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### III. CORRECTIONS AND ADDITIONS TO THE DRAFT EIR

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The following corrections have been made to the Dutra Haystack Landing Asphalt & Recycling Facility Project Draft Environmental Impact Report (DEIR) in response to the comments received during the public review period. Changes to the DEIR are listed by Section and page number. Additions to the DEIR are identified by underlined text and deletions to the DEIR are identified by strikethrough text. In addition, all applicable Section V (Environmental Impact Analysis) impact and mitigation measure revisions reflected below are hereby incorporated into Section II (Summary), Table II-1 (Summary of Environmental Impacts & Mitigation Measures, of the DEIR.

#### **SECTION II (SUMMARY)**

##### **Pages II-24 and II-25**

Mitigation Measure BIO-4b on pages II-24 and II-25 of Section II (Summary) of the DEIR has been revised to read as follows:

“Proposed construction shall be restricted away from the known egret/heron colony and from potential nesting habitat along the shoreline of the Petaluma River during the general nesting season to prevent possible nest abandonment and ensure compliance with the Migratory Bird Treaty Act during the active nesting season. Construction activities in Areas A and north of the cross-site access road on Area B shall be restricted to the non-nesting season (~~August 1 and January 31~~) (September 1 and February 14), unless surveys indicate that nesting has been completed before that time period. This includes installation of all improvements on Area A (pier, ramp, pilings, conveyor, access and parking, and wetland enhancement) and the septic leachfield, fire station and associated parking improvements in the north portion of Area B.”

#### **SECTION III (PROJECT DESCRIPTION)**

##### **Page III-33**

Table III-1 (Related Projects) on page III-33 of the DEIR has been revised to read as follows:

**Table III-1  
Related Projects**

<b>Related Projects No.</b>	<b>Name &amp; Location</b>	<b>Land Use</b>	<b>Size</b>
<b>Unincorporated County of Sonoma Projects</b>			
1	<b>Royal Petroleum</b> 2141 & 2695 Petaluma Blvd. South	Industrial	2.2 Acres
2	<b>Novato Disposal</b> 2543 Petaluma Blvd. South	Commercial/Industrial	5.4 Acres
3	<b>Shamrock Materials, Inc.</b> 210 & 222 Landing Way (Approved July 20, 2004)	Industrial	5.95 Acres
<b>Unincorporated County of Marin Project</b>			
4	<b>Redwood Landfill Capacity Expansion</b> Marin County	Landfill	420 Acres
<b>Regional Projects</b>			
1	<b>Sonoma-Marin Area Rail Transit</b>	Transit	Cloverdale to Larkspur Landing
1a	<b><u>North Coast Railroad Authority</u></b>	<u>Freight</u>	<u>Cloverdale south to Highway 37 and east to Lombard in Napa County</u>
2	<b>Novato Narrows, Highway 101 Widening</b>	Transit	Marin County to Sonoma County
<b>City of Petaluma Projects</b>			
1	<b>RNM South McDowell</b> 1800 & 2000 South McDowell	Office in Two Buildings	140,000 sf
2	<b>Sola</b> 1490 Cader Lane	Commercial	354,404 sf

**Page III-55**

The last bullet on page III-55 of the DEIR has been revised as follows:

- “Re-stripe ~~and place curbs along~~ the northbound off-ramp to improve drivability and better delineate this as an off-ramp rather than continuation of Highway 101.”

**SECTION IV (SUMMARY OF THE INITIAL STUDY)****Page IV-5**

On page IV-5 of the DEIR, the last two sentences of the first bullet has been revised as follows:

“Potable water needs for project employees and fire department personnel would be served by an existing water connection from the North Marin ~~Municipal~~ Water District pipeline that runs along the westerly side of the property. A large portion of the project site would remain unpaved to facilitate groundwater recharge.”

**SECTION V.A (AESTHETICS)****Page V.A-21**

The second paragraph on page V.A-21 of the DEIR has been revised as follows:

“The visual character of the project site can generally be defined as rural, vacant land. The primary defining feature is open space with grasslands, light brush, and shrub vegetation present throughout the majority of the site. Some areas, such as the small hill within Area B with several mature eucalyptus trees, contain larger, more prominent clusters of vegetation. With the exception of the small hill in Area B, the topography of the site is relatively flat, with a small slope in elevation towards Area D. The overall character of the Areas within the project site does not vary greatly. There are minor variations in the natural landscape such as gravel roads or the seasonal presence of wetlands and coastal brackish marsh in Areas C and D. There are abandoned man-made settling ponds separated by levees and drainage ditches in Area D and a few ephemeral channels and man-made ditches that traverse the site. ~~These natural features contribute to the rural character of the project area.~~”

**Page V.A-21**

The third paragraph on page V.A-21 of the DEIR has been revised as follows:

“Surrounding land uses vary. There is a flat, vacant parcel immediately adjacent to the site to the north, which has been graded and now consists of weedy vegetation. Further to the north along Landing Way are various industrial uses. To the ~~west~~ east of the site is a mixture of residential uses, including houseboats docked along the ~~west~~ bank of the River...”

**Page V.A-21 and V.A-22**

The last paragraph on page IV.A-21 and the first paragraph on page IV.A-22 of the DEIR have been revised as follows:

“The two homes adjacent to the east of the site along the River are classified as legal, non-conforming uses by the County of Sonoma. These residences existed before the zoning designations for that area became Limited Commercial (LC) and/or Limited Rural Industrial (M3). The presence of these off-site

residential uses and the associated storage structures and vehicles prevent the immediate project area from appearing completely undeveloped. However, because most of the adjacent uses are relatively small in scale, thus they do not significantly detract from the visual nature of the area as largely rural. Although industrial land uses are present north of the project site, these are not easily visible from most areas within the project site. The open space across the River at Shollenberger Park to the east, the agricultural uses to the south, and the largely undeveloped hills to the west all contribute to an overall impression of a rural area.”

#### **Page V.A-23**

The third paragraph on page V.A-23 of the DEIR has been revised as follows:

“The *Visual Assessment Guidelines* provides guidelines for characterizing the site's sensitivity. The site may either have a low, moderate, high, or maximum level of sensitivity. According to the *Visual Assessment Guidelines*, the project site ~~would be~~ is considered to have high sensitivity, as portions contain Scenic Resource and Scenic Design zoning. The project site is additionally characterized by a natural setting, acting as a scenic backdrop from Highway 101 looking toward Shollenberger Park, and, in part, as a scenic ~~foreground~~ backdrop for views from the Park, as visitors look over the Petaluma River west toward the Petaluma Hills.”

#### **Page V.A-49**

Mitigation Measure AES-1 on page V.A-49 (Aesthetics) of the DEIR has been revised as follows:

- “The proposed landscape plan shall be revised to include more landscape screening throughout the project site to further screen the proposed project from ~~off-site~~ public views. The additional landscaping shall be provided: a) along the northern, western and southern edges of Area A (landscaping along the western edge of Area A shall be outside the required 50-foot easement); b) along the northern, eastern and southern edges of Area B; c) clustered ~~Redwood~~ native trees and landscape planters around the asphalt plant equipment; and d) along the eastern side of Area C along the railroad tracks...”

#### **Page V.A-49**

The following mitigation measure has been added at the end of page V.A-49 of the DEIR:

- “Aggregate stockpiles shall be limited to 20’ in height.”

### **SECTION V.B (AIR QUALITY)**

#### **Page V.B-14**

The second full paragraph on page V.B-14 of the DEIR has been revised to read as follows:

~~“Two of the NSPS apply to the proposed facility. These include New Source Performance Standard NSPS Subpart I: Standards of Performance for Asphaltic Concrete Plants applies to the proposed facility and Subpart UU: Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture. Subpart I prohibits the discharge into the atmosphere from any affected facility any gases which: 1) contain particulate matter in excess of 90 milligrams per dry standard cubic meter (0.04 grain per dry standard cubic meter) or 2) exhibit 20 percent opacity, or greater. Subpart UU prohibits the discharge into the atmosphere from any asphalt storage tank exhaust gases with opacity greater than 0 percent, except for one consecutive 15-minute period in any 24-hour period when the transfer lines are being blown for clearing.”~~

### **Page V.B-17**

The third paragraph on page V.B-17 of the DEIR has been revised to read as follows:

“This regulation incorporates the provisions of the federal regulations for new stationary source review (Title 40 of the Code of Federal Regulations Part 60; Standards of Performance for New Stationary Sources) as discussed earlier.

~~BAAQMD also has regulations that limit the use or manufacturing of certain types of asphalt: Regulation 8-15 contains provisions, which limits the use of rapid-cure liquid asphalt, medium-cure liquid asphalt, emulsified asphalt, and slow-cure liquid asphalt (road oil).~~

- ~~• Regulation 8-15 contains provisions, which limits the use of rapid-cure liquid asphalt, medium-cure liquid asphalt, emulsified asphalt, and slow-cure liquid asphalt (road oil); and~~
- ~~• Regulation 12-3-301 prohibits air blowing of asphalt unless all effluents are incinerated at temperatures above 1202 °F for not less than 0.3 second, or use of an effective air pollution control as determined by the BAAQMD.”~~

### **Page V.B-26**

The second bullet under Mitigation Measure AQ-1b on page V.B-26 and in Table II-1 has been revised to read as follows:

- “To the extent feasible, the applicant shall limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.”

### **Pages V.B-27 and V.B-28**

Pages V.B-27 and 28 of the DEIR have been revised to read as follows:

“The EIR preparers calculated the net increase in emissions using the same emission factors for evaluating the asphalt plant’s emissions; and assumed state-of-the industry controls for reducing PM<sub>10</sub> emissions, including use of sprayers and a baghouse, as well as reduction of NO<sub>x</sub> due to the use of low NO<sub>x</sub> burner. The evaluation did not take into account the reductions in PM<sub>10</sub> from the blue smoke controls because of uncertainty about the reduction efficiencies~~did not take into account that the~~

reductions in the emissions due to BACT controls and newer, more efficient equipment. Table V.B-8 summarizes the annual increase in emissions from the existing and proposed facilities. Detailed calculations are provided in Appendix D; emissions from the existing asphalt plant are estimated in Tables D-1 through D-7 and emissions from the proposed asphalt and recycling plant are estimated in Tables D-8 through D-13.”

**Table V.B-8**  
**Net Increase in Emissions of Criteria Pollutants from Asphalt Production (tons/year)**

Criteria Pollutants	PM <sub>10</sub>	VOCs <sup>1</sup>	SO <sub>x</sub>	NO <sub>x</sub>	CO
<b>Existing Asphalt Facility</b>					
Total Annual Emissions <sup>2</sup>	2.1	1.3	0.0080	2.5	1.1
<b>Proposed Asphalt and Recycling Facility</b>					
Total Annual Emissions <sup>3</sup>	4.3	2.8	0.0170	<del>5.4</del> 5.0	2.4
<b>Increase in Criteria Air Pollutant Emissions</b>					
Total Annual Increase	2.3	1.5	0.0092	<del>2.9</del> 1.5	1.3
<sup>1</sup> VOCs are synonymous with ROG.					
<sup>2</sup> Based on 131,498 tons of asphalt per year.					
<sup>3</sup> Based on 225,000 tons of asphalt and 150,000 tons of recycled asphalt per year.					

### Page V.B-29

Page V.B-29 of the DEIR has been revised to read as follows:

“The barges are primarily used to import aggregate from the San Rafael Quarry via the Petaluma River by 4,000-ton capacity barges pulled by tugboats. It is estimated that the proposed project would result in an increase in tugboat trips from 25 (allowed under BAAQMD’s permit for the previously active plant) to 125 trips per year; however, the trip length to the proposed facility would be one mile shorter. The increase in tugboat emissions from tugboat trips was estimated using EPA methodology.<sup>35</sup> These emission factors are applicable to tugboats and marine freighters. The resulting emissions are provided in Table V.B-10. This evaluation did not consider potential energy savings, and therefore decreased emissions, as a result of the tugboats traveling with the tide since tidal flows vary from day to day. It is assumed that each tugboat would operate on the Bay for approximately 8 hours each round-trip: one hour maneuvering, five hours in slow cruise, and two hours on standby at the dock. The main engines would operate six hours, and the auxiliary engine two hours while docked. The SO<sub>x</sub> emissions have been adjusted to account for the use of low sulfur fuel, which is currently required by law. Table V.B-10 summarizes the annual increase in emissions from barge trips for the existing and proposed facilities. Detailed calculations are provided in Table D-18 in Appendix D.”

**Page V.B-30**

Table V.B-11 on page V.B-30 of the DEIR has been revised as follows:

**Table V.B-11  
Net Increase in Emissions of Criteria Pollutants from Proposed Project (tons/year)**

Criteria Pollutants	PM <sub>10</sub>	ROG	SO <sub>x</sub>	NO <sub>x</sub>	CO
Existing Plant Estimated Criteria Air Pollutant Emissions	2.5	1.7	0.25	13	3.5
Proposed Plant Estimated Annual Criteria Air Pollutant Emissions	5.4	4.2	0.89	<del>36</del> 35	14
Net Increase in Criteria Air Pollutant Emissions	2.9	2.6	0.64	<del>23</del> 22	10

**Page V.B-32**

The first bullet under Mitigation Measure AQ-2c on page V.B-32 and in Table II-1 of the DEIR has been revised to read as follows:

- “Minimizing drop heights while loading/unloading aggregate to the maximum extent feasible less than four feet, and”

**SECTION V.C (BIOLOGICAL RESOURCES)****Page V.C-16**

The last sentence of the third paragraph on page V.C-16 of the DEIR has been revised as follows:

“In addition to these immediate erosion and sedimentation control measures, the applicant’s consulting wetland specialist has indicated ~~proposed~~ that the need for any long-term mitigation for the losses associated with the unauthorized activities be determined by the Corps and RWQCB ~~provided during and whether~~ implementation of the mitigation program to be implemented as part of the proposed project would be sufficient, as summarized below.”

**Page V.C-32**

Number 2) under Mitigation Measure BIO-3a on page V.C-32 of the DEIR has been revised to read as follows:

“Incorporate provisions for the control of invasive exotic species from the wetland and upland enhancement mitigation area in Sections 5, 6 and 8 of the WMMP, and expand this program for invasive exotic species control over the entire site, based on input from the Corps, RWQCB, and CDFG. This shall include monitoring and maintenance provisions that call for periodic inspection and removal in spring and summer, and a success criteria that specifies successful control of target species within five years of initial construction of the wetland mitigation area. Target species to be eradicated or successfully controlled in the wetland mitigation area and remainder of the site include: sweet fennel, poison hemlock,

Italian thistle, pampas grass, French broom, Scotch broom, eucalyptus outside the heron/egret roosting colony, stinkwort, giant reed, non-native cordgrass, pepperweed, and acacia, among others.”

**Page V.C-33**

The following mitigation measure has been added at the end of Mitigation Measure BIO-3a on page V.C-33 of the DEIR:

“7) Installation of the barge off-loading facility shall minimize the use of fill to the maximum extent feasible.”

**Page V.C-36**

“The egret/heron colony in the stand of blue gum eucalyptus shall be protected from disturbance associated with construction and future operations, particularly during the nesting season (February 15 through August 31). Proposed improvements at the entrance to the site and vicinity of the fire station shall be redesigned to retain most of the existing blue gum eucalyptus trees that provide visual screening of the existing egret/heron colony, including the row of three existing trees in the parking lot between the proposed fire station and the parking stalls to the south. Proposed roadway and building improvements shall be located no closer to the stand of trees supporting the colony than currently proposed. These trees and the blue gum eucalyptus comprising the stand currently used by nesting egrets and herons shall be retained as a condition of project approval unless and until the colony is no longer viable in the future. All doorways and windows in the future fire station shall be oriented away from the colony. Any required outdoor use areas for storage and other station operations shall be effectively screened by fencing to aid in obscuring a direct line of sight between the outdoor use and the colony. Dense landscaping shall be provided to further screen the station, parking lot, and outdoor use areas from the colony.”

**Page V.C-37**

Under Mitigation Measure BIO-4b on page V.C-37 of the DEIR, text has been added at the end of the first paragraph as follows:

“If any construction is proposed within these areas during the nesting season, a qualified wildlife biologist shall be retained by the applicant to conduct a pre-construction nesting survey no more than 7 days prior to initiation of construction to provide confirmation on the presence or absence of any active nest(s) in the vicinity. If any active nest(s) are encountered, species-specific measures shall be prepared by the qualified biologist in consultation with the CDFG and implemented to prevent nest abandonment. At a minimum, construction in the vicinity of the nest(s) shall be deferred until the young birds have successfully fledged and juveniles from the nest(s) are foraging independently and capable of independent survival at an earlier date. A survey report by the qualified biologist verifying that the young have successfully fledged shall be submitted to the PRMD for review and approval prior to initiation of construction in the nest-setback zone.”

**Page V.C-37**

The second to the last sentence in Mitigation Measure BIO-4d on page V.C-37 of the DEIR has been revised as follows:

“The covering shall extend down at least the upper half of the west wall facing the egret/heron colony and the east wall facing the River to provide additional screening.”

**Page V.C-37**

Following Mitigation Measure BIO-4e on page V.C-37 of the DEIR, a new Mitigation Measure (BIO-4f) has been added as follows:

“Mitigation Measure BIO-4f Sensitive Nesting Habitat

A comprehensive monitoring program for the egret/heron colony shall be developed and implemented by the applicant’s consulting biologist. This monitoring program shall provide data on trends in the condition of the colony, responses to project-related activities, and recommendations for necessary adjustments to project operations. Details associated with the monitoring program shall include the following:

- Periodic monitoring shall be conducted to assess heron and egret behavior in advance of project implementation, under normal project operations, during conveyor operations, and during barge/night-time lighting operations. Notes on heron and egret behavior and activity and any changes in activity (I.E. signs of nervousness or flight) shall be recorded. Monitoring shall be provided for a minimum of five years following project implementation, and a minimum of three years following construction of the fire station, conveyor belt structure, and the barge/night-time lighting structures and other improvements on Area A.
- Monitoring frequency and duration shall be modified based on site observations and need to provide conclusive data on project-related disturbance. To observe behaviors during the entire nesting season, a minimum of three monitoring visits shall be provided to observe each of the conveyor operation, barge/night-time lighting, and normal operations during each of the 1) nest selection/pair bonding period (typically from mid-February to mid-March), 2) initial hatching period, and 3) subsequent nest occupation/pre-fledging period.
- Annual monitoring reports shall be submitted to the PRMD by December 31 of each monitoring year, and made available to the public. The annual report shall summarize monitoring dates and methods, nesting behavior and success rates, and observations regarding disturbance and other factors affecting the colony. Adjustments in on-going project operations made during the previous years as part of adaptive management and recommendations for adjustments to or additional controls on continued operations shall be specified in the annual report.”
- If the on-site colony is abandoned as the nesting location at some point in the future during implementation of the above required monitoring program, monitoring shall continue for at least

two years to confirm whether individuals have completely abandoned the location. If the colony has been completely abandoned, on-going monitoring and the development restrictions associated with protection of the eucalyptus grove and nest location specified in Mitigation Measures BIO-4a, 4b, and 4e shall no longer be in effect. However, the protective measures described in Mitigation Measure BIO-4c shall continue to be in effect to protect the sensitive habitat along the Petaluma River and parklands to the east.

### **Page V.C-39**

Under the Cumulative Impacts heading on page V.C-39 of the DEIR, a new paragraph of text has been added after the second paragraph as follows:

“Of particular concern with regard to cumulative development in the vicinity of the Dutra site are the South Petaluma interchange improvements along Highway 101 proposed as part of the Marin-Sonoma Narrows Project currently being evaluated by Caltrans. Based on information available to date, the proposed right-of-way for the interchange extends into or just west of the egret/heron colony on the Dutra site, and could result in removal of much of the existing eucalyptus grove. This would be a *significant* impact of the freeway improvement project, and could result in the elimination of the egret/heron colony from the site. Caltrans is apparently refining proposed interchange design for the Marin-Sonoma Narrows project and is attempting to avoid the colony on the Dutra site, but details are currently not available. If redesign is not feasible, and the colony must be eliminated, this would be a *significant* impact on both a project and a cumulative level for the Marin-Sonoma Narrows Project. However, these modifications remain uncertain, are not directly related to the Dutra project, and would not affect the above determination that Dutra’s project contribution to cumulative impacts would be *less than significant*.”

## **SECTION V.E (GEOLOGY AND SOILS)**

### **Page V.E-11**

The second sentence of Mitigation Measure GEO-2 on page V.E-11 of the DEIR is revised to read as follows:

“The geotechnical firm shall design and construct a stockpile storage area that is stable under both static and dynamic (i.e., seismic) conditions in accordance with current standards of practice.”

## **SECTION V.F (HAZARDS AND HAZARDOUS MATERIALS)**

### **Page V.F-4**

The last paragraph on page V.F-4 of the DEIR under the subtitle “CUPA Plans, Programs, and Permit, Aboveground and Underground Storage Tank Requirements” has been revised as follows:

“Facilities with ASTs or USTs must be permitted. Other plans, such as a Spill Prevention Control and Countermeasures (SPCC) Program, may be required due to the size and type of hazardous materials stored in the ASTs. ~~The SPCC Program provides a detailed engineering analysis of the potential for~~

~~release from oil filled equipment, and describes the measures, such as secondary containment and emergency response, that must be implemented to reduce the release potential. The SPCC program, which must be approved by a professional engineer, requires that all ASTs in excess of 660 gallons (individual size) or 1,320 gallons (aggregate capacity) that 'reasonably could be expected to discharge oil into or upon navigable waters or adjoining shorelines' be provided with an appropriate means of secondary containment to capture releases from the tank(s) should they occur.<sup>1</sup> The SPCC must include a discussion of failure points; predictions of volumes and fate of released product; oil spill contingency plans, inspections and recordkeeping systems; security for the facility and critical operating points, and personnel training requirements. Storage statement and fees must also be submitted to the State Water Resources Control Board for ASTs subject to the SPCC requirements above or to any AST containing petroleum that exceeds 10,000 gallons.<sup>2</sup> The Water Board may also require that an AST monitoring system be installed if a discharge from the AST(s) may adversely affect surface water or sensitive ecosystems. All owners and operators of ASTs must immediately report a release or spill of 42 gallons or more of petroleum to the local oversight agency,<sup>3</sup> and spills in excess of 1,000 gallons must be directly reported to the U.S. Environmental Protection Agency.<sup>4</sup>~~

#### **Page V.F-10**

The following text has been added at the end of the fourth paragraph on page V.F-10 of the DEIR:

“The asphaltic oil storage tanks and asphalt silos would be located at least 200 feet southwest of the railway ROW easement and more than 130 feet northeast of Petaluma Boulevard South.”

#### **Page V.F-11**

“All businesses transporting, storing, using or disposing of hazardous materials (including wastes) must comply with applicable local, state, and federal regulations for hazardous materials management. These include the primary hazardous materials programs administered by Sonoma County Department of Emergency Services as well as other requirements of state and federal laws and regulations, including compliance with the Uniform Fire Code for hazardous material storage, and AST requirements. The applicant has prepared an Emergency Response Action Plan at its San Rafael Facility, with procedures for spills, fires, or other emergencies (e.g. earthquake, flood), evacuation routes, and worker training.”

### **SECTION V.G (HYDROLOGY AND WATER QUALITY)**

#### **Page V.G-21**

The following revisions have been made to the fourth bullet under Mitigation Measure HYDRO-3a on page V.G-21 of the DEIR:

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<sup>1</sup> 40 Code of Federal Regulations, Section 112.

<sup>2</sup> California Health and Safety Code Section 25270.

<sup>3</sup> Ibid.

<sup>4</sup> 40 CFR, Section 112.

“A pretreatment catch basin and sand filter (or multiple basins and filters) that will capture and treat all runoff from all processing and storage areas for at least the 10-year design storm event. Discharge from the catch basin and sand filter shall be visibly clear (i.e., not turbid) and meet applicable water quality standards. If turbid water is observed to be discharging from the catch basin and sand filter, the system shall be expanded and/or redesigned in coordination with the County and RWQCB so that adequate pretreatment is achieved. Only visibly clear water that meets applicable water quality standards should be discharged to the wetland areas secondary treatment system. The SWPPP shall include specifications for regular maintenance of the basin and sand filter and procedures for disposal and/or reuse of the used filtration material.”

#### Page V.G-21

The sixth bullet under Mitigation Measure HYDRO-3a on page V.G-21 of the DEIR is no longer needed, and is hereby removed from the text:

~~“The secondary storm water treatment system shall use a portion of the existing network of drainage ditches to provide additional treatment and on-site residence time prior to discharge of site runoff to the Petaluma River. These drainage ditches should be redesigned to act as extended wet ponds and/or detention features. Flows for the catch basin and sand filter shall be discharged into the tidally influenced ditches in a manner so that turbulence is not created (e.g., using an energy dissipation structure). The grading plan and drainage design shall include measures that ensure maximum residence times in the detention features.”~~

### SECTION V.H (LAND USE)

#### Page V.H-26

The third paragraph has been revised as follows:

“The project site’s water has been used by residences to the east of the railroad tracks, although it appears that this is not a legal use, as sub-metering is not allowed. The existing meter serves APN 019-320-022, which legally belongs to the applicant. The applicant's allotment is sufficient to provide for additional residential uses, which are estimated at 417 ~~636~~ gpd each,<sup>46</sup> (pursuant to the generation rate for Equivalent Single Family Dwelling Unit in NMWD’s Regulation 1) bringing the total potable water needed for the area to ~~2,675~~ 4,080 gpd at peak use.”

### SECTION V.I (NOISE)

#### Page V.I-17

The sixth bullet under Mitigation Measure NOISE-7 on page V.I-17 of the DEIR has been revised to read as follows:

“**Windows rated for a 10 dBA exterior to interior noise reduction that is a 10 dBA improvement over the existing window’s noise reduction.** At the request of the homeowners along the River and at

the hillside west of Highway 101, the applicant shall provide windows ~~rated for a 10 dBA~~ with a noise reduction that is a 10 dBA improvement over the existing window's noise reduction exterior to interior noise reduction for all habitable rooms on the side of the residence facing the project site. The applicant shall..."

#### Page V.I-18

The third bullet under Mitigation Measure NOISE-8 on page V.I-18 of the DEIR has been revised to read as follows:

- "To the extent feasible, Noise-noise barriers shall be placed on the southern portion of the barge to completely screen barge unloading activities in the direction of the riverfront residences."

#### Page V.I-20

Mitigation Measure NOISE-10 on page V.I-20 of the DEIR has been revised to read as follows:

- **"Strobe Lights.** 1) Install an OSHA approved strobe light back-up notification system on front-end loaders that are used at the asphalt plant ~~and the barge unloading~~. 2) Use the strobe lights exclusively instead of the beepers during night-time hours."

#### Page V.I-21

The third paragraph on page V.I-21 of the DEIR has been revised to read as follows:

"In addition to traffic noise, railroad noise from proposed SMART commuter trains and proposed North Coast Railroad Authority (NCRA) freight trains could potentially affect cumulative noise levels in the project area, at least on a temporary yet periodic basis. The SMART ~~E~~SEIR concludes the cumulative daily noise exposure from all rail operations, based on the above assumptions for freight operations, would be approximately ~~59~~ 55 dBA  $L_{dn}$  at 50 feet and ~~54~~ 50 dBA  $L_{dn}$  at 100 feet from the tracks. Cumulative noise exposure from passenger and freight rail operations at distances greater than 50 feet from the tracks would be less than 60 dBA  $L_{dn}$ , the level considered normally acceptable for outdoor use in residential areas. However, ~~these temporary yet periodic noise levels would exceed the County daytime and night time noise standards for residence R4,~~ transportation noise sources operating on a public right of way may be exempt from local maximum noise level standards because the regulation of noise sources such as traffic on public roadways, railroad line operations and aircraft in flight is preempted by federal and/or state regulations. But project-specific noise impacts would be significant and unavoidable. ~~Implementation~~ Therefore, implementation of the proposed project in conjunction with the related projects listed in Table III-1, including the Novato Narrows Highway 101 Widening and Petaluma Boulevard South Interchange projects, ~~potential future commuter and freight trains~~ would result in *significant* cumulative operational noise impacts."

**SECTION V.J (TRANSPORTATION/TRAFFIC)****Page V.J-2**

The second to last paragraph on page V.J-2 has been revised to read as follows:

“According to the Sonoma County level of service policy, the threshold for intersection level of service is LOS E. ~~Facilities that operate at LOS E or worse are considered deficient.~~ Therefore, intersections operating at LOS D or better are acceptable and intersections operating at E or F are considered deficient. Table V.J-1 shows existing intersection levels of service. Downstream highway operations can affect intersection operations, but this source of congestion is addressed separately in the subsection entitled ‘Highway Operations.’”

**Page V.J-2**

Table V.J-1 on page V.J-2 of the DEIR is revised to read as follows:

**Table V.J-1  
Existing Conditions Intersection LOS Summary**

Location	AM		PM	
	Delay	LOS	Delay	LOS
<b>Petaluma Blvd. South at Highway 101 SB Ramps</b>				
NB <del>Thru Left Approach</del>	9.2	A	7.9	A
EB Left	11.3	B	14.5	B
EB Right	9.4	A	8.9	A
<b>Petaluma Blvd. South at Landing Way</b>				
SB Thru Left	7.7	A	8.8	A
WB Approach	9.7	A	12.5	A
<b>Petaluma Blvd. South at Highway 101 NB On-Ramp</b>				
NB Left	7.7	A	7.6	A

**Page V.J-5**

Table V.J-3 on page V.J-5 of the DEIR has been revised as follows:

**Table V.J-3  
Existing Highway Operations**

Location	LOS	
	AM	PM
<b>Mainline Segments</b>		
Highway 101 SB–North of Petaluma Blvd South	F	B
Highway 101 SB–South of Petaluma Blvd South	F	B
Highway 101 NB–South of Petaluma Blvd South	B	D*
Highway 101 NB North of Petaluma Blvd South	B	C*
<b>Ramp Merge and Diverge</b>		
SB Off-Ramp	<del>C</del> <u>F</u>	B
SB On-Ramp	F	A
NB Off-Ramp	B	<del>B</del> <u>C</u>
NB On-Ramp	A	B
<i>*Level of Service may be worse because traffic flow volumes are attenuated by congestion.</i>		

**Page V.J-8**

The text in Table V.J-5 on page V.J-8 has been revised as follows to refer to Southbound Left turn delay and LOS:

**Table V.J-5  
Near-Term Cumulative Without Project Intersection LOS**

Location	Near-Term Without Project			
	AM		PM	
	Delay	LOS	Delay	LOS
<b>Petaluma Blvd. South at Highway 101 SB Ramps</b>	30.1	D	88.9	F
<b>Petaluma Blvd. South at Landing Way</b>				
SB <del>Thru</del> Left	8.9	A	9.7	A
WB Approach	39.3	E	20.6	C
<b>Petaluma Blvd. South at Highway 101 NB On-Ramp</b>				
NB Left	8.5	A	8.0	A

**Page V.J-8**

“Table V.J-7 shows near-term cumulative highway operations. Under near-term cumulative conditions, highway operations on the mainline section of Highway 101 southbound, ~~south of Petaluma Boulevard,~~ ~~degrade from LOS E to LOS F. The~~ and the southbound on-ramp continues to operate at LOS F whereas other facilities appear to operate acceptably.”

**Page V.J-12**

Table V.J-8 on page V.J-12 has been revised to read as follows:

**Table V.J-8  
Cumulative 2020 Without Project Intersection LOS**

Location	Near-Term Cumulative Without Project			
	AM		PM	
	Delay	LOS	Delay	LOS
<b>Petaluma Blvd. South at Highway 101 SB Ramps</b>	53.3	F	148.7	F
<b>Petaluma Blvd. South at Landing Way</b>				
SB <del>Thru</del> Left	11.1	B	10.2	B
WB Approach	108.4	F	23.6	C
<b>Petaluma Blvd. South at Highway 101 NB On-Ramp</b>				
NB Left	<del>83.3</del> 8.3	A	8.0	A

The last paragraph on page V.J-12 of the DEIR has been revised to read as follows:

“Under cumulative conditions the highway would be expanded to include an HOV lane in each direction. Under cumulative conditions the southbound segments north and south of Petaluma Boulevard South would operate unacceptably during the AM peak hour. The southbound on-ramp and the southbound segment of US 101 south of Petaluma Boulevard South would operate unacceptably during the AM peak period. Table V.J-10 summarizes highway operations analysis.”

**Page V.J-13**

Table V.J-10 on page V.J-13 of the DEIR has been revised to read as follows:

**Table V.J-10  
Cumulative 2020 Highway Operations**

Location	LOS	
	AM	PM
<b>Mainline Segments</b>		
Highway 101 SB–North of Petaluma Blvd South	D	<del>B</del> C
Highway 101 SB–South of Petaluma Blvd South	F	<del>B</del> C
Highway 101 NB–South of Petaluma Blvd South	B	D*
Highway 101 NB North of Petaluma Blvd South	B	C*
<b>Ramp Merge and Diverge</b>		
SB Off-Ramp	<del>E</del> F	B
SB On-Ramp	F	A
NB Off-Ramp	B	<del>B</del> C
NB On-Ramp	A	B
*Level of Service may be worse because traffic flow volumes are attenuated by congestion.		

## Page V.J-27

Table V.J-14 on page V.J-27 of the DEIR has been revised as follows:

**Table V.J-14  
Existing and Existing Plus Project Intersection Levels of Service**

Location	Existing				Existing Plus Project			
	AM		PM		AM		PM	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
<b>Petaluma Blvd South at Highway 101 SB Ramps</b>								
NB Thru Left	9.2	A	7.9	A	9.5	A	7.9	A
EB Left	11.3	B	14.5	B	12.2	B	14.7	B
EB Right	9.4	A	8.9	A	10.3	B	8.9	A
<b>Petaluma Blvd South at Landing Way</b>								
SB Thru Left	7.7	A	8.8	A	7.8	A	8.9	A
WB Approach	9.7	A	12.5	B	10.4	B	12.6	B
<b>Petaluma Blvd South at Highway 101 NB On-Ramp</b>								
NB Left	7.7	A	7.6	A	8.4	A	7.6	A
<b>Petaluma Blvd south at Project Driveway</b>								
SB Left	-	-	-	-	8.2	A	0.0	A
WB Right	-	-	-	-	11.1	B	12.7	B

## Page V.J-31

Mitigation Measure TRANS-4 on page V.J-31 of the DEIR has been revised to read as follows:

**“Mitigation Measure TRANS-4**

The project sponsor shall install either an actuated signal or a portion of the future off-ramp and frontage road in the same configuration as the PBS I/C design requirements at the new intersection of Petaluma Boulevard South at the project driveway. If the project sponsor pursues the second approach, constructed improvements shall meet Caltrans and County requirements for speed and safety, and shall be approved by Caltrans and the County. Regardless of which approach is pursued, the applicant’s plans shall be approved by Caltrans and the County prior to issuance of an occupancy permit. The applicant shall also coordinate with Caltrans and the County to design the northbound off-ramp lane and shoulder striping to “narrow” width perception in an effort to lower driver exit speeds so they are closer to posted advisory speeds. Figure V.J-8 illustrates the ~~proposed~~ signal.”

**Page V.J-33**

The first sentence of third paragraph on page V.J-33 of the DEIR has been revised to read as follows:

“The westbound left turn from Landing Way onto Petaluma Boulevard South would operate at LOS F, with ~~80.9~~ 78.8 seconds of delay degrading from LOS E during the AM peak hour under near-term conditions without project traffic.”

**Page V.J-35**

Table V.J-17 on page V.J-35 of the DEIR has been revised to read as follows:

**Table V.J-17**  
**Near-Term Cumulative Without and Plus Project Intersection Levels of Service**

Location	Near-Term No Project				Near-Term Plus Project			
	AM		PM		AM		PM	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
<b>Petaluma Blvd South at Highway 101 SB Ramps</b>	30.1	D	88.9	F	34.4	D	89.9	F
<b>Petaluma Blvd South at Landing Way</b>								
SB Thru Left	8.9	A	9.7	A	9.2	A	9.7	A
WB Approach	39.3	E	20.6	C	78.8	F	20.6	C
<b>Petaluma Blvd South at Highway 101 NB On-Ramp</b>								
NB Left	8.5	A	8.0	A	9.5	A	8.0	A
<b>Petaluma Blvd south at Project Driveway</b>								
SB Left	-	-	-	-	9.3	A	0.0	A
WB Right	-	-	-	-	14.6	B	15.4	C

**Page V.J-38**

The second and third paragraph on page V.J-38 of the DEIR have been revised to read as follows:

**“Impact TRANS-10 Cumulative 2020 LOS Impacts**

Cumulative 2020 impacts are evaluated by considering cumulative 2020 traffic plus traffic from the proposed project. Table V.J-21 compares the results of the intersection level of service for cumulative conditions with and without the project. Figure V.J-10 shows projected peak hour intersection turning movements at the study intersections. Under 2020 plus project conditions, the intersection of Petaluma Boulevard South at Highway 101 southbound ramps would ~~operate with 150 seconds of delay at LOS F.~~ This is a ~~less than significant~~ impact, however, because the increase in delay would be less than two seconds above conditions without the project. ~~add more than five seconds of delay to the AM operation which is already at LOS F.~~ This is a **potentially significant** impact. However, Caltrans has proposed

redesigning the relevant intersection as part of the Petaluma Boulevard South (PBS)/Interchange (IC) with Traffic Operations Systems (TOS) to manage traffic operations.

Under 2020 plus project conditions, the project causes delay on the westbound left turn from Landing Way onto Petaluma Boulevard South to increase by more than four seconds where it is already at LOS F. However, peak hour warrants were reevaluated based on 2020 plus project conditions and were not satisfied. Therefore, according to the significance criteria the impact is *less than significant*. As stated in the discussion under Impact TRANS-6, the finding is not affected if Landing Way becomes publicly dedicated in the future or by any easement granted to allow access to Haystack Landing. As stated before, it is assumed that Haystack Landing traffic would be limited to a few private residences and intermittent maintenance trips to service the loading dock.”

**Page V.J-38**

Table V.J-20 on page V.J-38 of the DEIR has been revised to read as follows:

**Table V.J-20  
Cumulative 2020 Without and Plus Project Intersection Levels of Service**

Location	2020 No Project				2020 Plus Project			
	AM		PM		AM		PM	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
<b>Petaluma Blvd South at Highway 101 SB Ramps</b>	53.3	F	148.7	F	59.7	F	150.0	F
<b>Petaluma Blvd South at Landing Way</b>								
SB <del>Thru</del> Left	11.1	B	10.2	B	11.6	B	10.2	B
WB Approach	108.4	F	23.6	C	221.4	F	23.6	C
<b>Petaluma Blvd South at Highway 101 NB On-Ramp</b>								
NB Left	8.3	A	8.0	A	9.3	A	8.0	A
<b>Petaluma Blvd south at Project Driveway</b>								
SB Left	-	-	-	-	9.1	A	0.0	A
WB Right	-	-	-	-	14.0	B	17.2	C

**Page V.J-39**

Mitigation Measure TRANS-10 on page V.J-39 of the DEIR has been revised to read as follows:

**“Mitigation Measure TRANS-10**

Although Impact TRANS 10 was found to be less than significant, Mitigation Measure TRANS-10 requires implementation of Mitigation Measure TRANS-6, requires the installation of exclusive right and left turning lanes at Petaluma Boulevard South/Landing Way, and Mitigation Measure TRANS-7, replacing the northbound left turn lane with a shared northbound through-left turn lane at Petaluma Boulevard South/Highway 101 Southbound ramps. This would further improve AM conditions at the

intersection of Petaluma Boulevard South/Landing Way to a delay of 148.4 seconds at LOS F. Petaluma Boulevard South/US 101 Southbound ramps would improve to 58.1 seconds of delay LOS F in the AM and 38.3 seconds of delay LOS E in the PM which is acceptable when compared to 2020 no project conditions.”

#### **Page V.J-39**

The second paragraph on page V.J-39 of the DEIR has been revised to read as follows:

“Table V.J-22 shows queuing under Cumulative 2020 with project conditions. The project would cause 95th percentile queues to grow where they already exceed available storage on the ~~eastbound~~ northbound approach to the proposed Petaluma Boulevard South/Highway 101 southbound ramps intersection. ”

#### **Page V.J-41**

The first paragraph on page V.J-41 of the DEIR has been revised to read as follows:

“Under 2020 conditions, the segments of Highway 101 being studied would already have HOV lanes in the no project condition. This is expected to improve operations in both peak commute directions. The project would add trips to congested segments of southbound Highway 101 south of Petaluma Boulevard South during the AM peak hour, ~~but would not cause the segment to fall from LOS E to LOS F.~~ Therefore, according to the significance criteria this is a *less-than-significant* impact. The project would ~~add traffic~~ and to the Highway 101 southbound on-ramp, ~~which is both of which~~ already operate at LOS F. This is a *significant* impact similar to Impact TRANS-3.”

#### **Page V.J-42**

The following revisions are made to the third paragraph of Mitigation Measure TRANS-13a on page V.J-42:

“To address this secondary impact the applicant/owner shall make an irrevocable offer to the County of Sonoma for a 50-foot ~~public~~ access and utility easement parallel to the SMART railroad tracks on APN 019-220-001 for the purposes of ingress, egress and utilities. This would preserve options for a future ~~public~~ roadway through Landing Way to allow access to Area A and neighboring residential properties along the River if the existing railroad crossing is closed. This measure will cause a small number of passenger vehicles to be mixed with the larger volume of truck trips along the right-of-way. This is not a substantial concern, however, because most of this traffic would be from residents who are familiar with the area and currently there are employee and other passenger vehicle trips in the area so this increase will not represent a new condition for truck drivers using this route.”

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## SECTION VI (GENERAL IMPACT CATEGORIES)

### Page VI-2

The fourth paragraph on page VI-2 (General Impact Categories) of the DEIR has been revised as follows:

“...As such, the project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Sufficient water supplies are available to serve the project from existing entitlements and resources. The project would, however, necessitate the need for a new 8-inch water main for fire protection service as required by Sonoma County. The new water main would extend approximately 2,000 feet from Landing Way and would run south along Petaluma Boulevard South. The proposed project involves the creation of a new septic system that would only serve the project. The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. The project would comply with federal, state, and local statutes and regulations related to solid waste.”

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