the USACE does not preclude your team’s more honest and experienced clear voice in the light of such a small increase in flood mitigation at such an exorbitant cost.

Thank you for your time.

Sincerely,

[redacted]

From: Richardson, Craig
To: Corte Madera
Cc: Petterle, Steve
Subject: [Non-DoD Source] Joint Draft Environmental Impact Statement/ Environmental Comment
Date: Tuesday, November 27, 2018 3:59:42 PM

Hello,

Marin County Parks requests that if an alternative is selected which results in any impacts to the Corte Madera Pathway, our agency is consulted and coordinated with early to minimize potential delays to the project and avoid unnecessary impacts to our pathway and our visitors. Thank you for the opportunity to comment.

Craig Richardson, RLA #6332, CPESC, QSD/P

SENIOR OPEN SPACE PLANNER

Marin County Parks

3501 Civic Center Drive, Suite 260

San Rafael, CA 94903

415 473 7057 <tel:415%20473%207057> T

415 473 3795 <tel:415%20473%203795> F

crRichardson@marincounty.org <mailto:crRichardson@marincounty.org>

Blockedwww.marincountyparks.org <Blockedhttps://urldefense.proofpoint.com/v2/url?u=http-3A__www.marincountyparks.org_&d=AwMFaQ&c=B8hLLxvpkjWR43jQzFdKiDTIWYeIS5FePbXUbD-Ywb4&r=TvGNxLyNy4fAae93eWYKL7w9c6Daq5CT_wOrHV9rYbk&m=PLxCP1kVkfFupBdLX3VVDZ22216bbsSSh39_kLldmqY&s=1hU8yrSqcCMu-8guR-j80cBjwW8wJUnAu4yxck9QfEw&e=>

From: Williams, Tony
To: Redfield, Tonya; Fowler, Cynthia J CIV USARMY CESPN (USA)
Subject: [Non-DoD Source] FW: Corte Madera Creek Flood Comments--Attn: Cynthia Fowler
Date: Friday, November 30, 2018 3:51:54 PM

Just forwarding – I assume this was received already.

From: BOS
Sent: Friday, November 30, 2018 3:44 PM
To: BOS - Aides <BOS-AidesNOT@marincounty.org>
Cc: Williams, Tony <TWilliams@marincounty.org>
Subject: FW: Corte Madera Creek Flood Comments--Attn: Cynthia Fowler

The message below was received through the email addressed to all Supervisors. Please forward as you deem appropriate. (It relates to the item described below that was on the 11/13/18 Flood Control agenda.)

5:30 p.m. **Reconvene as the Marin County Flood Control and Water Conservation District Board of Supervisors**

16k. Hearing: Corte Madera Flood Risk Management Project Draft Joint Environmental Impact Statement/Environmental Impact Report (Draft "EIS/EIR").

Recommended actions: (i) Conduct public hearing on Draft EIS/EIR; (ii) provide recommendations to staff, consultant and the US Army Corps of Engineers (USACE) on any additional items to be addressed in the Final Joint EIS/EIR; and (iii) recommend that the USACE direct the EIS/EIR consultant to prepare a final Joint EIS/EIR.

[redacted]
Sent: Tuesday, November 27, 2018 5:54 PM
To: corte.madera@usace.army.mil; towncouncil@townofross.org; jchinn@townofross.org; BOS <BOS@marincounty.org>; wconrow@aol.com; bill@speakersseries.org
Subject: Corte Madera Creek Flood Comments--Attn: Cynthia Fowler

Via Email and US Mail
Cynthia Jo Fowler, USACE November 27, 2018
1455 Market Street
San Francisco, CA 94103-1398

RE: Corte Madera Creek Flood Project Objection to EIR and Alternative J--Laura & Bill Conrow 1 Berry Lane, Ross CA

We are opposed to the flood proposals presented and in particular to Alternative J ("J") that

the Army Corp is recommending which tears out approx. ½ mile of Sir Francis Drake ("SFD") and digs a massive ½ mile trench for two massive concrete culvert that are 12 feet wide by 7 feet high. The Army Corp of Engineers should not adopt Alternative J:

1. Over the last century the Town of Ross and its residents have taken great pride and worked hard to maintain the massive, beautiful, mature tree studded, two lane, SFD corridor through the Town of Ross, and the quaint, natural "country" feel of the Town. Killing and/or damaging the mature trees and vegetation along SFD in Ross would drastically and dramatically change the whole character and feel of the Town of Ross. Killing these trees and landscaping along this section of SFD will permanently ruin the character of the town of Ross and is irreplaceable. The Army Corp will not have to suffer or live with the consequences of Alternative J, and understandably they aren't concerned about the permanent damage it will cause.

2. J fails to address or provide details on the huge negative impact it would have on the town of Ross, Ross residents, the trees along SFD, the trees along the creek, and Marin county residents that rely on driving on Sir Francis Drake Blvd through the town of Ross.

-

3. J has a tremendous number of unknown, important details that have not been worked out or disclosed to the public. It is unacceptable that the details of J will not be disclosed to residents until AFTER the plan is approved. Residents of Ross deserve to know details such as how much of the land, trees, landscape, and homes on either side of SFD will be affected by the digging and the heavy machinery, details about where the dirt that is dug out will be dumped or stored, what the proposed flood wall will look like, what the damage to trees and other landscaping along SFD will be, what the environmental impact is on the trees along SFD, noise, dirt, vibration damage, damage to town businesses, etc.

4. These beautiful huge old mature trees along SFD, which are irreplaceable, will be killed because their roots will be cut in the process of the SFD being dug up and enormous trenches dug to install 2 culverts that are each 12' wide and 7' high. Alternative J does not take into account this damage and destruction of huge old mature trees and other well established trees that are growing along this section of SFD and have a wide root structure.

5. J does not address or discuss whether homeowners will be compensated for their losses to their property values.

6. There will be tremendous dirt, noise, vibration, and dust created by this massive digging of a ½ mile trench that is at least 30' wide and 10' deep. No details have been provided as to the extent of the dirt, dust, and noise.

7. J puts Ross residents at risk. The Ross Police and Fire Department are located right on SFD in the heart of the construction zone. There is no other way to access them. No proposed details have been provided about how the Ross Police and Fire personnel and emergency vehicles will be able to access the Police and Fire station while SFD is torn up during construction or how they will be able to respond quickly to emergencies at homes along SFD when the road is under construction. It will be dangerous to have SFD closed or in major construction adjacent to the Ross Police and Fire stations.

8. There are two main thorough fares for residents of San Anselmo, Fairfax, Woodacre, San Geronimo, Lagunitas, Forest Knolls, and West Marin County traveling to East Marin, to Highway 101 leading to Northern & Southern Marin, to San Francisco, and to Highway 580 leading to the East Bay. These two thorough fares consist of Redhill Avenue-2nd Street-3rd Street corridor through San Rafael and the Sir Francis Drake corridor through Ross. Both of these two corridors are already extremely crowded with traffic, and to close the Sir Francis Drake corridor would cause overwhelming congestion through the San Rafael, Redhill Avenue-2nd Street-3rd Street corridor, and all of San Rafael.Marin county residents cannot endure 1 year of SFD being closed and under construction. Traffic is already at its limit.

9. J effectively will kill Marin Art & Garden Center ("MAGC"). MAGC is a cultural jewel of Marin County located in the Town of Ross, on SFD, directly across from the Lagunitis Bridge, Police & Fire Department. MAGC has historical significance for both the town of Ross and Marin County. It is the original homestead of the Ross founder and the original location of the Marin County fair. MACG is a nonprofit and puts on outdoor concerts, indoor and outdoor dinners, educational programs, and art shows and exhibits, and is home to a preschool, summer camps, and the Barn Theatre for Marin county residents of all ages—from toddlers to octigenarians. It is a very popular location for weddings, as well as memorials. MAGC has worked so hard to organize community activities and build involvement while raising funds to preserve and maintain the MAGC. J's closure of Sir Francis Drake, loud construction noise from massive digging and dirt will severely harm MAGC. In addition, it will make access to MAGC so difficult and unpleasant that no one will want to come to MAGC with all the noise and dirt and difficult access.

10. J puts Ross School children at risk. The construction and the staging area for the massive digging equipment and 12'x7' culverts will be at the Ross Post Office which is right across from the Ross School—a K-8 school. It is dangerous to have heavy equipment and lots of workmen in such close proximity to Ross School.

11. J will severely hurt the small businesses in the town of Ross which already struggle and depend on people from outside the town of Ross to patronize them. Under J, it will be difficult to access these small businesses with SFD closed and/or under major construction and will severely hurt these businesses.

12. There are no details pertaining to how much of the land, trees, landscape, and homes on either side of SFD will be affected by the digging and the heavy machinery. There are no details about where the dirt that is dug out will be dumped or stored.

13. There is no details about how the vibration from the heavy digging will affect the homes and other structures along SFD. And no mention that with this massive digging, that it will create a massive rat problem in the area from the rats being disturbed.

14. J will make it very difficult for Ross residents to enter and leave Ross since the Lagunitas Bridge is the main entrance to the town of Ross and it is in the heart of the construction zone. The majority of Ross residents get to their homes, the Ross School, and the Post Office (where all mail is delivered) via SFD and the Lagunitas Bridge. This is significant since this is the main route that Ross residents take to get to Ross School. In addition, it is the main route that Ross residents take to get to the Ross Post Office where Ross residents must go to pick up their mail since there is no mail home delivery in Ross.

15. With respect to the Allen Park Bypass, J will also kill all the mature, beautiful old trees along the creek that are within the 15' setback. These trees are irreplacable. It changes the character of the town of Ross to destroy a beautiful, tranquil park in the heart of the town and replace it with a cement "holding tank". Moreover, J's plan does not even include any money for facing the ugly concrete wall with beautiful stone and landscaping that could cover and hide the wall.

16. There are less invasive alternatives that should be tried first such as just removing the narrow Fish Ladder.

17. The county of Marin and the Town of Ross should not support Alternative J. They should look into advancing better proposals, NOT the cheapest proposal. There may be better alternatives even though they cost more money. For example, increasing water capacity at Phoenix Lake and rebuilding the dam would have added benefit of increasing water stored for use during drought conditions.

In conclusion, for all of the foregoing reasons J should be rejected. The Town of Ross and the Marin County Board of Supervisors should not support J.

Sincerely,

[redacted]

[redacted]

cc: Ross Town Council
Marin County Board of Supervisors

From: [redacted]
To: Corte Madera
Subject: [Non-DoD Source] Ross Flood Plan - community input
Date: Tuesday, November 27, 2018 10:27:11 PM

To: Cynthia Fowler,

I am writing in response to the proposed flood plan for Ross.

We are Kentfield residents and have lived on [redacted] for the last 7 years.

Each year we experience flooding on Berens right in front of our house that actually fills the street even on a sunny day, if the tide is right. Add to this a very rainy day, and we have found ourselves sandbagging our garage with about a 1-2 foot high barrier. This in fact was breached by a wave caused by a joy-rider coming down the street in their jeep. The force of the water actually ripped our neighbor's garage door off, and it breached ours and everyone else's sandbags.

Our neighbors have told us how the street has flooded for years and we have been working with the county on small fixes to our drain flaps etc. However, with each new big storm and the creeks flowing to and through the flats with nowhere to go, we are seeing the water get closer and closer and higher and higher.

You might like to look at my live Facebook post <Blockedhttps://www.facebook.com/erikawah/videos/vb.718815305/10154778103235306/?type=2&video_source=user_video_tab> from that day, and there have been others close to this one.

Our concern is if this plan for Ross will actually cause more flooding for us and our neighbors. With more water running down to the outlet and no where for it to go, we can only expect more problems.

Thank you,

[redacted]

[redacted]

From: [redacted]
To: Corte Madera
Subject: [Non-DoD Source] proposed plan for Ross
Date: Thursday, November 29, 2018 10:09:10 AM

Cynthia Fowler,

I am writing in response to the proposed plan for Ross. I am a Kentfield resident and live on 3 Berens Drive, one of the lowest areas on the street. We are greatly concerned because our neighborhood has flood issues during high tide (it doesn't even have to be raining.) Please protect our neighborhood! All neighborhoods need to be protected, I understand that the proposed plan is great for Ross residents, but not the surrounding areas. Are you doing the research on the effects of Kentfield Gardens? Please keep me in the loop.

Thank you,

[redacted]

[redacted]

Flood Control Unit J

[redacted]

Do the benefits exceed the cost?. This criteria is easily satisfied. The fish ladder and 750 feet of concrete channel currently stand as obstacles to the efficacy of upstream flood work, The many years of potential flooding to come make "J" well justified.

Unfortunately, through time, mistakes have been made that have later consequences (i.e.) planning that allowed residential construction in flood plains, settlement in forested areas now prone to fire resulting from the effect of "Smokey The Bear" the most successful public promotion in history, frivolous enthusiasm for the internal combustion engine ignorance that has in the main morphed it into a plaything. Yes, human society makes mistakes. That does not mean we shouldn't strive to correct them.

Without "J" nothing consequential proceeds above in the Valley. Just as people moving next to a public park have little to complain about regarding noise. Ultimately, people moving into a flood plain and it's neighboring community have no reason to obstruct constructive repair.

Of course, remedial assistance for those severely affected is also needed as a supportings community act.

[redacted]

[redacted]

[redacted]

[redacted]

ATTN: Cynthia Jo Fowler
U.S. Army Corps of Engineers, San Francisco District
1455 Market Street, San Francisco, CA 94103-1398
Corte.Madera@usace.army.mil

RE: Corte Madera Creek Flood Management Project EIR/EIS Response Comments

Dear Ms. Fowler:

Thank you for the opportunity to provide comments regarding the Corte Madera Creek Flood Risk Management Project (the Project) Joint Draft Environmental Impact Statement / Environmental Impact Report (DEIS/EIR). While I support planning efforts to facilitate flood risk reduction measures in the Ross Valley basin, I find the DEIS/EIR incomplete and inadequate.

I have a real concern that the flood benefits are not going to meet public expectations, satisfy environmental concerns, and truly alleviate the flood problems in Ross Valley. In fact, the plan will exacerbate the problem for many – which is acknowledged by the County – and could well make the entire Ross Valley flood problem worse by using flawed data and models, overly optimistic outcomes, and ignoring common sense.

This Project has an enormously high cost for a very small improvement in flood protection. A modest decrease for the 25-year flood is not what people are expecting. In fact, the public perception is that this plan will offer protection against the reoccurrence of the devastating 2005 flood that was at the 100-year + flood level.

In the County's zealous pursuit to procure grant money, it has let residents believe that this project and others will significantly improve the flooding in Ross Valley. People do not realize that it is not a cure-all, and they are not aware that the grant money does not pay for the entire Project and is truly only a "drop in the bucket." Matching dollars are coming from taxpayer's pockets and all cost overruns will be 100% taxpayer money. I believe the cost, inconvenience and time frame are not warranted – and that the disruption to the Ross Valley residents will prove to be a disaster. And what is truly alarming is that this disruption will continue for years and years.

[redacted]

[redacted]

At Jared Huffman's November 1st, meeting, Tonya Redfield said that "a 25-year flood is 80% of a 100-year flood." However as alternative J 4% AEP (25-yr) Residual Floodplain as shown on page 6-3 underscores only a modest decrease, and acknowledges that the 25-year flood protection is only *reduced* and not eliminated. This project is not worth the time & money. And it is not worth the disruption to the residents, properties owners and towns of Ross Valley. The budgets are outdated, missing key elements and are enormously optimistic all of which compound the problem.

"Selling the 25-year plan" and the reality of the actually "solving the 25-year flood problem" are vastly different issues, and I am not convinced that the Project actually solve the problem.

Reducing the flooding in some areas, while inundating new properties does not effectively solve the flood problems in Ross Valley. It is just shifting water from one location to another while imperiling new areas with flooding, which comes at a huge expense – and uncertainty.

Furthermore, the extent of new inundation is unknown since: 1) it is based on theoretical models that are highly questionable and have been challenged for using flawed data; 2) if one of the proposed flood control measures is not properly implemented it will have disastrous consequences for properties owners that will suffer as a result and who may be left with no recourse other than to file a lawsuit: and, 3) the timing to implement the various flood control measures has not been fully resolved and since one solution is dependent upon another – despite the County assertions to the contrary – which means the stakes are very high for a mishap.

It is also evident that County's haste in planning is simply a rush to secure grant money before the deadlines expire. In the process, the County has spent a fortune on consultants and engineering. As one Town of Ross Council Member said at the November 6th Town Hall meeting, "What a costly boondoggle the County Flood Plan has been pursuing. Spending 24 million dollars to secure 8 million dollars in grant money for SAFRR is a horrendous waste of our tax dollars."

I believe that Frederick Allen Park Riparian Corridor would not be on the table or in DEIS/EIR, if grant money had not been migrated from Phoenix Lake – a fact that Tonya Redfield confirmed at the Ross Town Hall meeting for Frederick Allen Park Riparian Corridor. The concern is that when the grant money falls short, taxpayers are stuck with the bill.

[redacted]

A second Town of Ross Council member wisely said that these projects defy "common sense." She questioned if the data the County is using is "flawed data." A third said, "that it is doubtful if the cost benefit ratio for is accurate." The budget shown on Table 6-1 and Table 6-2 is completely unrealistic, and I agree with Town of Ross Council's assessment that it will not "pencil" and therefore no Federal Funding will be forthcoming. In the meantime, lots of money is being spent on plans that are dependent on Federal Funds, despite the public concerns that the funds will never be received. And that means that taxpayer's money has been wasted.

The single most disheartening comment that I have heard is when Jared Huffman, our congressman, said at his November 1st meeting, "If you don't like the plan, lawyer up." Any action taken by the USACE and/or the County that anticipates or invites lawsuits is ill considered and needs to be re-evaluated being implementation.

USACE, on the other hand and to their credit, is saying that they want public input. I hope that both the USACE and the County are now willing to listen to legitimate concerns by properties owners and the towns.

I have gone to almost every single meeting for SAFRR and The Corte Madera Creek Flood Management Project, and have heard reasonable comments made by the public. The hope is that the comments will not only improve the project; but make the County and USACE understand that it is grossly unfair to initiate projects that threaten homes and properties that will be imperiled with unknown and inadequate measures.

With so much at stake it is unconscionable for the County to undermine the investments people have made in their homes, their community and their towns. It is only right that there should be full compensation to properties owners who are harmed or suffer a loss. The County must offer assurances that the "biggest investment most people have" will be protected and respected.

We live here for a reason, and it not so our real estate values go down.

The County should not act unless it has an iron clad plan and the money to make the Project a success and make homeowners whole. This cannot be done until the Project is fully developed and accurate budgets have been calculated. Otherwise is simply a guessing game.

The Count must clarify the Project and where the money will come from. What will the final budget be? Where is the budget that restores homes, the

[redacted]

environment, transportation, trees and so forth? How will the USACE and County manage the disruption? What will the actual time frame be and how many years will it entail?

Finally, I hope the County and USACE concedes that Ross Valley Flood projects are linked together like a chain, but unlike a chain, water flows downstream, and if you don't fix downstream issues you can't fix upstream issues. Corte Madera Creek Flood Management Project, and Units 1,2,3 & 4 have always been the weakest link.

It is time to fix that, before embarking on other Flood Projects, to do otherwise is to simply " defy common sense." We need a comprehensive solution that will work before embarking on any flood projects.

As Mayor Beach Kuhl wisely said in the Volume 12l Issue 11 l November 2018 of The Morning After, "The bottom line here is that we have a long way to go before any work begins and indeed even before planning is completed. The Town will remain very actively involved in this process and we will keep everyone updated as the process continues." And you can be sure that homeowners will be paying attention – especially those who stand to be adversely impacted.

"Doing something" has been a common refrain at meetings; however, there is no justification for "doing something wrong." That will only prove to be another costly boondoggle. The County should take the time to devise a iron-clad solution; we can not afford to get this wrong.

Here are some of the issues I see deficient in the Corte Madera Creek Flood Management Project EIR/EIS.

Page ES-5 & ES-6 Re: Bypass Tunnel

In the section Traffic, Transportation, and Circulation, the environmental document identifies that there would be significant traffic impacts associated with Alternatives F and J.

"Traffic Control Plan would be implemented to reduce impacts, but would not eliminate traffic impacts."

As noted the bypass tunnel to be dug under Sir Francis Drake Blvd. will cause

[redacted]

immense traffic congestion and cause not only inconveniences to drivers and impacted homeowners, but also create hazardous safety issues for residents by subjecting emergency response vehicles to delays, road closures and virtual gridlock. What is not obvious is how the Traffic Control Plan will address and solve the problems that construction of the bypass Tunnel will create.

To close a major artery for 300+ days of construction over an unspecified time frame will subject all Ross Valley residents to an unsafe and dangerous situation. I live on Sir Francis Drake Blvd. and can provide first hand testimony that emergency vehicles frequently travel down Sir Francis Drake Blvd. at all times of day, and that it is already difficult for them to get through at peak traffic hours.

It should also be noted that Sir Francis Drake Blvd. is already overwhelmed with traffic – especially when schools are in session. How will parents get their children to school if Sir Francis Drake Blvd. is subjected to closures, delays and construction? And how will first responders get to people in need?

Recent tree work has caused huge traffic problem and that work only lasted hours, and only one lane was closed. How will the Traffic Control Plan ensure safety for all while providing viable options for drivers, first responders, and including parents of school children?

Please provide details as to how the above problems will be remedied.

Specifically please provide answers the following questions:

- How will emergency response vehicle get through without delays?
- How will homeowners access their homes during construction and/or road closures?
- The plan contemplates nighttime construction on Page ES-5. If this is to be done how will noise be managed?
- How many trees will be removed on Sir Francis Drake Blvd. to dig the Tunnel? How will the trees be replaced? How will homeowners be compensated for their losses?
- How will the small town aesthetics of Ross be restored if trees and other vegetation are devastated?
- What is the budget for the displacement of homes or people during

[redacted]

construction?

- How will utility lines and sewers be handled, and what will the impact be on the environment? Why has this not been addressed?
- What is the specific time frame for 300+ days of construction? Is it consecutive days? Or is it spread over year(s)? If so, how many?
- What is the environmental impact to animals and vegetation along the bypass?
- How will the Traffic Control Plan ensure safety for all while providing viable options for drivers, first responders, and including parents of school children?

The feasibility of building a bypass tunnel under Sir Francis Drake Blvd. is impossible without major disruption to all residents of Ross Valley. It has been suggested by some that the USACE is using the bypass tunnel as a Red Herring to avoid further involvement. How does USACE assess the feasibility of bypass tunnel in terms of environmental impact and cost benefit?

On Page ES-8 under **Construction of the Underground Bypass,** it says, **"**Construction methodology of the bypass under Sir Francis Drake Boulevard has not yet been determined." Please explain how there is a budget if the construction methodology has not been determined and how this impacts the cost benefit for obtaining Federal funding?

Page 6-5 Re: 6-3 Watershed Context

Under the Watershed Context it says:

> The Program's major flood reduction measures are intended to work cooperatively to reduce peak out- of-bank flows, and has the future goal of achieving protection from a 100-year flood event (1 percent chance of occurring or being exceeded in any one year). Proposed flow reduction measures include detention basins, located in the upper reaches of the watershed to detain peak flows during flood events (for additional information go to www.rossvalleywatershed.org). Capacity enlargement measures include bridge replacements in Fairfax, San Anselmo, and Ross to remove impediments to flows

[redacted]

and reduce localized flooding, dredging of channels in the lower watershed, and creek improvements watershed-wide to increase capacity and handle flood flows as they move through the watershed.

In seeking to obtain certification for the FINAL EIR for SAFRR, the County repeatedly maintained that there would be "no increased inundation downstream of San Francis Drake Bridge" due to SAFRR, so it is only logical to ask why then is there a need for the underground bypass tunnel? Were the County statements about SAFRR's "no increased inundation downstream of San Francis Drake Bridge" wrong? If there is increased inundation and USACE cannot implement a successful plan what happens to the additional water that SAFRR will be putting in the creek when it goes below Sir Francis Drake Bridge? Note: The downstream area of Sir Francis Drake Bridge is where Ross has had the most Repetitive Loss claims of any town in Ross valley.

How will the Corte Madera Creek Flood Management Project address this problem if elements deemed necessary to USACE are not approved? Will the County put SAFRR on hold until a solution can be found?

During the discussion of SAFRR EIR the County insisted that SAFRR was a stand alone project that did not impact anything downstream of Sir Francis Drake Bridge – which is ridiculous – as clearly (per the above) the "major flood measures are intended to work cooperatively." Please explain why the County insists that each measures is a stand alone, yet the entirety of the major flood measures work cooperatively? How do USACE reconcile the contradictory positions that the County maintains to justify the advancement of individual program measures? How can it be both?

Detention Basins: The above states that, "Proposed flow reduction measures include detention basins, located in the upper reaches of the watershed to detain peak flows during flood events…" Please provide specific details about the locations being considered for detention basins in the upper reaches of the watershed. Where are they are, and how many are being considered?

Page 2-7 Re: Table 2-1 ID 12

I am very concerned that there is a lack of detail regarding the plans for Frederick Allen Park Riparian Corridor; and that the plans do not provide a description of the Flood Control benefits. Here is the paragraph that I am addressing:

[redacted]

Widening of the channel by removing portions of the concrete channel to create floodplains and riparian corridor in Frederick S. Allen Park (Allen Park), installing flood walls adjacent to the banks, and stabilizing creek slopes. Combination of top- of-bank/setback floodwalls and retaining walls. Allen Park would be graded to function as floodplain with overflow channels.

Here are the questions I have:

- How much wider will the channel be and how much water will the flood plain hold? What is the capacity? Will it function as a Detention Basin or simply be a wider portion of the existing creek? If so how much wider and how will it benefit the overall project?
- How many trees will be removed? How many will be replaced?
- How much will it cost taxpayers?
- Who will be responsible for construction costs and who will maintain it?
- What happens to the living creatures around and in the creek?
- What will the floodwalls look like?
- What is the construction time frame?

Page 3-3 Re: 3.3.2 Floodwall Construction

This section states that: “The riparian habitat impact analysis is conservative and addresses the loss to riparian habitat assuming a 15-foot buffer without a variance.”

The major question here is what are the odds of obtaining a variance; and can that be determined in advance of approval?

And the section as states: “The riparian habitat impact analysis is conservative and addresses the loss to riparian habitat assuming a 15-foot buffer without a variance.”

How does the County an USACE resolve that the Town of Ross is famous for it trees and riparian habitat and that the 15-foot buffer is at odds with that aesthetic?

[redacted]

In paragraph three it says: “The floodwalls would be designed to contain the water surface elevation of the 4 percent annual exceedance probability (AEP)…”

My question is that water runs down the hills and since a floodwall would prevent that water from reaching the creek and would be trapped behind them, how will the County and USACE solve that significant problem?

Lack of Notice or Preparation / Notice of Intent

The Town of Ross Comment Letter says:

> The Town of Ross would like to put on record that the original Notice or Preparation/Notice of Intent never included the concept of the Allen Park Riparian Corridor project nor was the Sir Francis Drake Boulevard bypass included. While the Town of Ross supports the removal of the Denil Fish Ladder, the Town is concerned with the environmental impacts associated with the Allen Park Riparian Corridor project.

As one Town of Ross Council Members said at the November 6th Town Hall meeting the “bypass tunnel” was “sprung on was at the last minute” she is correct. I agree that it should be noted and put on the record.

Deliberately withholding information until the last minute is not acceptable, and it USACE and County’s should acknowledge that it makes the public question entire flood plan.

Thank you in advance for considering the above comments and incorporating them into the Corte Madera Creek Flood Risk Management Project Joint DEIS/EIR.

[redacted]

[redacted]

Thank you for the opportunity to provide comments for the Corte Madera Flood Risk Management Project Draft EIR Report dated October 2018. General comments are listed first followed by comments pertaining to specific EIR sections or appendices.

General Comments:

Because figures and plates in the EIR did not adequately cover all of the lower reaches of the Corte Madera Creek (specifically, Units 1 and 2), **one cannot fully assess water level changes and flooding in these areas**.

A large concern to lower Corte Madera Creek property owners focuses on the impact of increasing sedimentation in the channel (and resulting potential for flooding). This will be an ongoing issue if it is not addressed, especially given that major creek dredging in the lower creek area has not been done since 1986, according to the EIR (Appendix A, page 15). This puts property owners in the lower creek area in major jeopardy, especially as sea level rises The EIR should include mitigation strategies

If not already included in the EIR, please address annual creek vegetation management, maintenance, and projected costs.

The cost / benefit analysis doesn't appear to include annual creek vegetation management and maintenance costs. It also doesn't consider downstream impacts if property and infrastructure are flooded.

There is also a significant need for new levees and levee improvements in the lower reaches that will be affected. These levees should be addressed *prior* to the commencement of upstream projects. It is imperative that downstream residents, property owners, and infrastructure are not adversely affected by all of the upstream projects approved and those under consideration.

With regard to the EIR's flood modeling scenarios, is the proposed flood control work (to be conducted by the City of Larkspur) included, if at all, in the modeling? I'm especially interested in the area bounded by Harvard Drive and Tulane Drive where an underground, 25-year flood pump is to be installed. Some streets in the area are currently flooding during high tides and storms.

In various EIR figures, please use a different convention in labelling cross-sections. Instead of referring to a cross-section A-A, for example, please label it A-A'. That way, the start and end points of the cross-section are clearer to the reader.

Main EIR

Acronyms and Abbreviations

Please add the following acronyms and their definitions: EC, FWOP, HEC-RAS, MHHW.

EIR Section 1.2.1 Study Background

Please include Corte Madera dredging history in this section. USACE dredged the Corte Madera Creek on a frequent basis prior to the last dredging in 1986.

EIR Section 2.3.1 Planning Objectives

A goal expressed in several meetings of the Marin County Flood Zone 9 Advisory Board by some board members and the public was to "Do No Harm" to lower Corte Madera Creek properties and infrastructure in Larkspur. That objective should be included in this section and given serious consideration.

EIR Section 4.1.2.1 Hydrologic Setting

This section includes the following:

> "…sediment production (occurs in the upper watershed), sediment transport, and sediment deposition (occurs in the lower areas of the creek). For Corte Madera Creek, sediment originates in the steeper, upper watershed areas, and is transported to Units 2, 3, and 4. Sediment deposition has historically occurred in the creek at Lagunitas Road Bridge and farther downstream in Units 1, 2, 3, and 4…"

There is no analysis of sediment deposition east of station 318+00. Please address. This is critically important as the EIR in Table 4.1-1 clearly shows increasing sediment deposition increasing eastward towards the lower reaches of Corte Madera Creek. Flooding will be exacerbated in lower Corte Madera Creek as it gets incrementally plugged with sediment and sea level rises. Storm runoff events that coincide and meet head-on with high tides will increase sediment deposition. Please include a detailed analysis that shows what the impact will be if sediment is not removed by dredging or other significant means.

Page 4.1-6, paragraph 2 shows that dredging was last done in 1986 for Units 1 and 2. So there's already an abundance of sediment that has accumulated over the last 30+ years.

EIR Section 6-2 Project Achievements:

Figure 6-1 (page 6-3) and Figure 6-2 (page 6-4) do not include the lower reaches of Corte Madera Creek. Please include the impacts to the eastern areas in all of Units 1 and 2.

Appendix A Hydraulic Modeling

Appendix A, 5.3.10 Sedimentation:

Sedimentation to the east of station 318+00 is not analyzed. Please include analysis.

Appendix A, 8.1 Existing Without Project and Future Without Project Conditions:

The following text appears:

> "Comparing the existing and future without project condition for these two events, there is not much change in the floodplain area. The largest impacts are at the downstream end of the project where the coastal water elevation for the future conditions is higher than the existing condition, resulting in a larger flood extents and increased flood depths less than 1 foot. The future condition had a coastal water elevation approximate 10 inches higher than existing condition."

It would be helpful if plates were included that showed Unit 1 and the lowest reaches of Unit 2.

Appendix A, 8.2 Alternatives:

In the seventh paragraph in this section, it appears that the references to Figures 9a and 9b may be incorrect. Please review and revise as necessary.

Please include figures illustrating impacts project alternatives in Unit 1 and all of Unit 2.

Appendix A, 9.2.2 Sedimentation Analysis:

Detailed analysis (especially in the lower Corte Madera Creek east of the concrete channel) needs to be conducted *prior* to EIR acceptance and PED (preconstruction engineering and design), so the public can see how the lower Corte Madera Creek is affected. Most of the sedimentation will be flowing downstream during storm events and settling in this area, especially when high tide events coincide with storm runoff.

Appendix A, 9.2.3 Risk and Uncertainty Analysis:

The following text appears:

> "Risk and Uncertainty analysis has not been conducted for any of the alternatives. R&U analysis will be needed to verify/update the assumed assurance height currently added to the water surface profile."

The Risk & Uncertainty analysis, at a minimum for Alternative J (the preferred alternative) should be included in the EIR. ***All potential flooding is based on water heights.***

Appendix A, 9.2.4 Debris Loading Potential:

Appendix states the following:

> "Interior drainage information is provided in Section 3.2, but it was completed in the 1960's. An interior drainage analysis will need to be conducted for the recommended plan to verify the interior drainage along the recommended plan."

The Debris Loading Potential, at a minimum for Alternative J (the preferred alternative) should be included in the EIR.

Appendix A, Attachment 1, Plates 1-13:

None of these plates include the entire Unit 2 area, nor Unit 1. Please provide.

Appendix A, Attachment 2, various plates:

For all of the Alternative J scenarios please show the entire area of Units 1 and 2. That way, readers can see impact to the lower Corte Madera Creek. For example, Plates 2, 3, 8, and 13 stop near the southern end of College of Marin.

Appendix A, Attachment 2, Figure 2b:

Figure 2b (10-year) scenario appears to understate flooding in the area bounded by Harvard Drive and Tulane Drive (in Larkspur), some of which *currently* floods during high tides and storm events.

Appendix A, Attachment 2, Figure 4b:

The 100-year flood scenario illustrated in Figure 4b doesn't match the FEMA map displayed in the main body of the EIR page 4.1-19 (dated March 16, 2016). For example, it's odd to me that the area bounded by Harvard Drive and Tulane Drive in Larkspur are not flooded in Figure 4b and are flooded in the FEMA map. What accounts for this? Overall, the EIR gives the impression that this neighborhood would not be unaffected by the USACE creek project further upstream. But, many diagrams omit this area. Plus, the area currently floods.

Appendix A, Attachment 2, Figure 5b and Figure 6b and Figure 7b:

The changes in the water surface elevations are worse in the 10-year scenario (Figure 5b) than in the 25-year scenario (Figure 6b) and 100-year scenario (Figure 7b). This seems like it should be reverse as a 100-year flood event is more significant than a 10-year flood event. Plus, sea levels will be higher. As an example, look at the data along Corte Madera Creek just north of Harvard Drive in Larkspur. Also look at the data near the Bon Air Bridge. The changes in water surface elevations decrease as the flooding events increase in strength. What would account for this anomaly? Is it that the future sea levels are higher in impact than say the impact of a 100-year storm event?

Appendix A, Attachment 2, Figure 16 and 17 (Maps showing Change in Water Surface Elevation Between FWOP and Alternative J + FWOP Flood Events 25- and 100-Year Flood):

Please provide similar scenario figures that display all of Unit 1 and 2. This information is critical to property owners and others in the lower Corte Madera Creek so that can assess the impacts of project alternatives

Thank you for your consideration.

[redacted]

From: [redacted]
To: Corte Madera
Subject: [Non-DoD Source] Corte Madera Creek Risk Flood Project
Date: Tuesday, November 6, 2018 10:17:28 PM

Cynthia Fowler,

I am writing in response to the proposed plan for Ross. I am a Kentfield resident and live in the lower area of Berens and MacAllister. Yearly we have flooding on Berens ave in our neighborhood. This usually happens at high tide and a very rainy day. My biggest concern is that this new project will cause more flooding in our area. With more water running down to the outlet and no where for it to go, we will for sure have a problem.

Thank you,
[redacted]

November 20, 2018

U.S. Army Corps of Engineers, San Francisco District
ATTN: Cynthia Jo Fowler
1455 Market Street
San Francisco, CA 94103-1398

Marin County Flood Control and Water Conservation District
ATTN: Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

RE: CORTE MADERA CREEK FLOOD RISK MANAGEMENT PROJECT: JOINT DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT

Dear Ms. Fowler and members of the Marin County Flood District Board:

Thank you for the opportunity to provide comments regarding the Corte Madera Creek Flood Risk Management Project (the Project) Joint Draft Environmental Impact Statement/ Environmental Impact Report (DEIS/EIR). The Town of Ross appreciates the Marin County Flood Control District staff for their outreach efforts and will continue to support any planning efforts which facilitate flood risk reduction measures in the Ross Valley basin. The Town of Ross, as a major stakeholder and as a described "Partner", has very significant concerns that the level of information and analysis provided by the DEIS/EIR is deficient and therefore provides insufficient information to adequately evaluate many of the project impacts that would occur within the Town.

On October 23, the Town sent a letter to the U.S. Army Corps of Engineers (USACE) respectively requesting the comment period timeline on the Draft EIS/EIR comment period be extended from November 27 to December 12 (a 15-day extension) to provide members of the public, community stakeholders, and the Town adequate time to review the complex documents and provide comments on this important project. On October 24, the Town received an email from the USACE denying our request for an extension. Based on the November 27 deadline, we are submitting the following comments and reserve the right to provide comments later in the process. With respect to the aforementioned concerns, the Town provides the following comments by section, on the adequacy of the DEIS/EIR:

GENERAL COMMENTS

- How many buildings and how many habitable structures in Ross and Kentfield are impacted by flood waters under existing conditions for a 10-year flood event (relates to Figure 2a in Appendix A), the 25 year flood event (Figure 3a in Appendix A), and for a 100 year flood event (Figure 4a in Appendix). Please provide the figures for each Ross and Kentfield. Please provide the same information related to future without project conditions (FWOP) for 10-year event (Figure 5a), 25 year (Figure 6a), and 100 year (Figure 7a).

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www.townofross.org

- Similar to above, how many buildings and how many habitable structures in Ross and Kentfield are impacted by flood waters if Alternative J is constructed for a 10-year event (relates to Figure 15 in Appendix A), 25 year event (Figure 16), and 100 year event (Figure 17). If only a part of Alternative J is constructed with the removal of the Denil fish ladder with the smooth transition between Units 3 and 4, and construction of the Granton Park floodwall and Allen Park Corridor, how many buildings and how many habitable structures in Ross and Kentfield are impacted by flood waters for a 10 year, 25 year, and 100 year event and please provide the map figures similar to Figures 15, 16, and 17 for this portion of Alternative J.

- It has been presented to the Town that the removal of the Denil fish ladder with the smooth transition between Units 3 and 4, and the construction of the Granton Park floodwall and Allen Park Riparian corridor may, for a time, be the only elements completed if federal funding is not available to construct all aspects of Alternative J. As such, please provide a comparison of the flood risk reduction benefits for the 10%, 4%, and 1% AEP of completing all of Alternative J, compared with only completing the portion of the project described above, and compared to the proposed conditions with no project.

- The Marin County Flood Control and Water Conservation District (District) has a proposed Phase 1 project which is the same as described above. Would the wall heights in the Allen Park Riparian Corridor be the same or different than the 2 feet height included in Alternative J if the Sir Francis Drake Boulevard bypass is not constructed? If different, by how much? Where would the flood walls be constructed?

- The Town is also requesting the DEIS/EIR include more legible maps regarding the existing and proposed conditions of all properties affected by the project that will identify the flood benefits associated with the project, including maps that would show the existing and proposed conditions of all properties affected by the project if only the District Phase 1 portion of Alternative J (as described above) is constructed.

- The DEIR/EIS document and appendices continuously disregard the Town of Ross as both an integrated regulatory agency in the review process for design and construction activities, and as a landowner pertaining to Fredrick Allen Park. Please ensure that The Town of Ross Planning, Building, and Public Works Departments are included in the appropriate sections as having regulatory jurisdiction within the Town limits and public street right of ways.

- Appendix H, Real Estate Cost. The sample easement language will need to be negotiated with the Town for any acquisition of Town property, and the sample language, as proposed, will not be adequate. Provisions for granting any easement for flood control purposes will need to address multiple issues, including, but not limited to, ongoing maintenance of Town-owned property.

- Under Appendix A, Section 7.4.5, describe the potential impacts to the Corte Madera Creek channel bed and bank caused by the re-introduction of a large volume of flow from the bypass channel back into the channel near 19 Sir Francis Drake Blvd. Also, how does that water coming in from the side affect the water flow in the main channel?

- How is the "Equivalent Average Annual Benefit" calculated? How does the analysis take into account the property values of Ross and Kentfield?

- At the August 22, 2016 "CORTE MADERA CREEK FLOOD RISK MANAGEMENT PROJECT" public meeting, a slide was presented showing that the bypass channel is screened out of the Structural Measures because of "Cost: impacts to utilities and infrastructure". Explain why the bypass channel was reintroduced to the alternatives and how that relates to section 2.6, Table 2-1 "Initial Array of Alternatives" ID #11 where the bypass channel is now listed as "retained".

The Town of Ross would like to put on record that the original Notice or Preparation/Notice of Intent never included the concept of the Allen Park Riparian Corridor project nor was the Sir Francis Drake Boulevard bypass included. While the Town of Ross supports the removal of the Denil Fish Ladder, the Town is extremely concerned with the environmental impacts associated with the Allen Park Riparian Corridor project. Without any meaningful design presented or studied as part of this draft EIS/EIR, the Town is concerned that the full environmental effects have not been fully analyzed. The Town is concerned with the lack of information and mitigation measures related to the extent of grading, reduced pedestrian access, extent of tree removal, tree replacement and landscaping, and continued pedestrian and bicycle access. The existing Fredrick Allen Park has established mature vegetation and provides tree covered pedestrian and bicycle access from Kentfield to the Town of Ross along the creek corridor. The Town is concerned that the resultant project will result in an open corridor that has limited vegetation and relief from sun exposure, and could pose health and safety risks. The Town is also concerned that the removal of the trees and vegetation associated with the project would increase the day-time ambient noise impacts as a result of the existing dense tree and vegetation that currently provides a noise buffer for the park.

EXECUTIVE SUMMARY:

- On page ES-4 under the section Water Quality, in the last sentence of the last paragraph, it states that "the construction of new storm water drainage facilities or expansion of existing facilities could cause significant environmental effects." Please describe in summary form what those "significant environmental effects" would be?

- On page ES-4 under the section Biological Resources, in the last sentence of the third paragraph it states that "Alternatives B, F, G, and J would improve habitat to varying degrees." Please describe how Alternatives B, F, G, and J would improve habitat, what mitigation measures would be necessary to improve the habitat, and would the mitigation measures reduce the impact to a less than significant level?

- On page ES-5, under the section Aesthetics, it appears that only the introduction of floodwalls in Alternatives A, B, and G are considered as significant and unavoidable impacts. However, until a detailed landscape plan is developed, the complete alteration of a level, forested, Town-owned Public park facility into a flood control feature must also be considered a significant and unavoidable impact. As such, please explain the rationale and reasoning behind making the determination that Alternative J would not create a significant and unavoidable impact.

- On page ES-5, under the section Land Use, the environmental document identifies that permanent and temporary easements would be required for all of the Alternatives. What happens if a land

owner would not provide the necessary easement identified as part of the project? Additionally, the last sentence on page ES-6, under the section Land Use, states that, "Impacts to changes in land use from Alternatives F and J were considered less than significant." Given that these alternatives will require a public Town park to be transformed, how can that finding be made without review of the improvements made to the Town park, and without having any such design approved by the Town?

- On page ES-6 under the section Traffic, Transportation, and Circulation, the environmental document identifies that there would be significant traffic impacts associated with Alternatives F and J and that a "Traffic Control Plan would be implemented to reduce impacts, but would not eliminate traffic impacts." Please provide a response to the following questions:
  - What traffic impacts will not be able to be avoided/mitigated/eliminated?
  - Describe in detail what measures would be required to be implemented to reduce traffic impacts.
  - How would a property owner be able to access their properties during road closures?
  - How would the Town, employees, and citizens coming to the Town Hall facilities complex be impacted as a result of the project Alternatives?
  - What would be the impacts associated with public parking, use, and access relative to the identified staging areas.
  - How would emergency services response times be impacted by the traffic impacts?
  - How would day time, evening, and potential night construction noise and light impact property owners and what measures would be put in place to reduce the impacts?
  - Sir Francis Drake is a primary bus route, how would the road closures impact the bus schedules?
  - What utilities will be disrupted and how often?
  - What is the total amount of excavated material with the Bypass phase? What protections will there be against potential long-term damages to structures and buildings due to the extensive soil excavation?

- On page ES-6 under the section Socioeconomics, the environmental document states that under Alternatives F and J, "residents would be temporarily relocated to nearby hotels while utilities are offline." Please identify which properties would be impacted by temporary relocation, for how long would a property owner be relocated, which hotels would be identified to accommodate temporary housing, would a property owner receive a relocation stipend or be required to stay at a designated hotel, how much money is estimated to be allocated for the relocation, and has this line item been included in the cost-benefit ratio that is considered as part of the Alternatives?

- On page ES-7 in Table ES-1, Significant and Unavoidable Impacts, the Town disagrees that Alternative J would not create a significant and unavoidable impact relative to AES-1 and AES-2 because the DEIS/EIR provides little information on the aesthetics of the existing Fredrick Allen Park relative to its dense forest canopy, the existing outdoor recreational amenities, and the aesthetic benefits of the park to the community. Based on the vague description of the Allen Park Riparian Corridor project associated with Alternative F, G, and J, it appears as though the existing park will be significantly degraded based on the removal of all of the existing dense vegetation and mature trees, which in turn will substantially impair the existing visual character and quality of its surroundings. As such, please explain the rationale and reasoning behind why Alternative G would have a significant and unavoidable impact associated with AES-1 and AES-2? Also, please

explain the rationale and reasoning why Alternatives F and J would not have a significant and unavoidable impact associated with AES-1 and AES-2?

- On page ES-8 under the section Areas of Controversy, the document includes issues that were vetted during the scoping meetings that occurred in 2015-2016. During those scoping meetings, the Fredrick Allen Park Riparian Corridor concept identified in Alternatives F, G, and J was never identified, which is the reason it was not listed as an "Area of Controversy." The Fredrick Allen Park Riparian Corridor is an area of extreme concern to the Town of Ross, given the Project's significant modification of the corridor, the tree removal and the associated impacts, and the aesthetic impacts to this Town-owned park. Please explain why it was not raised as part of the scoping session, and how the lead agency intends to respond to concerns about the Town-owned park's ultimate use as part of any flood control. Under CEQA, the scope of the environmental review conducted for the initial study must include the entire project. Thus, a correct determination of the nature and scope of the project is a critical step in complying with the mandates of CEQA.

- On page ES-8 under the section Unresolved Issues, the Town of Ross is extremely concerned with the lack of any detail provided on the extent of impact both to Fredrick Allen Park and within the Allen Park Riparian Corridor relative to the following:
  - What is the earth disturbance and quantity of cubic yards of off-haul?
  - Provide a detailed list of the type, number, and size of trees to be removed within Frederick Allen Park and within the overall Riparian Corridor? (Appendix J only shows costs related to removing 26 trees).
  - Number of trees to be replanted in Frederick Allen Park? Within the overall Riparian Corridor? What species of trees are being proposed?
  - Provide the location and amount of pedestrian and multi-purpose paths.
  - Provide a project diagram showing the specific locations of the walls within the Allen Park Corridor and the proposed creek streambed that meanders through the Corridor should be provided.
  - Please provide a fencing plan.
  - How will the park be designed?
  - Who will be designing and funding the construction of the park?
  - Who will act as a lead agency and when will an application be submitted to the Town for Design Review as required for alterations to any Town-owned park?
  - Where will construction staging and storage of materials be located?
  - Who will maintain the park?
  - Related to safety, please describe mechanisms and procedures to keep the public safe during high water events. Has the cost of the park been incorporated into the USACE cost/benefit ratio formula?
  - How much money is anticipated to be allocated to the design, construction, landscaping, and maintenance of the park?
  - How will the tennis courts be impacted and/or protected as a result of the project as it relates to the potential for erosion and ground-sloughing over time?
  - What would be the construction costs for the replanting of the park, and what would be the cost for annual future maintenance?

- On page ES-9 under the section Vegetation Variance along Floodwalls, it states that there will be a 15-foot riparian habitat buffer, and that while a vegetation variance may be granted, it will not be known whether a variance would be granted until after the EIS/EIR is certified. The aesthetic impacts to the Fredrick Allen Park are not properly analyzed because the design of the park is not accurately and fully described. This constitutes improper piecemealing under the California Environmental Quality Act ("CEQA"). A consequence of a project must be studied as part of the project if it is reasonably foreseeable that that consequence is, as a practical matter, sufficiently certain to happen. Under this principle, the Draft EIS/EIR was required to consider the impacts of the "whole of action," here that would include the redesign of the Frederik Allen Park. Moreover, other details about the park are not fully described.

- On Page ES-9, it is our understanding that the current scope of the "Sir Francis Drake Boulevard Rehabilitation Project" ends at the southerly Town Limits of Ross and except for traffic considerations should not physically be impacted by or impact the construction of the bypass. If future phases of the Sir Francis Drake Boulevard Rehabilitation Project are planned to extend into the Town of Ross, please provide the source for that information.

SECTION 1 INTRODUCTION:

- Under Section 1.2.4 Study/Project Area, in the first paragraph, Larkspur should be included in the list of Cities/Towns within the Corte Madera Creek watershed.

SECTION 2 PLAN FORMULATION:

- Under Section 2.3.2, Universal Constraints on page 2-3, shouldn't it include the Americans with Disabilities Act relative to the anticipated, yet undisclosed, impacts to Fredrick Allen Park?

- Under section 2.3.3.2, Other Considerations, Bicycle-Pedestrian Pathway, it states, "Maintaining the existing bike path..." This path is more than just a bike path; the Town suggested describing the path as a pedestrian-bicycle path, or multi-purpose path. Many pedestrians use the path.

- Under Table 2-3, Comparison of alternatives for Corte Madera Creek Flood Risk Management Project, Alternative H on page 2-13, it states that removal of the fish ladder with flood proofing of structures would be cost prohibitive and that many properties would be left in the floodplain. Would there be any adverse impacts to downstream properties relative to significant flooding impacts if only the Denil fish ladder was removed along with the construction of the transition between Units 3 and 4?

- Under Table 2-3, Comparison of alternatives for Corte Madera Creek Flood Risk Management Project, in the "Key Stakeholder Issues" for Alternatives F, G, and J it states that the Allen Park Riparian Corridor is preferred by the Town of Ross. This is an inaccurate statement and the Town of Ross is requesting this statement be removed from the Table. The Town needs more information related to the Allen Park Riparian Corridor before a preference can be made.

- Tables 2-4 and 2-5, provide an explanation, methodology, and analysis of benefit cost of the Alternatives. Additionally, please provide more details for the costs estimates for Alternative J,

including a detailed breakdown of the construction and utility costs including sewer line relocation, pump stations, lateral drainage systems, etc.

- Table 2.4, explain how "benefits" and "annual benefits" values can be derived and evaluated without measuring the actual elevation of the living area finish floor or crawl space of a structure that resides in the areas where flood elevations are modeled and expected to be reduced by the project.

- Real estate costs for Alternative J are estimated at $19,232,000 as shown in Table 2-4 and Table 1 in Appendix J. How many and what is the location of the acres to be purchased? The Appendix J text says "Alternative J will require an estimated 8.72 acres from 66 parcels, 40 landowners (Exhibit A)," while Table 1 in the chapter says "64 parcels/43 landowners, approximately 143 acres". Please resolve the discrepancy. Appendix J, Exhibit A Project Maps is not included in any DEIS/EIR provided to the Town nor is it in the one shown on the Marin County Flood Control website (Exhibit B and C are also not included).

- Appendix J, Cost Engineering, only has one page of cost estimates which does not match Tables 2-4 and 2-5. This discrepancy should be addressed.

- Appendix J, Cost Engineering. The Town is concerned that the utility costs have been underestimated. Therefore, the Town is requesting information providing a line item regarding the costs of the various utilities associated with each phase. In addition, what is the cost estimate for moving the sewer line in the Allen Park Riparian Corridor, and what is the estimated cost in total of moving all the utilities related to the bypass under Sir Francis Drake Boulevard? Additionally, provide the line item details of the $3,427,722.14 utility relocation costs included in the budget.

- Appendix J, Cost Engineering. The Underground Bypass on Sir Francis Drake Boulevard is a massive construction project on a busy two-lane arterial with multiple road and driveway entries. How much was budgeted for traffic control? How many workers are anticipated to be needed on a typical construction day?

- Appendix J, Cost Engineering, does not include the design and landscaping associated with the Allen Park Riparian Corridor. The costs associated with the construction and landscaping of the park should be included in the Cost Engineering.

- Appendix J, Cost Engineering, a design and cost estimate of potential pump stations should be added as well as a cost range added based on potential temporary shoring needs due to subsurface soil and rock characteristics along the bypass alignment.

SECTION 3 DESCRIPTION OF ALTERNATIVES:

- Under Section 3.3.1, The removal of the concrete streambed for 750 feet downstream of the fish ladder is presented as a common feature to all action alternatives, however Alternatives A and B do not have this feature in the plan view or project descriptions. Please clarify.

- Under Section 3.3.2, Floodwall Construction, the second to last sentence in the paragraph on page 3-4 states that a maintenance road would be constructed to allow small vehicles to monitor the creek behind homes through Sylvan Lane properties and that the actual location of the road would not be determined until the PED. In order to assess any potential impacts to properties regarding easement and visual impacts, the Town of Ross is requesting a conceptual diagram to show the possible location of all access roads, how the roads would be constructed, what physical and aesthetic impacts would be required for the roads, and where would possible easements be required.

- Under Section 3.6, the Allen Park Riparian Corridor is generally described. Prior to certification of the environmental document, the Town of Ross is requesting a site plan and project details of how the proposed Allen Park Riparian Corridor, including the Town-owned Fredrick Allen Park, will be modified as a result of Alternatives F, G, and J, including, but not limited to a preliminary grading plan, tree removal and replacement plans, sewer and utility plans, and a landscape and hardscape plan. The Town of Ross is also requesting that any proposed temporary or permanent easements within the Allen Park Riparian Corridor and the Town-owned Frederick Allen Park be shown.

- Table 3-2 describes "Approximately 950 feet in length, Removes Fish Passage Barrier" associated with the Fish Ladder Removal feature for every alternative. This feature should be clarified so that it is not confused with removal of the concrete channel downstream of the fish ladder.

  Table 3-3 shows "Remove existing Denil fish ladder and replace with a smooth transition between Units 3 and 4" as being included in both Phase 1.3 and Phase 4.5. Explain why the removal of the Fish Ladder happens in 2 different phases.

- Table 3-4, Construction Schedule for Each Phase, on page 3-15 shows that the construction associated with Alternatives F, G, and J would be completed in 4 phases, with the Allen Park Riparian Corridor Station to be constructed in the first phase.
  - There doesn't appear to be a Phase 1 for Alternatives A and B. Please clarify why this is so.
  - What would be the flooding impacts and benefits associated with Alternatives F, G, and J if the subsequent three phases are not funded to be constructed?
  - Would the project still be able to meet the required Benefit/Cost ratio and meets the described goals of the project if only the Allen Park Riparian Corridor was constructed?
  - Would a supplement to the DEIS/EIR be required to treat these as Cumulative Impacts?

- Table 3-4, Phase 4 is shown in Table 3-4 to need 300 days of construction for Alternatives F and J. Are there any seasonal restrictions on when that construction would occur or would it occur in 300 consecutive days?

- Table 3-5, It would seem that creation of the Allen Park Riparian Corridor will require some type of concrete removal equipment, such as: 19. Heavy Concrete Cutters or 20. Multi-Processor Concrete Cutter/crusher. Explain why this equipment was not included in the removal of the concrete channel.

- Table 3-6, Summary of Agencies End Specific Review, Approval, or Other Responsibilities on page 3-18, the Town of Ross should be listed as Land Owner of the Fredrick Allen Park, in addition to Project Planning, Review, and Permitting.

- Table 3-7, Avoidance and Minimization Measures, shows there are no AMM's for Aesthetic impacts, however, on page 4.8-13 (Section 4.8.3.1 Avoidance and Minimization Measures) there is AMM-AES-1: Aesthetic Treatment of Structures. Should this AMM be listed in in Table 3-7 under Aesthetics?

- Table 3-7, Avoidance and Minimization Measures (AMM), it is missing AMM-WAT-12: Prepare SWPPP. AMM-WAT-12 should be added to the Table.

- Table 3-7, Summary of Alternative Impacts, regarding AES-1 and AES-2. The Town of Ross disagrees that the project Alternatives that include the Allen Park Riparian Corridor would have a less than significant impact. The project design for the park has not been presented to the public for consideration and therefore, the Draft EIS/EIR has improperly piecemealed the project. The redesign of the park is a reasonably foreseeable consequence of the project, and should have been analyzed in detail and mitigated in the Draft EIS/EIR, including a discussion of the aesthetic impacts associated with the Allen Park Riparian Corridor design.

- Table 3-7, Summary of Alternative Impacts, regarding REC-2, the Town of Ross is concerned with any possible impacts to the existing tennis courts located within Fredrick Allen Park and is requesting a mitigation measure be developed to create an adequate setback from the edge of the tennis courts to any future Allen Park Riparian Corridor project element that may be approved and developed.

- Table 3-7, Summary of Alternative Impacts, The Town of Ross, not The County of Marin, has jurisdictional review of all engineering construction and traffic control related documents for work within the Ross Town Limits.

- Under Section 3.10.5, Operation and Maintenance Activities, on page 3-30, the maintenance of all aspects of the Allen Park Riparian Corridor, including recreational facilities, should be included.

- Table 3-8, Summary of Alternative Impacts. The Town of Ross would like to put on record that it disagrees that BIO-5, AES-1, and AES-2 would generate "Less than Significant Impacts" and is requesting the rationale and reasoning of this designation as it relates to the Town of Ross proper and especially the impacts to the existing Town-owned Fredrick Allen Park relative to the Allen Park Riparian Corridor project.

SECTION 4 AFFECTED ENVIRONMENT, ENVIRONMENTAL CONSEQUENCES, AND CUMULATIVE EFFECTS:

- Under Chapter 4.1, Hydrology and Hydraulics, in Section 4.1.3.1, Avoidance and Minimization Measures, AMM-HYD-1: Flood Warnings, how would this measure impact the Town of Ross? Please describe where the signs and sirens would be located and what they would look like? Would there also be coordination efforts between the affected communities in terms of the design, size, and location of the size and sirens?

- Appendix I, Civil Design, Attachment 4, in addition to Cross Section B-B, the Town requests to see four more cross sections within the Allen Park Riparian Corridor, including a cross section adjacent to the tennis courts, to better understand the extent of concrete channel removal, grading, excavation, slopes, elevations, and installation of new retaining walls and flood walls in the Allen Park Riparian Corridor and the Town-owned Frederick Allen Park. In addition, please provide a grading plan showing the existing and proposed topographical contour elevations for this Corridor and the Town-owned park.

- Under Section 4.1.3.3, Effects and Mitigation, on page 4.1-26 in the first paragraph, the environmental document states that the construction and operation of the interior drainage system could result in significant impacts, but that the extent of the impacts are unknown since they have not been formally planned or designed. This is conclusory and unsupported by facts or analysis and is improper segmentation under CEQA. The relevant project components are reasonably foreseeable consequences of the project and should have been analyzed in the Draft EIS/EIR.

- Under section 4.1.3.2, Methodology for Impact Analysis and Significance Thresholds, on page 4.1-22 as described in the first two sentences of the second paragraph, it states that all of the project Alternatives, with the exception of Alternative J, was designed to provide a flood protection for 4 percent AEP flood events for the entire study reach. Why was Alternative J only studied for 4 percent AEP flood events upstream from Fredrick Allen Park, what additional measures/project elements would be required to continue the study reach assuming a 4 percent AEP flood events, how would this benefit flooding impacts, and what would the benefit/cost ratio be?

- In Chapter 4.5, on page 4.5-7 the environmental document references a 2010 Greenhouse Gas inventory. This information is outdated. An updated inventory can be found at the following link: http://marinclimate.org/sites/default/files/documents/Ross%202015%20GHG%20Inventory%20Report.pdf. The environmental document should be updated accordingly as the Town's MT have dropped to 13,090 MTCO2e in 2015.

- In Chapter 4.6, the environmental document appears to classify the existing Fredrick Allen Park as being "Urban/Developed". Please reclassify all descriptions of the Fredrick Allen Park as a "Civic District Zoning District or "Open Space/Recreational General Plan Land Use Designation". Section 4.6.2.2, Habitat Types, starting on page 4.6-3 should be updated accordingly, as well as Tables 4.6-5, 4.6-7, and 4.6-8. Furthermore, the Town of Ross is requesting that all respective Appendices should be updated as well to reference Fredrick Allen Park being a Public Park or Open Space/Recreational instead of being Urban/developed.

- Page 4.6-46, during the long construction of the Sir Francis Drake bypass all traffic in and around Ross will be severely disrupted and some people will avoid coming through Ross if at all possible due to the traffic disruption. What is the likely impact to the real estate market and home sales during this very long construction period? Speculation is that less people will be willing to move to Ross until the project is complete which would lead to reduced home sales and sales prices.

- Page 4.11-9 under Alternative J, what are the addresses of the 7 residential parcels that permanent easements may be needed from?

- Appendix N, Biological Assessment. Page N-17, second to last sentence in Section 5.3. Specifically, provide details describing the 4.66 acres of urban and developed land that is being converted to habitat features. How many acres of existing public park are being converted?

- Appendix N, Biological Assessment. Page N-18, Section 5.5 first paragraph. There is no "urban and developed land" within the current Allen Park; it is Town-owned public park land. The Draft EIS/EIR states there is 0.78 acres of urban and developed land, but does not indicate the location of that land. Please identify.

- In Chapter 4.6 on page 4.6-3, the description of the Town of Ross Tree Removal Permit requirements is misleading. A Tree Removal Permit and tree replacement is required for the removal of trees on both private and public property. Please revise this paragraph to make it more accurate to inform the public of the correct thresholds. Additionally, as previously requested, the Town of Ross is requesting an Arborist Report to include a Tree Survey, Tree Replacement Plan, and Tree Protection Plan for the Fredrick Allen Park Riparian Corridor Project as part of the EIS/EIR.

- Under Chapter 4.8, Aesthetics, in Section 4.8.1.3, Local-Town of Ross General Plan 2007-2025, the Draft EIS/EIR has not included the following General Plan policies that are applicable to Alternatives F, G, and J as follows:
  - 1.1 Protection of Environmental Resources. Protect environmental resources, such as hillsides, ridgelines, creeks, drainage ways, trees and tree groves, threatened and endangered species habitat, riparian vegetation, cultural places, and other resources. These resources are unique in the planning area because of their scarcity, scientific value, aesthetic quality and cultural significance.
  - 1.2 Tree Canopy Preservation. Protect and expand the tree canopy of Ross to enhance the beauty of the natural landscape. Recognize that the tree canopy is critical to provide shade, reduce ambient temperatures, improve the uptake of carbon dioxide, prevent erosion and excess stormwater runoff, provide habitat for wildlife and birds, and protect the ecosystem of the under-story vegetation.
  - 1.3 Tree Maintenance and Replacement. Assure proper tree maintenance and replacement.
  - 1.4 Natural Areas Retention. Maximize the amount of land retained in its natural state. Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. In addition, where possible and appropriate, invasive vegetation should be removed.
  - 9.1 Coordination with Other Jurisdictions and Agencies. Ensure that regional, state and federal agencies, nearby cities, Towns, and special districts, College of Marin, County of Marin and LAFCO are aware of and responsive to the goals, policies and programs of the Ross General Plan. Ross' mystique lies in the beauty of its natural resources: the trees, hillsides, ridgelines and meandering creeks. These features have shaped the growth of Ross and affect how we experience the community. They provide habitat for wildlife, privacy between neighbors, and create scenic vistas around every bend. The Ross Town Council has taken dramatic steps since our last General Plan to preserve our critical environmental resources, including adopting additional design review requirements for projects with grading, filling, or retaining walls construction, further ensuring the preservation of the Town's hillsides. Creek and drainage way setbacks and an expanded tree protection ordinance have also added to

the Town's zoning regulations to protect waterways and vegetation for future generations. Applications to remove or alter trees are carefully scrutinized by the Town as part of any project review.

- On Table 4.8-2 Please explain how it can be determined that the Allen Park Riparian Corridor can provide a "Beneficial" Aesthetic Impact compared to the current Allen Park without providing any level of design detail. There are insufficient details to adequately analyze the scope of the project.

- On Table 4.8-3 Please explain how it can be determined that the Allen Park Riparian Corridor can provide a "Less than Significant" Impact compared to the current Allen Park without providing any level of design detail.

- On page 4.8-18, under Alternative F the first paragraph in the fourth sentence states that tree removal would be required, but that the tree survey would occur after certification of the environmental document and before project implementation. The Draft EIS/EIR improperly defers the tree study to a future time. By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process. Moreover, based on the tenets of the General Plan and policies and regulations regarding Tree Removal, the Town of Ross does not believe that the aesthetic impacts associated with the environmental document can be adequately addressed without a tree survey being conducted and a tree replacement plan being circulated as part of the project EIS/EIR. Therefore, the Town is requesting an arborist report, tree survey, and tree protection plan for Alternatives F, G, and J be prepared for consideration as part of the final EIS/EIR. The Town is also requesting the same for the substantial modification of the Town-owned Fredrick Allen Park to accommodate the Riparian Corridor. Consistent with the Town of Ross zoning ordinance, a Design Review application will be required to be submitted to the Town Council for consideration of any alternations to the park. Please describe when this application will be submitted. If the park design is acceptable to the Town Council and the requisite Design Review findings can be achieved, the Town Council will tier its final CEQA review and project approval after certification of the project EIS/EIR. Therefore, the Town requests that the Design Review application be submitted prior to certification of the project EIS/EIR. In addition, the Town of Ross disagrees with any statement that the Allen Park Riparian Corridor would benefit the scenic integrity because it is unsupported by the analysis in the EIS/EIR. The Town of Ross requests that all references to that statement throughout the document be struck until the design of the Allen Park Riparian Corridor is able to be evaluated by the Town of Ross.

- Under Section 4.9.3.3 Effects and Mitigation, on page 4.9-4, please explain how a finding of impacts to Fredrick Allen Park would be less than significant under Alternatives F, G and J, when there have been no accompanying design details relating to the location of the proposed natural trails, or any design details about any component of a redesigned park. CEQA requires a "general description" of the project's technical, economic, and environmental characteristics with sufficient information to understand the environmental impacts of the proposed project. (CEQA Guidelines §§ 15124(c), 15146.) The EIR must achieve a balance between technical accuracy and public understanding. (*Id.* at § 15147.) Here, the EIS/EIR fails to meet the basic requirements under CEQA because there is insufficient information about the redesigned park. Furthermore, as discussed above, this is improper segmentation of the project.

- Under Noise in Section 4.10, Mitigation Measure NOI-1 on page 4.10-14 identifies that sound barriers would be erected around the site. Provide examples of what the sound barriers would look like, where would they be located, and how much noise would be attenuated with the sound barriers.

- Under Noise in Section 4.10 and specifically as described in Table 4.10-6 on page 4.10-8, it shows that the existing sound level averages around 51.3 dba Leq. The Section 4.10 also goes into an extensive description regarding short-term construction impacts. However, the Section does not identify the long-term noise impacts of removing trees from Fredrick Allen Park and the surrounding trees and riparian vegetation that would be cleared away under Alternatives G, F, and J. The existing woody vegetation currently provides a noise buffer and the removal of the woody vegetation may result in a change and possible increase in noise levels at the park and on surrounding properties adjacent to the project. As such, the Town is requesting an analysis be prepared to demonstrate the long-term impacts of the project if the project removed any number of trees associated with Fredrick Allen Park and other trees from surrounding properties adjacent to the creek.

- Appendix C, Noise Calculations. For concrete channel removal, explain why concrete cutter/crusher is not required in Alternative J but is required in Alternative F and G.

- Appendix C, Noise Calculations. For replace and improve bike and pedestrian pathway, explain why manual soil compactor is not required in Alternative J but is required in Alternative F and G.

- Table 4.11-1, Land Uses and Zoning Crosswalk on page 4.11-4 does not state the correct zoning for the Town of Ross. Please correct the tables accordingly.

- Under Section 4.11, Land Use, in subsections 4.11.3.3, on page 4.11-9, when describing Alternatives F, G, and J, there is no reference to the temporary or permanent easements the Town would be required to provide, in addition to the discretionary and/or ministerial permits that would be required, and the fact that the Town Council would be required to approve the final design of elements of the project that would be located within the Town of Ross proper. Furthermore, the verbiage of the text assumes that the Town is acting as a partner, when in fact the Town does not know what the future design and corresponding environmental impacts would be to the Town relative to the General Plan and Municipal Code. As such, the Town of Ross is requesting this section be updated to include the impacts of the aforementioned Alternatives as it relates to the Town's General Plan, Municipal Code, including Zoning Regulations, and land use/process requirements associated with easements.

- 4.13.3.1 Avoidance and Minimization Measures, please make note that Traffic Control plans and Staging plans shall be submitted for approval to the Town of Ross Public Works Department, not the County, for construction activities within the Ross Town Limits.

- Section 4.15, Socioeconomic, does not include the Ross zip code (94957) in any of the Tables. Was the Ross zip code 94957 included in the analysis? If so, please update the tables to include 94957. If not, please update the table to include the zip code 94957 and provide an updated analysis accordingly.

- In the first sentence of the second paragraph of Section 4.15.3.4 on page 4.15-5, it states that, "Replacement of the natural stream bed and improvements to Allen Park would increase the aesthetic appeal of Ross Common, which could increase business in the area..." Explain how that statement can be accurate when there has been no project description or design for the subject park improvements that would increase the "aesthetics" of the park. This is a conclusory statement unsupported by the facts and analysis in the EIS/EIR.

SECTION 5 OTHER REQUIRED ANALYSIS

- The Town of Ross does not agree with Table 5-1 in Section 5.3 on page 5-3 as it relates to AES-1. The Town of Ross is materially concerned with the potential visual and aesthetic impacts related to the Allen Park Riparian Corridor project since there are no diagrams or plans that demonstrate what changes to the park would be required to address Phase 1 of the project. The Town of Ross is requesting the table be updated to demonstrate that a bullet point for Alternatives F and J be checked for AES-1.

9 REGULATORY JURISDICTION AND ENVIRONMENTAL COMPLIANCE

- Section 9.3.3 should be updated to reflect the legally mandated requirement for Design Review for the Allen Park Riparian Corridor project pursuant to Section 19.41.020 of the Ross Municipal Code.

- Section 9.4.1, Areas of Controversy, should be amended to include the substantial modifications and improvements related to the Allen Park Riparian Corridor project.

- Table 9-1 in Section 9.5 on page 9-15 should be amended to include the Town of Ross Town Council Design Review and permitting related to the Allen Park Riparian Corridor project.

- Appendix L, Mitigation Monitoring and Reporting Program. Page L-2 and L-3, Impact BIO-5. Under Mitigation Measures. Text should be added that construction within the Town of Ross will require Design Review approval from the Town. Tree removals will require a tree permit and compliance with Town Ordinances. The text should be changed to state that trees shall be replaced by the time construction is complete and not within the first year after the completion. Mitigation Timing column should be changed to During Construction versus Post Construction. Responsibility column should add Town of Ross as the approval entity of the design of the Allen Park Riparian Corridor prior to construction being allowed to begin in the Corridor.

- Appendix L, Mitigation Monitoring and Reporting Program. AMM-TRF-2. The Responsibility column should be changed to reflect that within Town of Ross limits a Traffic Control Plan should be submitted and approved by the Town of Ross, and to Marin County Department of Public Works within the unincorporated area. This change should be made throughout the DEIS/EIR document and appendices.

Enclosed are letters and emails from residents with questions and comments related to the Joint DEIS/EIR. Please respond to these comments.

Thank you in advance for considering the Town of Ross and resident comments and incorporating them into the Corte Madera Creek Flood Risk Management Project Joint DEIS/EIR.

Sincerely,

Joe Chinn
Town Manager

Enclosure

cc: Mayor P. Beach Kuhl and Council Members
Benjamin Reder, U.S. Army Corps of Engineers, San Francisco District
Tony Williams, Assistant Director at the Marin County Department of Public Works
Tonya Redfield, Ross Valley Watershed Flood Risk Reduction Program Manager

ENCLOSURE
(Resident Letters)

Heidi Scoble

From: Connor Kidd <connorkidd@gmail.com>
Sent: Tuesday, October 23, 2018 10:05 PM
To: Richard Simonitch
Cc: Heidi Scoble; Joe Chinn - Town Manager
Subject: Corte Madera Creek EIR / EIS Comments

Hi Rich,
As you know, my wife and two small children live at 11 Sir Francis Drake Blvd in Ross. The Army Corps draft EIR / EIS project studied has meaningful impacts on my family and our property. I wanted to share my draft comments with you as you consider the comments from the Town of Ross. For the comments below, I am primarily focusing on the Tentatively Selected plan.
Please let me know if you have any questions on my comments.
Best,
Connor

Comments:

- Draft EIR lacks detail of locations of flood walls along the Sir Francis Drake side of the creek near Frederick Allen Park in Ross. Residents will be impacted by the construction and permanent location of these walls and the EIR fails to provide a level of detail for residents to evaluate the impacts.
- Air Quality & Climate change - limit emissions by minimizing dirt off-hauling by working with local residents impacted by the project that would accept dirt on their property.
- Noise - project mentions Vibratory Pile Driver as one of the loudest pieces of equipment to be used. Consider using drilled piles as an alternative to mitigate noise. Pile drivers are now rarely used in large metros such as San Francisco due to their noise impacts and using drilled piles.
- Socioeconomic Impacts - This project disproportionate impacts residents personal environments by asking those homes with the lowest value in the Town of Ross to bear the brunt of the project - both during the construction and potential future impacts by reducing access to personal green spaces with homeowners yards. In fact, in Table ES-1 Significant & Permanent Impacts, alternative J does not have a box checked under alternative "J" for "LND-4 Result in permanent conversion of existing land use". Given the above, the project could permanently impact homeowners along Sir Francis Drake and mitigation measures should be considered. In the same table, SOC-2 - the impacts of the project will take nearly all available green space for residents along Sir Francis Drake and residents with small children will have yards that are unusable and will be temporarily displaced due to lack of access to private green space.
- The Draft EIR identifies the backyards of residents on the North/East side of Corte Madera Creek along Sir Francis Drake as construction staging. Alternatives are suggested to these and the backyards should be removed as a consideration given the alternatives available.
- The proposed staging is in our backyard and we have small children. What safety measures will be undertaken to ensure safety of small children with the construction staging equipment?
- Future drainage of homes along Sir Francis Drake Blvd - currently water drains through the yards of homeowners on Sir Francis Drake Blvd on Corte Madera Creek due to both uphill run-off from across Sir Francis Drake Blvd and run-off from the fish ladder limiting flow in the creek. The EIR needs to study how this water can get to the creek without these yards continuing to be impacted as secondary drainage channels.
- Phasing the project - The project appears to have funding for the Frederick Allen Park portion of the project, but not the bypass and some of the downstream floodwalls. What will be the environmental, social and ecological impact if only the currently funded portion of the project is completed?
- Table 3.6 - Summary of Gencies End Specific Review, Approval or Other Responsibilities - the Town of Ross owns the land of Frederick Allen Park and is also a Land Owner for the project purposes.

- The Real Estate Appendix of the EIR does not contain project maps or identify the parcels that will be impacted. It is imperative to know what parcels and maps are under consideration to identify the impacts.
- Real Estate - homeowners on Sir Francis Drake on the opposite site of Sir Francis Drake will have difficulty selling their home or have suppressed value until the project is completed. How can this be mitigated if a homeowner needs to move?
- Appendix J - Cost Engineering - the cost to remove the Fish Ladder and Frederick Allen Park Riparian Corridor do not seem to match information provided by the County of Marin Flood Control district. The numbers in Appendix J appear to be meaningfully lower - thus there is a concern that the project cost have not been carefully considered.
- Project Description, Real Estate Costs & Appendix M Cultural Resources - Project does not identify parcels that would require permanent easements. Also does not take into consideration that the county owned land along Corte Madera Creek is currently subject to license agreement by the homeowners along Sir Francis Drake and using this land has an impact on those residents.
- Aesthetics - EIR does not provide detailed landscaping plans for stakeholders to evaluate the foliage. This is the case both in Frederick Allen and in the backyards along Sir Francis Drake Residents. The flood wall aesthetics are not provided in detail to evaluate their impact on residents and the habitat.
- Vegetation - request the Army Corp waive the standard 15 ft creek set-back to allow for vegetation to be planted in close proximity of the creek to restore the natural habitat and aesthetics of the creek.
- Creek access - the tentatively selected plan intends to improve creek access to Corte Madera Creek from the Frederick Allen Park side of the project, but does not address access for residents living along Sir Francis Drake Blvd.

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Thursday, November 8, 2018 10:14 AM
To: Linda Lopez; Heidi Scoble; Richard Simonitch
Subject: FW: November 8, 2018 Agenda Item 12 - Comment Letter
Attachments: TOWN DEIS COMMENT LETTER.docx

From: Hugh Cadden <hjcadden@gmail.com>
Sent: Thursday, November 08, 2018 9:25 AM
To: CouncilAll <towncouncil@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>
Subject: November 8, 2018 Agenda Item 12 - Comment Letter

ATTACHED FOR COUNCIL MEMBERS AND TOWN MANAGER IS COMMENT LETTER FROM HUGH AND LUANNE CADDEN ADN KRISTEN AND BEN SWANN RE ITEM 12

TOWN DRAFT DEIS/EIR COMMENT LETTER - PROPOSED COMMENTS FOR INCLUSION RE REMOVAL OF DENIL FISH LADDER DATA

--

Hugh J. Cadden

Direct: 415-497-0174

Hugh and Luanne Cadden
P.O. Box 1198
Ross, California 94957

November 7, 2018

Ross Town Council

Re: Town Draft DEIS/EIR Comment Letter – Proposed Comments for Inclusion re Removal of Denil Fish Ladder Data

Dear Mayor Kuhl and Council Members:

This letter is being submitted on behalf of myself, a longtime Ross property owner, and my daughter Kristen Swann who owns the property at 3 Sir Francis Drake. We are writing to request that the Town consider including the proposed comments/requests set forth below in its Comment Letter to USACE.

The proposed comments/requests are designed to compare the flood risk reduction benefits associated with Alternative J as proposed with those of Alternative J **excluding** the Riparian Corridor element. This will allow the Town to ascertain, compare and evaluate the relative flood risk reduction benefits relating to the Riparian Corridor element and the removal of the Denil fish ladder element.

The Town is being asked to support and embark on a Project, Alternative J, that is going to change Frederick Allen Park forever; it will directly and negatively impact the use and enjoyment of any number of Ross creek-side homes; it is budgeted at $46 million and largely unfounded; it calls for a five year construction program that involves summer months and night work; and there is real uncertainty whether an integral element (the by-pass) will ever get funded.

What if it is found that the removal of the Denil fish ladder element results in the same or a higher level of flood risk reduction benefits as the Riparian Corridor? Isn't that important to the Town's decision-making process? Frederick Allen Park could be saved; the Town and creek side homes could have the desired flood protection; the significant impacts arising from the Riparian Corridor could be eliminated; and the cost savings would be huge.

Whether these outcomes might be achieved is unknown. The point here is that the Town, along with everyone else, is in the dark. For over a year now the District has avoided addressing the actual flood mitigation benefits that can be separately attributed to the removal of the Denil fish ladder. Rather, to date, all attention has been on building a riparian corridor park and how this was going to be built with "free" money - a grant that required immediate action and requires a park element. Neither the availability of grant money (which seems to be burning away) nor other agency considerations should be a basis for the Town to forego getting the AEP information being requested. Imagine if it is

discovered after Frederick Allen Park is destroyed and the channel is demolished that the flood mitigation benefits associated with the removal of the Denil fish ladder element were more favorable.

The Denil Fish Ladder removal which is an element of all alternatives is described in Appendix A, Hydraulics and Hydrology, Section 7.4.1 at page 49:

> "The Denil Fish Ladder extends from river station 370+00 to 369+70 in Unit 4 downstream from the Lagunitas Road Bridge. The action alternatives include removal of the fish ladder which would help restore fish passage. The fish ladder would be removed and replaced with a smooth transition. The fish ladder was intended to be a temporary structure at the upstream end of Unit 3 until Unit 4 construction which never occurred due to a lawsuit. The fish ladder would be replaced with a combination of natural bed material and biotechnical bank stabilization or stone protection treatments to eliminate the hydraulic jump and create a smooth transition that would also improve fish passage.
>
> As a result of removing the fish ladder, channel modifications would be necessary to accommodate the change in flow dynamics. This would also create the need to modify and lower the channel floor elevations to allow for a smooth transition and geomorphological sustainable channel bed. The channel bed modification would extend from the fish ladder to approximately 110 feet upstream of Lagunitas Bridge. A portion of the natural channel in Unit 4, extending a length of approximately 115 feet, within the reach between Lagunitas Road Bridge and the fish ladder, would be widened to increase hydraulic conveyance capacity."

Here are the suggested comments/requests that we are proposing for the Town's inclusion in its Comment Letter at Draft page 12 under the heading General Comments. The wording is suggested and likely can be improved upon by the Council and/or Staff.

- Please provide the flood risk reduction benefits for the 10%, 4% and 1% AEP of Alternative J without the Riparian Corridor element.

- Please provide the flood risk reduction benefits for the 10%, 4% and 1% AEP of Alternative J without the Riparian Corridor element and without the By-Pass element.

We want to emphasize that we are not advocating a specific alternative or outcome. We are simply requesting that the Town do everything possible to seek the information necessary to make a reasonable, informed and transparent decision. We believe that the information relating to the relative flood risk reduction AEP data of Alternative J and Alternative J without the Riparian Corridor (and without the By-Pass assuming not built) is critical to the Town's decision making. This information is readily available to the USACE and District. Finally, we want to mention that we appreciate the Town Staffs' work on this draft.

Thank you in advance for your consideration.

Very truly yours, Hugh and Luanne Cadden, Kristen and Ben Swann.

Linda Lopez

To: Richard Simonitch
Subject: RE: EIS/EIR letter attachments

From: Leslie OConnell <laoconnell@sbcglobal.net>
Sent: Thursday, November 08, 2018 8:13 PM
To: Richard Simonitch <rsimonitch@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; Beach Kuhl <beachkuhl35@gmail.com>; Elizabeth Brekhus <elizabethb@brekhus.com>; Julie McMillan <juliemcmillan@comcast.net>; Rupert Russell <rrussell@sflaw.com>; Elizabeth Robbins <eliz.robbins@gmail.com>
Cc: Brad O'Connell <jboc@fdap.org>
Subject: Draft EIS/EIR

Dear Mayor, Council Members, Town Manager, and Public Works Director:

We appreciate the time and attention that have been spent reviewing the Draft EIS/EIR.

At this evening's town meeting, Brad ran up against the 3--minute time limit for public comments, and was unable to add another major concern. I am writing to have it included in our comments to the town:

The Draft EIS/EIR barely addresses the overland drainage problem, which we have described in previous letters to the town. In 2005, we were inundated with water coming from the north side of Sir Francis Drake (i.e. not from the creek). There is mention of pumps in the Draft EIS/EIR, but inadequately described and without giving any estimate of how much it will decrease the overland water contribution to flooding. It also fails to deal with the potential of water being trapped on the SFD side of the proposed flood wall, further compounding the problem.

Thank you again for your time and attention,
Leslie O'Connell
J. Bradley O'Connell
15 Sir Francis Drake, Ross

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Thursday, November 8, 2018 8:48 AM
To: Linda Lopez
Subject: FW: Proposed Flood Project

From: Leslie OConnell <laoconnell@sbcglobal.net>
Sent: Tuesday, October 16, 2018 11:05 AM
To: Richard Simonitch <rsimonitch@townofross.org>; Joe Chinn - Town Manager <jchinn@townofross.org>; Beach Kuhl <beachkuhl35@gmail.com>; Elizabeth Brekhus <elizabethb@brekhus.com>; Julie McMillan <juliemcmillan@comcast.net>; Rupert Russell <rrussell@sflaw.com>; Elizabeth Robbins <eliz.robbins@gmail.com>
Cc: Brad O'Connell <jboc@fdap.org>
Subject: Proposed Flood Project

Dear Mayor, Council Members, Public Works Director, and Town Manager:

From the proposed flood project EIR, it appears that there may be an underground "bypass" constructed that will carry water beginning from a point upstream of the Lagunitas bridge and emptying immediately next to our house, at 15 SFD. I don't recall any discussion of this before the EIR draft came out (and in fact, we were told only that the space would probably be used as a staging area for equipment).

What will this entail, and if (as appears likely) it increases our flood risk, who is liable if we flood? Because the "bypass" would channel a high volume of water into the creek, at a spot immediately adjacent to and upstream from our home, it appears that our home may be the single property in this area must adversely affected and threatened by the project.

Also, this significant previously-undisclosed feature of the project will dramatically increase the adverse effects on our property, in both the short- and long-term, in other aspects. Because the "bypass" would apparently involve a major excavation project, lasting several months or possibly years, in the parcel immediately adjacent to our home, that ongoing project would impose severe noise and other disruption (including in the evening). And it would likely block parking anywhere near our house (which doesn't have a driveway or garage).

We are concerned that the project could so severely diminish the value of our property that we would be unable to sell it.

Please let us know what remedies are available to us or any other steps that we should take. Thank you for your consideration.

J. Bradley O'Connell email: jboc@fdap.org
Leslie O'Connell email: laoconnell@sbcglobal.net

Linda Lopez

From:	Joe Chinn - Town Manager
Sent:	Thursday, November 8, 2018 8:52 AM
To:	Linda Lopez
Subject:	Proposed Flood Project
Attachments:	O'Connell -- objection to flood management plan.pdf

From: Brad O'Connell [mailto:jboc@fdap.org]
Sent: Friday, October 06, 2017 11:51 AM
To: Richard Simonitch <rsimonitch@townofross.org>
Cc: Leslie OConnell <laoconnell@sbcglobal.net>
Subject: Comments on Flood Risk Management Project -- Oct 10, 2017, Council Meeting

Dear Mr. Simonitch:

We are submitting the attached letter as our written comments on the Flood Risk Management Project, to be considered at the Oct. 10, 2017, Town Council. Because your email was listed in the written notice mailed to Ross residents, we assume that we can submit our comments through this email to you. Please take whatever steps are necessary to transmit this to the Council and any other relevant officials for consideration at the Oct. 10, meeting. If we need to submit this letter in hard copy form, or if there is anything else we need to do, please let us know. Thanks very much.

Bradley O'Connell & Leslie O'Connell, 15 Sir Francis Drake Blvd.

J. Bradley O'Connell
Assistant Director
First District Appellate Project
475 Fourteenth Street, Suite 650
Oakland, CA 94612
415-495-3119 (t)
415-495-0166 (f)

FDAP
FIRST DISTRICT APPELLATE PROJECT

JAMES BRADLEY O'CONNELL
LESLIE A. O'CONNELL, Ph.D.
P.O. Box 653
15 Sir Francis Drake Blvd.
Ross, California 94957
(415) 459-9939

October 6, 2017

Town Council
Town Hall
Ross, CA 94957
By email: rsimonitch@townofross.org

Re: Corte Madera Creek Flood Risk Management Project, Phase 1
Public Meeting, Oct. 10, 2017

Dear Members of the Town Council:

We are submitting these comments for consideration at the upcoming October 10 Council meeting, concerning the proposed Flood Risk Management Project, as described in the written notice recently mailed to Ross residents.

As outlined below, we object to the proposed project, as described in the notice, on two grounds. It will substantially increase the likelihood of flooding of our property and residence, and it will likely result in a significant encroachment on our privacy, as well:

Flooding risk. Our property is located at 15 Sir Francis Drake (roughly across the creek from the far eastern edge of the Post Office parking lot and the adjacent commercial buildings). We experienced substantial flooding on December 31, 2005. For several hours, we had fast flowing water (including debris) surrounding our home on all sides. Although our living quarters were spared (unlike some homes), the crawlspace/basement was flooded, and we had to engage a professional water damage company to dry it out. Among other clean-up and restoration measures, we had to have the sides of the house water-blasted to remove mud. Although the 2005 flood was bad enough, we realize that it could have been much worse and could have severely damaged or destroyed our living quarters – and it likely would have been worse, were it not for the existing concrete channel.

Although we have not experienced another event like 2005, we had two separate close calls this past winter, 2017. Considering how close the creek level rose on those occasions to its

2005 levels, we think it likely that we would have experienced another catastrophic or near-catastrophic flood, had it not been for the concrete channel.

Our house abuts the concrete channel. That channel did not overload in 2005 or on the more recent occasions. Instead, the 2005 flooding of our property was due to overflow near the Lagunitas bridge, where the creek is *not* channeled. Whenever the creek approaches or reaches flood stage near the bridge, the overflow runs through all the backyards on this portion of Sir Francis Drake. However, without the concrete channel (and the low hill between the channel and our property), our house would be largely unprotected and would likely experience flooding with much greater frequency. And we would likely sustain much greater damage than we did in 2005.

In our view, if anything is to be done about the concrete channel, the solution is to deepen it (so it can accommodate greater water volume) and to extend it further westward to the bridge (in order to prevent the overflow that has exposed us to flooding or near flooding in the past). The proposed removal of the channel altogether will take "flood management" in entirely the wrong direction.

Although we are not familiar with all the details of the "flood management" plan currently under consideration, the contemplated removal of the concrete channel is cause for great concern. Far from mitigate our exposure to flooding, it would likely put us at much greater risk. That greater likelihood of flooding, in turn, would substantially impair the value of our property.

Privacy. We are also concerned that the contemplated "reclaimed riparian corridor along the creek" will likely result in a significant impairment of our family's privacy. As noted earlier, there is currently a low hill or rise between our house and the creek. Additionally, there are several trees on that rise. Especially since we are right across from downtown, those trees provide a vital curtain of privacy for us. We are concerned that the proposed conversion of the area to a "riparian corridor" would likely involve removal of those trees and with it, the removal of our privacy. Without those trees, people on the other side of the creek – in one of the most heavily traversed sections near the Post Office – could look across the creek right into our home.

Ross is a relatively small community. Like most residents, we value the privacy of our home. We believe that our neighbors on Sir Francis Drake do as well.

****

Because the proposed removal of the concrete channel and conversion of the area to a

"riparian corridor" would likely expose our home and others to enhanced risk of flooding and would also result in a reduction of our privacy, we urge the Council to reject the proposal in its current form.

We appreciate the Council's solicitation of public input on this important matter. Thank you for your consideration of these comments.

Sincerely,

Bradley O'Connell
Leslie O'Connell

James Bradley O'Connell (jboc@fdap.org)
Leslie A. O'Connell, Ph.D. (laoconnell@sbcglobal.net)

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, November 7, 2018 1:45 PM
To: Linda Lopez; Heidi Scoble; Richard Simonitch
Subject: FW: EIR/EIS Comment letter

From: Garril Page <obility@comcast.net>
Sent: Wednesday, November 07, 2018 1:20 PM
To: Beach Kuhl <beachkuhl35@gmail.com>; Joe Chinn - Town Manager <jchinn@townofross.org>
Cc: Elizabeth Robbins <eliz.robbins@gmail.com>; Richard Simonitch <rsimonitch@townofross.org>
Subject: EIR/EIS Comment letter

Dear Mayor Kuhl, Vice-Mayor Robbins, Joe and Richard;

I note that the area of the Lagunitas Bridge is not singled out as a specific area of concern about which the Town requests more information. I believe this omission may affect assumptions, calculations, and eventually future function in this area of the creek. The Corps proposes bed and bank changes, all of which are proceeding without adequate knowledge of conditions at this critical site of hydraulic and hydrologic transition.

I believe sediment patterns ascribed to the fish ladder in fact are influenced by channel path and bridge clearance. Wrongful assumptions in this area should be erased at this early stage of the process. Models created from inadequate or erroneous data result in unreliable performance.

I have photographs from the 1909 bridge forward and also urged Jared Huffman (cc Jas Reilly) to obtain the H.A.ER . records of the original John Buck Leonard Lagunitas Bridge. Department of the Interior has these records.

My concern stems from the fact that the original bridge with three open bays was approximately 20 feet wider than the current opening, so the channel path differed. Also, the sediment aggregation is estimated by Love/Smelter/Stetson to be *12 inches per decade*. Some of this was removed by Town dredging, but the pattern of aggregation and sediment transport remains critical to channel function through the bridge, especially if dredging and maintenance will be the Town's responsibility. Permitting agencies have become increasingly restrictive in issuing dredging permits.

I hope you will add wording to the Comment Letter to include the entire transition area which will extend through the new Lagunitas Bridge as #6 of: " The Town staff is also concerned the DEIS/EIR does not adequately provide information regarding the following project features:"

Thank you,

Garril Page

Linda Lopez

From:	Joe Chinn - Town Manager
Sent:	Tuesday, November 6, 2018 6:38 PM
To:	Linda Lopez; Heidi Scoble; Richard Simonitch
Subject:	FW: Comments on Creek EIR/EIS
Attachments:	Comments by Skewes Cox on EIR EIS.docx

From: Amy Skewes-Cox <amysc@rtasc.com>
Sent: Tuesday, November 06, 2018 6:28 PM
To: CouncilAll <towncouncil@townofross.org>
Subject: Comments on Creek EIR/EIS

Dear Town Council Members:

I have only read a very small portion of the EIR/EIS on the Creek Flood Control Project, but the Town of Ross should have major concerns about this idea of putting culvert under Sir Francis Drake, the preferred alternative. The traffic disruptions for the Town could be horrific. I hope you will be able to review this document and submit comments. My brief comments are attached. Sincerely, Amy Skewes-Cox (carrying on the tradition of my father, Bennet, who battled the creek proposals for many years to protect it as a natural channel). PS I have not yet proofed this letter. Please let me know if you have questions.

While I like the idea that natural channel can be protected, there are real costs of this Alternative J.

--

--
Amy Skewes-Cox, AICP, Environmental Planning
Cellphone 415-203-0454

AMY SKEWES-COX, AICP
PO Box 422
Ross, CA 94957
amysc@rtasc.com

November 6, 2018

Ms. Cynthia Jo Fowler
US Army Corps of Engineers, San Francisco District
1455 Market Street
San Francisco, CA 94103-1398
Corte Madera@usace.army.mil

Re: Comments on Corte Madera Creek Flood Risk Management Project Draft EIS/EIR

Dear Ms. Fowler;

As a resident of the Town of Ross living just slightly east of the Corte Madera Creek channel, and having a lifetime career in preparing CEQA/NEPA documents, I would like to comment on some of the EIR/EIS sections. As a 500+ page document, there was no way I could review all sections of the document (and this doesn't include the multiple appendices).

At the Community Meeting held in Ross on November 1, it was clearly stated that Alternative J was the Preferred Alternative. For that reason, I have focused my comments on that.

Comment 1: Table 3-2 clearly shows that Alt. J could have top-of-bank (TOP) floodwalls as high as 6.5 feet. In the text, there is only mention of 2 foot tall floodwalls, a clear obfuscation of the facts. These 6.5 ft. walls on the exhibits at the Community Mtg. showed up near Granton Park and College of Marin. These walls appear to be in the backyards of individual homes. Nowhere in the EIR/EIS is there a cross section of these walls. Such tall walls could have significant visual impacts related to degrading the visual quality of an area. Such aesthetic impacts for Alt. J are not mentioned at all .

Page 4.8-20 does not even mention the height of these walls for Granton Park. The linear distance (Table 3.2) could be as much as 1,083 feet – which is equivalent to about 20 homes that have 50-ft. wide backyards along the creek. How is this not seen as a significant, unavoidable impact that would require Findings to be made?

Where is the safety of such high walls reviewed? During rains, I've known of kids who like to kayak down this creek. What if emergency responders need to reach them and they are barricaded by a 6.5-ft wall?

Comment 2: Why is there NO quantification of trees to be removed for Alt. J? Mitigation of "planting trees in the vicinity" is totally inadequate. This project could totally conflict with Town of Ross policies regarding protection of heritage trees. Mature oaks for example could have roots damaged or could be removed, resulting in both aesthetic and biological impacts. Replanting "an another area" (page 4.6-54) is definitely not adequate, and requiring a 15-ft buffer from floodwalls for trees results in completely unnecessary tree removal. Replanting at 3:1 ratio is more appropriate. However, avoiding removing trees is the preferred way to go.

Comment 3: The Project Description says nothing about rerouting of traffic while the culvert is placed under Sir Francis Drake Blvd. Is traffic to be routed down Shady Lane in the vicinity of many residences, or along Laurel Grove Avenue – another major residential street? Will flag people be available? How many months will this culvert construction require? At least on page ES-6, you state that impacts on traffic for Alt. J would be significant and unavoidable. That doesn't eliminate the need to identify mitigation measures.

I am going to stop at this point, as there are many areas where I find the document deficient. An EIR/EIS should NOT be done until the project is adequately defined in a way that allows all impacts to be assessed. Not including cross-sections at either the Community Meeting or in the EIS/EIR was a true deficiency for the public's understanding. For a person biking or walking along the creek across from Granton Park (which many, many people do), looking at 6 foot tall concrete walls is certainly not the visual experience one has today. It's bad enough to look at the concrete channel that never should have been constructed. Why does there have to now be a concrete "channel" above the ground?

The USACE should be looking at totally different alternatives that are of equal or less cost – more onsite detention basins along the entire watershed; helping to floodproof buildings that are in the flood inundation area. This is 2018. Concrete is not the answer in today's world.

Sincerely,

Amy Skewes-Cox, AICP

Linda Lopez

From: Joe Chinn - Town Manager
Sent: Wednesday, November 7, 2018 12:53 PM
To: Linda Lopez; Heidi Scoble; Richard Simonitch
Subject: FW: Town Staff Report Comments for Corte Madera Creek Flood Project
Attachments: Town Draft Comments.docx

-----Original Message-----
From: Kristen Cadden Swann <kcadz@aol.com>
Sent: Wednesday, November 07, 2018 11:40 AM
To: CouncilAll <towncouncil@townofross.org>
Cc: Joe Chinn - Town Manager <jchinn@townofross.org>; Richard Simonitch <rsimonitch@townofross.org>
Subject: Town Staff Report Comments for Corte Madera Creek Flood Project

Dear Town Council,

I am attaching a letter for your consideration regarding your Town staff report comments for the Corte Madera Flood Project (EIR). Many of the neighbors on the Sir Francis Drake side also have the same concerns you raised in your letter.

Sincerely,
Kristen and Ben Swann
3 Sir Francis Drake Blvd

Kristen and Ben Swann
3 Sir Francis Drake Boulevard
Ross, California 94957

November 6, 2018

Re: Town of Ross Draft Comment Letter to USACE

Dear Mayor and Council Members:

We live at 3 Sir Francis Drake. We, along with our immediate neighbors, are at "ground zero" with respect to the proposed Allen Park Riparian Corridor and are immediately opposite Frederick Allen Park. We are all struggling to understand the project impacts and share the concerns raised by the Town in the draft comment letter regarding the DEIS/EIR. We have hit the same wall as the Town. The level of information provided is insufficient to evaluate most, if not all, of the project impacts. To the extent that the Town's comments seek clarification and details it is appreciated.

With respect to two specific comments/requests which are below, we would respectfully request that they be edited to include the entire Allen Park Riparian Corridor including the Town-owned Frederick Allen Park. The impacts relating to the riparian corridor and Town-owned park are all interrelated so from the Town's perspective, as well as ours, the Town's requests for more details – like floodwall locations and elevations, top of floodwall location and elevations, setbacks and so on - should cover the entire proposed corridor area and the park as is the case with the vegetation and arborist survey request. Here are our proposed edits to achieve this end with respect to site plan request and cross sections request.

1. Draft, Page 5.

"Under Section 3.6, the Allen Park Riparian Corridor is generally described. Prior to certification of the environmental document, the Town of Ross is requesting a site plan and details of how the existing [**area that is covered by the proposed Allen Park Riparian Corridor including]** the Town-owned Frederick Allen Park with [sic] be modified as a result of Alternatives F, G and J including, but not limited to a preliminary grading plan, tree removal and replacement plans, and a landscape and hardscape plan. The Town of Ross is also requesting that any proposed temporary or permanent easements [**within the Allen Park Riparian Corridor and the Town-owned Frederick Allen Park]** be shown." (edits bolded and in brackets)

2. Draft, Page 7

Appendix I, Civil Design, Attachment 4, in addition to Cross Section B-B, the Town requests to see four more cross sections within the Allen Park Riparian Corridor, including a cross section adjacent to the tennis courts, to better understand the extent of concrete channel removal, grading, excavation, slopes, elevations, and installation of new retaining walls and flood walls in the [**Allen Park Riparian Corridor and the Town- owned**] park. In addition, please provide a grading plan showing the existing and proposed topographical contour elevations for this Corridor [**and the Town-owned park]** (edits bolded and in brackets)

Thank you for your consideration. If you have any questions, please do not hesitate to contact us.

Very truly Yours
Kristen Swann
Ben Swann

cc: Joe Chinn and Richard Simonitch

From: Pete
To: Corte Madera
Subject: [Non-DoD Source] Cynthia Jo Fowler/ Corte Madera Creek Flood Management Project
Date: Wednesday, October 17, 2018 1:50:40 PM

Dear Ms Fowler-

My wife and I are very much against this project.

The project does not justify the funds spent; community disruption; and the results are questionable.

Peter and Sally Houser

From: [redacted]
To: Corte Madera
Subject: [Non-DoD Source] On-line access to model shown by Weston Engineer?
Date: Thursday, November 1, 2018 11:28:48 PM

Hi Friends at ACE,
I really appreciated the meeting hosted at the Ross School by Congressman Huffman tonight regarding options to reduce the risk of flooding in Corte Madera Creek.
I thought the simulation of the 2005 flood by the Weston Engineering representative was very interesting. Is it possible to access that model on line?
John

[redacted]

Sent from Yahoo Mail for iPad <Blockedhttps://overview.mail.yahoo.com/?.src=iOS>

Marin Audubon Society

P.O. Box 599 | Mill Valley, CA 94942-0599 | marinaudubon.org

November 24, 2018

U.S. Army Corps of Engineers, San Francisco District
ATTN: Cynthia Fowler
1455 Market Street
San Francisco, CA 94103-1398

Re: COMMMENTS ON EIS/R FOR CORTE MADERA CREEK FLOOD RISK MANAGEMENT PROJECT

Dear Ms Fowler:

The Marin Audubon Society appreciates the opportunity to submit comments on the Draft Environmental Impact Statement/Environmental Impact Report for the Corte Madera Creek Flood Risk Management Project. Our concerns focus on the environmental effects of the project with the understanding that a project to correct the flooding conditions for many residents and improve the creek habitat is long overdue.

We are aware of the Army Corps requirements for cost-benefit. While we agree that the Environmentally Superior Alternative, with more above-ground creek habitat restored, is F, we also understand, given the Corps procedures, costs, and need for flood protection, why Alternative J is chosen as the preferred alternative. It too will improve habitat.

In particular the removal of the Denil fish ladder would be a significant benefit for fish passage. This ladder is major impediment for passage of special status fish. We have the following questions, comments and request for issues to be addressed in the Final EIS/R:

- The concrete channel would be removed for a length of 750 feet downstream of the fish ladder. According to the discussion on page 3.3, the channel "would be regraded with native material and designed to meet fish passage criteria during PED, in consultation with NMFS." The right bank of the new channel would be lowered to restore floodplain and increase flow capacity. Streambank vegetation is usually a priority to provide habitat benefits including cover and cool water, but the Corps does not allow vegetation within a 15 foot buffer from floodwalls/levees. Describe the expected condition of the new floodplain and bank. Is it expected that they would remain unvegetated? If so, how would that condition be maintained. Vegetation will colonize naturally.

- Present and discuss the results of the risk analysis that would or could be conducted to determine whether the project would qualify for a variance to allow native vegetation to be planted for habitat and other benefits. Other benefits include carbon sequestration and climate moderation. When would the risk analysis be conducted? Hopefully, before the Final EIS/R so that the results can be reported in the Final EIS.

- Are there any sections where there is enough space to allow vegetation to be planted below the flood walls so that riparian habitat would be provided, i.e. is there any section where there is space below the 15 foot vegetation-free zone that could be planted? This would allow vegetation to overhang the creek, a desirable habitat condition.

- Review the entire project area to identify sections where riparian vegetation would be able to remain and/or be restored (see discussion on tree removal below). Show these and the areas that would have to remain without vegetation, if a variance is granted and if no variance is granted. It is unclear how there could be an increase of riparian habitat of .0433 acres, as reported on page 4.6-52, when riparian trees would not be replaced on-site and vegetation could not be planted within 15 feet of a floodwall.

- The underground bypass structure would make abrupt turns where it connects to the natural creek. How sustainable is this design and what issues could be anticipated in the long term? Could sediment build up as waters slow at the turns? Is there a risk of damage to the bypass structure under high flow conditions?

- The existing "resting pools" are inadequate to provide resting habitat. According to the discussion on pager 4.6-35), only "a few of the resting pools provide suitable resting habitat, and there are excessively long sections of channel with no areas for fish to rest, and where water velocities that are extremely challenging- nearly the entire population of steelhead are unable to ascend Unit 3." Biologists reported that these pools do assist fish in upstream migration, do they prevent water temperature from becoming too hot and/or provide shelter for smolts. Fourteen pools would be removed. How many of the existing pools would remain? Describe how the revised design with removal of the pools would improve conditions for the migrating fish? Are there other features that would be included to provide and improve suitable resting habitat to allow fish to survive?

- What is the ultimate fate of the section of concrete channel that will not be removed? Describe the hydrology of the creek with only the left side removed? Discuss why the entire channel could not be removed now.

- Describe how the restored creekside would be regraded and restored to floodplain habitat. Would vegetation be planted or allowed to colonize the floodplain?

- A significant but unknown number of trees would be removed. Mitigation ratios vary between 1:1 in the text and 1:1.5 in the table both of which are inadequate to compensate for the loss of riparian trees habitat. Further, mitigation trees would not be planted on-site, so the benefits of the riparian habitat would be lost to Corte Madera Creek. Riparian vegetation has important habitat benefits for nesting birds, movement corridors for wildlife among other functions. This would contribute to the significant loss of riparian habitat and should be considered a significant impact. At least the species and an approximate number of trees that would be removed should be stated. The ratio of mitigation trees should be increased to at least 2 trees planted for each

tree removed, and every effort should be made to replant them in the project area so they can benefit the species that depend on them now.

- We note that eucalyptus trees are non-native, are considered to be invasive trees with limited habitat value and even be detrimental to some species. To identify them as a habitat type is not justifiable. Eucalyptus trees should be identified as an invasive species. The only positive habitat function is that they are nest structure for an occasional raptor. These should be removed as part of the project and replaced with native trees wherever possible.

- What jurisdiction(s) would be responsible for ongoing management of the project post-construction? We also could find no discussion of the long-term maintenance responsibilities which would include maintenance and replacement of mitigation vegetation and possibly to ensure buffers remain unvegetated, repair of the bypass structure, and removing sediments from the underground bypass.

- How would sediments, which will most likely accumulate in the underground bypass, be removed over the long-term?

The information requested above is important for decision-makers to make informed decisions and for the interested public to formulate their positions.

Although EIR's we are familiar with usually have more specific information about impacts and mitigation measures, the discussions in this EIS/R are a beginning. We trust that additional information provided in the Final EIS/R will be adequate to enable the project to move forward. Aquatic resources have been compromised and many residents have been subject to flooding for too long.

Thank you for responding to our comments.

Sincerely,

Barbara Salzman, Co-chair
Conservation Committee

Phil Peterson, Co-chair
Conservation Committee