

RESPONSES TO COMMENTS

INTRODUCTION

This Response to Comments document contains comments received during the public review period for the Sand Creek Sports Complex Project (proposed project) Initial Study/Mitigated Negative Declaration (IS/MND). The City of Brentwood, as lead agency, released the IS/MND for public review beginning on May 31, 2024 and ending on July 1, 2024 pursuant to CEQA Guidelines Section 15105.

According to CEQA Guidelines Sections 15073 and 15074, the lead agency must consider the comments received during consultation and review periods together with the IS/MND. However, unlike with an Environmental Impact Report, comments received on an IS/MND are not required to be attached to the negative declaration, nor must the lead agency make specific written responses to public agencies. Nonetheless, the lead agency has chosen to provide responses to those specific public comments that are related to the environmental analysis contained in the IS/MND. Non-environmental comments have been considered by the City as part of staff's report to the decision makers.

COMMENTS AND RESPONSES

The City of Brentwood received four comment letters, including from the California Department of Transportation, Central Valley Regional Water Quality Control Board, Chevron Pipe Line Company, and Contra Costa County Flood Control and Water Conservation District, during the open comment period on the IS/MND for the proposed project. The following section includes responses to the comment letters, insofar as the comments address environmental topics. The letters are numbered and environmental-related comments are bracketed with assigned comment numbers. The bracketed comment letter is followed by numbered responses corresponding to each bracketed comment.

Where revisions to the IS/MND text are required in response to a comment, new text is double underlined and deleted text is ~~struck through~~.



California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



June 26, 2024

SCH #: 2024051360
GTS #: 04-CC-2024-00782
GTS ID: 32988
Co/Rt/Pm: CC/4/M34.5

Erik Nolthenius, Planning Manager
City of Brentwood
150 City Park Way
Brentwood, CA 94513

Re: Sand Creek Sports Complex Project – Mitigated Negative Declaration (MND)

Dear Erik Nolthenius:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Sand Creek Sports Complex Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the May 2024 MND.

1-1

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project would be developed in two phases. Phase one would include the development of three multi-use sports fields, spectator amenities, a food truck parking area, picnic tables, shade structures, seating, public restrooms, lighting poles, and drinking fountains. Phase two would accommodate two additional unlit multi-use sports fields and recreational trails. A total of 437 parking stalls would also be included.

Travel Demand Analysis

The project vehicles miles traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the Contra Costa Transportation Authority's (CCTA) adopted VMT guidelines. Per the MND, this project is found to have a less than significant VMT impact.

"Provide a safe and reliable transportation network that serves all people and respects the environment."



Letter 1 Cont.

Erik Nolthenius, Planning Manager
June 26, 2024
Page 2

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Cont.

Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Llisel Ayon, Associate Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please contact LDR-D4@dot.ca.gov.

Sincerely,



YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment."



**LETTER 1: YUNSHENG LUO, CALIFORNIA DEPARTMENT OF
TRANSPORTATION, JUNE 26, 2024**

Response to Comment 1-1

Thank you for participating in the public review process of the IS/MND. The comment provides background information regarding applicable regulations and required permits. The comment does not address the adequacy of the IS/MND, has been noted for the record, and will be forwarded to the decisionmakers as part of their consideration of the proposed project.





Central Valley Regional Water Quality Control Board

1 July 2024

Erik Nolthenius
City of Brentwood
Community Development Department
150 City Park Way
Brentwood, CA 94513
enolthenius@brentwoodca.gov

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, SAND CREEK SPORTS COMPLEX PROJECT, SCH#2024051360, CONTRA COSTA COUNTY

2-1

Pursuant to the State Clearinghouse's 31 May 2024 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Sand Creek Sports Complex Project, located in Contra Costa County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



2-1
Cont.

adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:





2-1
Cont.

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:



2-1
Cont.

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>



Letter 2 Cont.
1 July 2024

Sand Creek Sports Complex Project - 5 -
Contra Costa County

2-1
Cont.

If you have questions regarding these comments, please contact me at (916) 464-4684
or Peter.Minkel2@waterboards.ca.gov.



Peter G. Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento



**LETTER 2: PETER G. MINKEL, CENTRAL VALLEY REGIONAL WATER
QUALITY CONTROL BOARD, JULY 1, 2024**

Response to Comment 2-1

Thank you for participating in the public review process of the IS/MND. The comment provides background information regarding applicable regulations and required permits. The comment does not address the adequacy of the IS/MND, has been noted for the record, and will be forwarded to the decisionmakers as part of their consideration of the proposed project.



Letter 3



Devin Rougeau
Contract Land Representative, Land Department

May 31, 2024

Via E-mail

The City of Brentwood
c/o Tammy Homan
150 City Park Way
Brentwood, CA 94513
thoman@brentwoodca.gov

Re: Sand Creek Sports Complex: Brentwood, CA
CPL File Number:2024-024

Tammy,

3-1

Chevron Pipe Line Company has reviewed your correspondence regarding the Sand Creek Sports Complex. The proposed project would be developed in two phases, hereafter referred to as Phase 1 and Phase 2. Phase 1 would include the development of three multi-use sports fields with artificial turf, as well as spectator amenities such as bleachers, a food truck parking area, picnic tables, shade structures, seating, public restrooms, and drinking fountains. Phase 1 of the proposed project would also include the development of children's play areas, multi-sport courts, and pump track. Lighting for Phase 1 would consist of 18 poles ranging in height from 50 to 90 feet, including eight poles situated around the three multi-use sports fields. As part of Phase 2 of the proposed project, the Lower Sand Creek Basin, an existing Contra Costa County Flood Control and Water Conservation District flood control basin within the project site, would be used to accommodate two additional unlit natural turf sports fields and recreational trails. A total of 437 parking spaces would be included, and site access would be provided from Sand Creek Road to the south.

3-2

Cursory reviews of available records indicate that there are no Chevron Pipe Line Company-owned/operated facilities within the area in question. Please be advised that there may be other Chevron entities with facilities at that location.

3-3

Please remember to notify Underground Service Alert at (800) 227-2600, at least two working days before starting any excavation.

If you have any questions or need any additional information, please contact me at (925) 753-2033. When inquiring, please refer to the above-referenced file number 2024-024.

Regards,

Devin Rougeau

Chevron Pipe Line Company
2360 Buchanan Rd, Pittsburg, CA 94565
Tel 925-753-2008
devin.rougeau@chevron.com



Letter 3 Cont.

City of Brent Wood
Page 2
May 31, 2024

Devin Rougeau
Contract Land Representative
Chevron Pipe Line Company
Office - (925) 753-2033
E-mail – devin.rougeau@chevron.com



**LETTER 3: DEVIN ROUGEAU, CHEVRON PIPE LINE COMPANY, MAY
31, 2024**

Response to Comment 3-1

The comment provides project information and does not address the adequacy of the IS/MND.

Response to Comment 3-2

The comment discusses the presence of Chevron Pipe Line Company facilities on the project site and does not address the adequacy of the IS/MND. It is noted that the proposed project would comply with standard procedures related to the potential discovery of an on-site pipeline during construction, which would ensure that the pipeline would be adequately identified and addressed.

Response to Comment 3-3

The comment is conclusionary in nature and does not address the adequacy of the IS/MND.





Warren Lai,
ex officio Chief Engineer
Allison Knapp,
Deputy Chief Engineer

June 18, 2024

To: Erik Nolthenius, City of Brentwood Planning Manager, (925) 516-5137

RE: IS/MND Public Comments
File: Sand Creek Sports Complex Project

Dear Mr. Nolthenius:

Comments:

4-1

Project Description Lighting and Landscaping (Page 13, Paragraph 6): Advise landscape tree and shrub selections that are native and drought-resistant. If non-native plants are used, they should be sterile and there shouldn't be potential for them to propagate into LSCB or Sand Creek. For the Phase 2 natural grass fields in LSCB, recommend using a drought-resistant variety of grass that minimizes water usage.

4-2

Biological Resources (Page 31, Paragraph 3): Note that there may be potential for ground nesting birds (i.e. Killdeer, Mourning Dove) amidst the ruderal/grassland habitat in the parcels and along the gravel/dirt shoulders of the paved Sand Creek Trail access road. Advise adjusting language in this section to reflect potential for ground-nesting birds and ensure they are surveyed for during pre-construction surveys. Could adjust to something like "Due to the lack of on-site trees, most raptors and migratory birds protected by the MBTA are unlikely to establish nests on-site, however there may be potential for ground-nesting birds."

4-3

Biological Resources Discussion (Page 36, Paragraph 1): It's hard to say at this time whether Phase 2 would or would not impact seasonal wetland. County anticipates regulatory permits for the LSCB expansion project which would occur in advance of Phase 2, so perhaps there is opportunity for City-County coordination prior to ensure coverage. I would think by design the fields would be in areas of the basin away from wetland features but recommend softening language from "proposed project would not result in additional impacts" to "proposed project is not anticipated to result in any additional impacts".

4-4

Geology and Soils (Page 47, Section VII-5): Erosion control measures should not contain plastic monofilament netting (erosion control matting) or similar material containing netting within the project area due to documented evidence of wildlife becoming entangled or trapped in such material. Instead advise using jute netting, coconut coir matting, or other natural alternatives. Advise including this language in this

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TEL: (925) 313-2000 • FAX: (925) 313-2333
www.cccpublicworks.org



Sand Creek Sports Complex Project
IS/MND Public Comments
June 18, 2024
Page 2 of 2

Letter 4 Cont.

4-4
Cont.

section of the IS/MND or in erosion control plan.

Should you have any questions, please contact me at (925) 812-7702

Sincerely,



Shrvan Sundaram
Environmental Analyst II
Environmental Services Division

SRS:

\\pw-data\grpdata\engsvc\ENVIRO\Client Divisions\Flood Control\Lower Sand Creek Basin Expansion (WO8492)\CEQA\City of Brentwood Draft ISMND\Sand Creek Sports Complex Comments.docx

c:



Letter 4 Cont.

Hello Tammy,

4-5

The Contra Costa County Flood Control and Water Conservation District (FC District) has reviewed the San Creek Sports Complex Project initial Study/Mitigated Negative Declaration submittal dated May 2024 and prepared by Raney Planning and Management, INC. The project is located off Sand Creek Road (APN 019-110-032, -046) in the City of Brentwood (City). We submit the following comments and recommended conditions of approval:

4-6

Drainage Area Fees:

1. This project is located within Drainage Area 130 (DA 130), for which drainage fees are due in accordance with Flood Control Ordinance Number 2007-06. By ordinance, all building permits or subdivision maps filed in this area are subject to the provisions of the drainage fee ordinances. Effective January 1, 2024, the current fee DA 130 is \$0.91 per square foot of newly created impervious surface.
2. The FC District is not the approving local agency for this project as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District reviews the drainage fee rate every year the ordinance is in effect, and adjusts the rate annually on January 1 to account for inflation. The drainage fee rate does not vest at the time of tentative map approval. The drainage fees due and payable will be based on the fee in effect at the time of fee collection.
3. The DA 130 fee for this project is estimated to be \$328,000 based on the amount of impervious surface charged at the unit price of \$0.91 per square foot. Please see the attached spreadsheets for our drainage fee calculations.
4. The City should collect a total of \$328,000 for the drainage area 130 fee prior to filing the final map.

4-7

We appreciate the opportunity to comment on the San Creek Sports Complex Project initial Study/Mitigated Negative Declaration and welcome continued coordination. If you have any questions, please contact me at your earliest convenience.

Thank you,



4-8

| Summary of Drainage Fees | | | | Letter 4 Cont. | |
|---|-----|------------------------------|--------------------|-----------------------|--------|
| Development #: Sand Creek Sports Complex | | APN: 019-110-032, 046 | | Date: 25-Jun-24 | |
| Drainage Area: 130 | | Fee Schedule: 2024 | | Ordinance: 2007-6 | |
| Building | | | Subdivision | | |
| Unit Price | QTY | Amount | Unit Price | QTY | Amount |
| \$ 37,419 | | - | \$ 40,195 | | - |
| 32,068 | | - | 35,836 | | - |
| 26,836 | | - | 30,248 | | - |
| Building | | | Subdivision | | |
| Unit Price | QTY | Amount | Unit Price | QTY | Amount |
| \$ 29,484 | | - | \$ 29,484 | | - |
| 1,747 | | - | 1,747 | | - |
| 2,002 | | - | 2,002 | | - |
| 2,330 | | - | 2,330 | | - |
| 2,666 | | - | 2,666 | | - |
| 2,994 | | - | 2,994 | | - |
| 3,312 | | - | 3,312 | | - |
| 3,476 | | - | 3,476 | | - |
| Building | | | Subdivision | | |
| Unit Price | QTY | Amount | Unit Price | QTY | Amount |
| \$ 2,448 | | - | \$ 3,922 | | - |
| 2,557 | | - | 4,086 | | - |
| 2,666 | | - | 4,250 | | - |
| 2,776 | | - | 4,414 | | - |
| 2,939 | | - | 4,650 | | - |
| 3,267 | | - | 5,123 | | - |
| 3,813 | | - | 5,897 | | - |
| 4,714 | | - | 7,071 | | - |
| 5,851 | | - | 8,445 | | - |
| 7,016 | | - | 9,728 | | - |

| | | | |
|--|---------|------------|----------------------------|
| (Amount Below to be added to the total.) | | | |
| Amount of impervious surface to account for: | Sqr Ft. | Unit Price | Amount |
| | 360,000 | 0.91 | \$ 327,600.00 |
| | | | TOTAL: \$327,600.00 |

Calculate DA 130 fee if checked

Mark box to add mitigation fee n/a

Comments:
 This fee estimate is based on the Initial Study/Mitigated Negative Declaration document dated May 2024, prepared by Raney Planning & Management, Inc. The document details the total impervious surface for Phase 1 of the project as 356,000 SF and less than 5,000 SF for Phase 2. The fee calculated at the unit price of \$0.91 per square foot amounts to \$327,600 total for the proposed project.

Prepared by: Alexander Zandian



LETTER 4: SHRAVAN SUNDARAM, CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, JUNE 18, 2024

Response to Comment 4-1

As discussed on page 59 of the IS/MND, the proposed project would comply with the Model Water Efficient Landscape Ordinance (MWELO), as adopted by reference in Brentwood Municipal Code Chapter 17.630, through the integration of low water use plants. As such, all landscaping associated with the proposed project would be required to be compliant with the MWELO and, thus, would be drought-resistant.

Response to Comment 4-2

In response to the comment, page 31 of the IS/MND is hereby revised as follows:

Due to the lack of on-site trees, most raptors and migratory birds protected by the MBTA would not establish nests on-site. However, the potential exists for such species to establish nests in existing trees in the project vicinity and/or forage on-site. In addition, ground-nesting birds, such as killdeer and mourning dove, could nest within the on-site grassland and along the gravel/dirt shoulders of the paved Sand Creek Trail access road. Construction activities that adversely affect the nesting success of raptors and migratory birds (i.e., lead to the abandonment of active nests) or result in mortality of individual birds constitute a violation of State and federal laws. Thus, in the event that such species occur in the project site vicinity during the breeding season, or are foraging on-site, project construction activities could result in an adverse effect to species protected under the MBTA.

It is noted that implementation of Mitigation Measures IV-4(a) and IV-4(b) would be sufficient to reduce potential impacts to ground-nesting birds to a less-than-significant level.

Response to Comment 4-3

As discussed on page 36 of the IS/MND, potential impacts to wetlands associated with development of the Phase 2 portion of the project site have been anticipated and analyzed in the Upper and Lower Sand Creek Basin Expansion Project IS/MND (Basin IS/MND). Implementation of the mitigation measures included therein would reduce potential impacts to wetlands to a less-than-significant level. Nonetheless, in response to the comment, page 36 of the IS/MND is hereby revised as follows:

According to the BRA prepared for the proposed project, jurisdictional Waters of the U.S. or wetlands of any type are not present within the Phase 1 portion of the project site. Although the Basin IS/MND determined that the Phase 2 portion of the project site contained approximately 1.03 acres of seasonal wetlands, the Basin IS/MND concluded that implementation of mitigation would reduce impacts to wetlands to a less-than-significant level. Because the LSCB has already been developed, the proposed project would not is not anticipated to result in any additional impacts upon riparian habitats or wetlands within the Phase 2 portion of the project site.

Response to Comment 4-4

In response to the comment, Mitigation Measure VII-5 on page 47 of the IS/MND is hereby revised as follows:



- VII-5. *Prior to grading permit issuance, the contractor shall submit an erosion control plan to the Director of Public Works/City Engineer for review and approval. The plan shall identify protective measures to be taken during construction, supplemental measures to be taken during the rainy season, the sequenced timing of grading and construction, and subsequent revegetation and landscaping work to ensure water quality in creeks and tributaries in the General Plan Area is not degraded from its present level. The plan shall specify that plastic monofilament netting shall not be used for erosion control matting; instead, the erosion control plan shall require the use of jute netting, coconut coir matting, or other natural alternatives. All protective measures shall be shown on the grading plans and specify the entity responsible for completing and/or monitoring the measure and include the circumstances and/or timing for implementation.*

Response to Comment 4-5

The comment provides introductory information and does not address the adequacy of the IS/MND.

Response to Comment 4-6

The comment provides background information regarding required fees. The comment does not address the adequacy of the IS/MND, has been noted for the record, and will be forwarded to the decisionmakers as part of their consideration of the proposed project.

Response to Comment 4-7

This comment is conclusionary in nature and does not address the adequacy of the IS/MND.

Response to Comment 4-8

The comment consists of a calculation of drainage fees applicable to the proposed project and does not address the adequacy of the IS/MND.

