

TOLAY LAKE REGIONAL PARK

MASTER PLAN

DRAFT EIR APPENDICES

JANUARY 2017

State Clearinghouse Number
2015062084

Prepared for
Sonoma County Regional Parks
2300 County Center Drive, Suite 120a
Santa Rosa, CA 95403

Prepared by
MIG, Inc.
800 Hearst Avenue
Berkeley, CA 94710

Appendix A
Notice of Preparation and Scoping Comments

DISCLAIMER: Due to the nature and length of this appendix, this document is not available as an accessible document. If you need assistance accessing the contents of this document, please contact Victoria Willard, ADA Coordinator for Sonoma County, at (707) 565-2331, or through the California Relay Service by dialing 711. For an explanation of the contents of this document, please direct inquiries to Karen Davis-Brown, Park Planner II, Sonoma County Regional Parks Department at (707) 565-2041.



NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

SONOMA COUNTY REGIONAL PARKS
PHONE: (707) 565-2041

2300 COUNTY CENTER DRIVE, SUITE 120a

SANTA ROSA, CA 95403
FAX: (707) 565-3642

June 29, 2015

The Sonoma County Regional Parks Department (Regional Parks) is preparing an Environmental Impact Report for the proposed:

TOLAY LAKE REGIONAL PARK MASTER PLAN PROJECT

Introduction

Regional Parks is requesting comments from responsible and trustee agencies, property owners in the project vicinity, and other interested parties regarding the scope and content of the Environmental Impact Report (EIR). Responsible and trustee agencies are requested to provide comments regarding the scope and content of the environmental information which is germane to that agency's statutory responsibilities in relation to the proposed project. Regional Parks is also interested in comments from property owners and other interested parties regarding environmental topics and areas of concern for study in the EIR. Regional Parks' staff will prepare the EIR in accordance with the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. An EIR is an analysis of a proposed project's potentially significant environmental effects regarding construction, operation, and maintenance of the proposed project. After the EIR is prepared, Regional Parks will submit the document to the State Clearinghouse, the Sonoma County Environmental Review Committee (ERC), and the public for a 45-day public review period. Regional Parks will solicit public and agency comments during the 45-day public review period. These comments will be considered and responded to in the Final EIR.

Notice of Preparation Comment Period

Please send written comments on the scope of the environmental analysis to Karen Davis-Brown, Park Planner II, in care of the Sonoma County Regional Parks Department, at the address listed above. The comment period for the Notice of Preparation will close at 5:00 p.m. on July 29th, 2015, which is 30 days after mailing of this document. Please note that while the comment period for the Notice of Preparation has a closing date, interested parties are encouraged to contact Regional Parks' staff at any time during the process to receive an update of the process, to ask questions, and share information.

Public Scoping Meeting

Regional Parks will host a Public Scoping Meeting regarding the proposed project. The Public Scoping Meeting is a required part of the CEQA process. Regional Parks' staff will present an overview of the preliminary Master Plan for the Tolay Lake Regional Park Master Plan Project and the environmental review process for the project. Public comment can be provided at the meeting via verbal or written comment cards. The public is also welcome to submit comments in writing to the address above during the 30-day public review period. The Public Scoping Meeting is scheduled as follows:

Tuesday, July, 21st 2015; 6:00 – 8:00 pm
Petaluma Community Center
Lucchesi Park 320 N McDowell Blvd Petaluma, CA 94954

Regional Parks Contact Persons

Please call Karen Davis-Brown at (707) 565-2041 if you have questions regarding this Notice of Preparation.

PROJECT INFORMATION

Project Purpose

The purpose of the proposed project is to develop the proposed Tolay Lake Regional Park (Park) with a variety of recreation and education uses while protecting natural and cultural resources.

Project Location

Tolay Lake Regional Park is located at 5869 Cannon Lane in Sonoma County, approximately five miles southeast of the City of Petaluma (see Figure 1: Project Location). Tolay Lake Regional Park is comprised of two properties: a 1,737-acre area with primary access from Cannon Lane, a County-maintained road off Lakeville Highway, and the approximately 1,665-acre Tolay Creek Ranch, currently owned by the Sonoma County Land Trust (SLT). The Tolay Creek Ranch property abuts the southern boundary of the current Tolay Lake Regional Park property on the north, and Highway 121 on the south.

Existing Site Conditions

Tolay Lake Park is named for the approximately 200-acre shallow seasonal lake in the center of the valley. Streams and artificial ponds form other water features on site. Several types of roads and trails connect the site to the surrounding community and provide a circulation network within the site. This circulation network coupled with various pastures includes associated features such as gates, fences, and bridges which relate primarily to the site's agricultural use.

The Cardoza Ranch; including homes, barns, and corrals; is located in the northwest corner of the Park just west of Tolay Lake (Figure 2). The Tolay Creek Ranch property is fenced and used for limited grazing. The Tolay Creek Ranch includes 2.5 miles of Tolay Creek, which flows into San Pablo Bay. The SLT will transfer the Tolay Creek Ranch to Regional Parks pending completion of several restoration projects (Figure 3).

PROJECT BACKGROUND

The two properties comprising Tolay Lake Regional Park are relatively recent acquisitions. The Cardoza portion of the Park is currently open to limited public access through the Day-Use Permit Program, as outlined in the 2008 Interim Plan. The Tolay Creek Ranch portion of the Park is managed by the SLT and is not subject to the Day-Use Permit Program.

Once the Master Plan is completed and approved, Regional Parks will open the Park to public access and undertake park improvements.

Project Description

The proposed project includes development of a new open space regional park facility to serve the residents of Sonoma County. The proposed Tolay Lake Regional Park will provide day use activities and permit camping and other overnight uses on a year round basis.

The Master Plan includes recreational improvement recommendations for multi-use and hiking-only trails; equestrian facilities; a park center that includes a visitor center with interpretive and educational facilities; as well as improved restrooms and parking. Additionally, the Master Plan includes improvements to park access, a new ranger residence, and water supply and wastewater facilities. The Master Plan provides recommendations for habitat restoration focusing on the restoration of Tolay Lake to maximize and improve the lake ecology for native species, and restoration of 4.5 miles of Tolay Creek in the Park.

The Master Plan defines the anticipated equestrian concessions, provides resource management recommendations for continued cattle operations, as well as improvements in fencing, boundaries, and

exclusion zones for sensitive habitats. In addition, the Master Plan provides recommendations for the protection and interpretation of the significant cultural and historical resources of the property.

The types of recreational activities proposed for the site include; nature study and outdoor educational programs, hiking, docent led walks, horseback riding, mountain biking, group and family picnicking, birdwatching and other types of passive recreation, and overnight hike-in individual and group camping on a permit basis.

The preferred conceptual site plan for the Park's Northern Core area is shown in Figure 4, and for the remainder of the Park in Figure 5.

Areas of Potential Environmental Effect

The EIR will analyze the potential environmental impacts associated with construction, operation, and maintenance of the proposed project. Specific areas of analysis will include: aesthetics, agricultural and forest resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gases, hazards, hydrology and water quality, land use, energy and mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems. These resource categories are included in Appendix G to the State CEQA Guidelines.

Jurisdictional, Permitting, and Regulatory Agencies

The following agencies may have jurisdiction associated with development of the proposed Tolay Lake Regional Park:

- ❖ United States Army Corps of Engineers
- ❖ United States Fish and Wildlife Service
- ❖ California Department of Fish and Wildlife
- ❖ California Regional Water Quality Control Board, North Coast Region
- ❖ Northern Sonoma County Air Pollution Control District
- ❖ Marin - Sonoma Mosquito and Vector Control District
- ❖ Sonoma County Agricultural Preservation and Open Space District
- ❖ Sonoma County Permit and Resource Management Department

PUBLICATION AND MAILING DATE: June 29th, 2015
SENT TO OFFICE OF RESEARCH AND PLANNING: June 26th, 2015

X  Date: 6/23/15
Karen Davis-Brown
Tolay Lake Regional Park Master Plan Project Manager





Northern Park Core Area

Building Key

- 1 - Cottage / Julie's House / Little Green House
- 2 - Bunkhouse/Ranger Residence
- 3 - John Cardoza Sr. House/Ranger Residence
- 4 - George & Vera Cardoza / Green House
- 5 - John Jr. & Beatrice Cardoza / Yellow House/Park Office
- 6 - Hay Barn / Old Stone Floor Barn
- 7 - Old Dairy Barn
- 8 - Creamery / Wine Storage
- 9 - Granary / Museum
- 10 - Line Shack
- 12 - Old Shop / Work Shop
- 13 - Tractor Barn / Equipment Barn
- 14 - Storage Shed / Equipment Shed
- 15 - Slaughterhouse
- 16 - Building has been removed
- 17 - Modern Barn
- 18 - Cattle Scale
- 19 - Marvin's Garden
- 20 - Corrals

Data Sources:
 Sonoma County Parks, LSA, WRA, 2013 Cultural Landscapes Inventory, 2012 Historic Structures Report for Cardoza Ranch, 2013 Field Visits by MIG, Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

- Project Site
- Water Feature/Wetlands
- Grasslands and Wildflower Fields
- Powerlines
- 2' contour
- 10' contour

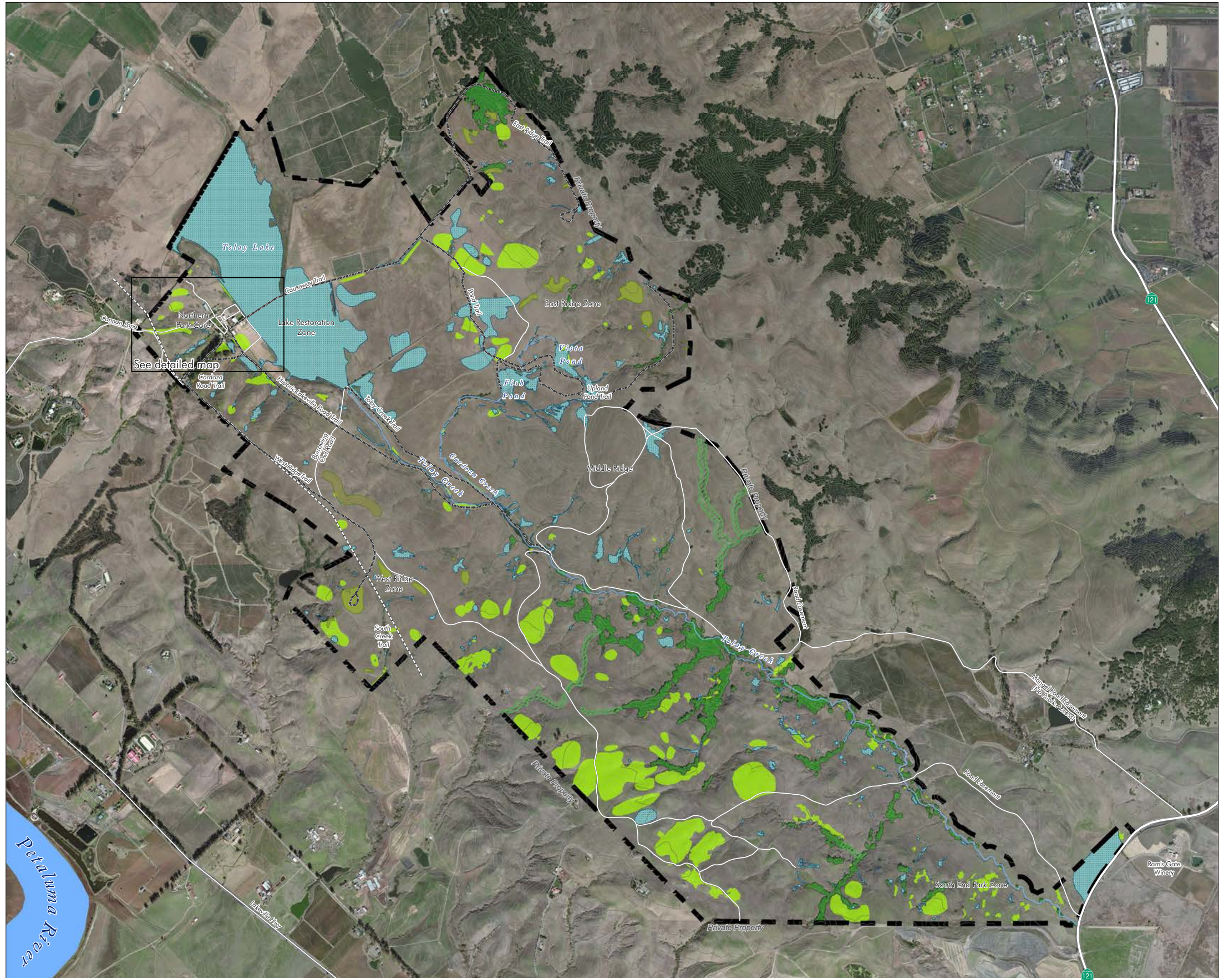


Tolay Lake Regional Park Existing Conditions

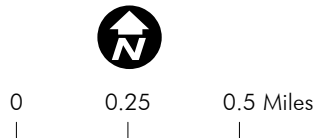
0 100 200 Feet
 1 inch = 100 feet



Overall Project Area



Data Sources:
 Sonoma County Parks, LSA, WRA, 2013 Cultural Landscapes Inventory, 2012 Historic Structures Report for Cardoza Ranch, 2013 Field Visits by MIG, Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community





Northern Park Core Area

Existing Elements

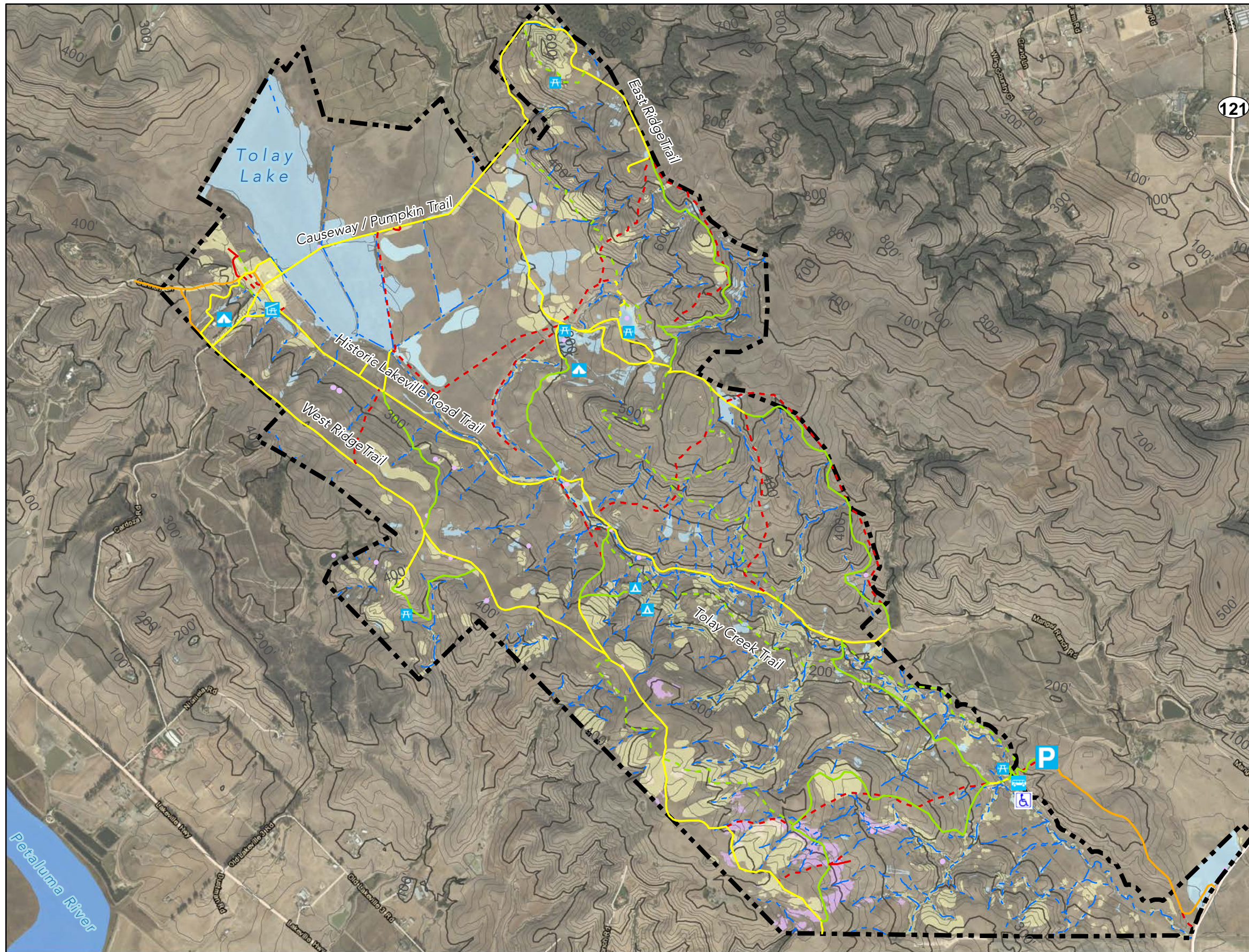
- 1 - Cottage / Julie's House / Little Green House
- 2 - Bunkhouse / Ranger Residence
- 3 - John Cardoza Sr. House / Ranger Residence
- 4 - DEMO George & Vera Cardoza / Green House
- 5 - John Jr. & Beatrice Cardoza / Yellow House
- 6 - Hay Barn / Old Stone Floor Barn
- 7 - Old Dairy Barn
- 8 - Creamery / Wine Storage
- 9 - Granary / Museum
- 12 - Old Shop / Work Shop
- 13 - Tractor Barn / Equipment Barn
- 14 - Storage Shed / Equipment Shed
- 15 - Slaughter House
- 17 - Modern Barn
- 19 - Historical Garden
- 20 - Corrals
- 21 - Picnic Site / Group
- 22 - Platform

* Building numbers correspond to Historic Structures Report

Proposed Elements

- A - Cultural Gathering Area
- B - Viewpoint
- C - New Equipment Shed
- D - Screen Plantings
- E - Ranch Manager Residence
- F - Entry Road Improvements
- G - Group Camping by Permit
- H - Overflow Parking
- I - Animal Pen
- J - Move Historical Corral
- K - Visitor Center
- L - Preserve and Interpret
- M - New Bunk House
- N - Park Office
- O - Group Picnic
- P - Functioning Ranch Operations
- Q - Culinary Ethno Garden
- R - Temporary Residence (Artist, etc.)
- S - Sales/Group Picnic Shelter
- T - New Ranger Residence
- U - Showers
- V - Restroom
- W - Riparian/Wetland Restoration
- X - Kitchen and Dining
- Y - Potential Spray Irrigation Area
- Z - Equestrian Parking
- AA - Boardwalk
- BB - Outdoor Class / Stage





Legend

- Existing Multi Use Trail (12.6 miles)
- Existing Hike Only Trail (0.17 miles)
- New Multi Use Trail (7.37 miles)
- New Hike Only Trail (6.87 miles)
- Park Entry Roads (1.73 miles)
- Park / Ranch Use Roads Only (0.29 miles)
- Decommissioned Trail / Road (8.08 miles)
- Project Boundary
- Wetlands & Waters
- Streams & Culverts
- Existing 20' Contour
- Existing 100' Contour
- Biological Resources
- Special Status Species
- P Public Parking
- ▲ Group Camping (Reservation)
- ▣ Group Picnic
- ⊠ Picnic
- ▲ Individual Camping (Hike In Backcountry)
- ♿ ADA Parking
- ⊠ Camp Host

Sources: Esri Digital Basemap, Sonoma County Regional Parks (Trails), WRA (Natural Resources)

0 0.125 0.25 0.5 Miles

N

Tolay Lake Regional Park Master Plan
Sonoma County, CA

Figure 5
Preferred Conceptual Site Plan for Park Interior



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Notice of Preparation

June 29, 2015

To: Reviewing Agencies
Re: Tolay Lake Regional Park Master Plan
SCH# 2015062084

Attached for your review and comment is the Notice of Preparation (NOP) for the Tolay Lake Regional Park Master Plan draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Karen Davis-Brown
Sonoma County Regional Parks
2300 County Center Drive, Suite 120a
Santa Rosa, CA 95403

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2015062084
Project Title Tolay Lake Regional Park Master Plan
Lead Agency Sonoma County

Type NOP Notice of Preparation

Description The Master Plan includes recreational improvement recommendations for multi-use and hiking-only trails; equestrian facilities; a park center that includes a visitor center with interpretive and educational facilities; as well as improved restrooms and parking. Additionally, the Master Plan includes improvements to park access, a new ranger residence, and water supply and wastewater facilities. The Master Plan provides recommendations for habitat restoration focusing on the restoration of Tolay Lake to maximize and improve the lake ecology for native species, and restoration of 4.5 miles of Tolay Creek in the Park. The Master Plan includes recreational improvement recommendations for multi-use and hiking-only trails; equestrian facilities; a park center that includes a visitor center with interpretive and educational facilities; as well as improved restrooms and parking.

Lead Agency Contact

Name Karen Davis-Brown
Agency Sonoma County Regional Parks
Phone 707 565 2041 **Fax**
email
Address 2300 County Center Drive, Suite 120a
City Santa Rosa **State** CA **Zip** 95403

Project Location

County Sonoma
City Petaluma
Region
Cross Streets Lakeville Hwy / Cannon Lane
Lat / Long 38° 12' 18.76" N / 122° 31' 15.75" W
Parcel No. 068-060-057 & 058, 068-070-004, 005
Township 4N **Range** 7W **Section** **Base** MDB&M

Proximity to:

Highways Hwy 121, 37, 116
Airports
Railways
Waterways Tolay, North, South, Cardoza, Eagle Creeks
Schools
Land Use Agricultural/Intensive, Extensive Agriculture

Project Issues

Reviewing Agencies Resources Agency; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 3; Native American Heritage Commission; California Highway Patrol; Caltrans, District 4; Air Resources Board; State Water Resources Control Board, Division of Drinking Water; Regional Water Quality Control Board, Region 2

Date Received 06/29/2015 **Start of Review** 06/29/2015 **End of Review** 07/28/2015

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH# 2015062084

Project Title: Tolay Lake Regional Park Master Plan

Lead Agency: Sonoma County Regional Parks Contact Person:
Mailing Address: 2300 County Center Drive, Suite 120a Phone: 707-565-2041
City: Santa Rosa Zip: 95403 County: Sonoma County

Project Location: County: Sonoma County City/Nearest Community: Petaluma

Cross Streets: Lakeville Hwy/Cannon Lane Zip Code: 94954

Longitude/Latitude (degrees, minutes and seconds): 38 ° 12 ' 18.76" N / 122 ° 31 ' 15.75" W Total Acres: 3,402

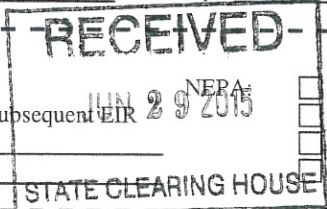
Assessor's Parcel No.: 068-060-057&058, 068-070-004&005 Section: N/A Twp.: 4N Range: 7W Base: Mount Diablo

Within 2 Miles: State Hwy #: 121, 37, and 116 Waterways: Tolay, North, South, Cardoza, Eagle creeks

Airports: Railways: Schools:

Document Type:

- CEQA: [X] NOP [X] Draft EIR [] NOI Other: [] Joint Document
[] Early Cons [] Supplement/Subsequent EIR [] EA [] Final Document
[] Neg Dec (Prior SCH No.) [] Draft EIS [] Other:
[] Mit Neg Dec Other: FONSI



Local Action Type:

- [] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [X] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other:

Development Type:

- [] Residential: Units Acres
[] Office: Sq.ft. Acres Employees
[] Commercial: Sq.ft. Acres Employees
[] Industrial: Sq.ft. Acres Employees
[] Educational:
[X] Recreational: Regional Park
[] Water Facilities: Type MGD
[] Transportation: Type
[] Mining: Mineral
[] Power: Type MW
[] Waste Treatment: Type MGD
[] Hazardous Waste: Type
[] Other:

Project Issues Discussed in Document:

- [X] Aesthetic/Visual [] Fiscal [X] Recreation/Parks [X] Vegetation
[X] Agricultural Land [X] Flood Plain/Flooding [X] Schools/Universities [X] Water Quality
[X] Air Quality [X] Forest Land/Fire Hazard [X] Septic Systems [X] Water Supply/Groundwater
[X] Archeological/Historical [X] Geologic/Seismic [] Sewer Capacity [X] Wetland/Riparian
[X] Biological Resources [X] Minerals [X] Soil Erosion/Compaction/Grading [X] Growth Inducement
[] Coastal Zone [X] Noise [X] Solid Waste [X] Land Use
[X] Drainage/Absorption [X] Population/Housing Balance [X] Toxic/Hazardous [X] Cumulative Effects
[] Economic/Jobs [X] Public Services/Facilities [X] Traffic/Circulation [] Other:

Present Land Use/Zoning/General Plan Designation:

Agriculture/Intensive, Extensive Agriculture

Project Description: (please use a separate page if necessary)

The Master Plan includes recreational improvement recommendations for multi-use and hiking-only trails; equestrian facilities; a park center that includes a visitor center with interpretive and educational facilities; as well as improved restrooms and parking. Additionally, the Master Plan includes improvements to park access, a new ranger residence, and water supply and wastewater facilities. The Master Plan provides recommendations for habitat restoration focusing on the restoration of Tolay Lake to maximize and improve the lake ecology for native species, and restoration of 4.5 miles of Tolay Creek in the Park. The Master Plan includes recreational improvement recommendations for multi-use and hiking-only trails; equestrian facilities; a park center that includes a visitor center with interpretive and educational facilities; as well as improved restrooms and parking.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

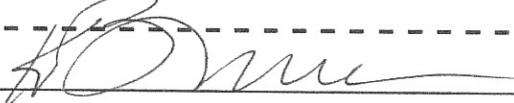
- | | |
|---|---|
| <input type="checkbox"/> Air Resources Board | <input checked="" type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input checked="" type="checkbox"/> Parks & Recreation, Department of |
| <input checked="" type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans District #4 | <input checked="" type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Regional WQCB #2 |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input checked="" type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input checked="" type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region #3 | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input checked="" type="checkbox"/> Forestry and Fire Protection, Department of | <input checked="" type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date June 29, 2015 Ending Date July 29, 2015

Lead Agency (Complete if applicable):

Consulting Firm: <u>MIG</u>	Applicant: _____
Address: <u>800 Hearst Avenue</u>	Address: _____
City/State/Zip: <u>Berkeley, CA 94710</u>	City/State/Zip: _____
Contact: <u>Katrina Hardt-Holoch</u>	Phone: _____
Phone: <u>5108457549</u>	

Signature of Lead Agency Representative:  Date: 6/23/15

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



Tolay Lake Regional Park Master Plan Workshop #3 - Comment Card

Please write your comments regarding the Tolay Lake Regional Park Master Plan below:

As an equestrian in Sonoma County I am interested in Tolay as a trail riding opportunity. I would recommend looking at Shiloh as an example of a multi-use park that is heavily used as a trailering-in horse riding area. One thing that really works there is that the trailer parking area is not welcoming for car parking by being farther from the restrooms, not paved, and off the main paved entrance. This works. What doesn't work so well is, for example, the parking lot for the Laguna trail off hwy. 12. The horse trailer parking is not well marked, and frequently is filled with cars. - And - don't worry about putting in hitching rails - everyone just uses their trailers. But horse troughs are much appreciated.

Optional:

Name: Ali Pearson

Email or Phone: ali@alumniexhibits.com

Please print

4/22/15

Please note that comments and information submitted become part of the public record.

Please turn in this card to a project team member at the end of the meeting.

Thank you for participating in the Tolay Lake Regional Park Master Plan process!

**DRAFT ENVIRONMENTAL IMPACT REPORT
SCOPING MEETING
COMMENT CARD**

(Please note that this document will be part of the public record. You will also be added to the project mailing list for future communications.)

Date: Tuesday, July 21, 2015 (6:00 to 8:00 PM)
Location: Petaluma Community Center
Luchessi Park, 320 N McDowell Boulevard, Petaluma, CA 94954
Project: Tolay Lake Regional Park Master Plan Project

Comments may be submitted at the Scoping Meeting or may be sent to:

ATNN: Karen Davis-Brown
Tolay Lake Regional Park Master Plan Project Manager
Sonoma County Regional Parks
2300 County Center Drive, Suite 120a
Santa Rosa, CA 95403
(707) 565-2041
(707) 565-3642 (Fax)

Comments must be received no later than 5:00 p.m. on Wednesday, July 29, 2015.

Name (Please Print): ANDY LACASSE

Mailing Address: 660 FAIR AVE PETALUMA 94952-1241

Email Address: N/A

Comment (s): WONDERFUL PROPERTY, VERY RICH IN WILDLIFE RESOURCES

MAMMALS, BIRDS, REPTILES AND NATIVE PLANTS, GREAT VIEWS

SPECTACULAR IN WINTER WHEN THE LAKE IS FULL AND COVERED WITH

MANY SPECIES OF OVER WINTERING WATERFOWL AND VISITING RAPTORS.

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559

TTY 711

<http://www.dot.ca.gov/dist4/>

*Serious Drought.
Help save water!*

July 27, 2015

SONVAR173
SCH# 2015062084

Ms. Karen Davis-Brown
Sonoma County Regional Parks
2300 County Center Drive, Suite 120a
Santa Rosa, CA 95403

Dear Ms. Davis-Brown:

Tolay Lake Regional Park Master Plan – Notice of Preparation (NOP)

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The proposed project develops a Master Plan for the park to recommend improvements to recreational facilities. It would also improve park access, and provide a new ranger residence, and water supply and wastewater facilities. Tolay Lake Regional Park is located in southeastern Sonoma County, and is close to State Routes 116, 121, and 37, although it only abuts State Route 121.

Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System in keeping with our mission, vision, and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl. The following comments are based on the NOP.

Mitigation Site

A portion of the property included in the Tolay Lake Regional Park Master Plan is under a contractual agreement with Sonoma Land Trust. This agreement was signed on 1/17/2013 and incorporates Caltrans mitigation requirements for the Marin-Sonoma Narrows HOV Widening Project. Mitigation requirements include but are not limited to planting, fence construction, repair of a grade control structure, control of invasive species, and maintenance of plantings for a period of ten years. Sonoma Land Trust is responsible for implementation of mitigation requirements and for providing oversight and administration of the work for the ten years following planting.

Per the agreement, Sonoma Land Trust must notify Caltrans in writing of any transfer of ownership, use, management, and maintenance responsibilities of Tolay Creek Ranch and shall

Ms. Karen Davis-Brown/Sonoma County Regional Parks
July 27, 2015
Page 2

ensure that any transfer of Tolay Creek Ranch provides for retention of any and all property rights and/or rights of entry required to implement the mitigation requirements, including rights for Caltrans and Federal Highway Administration personnel to enter the property.

Any proposed improvements in the portion of Tolay Creek Ranch covered by the contractual agreement should be aligned or constructed without impacts that would negatively affect the mitigation requirements, including the Archeological Monitoring Areas.

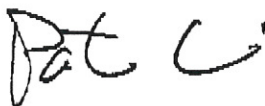
Encroachment Permit

Work that encroaches onto the state right of way (ROW) requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating the state ROW must be submitted to: Office of Permits, California Department of Transportation, District 4, P.O. 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. As soon as they are available, please forward one hard copy and one CD of the environmental document, along with the TIS including the Technical Appendices. See the website link below for more information.

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please feel free to call or email Greg Currey at (510) 286-5623 or gregory.currey@dot.ca.gov with any questions regarding this letter.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development – Intergovernmental Review

c: Scott Morgan, State Clearinghouse

July 18, 2015

Sonoma County Regional Parks

Tolay Park Project

Ms. Karen Davis-Brown

It has been brought to our attention that there have been recent planning meetings for Tolay Park, known of which we have been notified. It appears that there is a plan to re-establish the lake to pre-Cardoza specifications. Since the creation of this park, we have had increasingly slow draining of water on our property, just north of the park border, from the cessation of Cardoza's agriculture practices.

As an organic dairy, we need to maintain pasture for our cattle. Our grazing season begins in May on our flats, bordering Dr. Schaller's property. When the Cardoza's maintained the creek and drainage ditches along the valley floor, water was drained off our property (in March), Dr. Schaller's, and the Cardoza's allowing for tillage, planting, and grazing in the spring. This practice apparently has ceased and it is taking longer for the water to dissipate. The re-establishment of a lake up to Dr. Schaller's fence line will greatly impact our ability to access our fields.

We would appreciate being notified timely on meetings so that we may respond. Furthermore, we protest any plans that may impact our ability to utilize our land or decrease its value due to flooding/impacted access. Re-establishing past farming practices and creek/ditch maintenance would go a long way towards preserving the agricultural heritage of this area, one of the original premises of establishing the park.

Jim & Luci Mendoza, JLT Ranch

601 Stage Gulch Rd.

Petaluma, CA 94954



**DRAFT ENVIRONMENTAL IMPACT REPORT
SCOPING MEETING
COMMENT CARD**

(Please note that this document will be part of the public record. You will also be added to the project mailing list for future communications.)

Date: Tuesday, July 21, 2015 (6:00 to 8:00 PM)
Location: Petaluma Community Center
Luchessi Park, 320 N McDowell Boulevard, Petaluma, CA 94954
Project: Tolay Lake Regional Park Master Plan Project

Comments may be submitted at the Scoping Meeting or may be sent to:

ATNN: Karen Davis-Brown
Tolay Lake Regional Park Master Plan Project Manager
Sonoma County Regional Parks
2300 County Center Drive, Suite 120a
Santa Rosa, CA 95403
(707) 565-2041
(707) 565-3642 (Fax)

Comments must be received no later than 5:00 p.m. on Wednesday, July 29, 2015.

Name (Please Print): LES GOLDNER

Mailing Address: 6533 LAKEVILLE HWY PETALUMA CA 94954

Email Address: LGOLD@QUANTUM-ASSOCIATES.COM

Comment (s): A MAJOR RECREATIONAL USE IS BIKE RIDING, YET
THERE IS NO PLAN TO ENHANCE THE UPPER TRAIL, WITH ITS GREAT
VIEWS FOR BIKES. CURRENTLY THE CATTLE MAKE THIS TRAIL
TOTALLY UNUSABLE FOR BIKING. BAD DRAINAGE IS ALSO AN ISSUE.
PLEASE MODIFY THE PLAN TO PAVE OR OTHERWISE ENHANCE THIS
TRAIL (USING SOIL CEMENT, ETC).
I FEEL THIS IS MORE IMPORTANT THAN PROVIDING FANCY
STAFF OFFICES & FACILITIES BECAUSE PARK USERS SHOULD TAKE
HIGHER PREFERENCES.

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Name (Please Print): Lynn Cominsky
Mailing Address: 903 Mustang Ct Petaluma 94954
Email Address: lynn@universe-sonoma.edu

Comment (s): _____

- 1) The trails as designed look great!
- 2) I appreciate the horse parking lot at the top of the hill
- 3) Too bad there is no room for horse camping in lot Z with one's trailer (I am too old for packing in)
- 4) Cannon Road improvements are needed and have been considered properly
- 5) Can't wait to ride on the SLT property!

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Santa Rosa, CA 95403
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(707) 565-3642 (Fax)

Comments must be received no later than 5:00 p.m. on Wednesday, July 29, 2015.

Name (Please Print): Nancy Chien-Eriksen

Mailing Address: POB 750335, Pet. 94975

Email Address: chien-eriksen @ comcast.net

Comment (s): I like the plan for trails. Am particularly interested for equestrians.

Suggestions: Overflow parking for horse trailers, with sufficient turning space (in case barn area is full).

Gates that are easier to open and close. The 12' gates are difficult in the wind. The latches would work better with more open receptors. [See drawing on back.] Perhaps have 5' gates for horses? Also switch gate by vineyard, so latch is not by downhill.

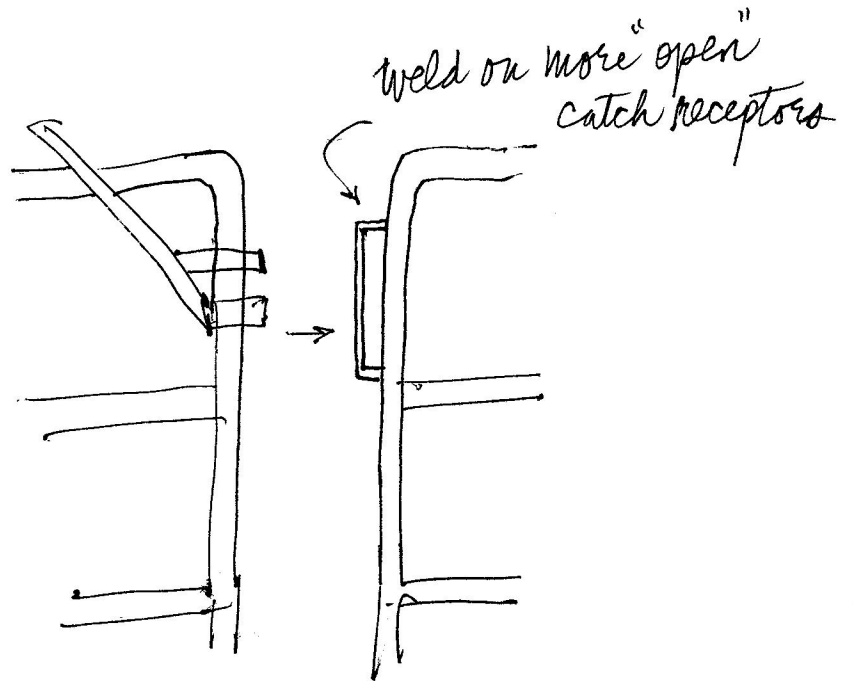
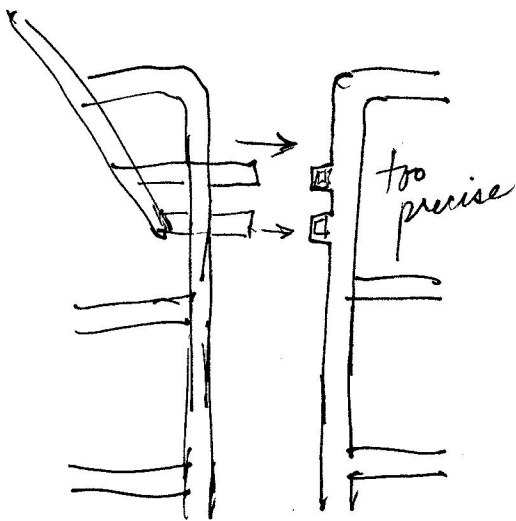
Have a picnic area near the big eucalyptus (?) tree near intersection of Pumpkin Trail and Vista Pond trail. It's the only shade around there. Maybe a hitching rack? Maybe Back Country Horsemen would install it or one at top or by camping sites.

Thank-you!

PS - Can we save money with a smaller visitor center? 7000 \$ is huge and consumes parking area.

See over →

easier gate latch



Note: The weight of such long gates causes them to sag.
Closing ^{long} gates on horseback is challenging in the wind.

(The gate by the vineyard would be easier if the latch were on the other side (right side of trail, facing uphill). Not very safe being so close to drop.)

Thomas A. Parilo & Associates

10320 Tillicum Way

Nevada City, CA 95959

(530) 265-6393

E-mail: taparilo@sbcglobal.net

Transmitted via e-mail

July 29, 2015

Karen Davis-Brown, Park Planner II
Sonoma County Regional Parks
2300 County Center Drive, Suite 120a
Santa Rosa, CA 95403

Subject: Comments on NOP for Tolay Lake Regional Park Master Plan

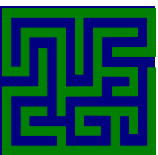
Dear Ms. Davis-Brown;

Thank you for giving us the opportunity to comment on the Notice of Preparation (NOP) for the Environmental Impact Report (EIR) for the Tolay Lake Regional Park Master Plan project. I am writing on behalf of Lee W. Schaller, adjoining property owner to the northwest of the proposed regional park.

My client has owned his 242-acre working farm since 1988. His land is used for hay growing, dairy cattle grazing and a vineyard. It is also under a Williamson Act contract with Sonoma County. Schaller was not opposed to the site acquisition for an agricultural and open space preserve when purchased by the Sonoma County Agricultural and Open Space District (SCAOSD) provided that the end use would be consistent with the 1990 Sonoma County voter approved Measures A and C that created the district and established the sales tax rate. It is apparent that with the transfer of ownership to the Sonoma County Regional Parks Department in 2006 that the site will not be used for agriculture any more. Instead, it is proposed to be used for a seven day per week, dawn to dusk, Regional Park.

There are many reasons why my client is opposed to the use of these lands for a regional park. Some of the reasons are outlined herein. The overwhelming size of the 3,850-acre regional park site is staggering particularly since the two primary ranches that have been acquired (Cardoza, 1,737 acres and Roche, 2,113 acres) are now taken off the tax rolls and will no longer be used as productive working ranches/farms. This fact alone will detract from Sonoma County's rich agricultural heritage and rural character in the Petaluma and Sonoma valley environs. It is most ironic that the mission of the original purchaser is to preserve agricultural lands, but the reality is that approximately 3,850 acres have been removed from agriculture in southern Sonoma County.

The establishment of a regional park constitutes an unwelcome change for those landowners who have historically worked their land in conformance with the agricultural policies of the Sonoma County General Plan. These historic working ranches/farms have contributed to and maintained



the open space character of southern Sonoma County while contributing property tax with minimal impact on county services. Most of these agriculturists have an expectation to continue their historic life-style without having to deal with new non-agricultural land uses that could impact their operations due to the establishment of commercial, non-farming operations. Instead, they now have a neighbor in the Sonoma County Regional Parks Department who has already abandoned agriculture and will no longer manage the Cardoza Ranch as a farming operation. Schaller is also concerned that the regional park will generate many visitors and park users on a daily basis, well beyond the activity levels common to the Cardoza Ranch. Into this area will come outside visitors who are unfamiliar with the day to day operations of a working ranch/farm.

My client has six primary concerns with the Master Plan. They include inconsistency of using lands for a regional park acquired through the Sonoma County Agricultural and Open Space District (SCAOSD) funds, lake water inundation on his land, the Right to Farm provisions of the Sonoma County Code of Ordinances, overuse of Cannon Lane (designated a “Local Road” on the 2020 Sonoma County General Plan), fuel breaks and mosquito abatement/West Nile virus concerns associated with the introduction of standing water bodies. Each topic is addressed below.

Inconsistency of using lands for a regional park acquired through SCAOSD funds

Schaller has gone on record since the March 2005 opposing the transfer of the Cardoza Ranch purchase by the SCAOSD to the Sonoma County Regional Parks Department for development and use of the ranch for a park. These comments are once again presented in order to preserve his legal standing in the process and to ensure that he has exhausted his administrative remedies. He also wants to preserve additional opportunities to raise issues and/or present comments dealing with project features that he is currently unaware of or that have not been forthcoming to date since a detailed project description is not yet completed. The following is one of many comments he made in his March 30, 2005, letter to Mr. Tim Smith, Chairman of the SCAOSD. :

1. The acquisition of this 1,737-acre Tolay Lake Ranch site for use as a regional park is inconsistent with Measures A and C as approved by the Sonoma County voters on November 6, 1990. Nowhere in the text of these two Measures, including the impartial analysis and the ballot arguments does it state that acquired open space and agricultural lands can be converted into parks of any type, let alone a regional park.

The Drat Environmental Impact Report should specifically include a project alternative that considers an agricultural use that fulfills the SCAOSD mission and the use of the funding from Measure C, as approved by the Sonoma County voters in 1990 and Measure F, which extended the funding again in 2006.

Impacts of lake water inundation

Since 2005, my client has raised concerns about inundation on his land due to the establishment of a virtual year round lake. He is most concerned that the “ad hoc” establishment of the virtual year round lake was not subject to environmental review, yet he has been directly impacted by extended inundation due to changed lake management. Schaller is also frustrated that, as the

most impacted neighboring landowner, he has not heretofore been advised that the new lake management practices had been implemented. Had he been consulted, perhaps extended inundation on his land could have been avoided. My client also suspects that he is now being asked to accept the existing inundation conditions as part of the baseline conditions for this EIR. His worst fears have already come to fruition even before the Tolay Lake Master Plan has been adopted or has undergone formal CEQA review. Schaller is most concerned about the “formalizing” of a virtual year-round, approximately 93+-acre lake based on the “Preferred Lake Restoration Alternative Plan” that appears to reflect “Water Budget Alternative 5” and how it would affect the use of neighboring lands that have been historically used for a variety of farming activities. He is most concerned about the effectiveness of the “Preferred Lake Restoration Alternative Plan” to keep impounded waters from inundating his land.

In reviewing the preferred master plan maps, it appears that the “Preferred Lake Restoration Alternative Plan” could result in extended inundation on his land. He uses the meadow area adjoining the common property line and along both sides Tolay Creek for annual hay planting and harvesting. It is important to be clear about Schaller’s interest and concern regarding the lake restoration plan. He has consistently stated (dated back to 2005) that he does not want any extended inundation and soil saturation on his land as a result of the lake restoration efforts or wetland enhancements on the county land. In 2005 and in 2007/08 when he submitted comments on the Interim Management Plan, he requested that a full EIR be prepared for the establishment of a park and most importantly for the conversion of a seasonal lake to a virtually permanent one. The county has continuously kicked the can down the road in addressing the development of a year round lake and inundation impacts on his land and NOW, without environmental review on the county’s “ad hoc” establishment of a year round lake, he is experiencing those impacts. He can only imagine what those impacts might be with the establishment of the approximately 93+-acre lake based on the “Preferred Lake Restoration Alternative.”

In recent years (all drought years) since the Regional Parks Department took over management of the lake, the yields from Schaller’s annual hay crop have been ratcheted down significantly due to extended inundation. The Mendoza JLT Ranch, an upstream organic dairy rancher and neighbor along Tolay Creek has also observed extended inundation, as well. The JLT Ranch has sent a separate corroborating letter regarding the NOP. It is not known if greater vegetation growth and debris have served to create more back-up of water, but the conditions have clearly changed in the years since the Cardoza Ranch was acquired by the county. Under the Cardoza Family ownership of the ranch, they annually pumped out the lake and cleared the emergent vegetation with a backhoe and dragline following the end of the winter rains prior to planting annual crops in the lowlands adjoining Tolay Creek (see attached Tolay Lake 9-30-2002 aerial image). As a result, my client did not contend with standing water and soil saturation conditions. These yearly management practices allowed him to plant his annual hay crop in the fall, enabling him to harvest a significant hay crop each year.

Now, under the current ownership and management to establish a virtual permanent lake condition, he contends with extended inundation and soil saturation. Whether a permanent lake environment is to be established or not, Schaller would like the conditions re-established that existed on his land prior to the ownership/management of the Regional Parks Department.

Under the Cardoza Ranch management, annual inundation would generally occur from about December to February each winter. Now my client is contending with extended inundation and soil saturation from about December until late April or early May. See the attached aerial photograph from April 1, 2015, which shows the inundation and soil saturation conditions on my clients land extended well into the spring under the management of the Sonoma County Regional Parks Department.

According to the November 23, 2005, communication from Mary Burns, Director of the Sonoma County Regional Parks Department, Cardoza operated the ranch and lake until September, 2006, when their rental agreement and lease expired. Since 2006, with the change in management, the “ad hoc” year round lake was established by the Sonoma County Regional Parks Department. It became an “ad hoc” lake through the elimination of pumping and vegetation control. While my client is not necessarily opposed to the change in philosophy of lake management, he is most opposed to the extended inundation that he has gradually endured on his land that significantly impact his farming practices.

As noted throughout, my client and other upstream landowners have witnessed extended inundation on their lands since the ownership and management change of Tolay Lake lands. In a March 13, 2007, letter (attached) from Steve Ehret, Park Planner, in response to Schaller’s inquiry regarding concerns over lake inundation on his farm, he represented that the county would conduct annual spring pumping of the lake during the Interim Management Plan in accordance with the management system used by the Cardoza Family ranch. An excerpt from Mr. Ehret’s letter specifically stated (see attached) “*We are proposing to pump the lake down to our northerly property boundary in the spring during our Interim Plan period.*” Whether that was ever done or not, my client has experienced extended inundation beyond normal winter conditions over the past four to five years. This extended inundation has resulted in lower oat hay yields since the onset of the current drought. In an e-mail correspondence from Karen Davis-Brown, Park Planner II, on July 15, 2015, in response to this concern, she reported that the county had ceased pumping during the drought years. Schaller would like to know when pumping took place, in what years and months the county pumped the lake, how that pumping occurred and who was retained to undertake the pumping.

My client respectfully requests that the EIR include an analysis of the means to prevent further or continuing inundation associated with the “Preferred Lake Restoration Alternative Plan.” He simply wants the inundation conditions that resulted from the farming practices of the Cardoza Family Ranch operations restored. He, along with other neighbors upstream, has observed annual increases in the area and the length of time of inundation even during the drought. If this means that the high water level needs to be lowered below 215 feet to avoid extended inundation and sub-soil saturation, then it should be fully demonstrated in the EIR at what level inundation on his land beyond normal winter conditions would be avoided. Furthermore, the Sonoma County Right to Farm Ordinance gives protection to the farmer/rancher to use his/her land to promote and expand agriculture in Sonoma County. The change in use from agriculture to a non-agricultural use should give deference to and protect, rather than impact, the adjoining historic farming practices.

Schaller is also asking for some needed clarification and or explanation of the dynamics of the proposed hydrologic management system. The “Preferred Lake Restoration Alternative Plan” represents that there will be 10 culverts with their inverts at 215 feet placed in the causeway. It further represents that a single culvert will drain the lower basin and that outlet will be set at 215 feet. With neither of us being a hydrologist, it appears that there will be a tremendous back-up of water (similar to a funnel effect) going through a single culvert during peak run-off times. We question how the 10 culverts (sizes unspecified) flowing into the lower lake basin with only one culvert (size unspecified) discharging water from the entire system will function. What will the rate of discharge be from the lower basin culvert? Since the restoration plan encourages emergent vegetation growth, my client is concerned that aquatic vegetation and other debris will block or otherwise choke off the lower basin discharge culvert. The EIR should include measures to ensure that the normal flow through the lower basin culvert does not back up thereby creating upstream flooding or extended inundation on my clients land. These measures should include appropriate vegetation management including the removal of willows and other wetland or emergent plants in such a manner that does not impede flow-through drainage of the lower creek. The Cardoza Ranch would annually remove vegetation in the upper lake bed with a backhoe and dragline, thereby having the secondary benefit of drying out the Schaller lands along the lakebed and creek.

How many and what size culverts will be installed in the two location within the creek/lake basin? Would any outside waters be diverted or otherwise added to the natural water input from Tolay Creek? Please also explain the reason why the causeway will be elevated to a level of 222 feet. Is there a hydraulic reason for this or is it to improve emergency access onto the east side of the lake and creek area? We think it is the latter but request clarification. It would appear that a dike at 222 feet could cause extended back-up during 100-year and greater major storm events.

As noted throughout, the bottom line is that my client wants assurance that following the winter rains that he will not have to experience extended periods of inundation and soil saturation that would continue to result in progressively lower crop yields. Furthermore, he is highly concerned that the permanent retention and impoundment of Tolay Creek waters would create adverse water seepage problems and elevated ground water levels well into the dry season on his lower elevation lands adjoining Tolay Lake. Should this be an issue, the change in the hydraulic characteristics of the ground water on his land, due to the permanent impoundment of water and sub-soil saturation, will dramatically compromise his historic farming practices.

The introduction of elevated ground water levels has already occurred and will presumably continue with the “Preferred Lake Restoration Alternative Plan.” Without proper mitigation, it will irreparably interfere with my client’s historic farming practices. Before the “Preferred Lake Restoration Alternative Plan” is established, a long-term (at least 10 years to account for variable hydrologic cycles), detailed, ground water monitoring program and complete hydro-geological investigation is needed to demonstrate a no-impact condition. The analysis should include a fail-safe, protection factor to assure no damage due to extended inundation and elevated ground water conditions in the dry season. If ground water seepage occurs, he requests that a subterranean and/or surface drain be installed on the county property to direct such water away from his land to preserve both his historic farming practices in the meadow and creek bottom

portions of his farm. Schaller also requests that annual funds be set aside to monitor, maintain and repair the many water features within the master plan to insure ongoing operations. He also is requesting groundwater monitoring on a continuous basis to assure that ground water seepage into his land is not occurring beyond the normal winter run-off season.

In a letter to Steve Ehret on April 11, 2007, I stated, “Dr. Schaller wants to go on record stating that he is unwilling to accept any additional inundation as a result of the lake restoration project.” My letter goes onto state, “Dr. Schaller will not accept an inundation plan that will require physical improvements on his land or that will extend the wet season on his lower lands adjoining Tolay Creek.” The letter further stated, “...Dr. Schaller will oppose any plan that results in extended inundation on his land.” He is not willing to accept additional inundation that would prevent him from using his land for its historic farming practices. In light of this position, the EIR should demonstrate and only evaluate alternatives that maintain all lake improvements and extended inundation on the regional parkland. With the new management philosophy, my client respectfully requests that the county modify its “Preferred Lake Restoration Alternative Plan” to ensure that no extended inundation occurs on his lands. In short, Schaller correspondingly requests that the Cardoza Ranch management system be replicated with the operation of the proposed virtual, year-round lake as it affects his property. As noted above, that may entail lowering the high water level of the year round lake.

One of the project alternatives in the EIR should consider retention of the historic farming activities and lake management activities of the Cardoza Family Ranch. This option clearly falls within the mission of the Sonoma County Agricultural and Open Space District, the entity which acquired the property, and would be compatible with the mission and goals of the many partners to the acquisition.

Right to farm

The introduction of the regional park on approximately 3,850 acres of historic ranch/farm land in southern Sonoma County constitutes the introduction of a non-agricultural land use. Sonoma County has long-standing policies to encourage agriculture while protecting this important land use from encroachment with incompatible uses. The Agricultural Resources Element of the General Plan protects and strives to maintain agriculture. Chapter 30, Agriculture, Article II Right to Farm of the Sonoma County Codes of Ordinances requires notification of non-agricultural users, particularly residential and commercial uses that move into the “Intensive and Extensive” agricultural areas designated on the 2020 General Plan. The other major duty that the county has is to ensure that new uses “do no harm” to existing agricultural practices.

The introduction of a regional park with its attendant attractions is a non-agricultural, commercial use (requires user fees) that will bring non-farming visitors into the region on a daily basis. These visitors may be bothered with various annoyances (noise, dust, spraying, odors, traffic, etc.) that are common with ranching and farming practices. These annoyances could affect their park experience and result in complaints. Park visitors may also want to bring their dogs for a run in the park. Unattended dogs are known to harm cattle and other livestock. Dogs, other than seeing-eye dogs and canine companions, should be prohibited from park visitation.

My client requests that the EIR include a mitigation measure to require that park visitors be required to read and sign a statement that they accept all rules and requirements of the park before entering. The statement should also acknowledge that they have entered a region that is an active, productive, working agricultural landscape. The agricultural operations in the area are many and diverse, and there are a variety of annoyances and possible nuisances that visitors may commonly experience while visiting the regional park.

My client maintains, too, that the “Preferred Lake Restoration Alternative Plan,” could interfere with his “right to farm” protections under Section 30-21(a), Findings, which states “It is the declared policy of this county to conserve, protect, enhance, and encourage (emphasis added) agricultural operations on agricultural land within the unincorporated area of the county.” Schaller is, furthermore, requesting that his agricultural practices and uses of his land for the last 15 years be protected from harm. He is most concerned with the increased area of inundation and length of time of that inundation as evidenced over the last five years. He is most concerned that the active management program from the previous ranch operators are giving way to a more permanent lake condition. Simply stated, this “new normal” condition will have a detrimental impact on and harm his historic farming practices.

He also questions the change in the annual fall festival and pumpkin give away. The Cardoza’s planted the pumpkins for the children to pick during the festival. Since their ownership and management, the Sonoma County Regional Parks Department buys pumpkins from a wholesaler for the children to take home. There appears to be very few, if any, remnants of the farming operation associated with the Cardoza family ranch that the public will get to see in the Regional Park.

Cannon Lane Access

It appears that the primary public access to the Tolay Lake Regional Park will be from Cannon Lane, a very narrow, two-lane, dead end, country road. Cannon Lane is approximately 1.2 miles in length and extends from Lakeville Highway to approximately 1,000 feet west of the western boundary of Tolay Lake Regional Park (former Cardoza Ranch). A 3,850 acre regional park should take its primary access directly from a regional transportation route such as a highway, arterial or collector road. Having this one primary public access point on a “Local Road” is contrary to the 2020 Sonoma County General Plan and violates the trust of those residents who use Cannon Lane. The regional park will be open seven days a week from dawn to dusk, thereby forever impacting and changing the character of this quiet, low-traffic volume, rural lane.

Cannon Lane has historically been a quiet country lane used by a handful of families to access Lakeville Highway. It was developed provide access to the former Cardoza Family ranch and to serve the private properties along Cannon Lane. It was not developed as a primary access for a regional park or other commercial endeavor. The Sonoma County Circulation and Transit Element does not designate Cannon Lane as one that can carry regional traffic. Using Cannon Lane to serve as the primary access to a regional park will forever change the character of Cannon Lane and conflict with historic, low-use, traffic generators, most of which are agricultural in nature.

Policy CT-4j of the Circulation and Transit Element of the 2020 Sonoma County General Plan establishes that Local Roads "...are intended to provide access to property and to carry local traffic to Collector Roads." In light of this clear policy direction, how can Sonoma County propose using a "Local Road" as a primary access to a use that attracts regional traffic? As stated clearly in Policy CT-4j (4), a "Local Road" is one to accommodate mostly residential and agricultural traffic generated from the lands that feed onto a collector road." In conclusion, a "Local Road" should not be used for anything other than local traffic generated from the residential and agricultural land uses that use that road and certainly not for a 3,850 acre regional park that is open 7 days a week from dawn to dusk.

The 2020 Sonoma County General Plan distinguishes a "Local Road" from all other road classifications through the descriptions of the primary road circulation classifications described in Policies CT-4h, CT-4i. These other roads are specifically intended to carry intercity and other local area traffic generated from Local Roads. While Policy CT-4j of the 2020 General Plan does not provide a "Road Classification" map exhibit showing the local roads (presumably because there are so many), it can be reasonably assumed that any road not specifically designated on the Roadway Classification map exhibits of the 2020 Sonoma County General Plan Circulation and Transit Element is a "Local Road." Figure CT-4h (Petaluma and Environs) Roadway Classification map exhibit specifically identified the following road types: Freeway, Urban Principal arterial, Urban Minor Arterial, Rural Principal Arterial, Rural Minor Arterial, Rural Major Collector and Rural Minor Collector roads. Cannon Lane is not classified as one of these road types so it can be assumed for basic road circulation planning purposes that Cannon Lane is a "Local Road." This assumption is further supported by the 2008 Interim Park Plan IS/MND as it described Cannon Lane as a "Local Road."

To our knowledge the Tolay Lake Regional Park Master Plan has not yet estimated the number of park visitors and vehicle trips per day that will be using Cannon Lane. Any estimates of visitors and traffic should take into consideration that Cannon Lane, a Local Road, is proposed as the primary, public, vehicular access to the park. The residents and users of Cannon Lane will experience a dramatic increase in vehicular traffic over present conditions and even more so compared to the traffic levels associated with the Cardoza Family Ranch as a result of the regional park. Due to the historic low volume of traffic on that road, it is unusual for residents or ranchers to encounter on-coming vehicles. The regional park will change all of that to the point where on-coming traffic and congestion will be the norm from dawn to dusk every day of the week. In addition, there are times during the year where slow moving, large, agricultural equipment will be using the road. There is no way to mitigate or maintain the current character of Cannon Lane by introducing and placing regional traffic on this road. The existing baseline traffic conditions used for the EIR should reflect those that were common to the Cardoza Ranch so a true picture of impact can be presented.

The EIR should also evaluate other access alternatives including the purchase of other lands so the park would have direct frontage on Lakeville Road or otherwise have its own dedicated exclusive access road into the park. The size of the proposed park has already grown significantly over the initial size of the Cardoza acquisition in 2006. This fact alone would further contribute to the need for a dedicated access road. Until a single purpose access road can

be developed or acquired, the regional park use of Cannon Lane should be limited based on the historic traffic conditions at the Cardoza Ranch. The EIR should fully examine the lack of a single purpose, dedicated access road and recommend that full use of the park not occur until such time that a separate access road is developed.

Fuel Breaks

All of the farmers in the northern area of the regional park lands disc a fuel break very year along their property lines to reduce the hazards of grass fires spreading from one field to another. To date, the Sonoma County Regional Parks Department has not disced similar fuel breaks on their land adjoining their neighbors. A good neighbor policy would suggest that the Tolay Lake Regional Park land be similarly treated, as the regional park is proposed in the middle of an extensive and intensive farming area. Schaller is very concerned that park visitors will be allowed to smoke and that the careless disposal of cigarettes will result in a grass fire that could spread to adjoining lands. He also requests that no open fires of any kind be permitted during the declared fire season.

Mosquito/West Nile Virus and other Vector control program

According to the November 2, 2006, letter (attached) to Mr. Steve Ehret, from Erik Hawk, Special Projects Supervisor/Biologist of the Marin/Sonoma Mosquito and Vector Control District "Tolay Lake has the potential to become a significant source of mosquito production." The Cardoza Family ranch "...Tolay Lake was drained in March of each year and vegetation in the lake bottom was disced to facilitate planting of crops." The Tolay Lake Regional Park Master Plan proposes that a virtual year-round lake, along with emergent vegetation, be permanently established. The letter goes on to state that "the historical management of Tolay Lake did not provide the habitat necessary for significant and sustained mosquito production." All of that will change with the proposed master plan. This letter further states, "The historical practice of draining Tolay Lake most likely precluded production of mosquitoes in the genus *Culex*. If water management in Tolay Lake were to change and water was to be impounded beyond the month of March, *Culex tarsalis*, *Culex pipiens* and *Culex erythrothorax* mosquitoes would result. The previous mentioned *Culex* speices are the primary vectors of West Nile virus and are also vectors of Western Equine and Saint Louis encephalitis. If the duration of impounded water in Tolay Lake were to increase, the management of emergent and floating vegetation would also become increasingly important."

My client is most concerned about sustained mosquito production with a year-round permanent lake and emergent vegetation becoming a breeding ground for mosquitoes of all types and particularly with the heightened potential of those carrying West Nile Virus. He is also concerned that management practices requiring human systems to stay on top of vector suppression and eradication may not be adequate.

Concluding Comments

As can be realized from these comments, my client is concerned about the direct impacts of the establishment (continuation) of a permanent lake on his farming practices and the change in character that a regional park will bring to this long-time agricultural producing area of Sonoma

County. In addition to the concerns presented above, he requests that the following prohibitions be applied throughout the park:

- a. Any kind of outdoor public announcement or broadcasting equipment
- b. All types of watercraft
- c. No organized night time activities (not including supervised organized small group camping) or park visitors
- d. Dogs except for seeing eye assistance
- e. No nighttime lighting except for security purposes
- f. Prohibition of smoking of any type and open fires on park grounds

On behalf of my client, I thank you for the opportunity to submit these comments. My client has raised these concerns in the past and feels most frustrated that the Regional Parks Department has proceeded with the establishment of a year round lake to the detriment of his farming practices, without advising him and without first conducting detailed environmental analysis. In short, he feels that the Sonoma County Regional Parks Department is being given a pass and not being held to the same project and environmental review standards that a private developer would.

We look forward to and appreciate your careful consideration of these concerns. Please contact me should you have any questions or have a need for clarification.

Sincerely,



Thomas A. Parilo, Principal

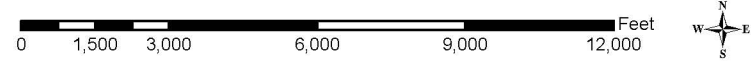
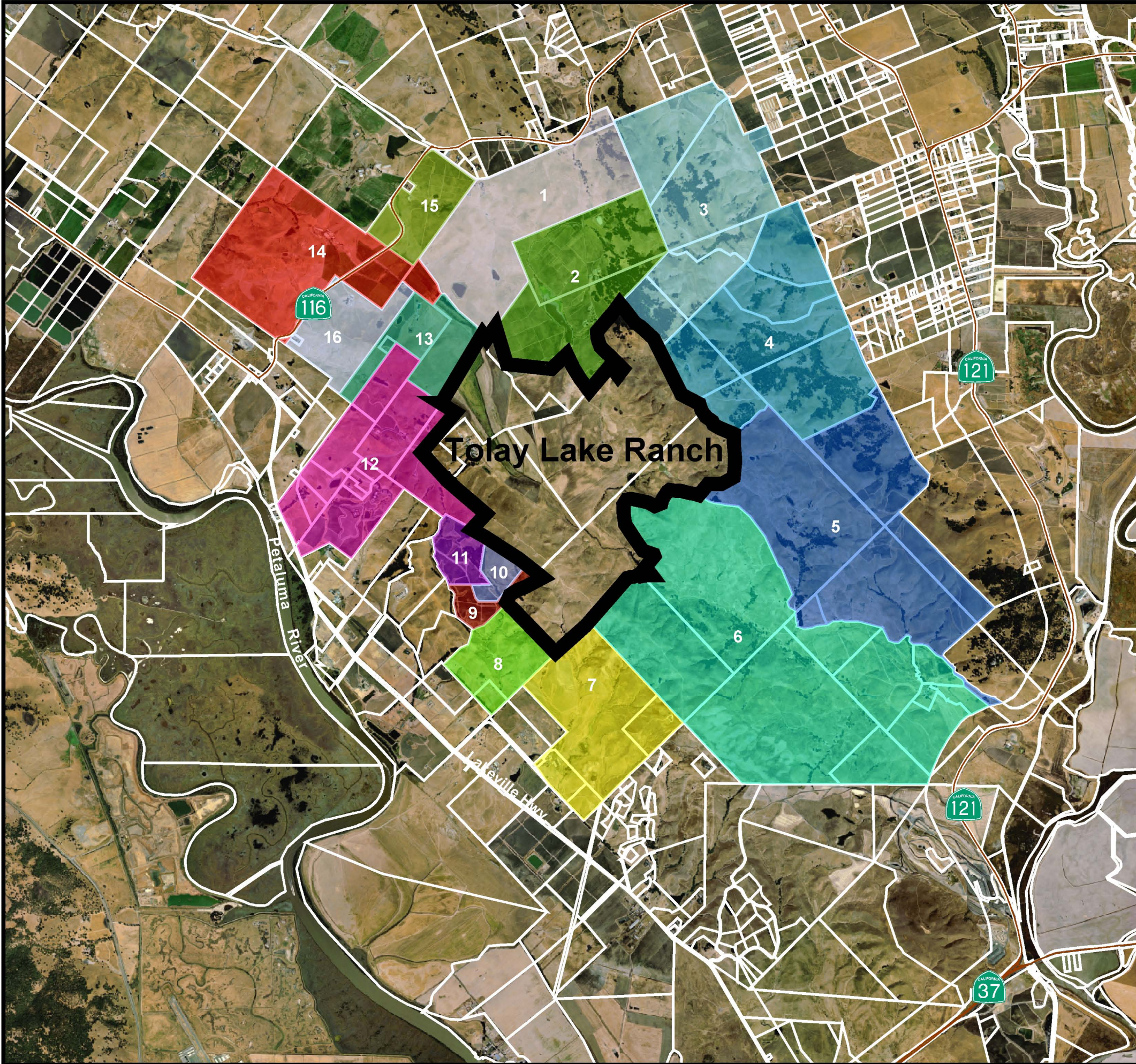
Attachments

Aerial maps—Tolay Lake 9-30-2002 and 4-1-2015
March 13, 2007, letter from Mr. Steve Ehret
November 2, 2006 letter from M/SMVCD

Tolay Lake Adjacent Property Owners Map



- # 1 - David Martinelli
APN 068-050-020 &, 068-053-001
- # 2 - Fred Cline (Oxfoot Associates)
APN 068-050-012 & 27
- # 3 - Sandra Donnell
APN 068-070-007, 142-111-007, 142-091-005, 6 & 11
- # 4 - Bruce Donnell
APN 068-080-006, 068-070-005, 6, 142-091-003, 142-111-004 & 6
- # 5 - Nancy Lilly (Donnell Family)
APN 068-090-010, 11, 12, 15, 142-111-003, & 068-080-005
- # 6 - Genevieve & Joseph Roche
APN 068-090-001, 15, 16, 17, 18, 19, 20, 23, 068-080-002 & 3
- # 7 - George & Margaret Gambonini
APN 068-110-037, 39, 42 & 43
- # 8 - Allen Marcucci
068-110-016 & 17
- # 9 - Paul & Marjorie Martin
APN 068-110-035
- # 10 - Avid Modjtabai
APN 068-110-036
- # 11 - Soroush Kaboli
APN 068-110-033
- # 12 - Arturo Keller (Universal Portfolio & Financial Portfolios)
APN 068-060-044, 52, 53, 54, 56, 60, 61, 62, 63, 64, & 65
- # 13 - Dr. Lee Schaller
APN 068-060-045, 46, & 55
- # 14 - Joseph Mendoza
APN 068-020-011, 13, & 14
- # 15 - Margaret Kullberg
APN 068-050-008 & 10
- # 16 - Gloria Altenreuther
APN 068-020-017





SONOMA
COUNTY
REGIONAL
PARKS

MARY E. BURNS
DIRECTOR

March 13, 2007

Thomas Parilo
10320 Tillicum Way
Nevada City, CA 95959

RE: Tolay Lake Regional Park

Dear Mr. Parilo:

Please find the attached copy of the Tolay Lake Interim Traffic Recommendations Report, a Baseline Report, and Conditions Report.

Thank you for taking the time to discuss Tolay Lake Regional Park planning issues last week and providing me the opportunity to update you on some of the details.

Most importantly, Dr. Schaller should be aware that we are proposing to pump the lake down to our northerly property boundary in the spring during our Interim Plan period. Although we still have written approvals to obtain before implementing this approach, California of Department of Fish & Game representatives have verbally agreed this would be acceptable to them. It is our intention to honor the restrictions of the conservation easements while maintaining the hydrologic patterns that allow Dr. Schaller to farm his land.

Secondarily, we are proposing all of the improvements necessary for lake restoration be contained within our property. Although the Ducks Unlimited Feasibility Study did consider one lake design alternative (Alternative 6, Figure 10) that would go beyond our property, Regional Parks is not in a position to pursue this option due to the legal complexity and deadlines associated with the Water Rights application.

As discussed, neighbor relationships are very important to Regional Parks. Regional Parks has included its neighbors in the following facets of planning Tolay Lake Regional Park: we have held neighbor meetings before and after the acquisition, involved the neighbors in the Technical Advisory Committee, and reiterated our understanding of neighbor concerns and our approach to addressing the concerns at nearly all public meetings. We are considering modifying our Interim Plan project goal to emphasize the importance of working with our neighbors and the local Native American tribe.

2300

County Center Drive

Suite 120A

Santa Rosa

CA 95403

Tel: 707 565-2041

Fax: 707 579-8247

Please let me know if there is anything are other issues you would like to discuss or if I or someone else can provide you with any clarification regarding this letter or the project. Please contact Michelle Julene at 565-3962 or mjulene@sonoma-county.org for issues regarding the environmental document and process.

Sincerely,

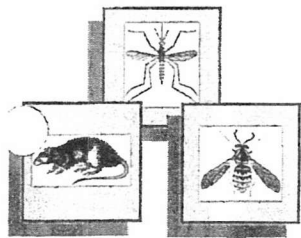


Steve Ehret
Park Planner

cc: Dr. Lee Schaller
Jeff Glazer, North Fork Associates
Michelle Julene, Environmental Specialist
Patrice Cox, Park Planning Manager

Attachments:

- Baseline Report
- Conditions Report
- Interim Traffic Recommendations



MARIN / SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT

First Organized District in California

595 HELMAN LANE, COTATI, CALIFORNIA 94931

TELEPHONE (707) 285-2200 FAX (707) 285-2210

Mr. Steve Ehret
Sonoma County Regional Parks
2300 County Center

November 2, 2006 Drive, Suite 120A
Santa Rosa, 95403

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SAN RAFAEL
SAUSALITO

ROGER SMITH
TIBURON

ADMINISTRATION

MANAGER
JILL WANDERSCHIED

ASST. MANAGER
DIRECTOR
ECOLOGIST
RON KEITH

Dear Mr. Ehret:

I would like to thank you for meeting with Jason Sequeira and me at Tolay Lake Regional Park on October 30, 2006 and for the information you provided in regard to the historical and future management of the site. During our site visit, Jason and I identified some potential mosquito related issues that the Marin/Sonoma Mosquito and Vector Control District (MSMVCD) and Sonoma County Regional Parks will need to discuss and work cooperatively on over the next several years.

Tolay Lake: Tolay Lake has the potential to become a significant source of mosquito production. Mosquito production in Tolay Lake would be dependent upon water and vegetation management. It is our understanding that Tolay Lake was drained in March of each year and vegetation in the lake bottom was disced to facilitate the planting of crops. The historical management of Tolay Lake did not provide the habitat necessary for significant and sustained mosquito production.

On October 30th we observed dense and abundant vegetation in the bottom of Tolay Lake and it is our understanding that discing of the lake bottom will cease. It is possible that production of mosquitoes in the genus *Culiseta* and *Aedes* could occur at the onset of the winter rains. While mosquitoes in the genus *Culiseta* and *Aedes* are not known to be major vectors of disease at this time, they can be aggressive and cause severe nuisance issues.

The management of water in Tolay Lake will be important relative to mosquito production in the spring and summer months. The historical practice of draining Tolay Lake in the month of March most likely precluded production of mosquitoes in the genus *Culex*. If water management in Tolay Lake were to change and water was to be impounded beyond the month of March, it is possible that production of *Culex tarsalis*, *Culex pipiens*, and *Culex erythrothorax* mosquitoes would result. The previously mentioned *Culex* species are the primary vectors of West Nile virus and are also vectors of Western Equine and Saint Louis encephalitis. If the duration of impounded water in Tolay Lake were to increase, the management of emergent and floating vegetation would also become increasingly important.

www.msosquito.com

Spring Fed and Upland Ponds: The management of emergent, floating, and potentially invasive vegetation in ponds is important in minimizing mosquito production. Vegetation management also allows for efficient and effective mosquito control operations when necessary.

Upland pond #1 and the spring fed willow pond did not appear to provide suitable habitat for mosquitoes at the time of our visit.

Upland pond #2 with its dense stand of cattails (*Typha* sp.) could potentially produce mosquitoes and provide challenges with respect to mosquito larviciding. MSMVCD would suggest that cattail growth be monitored in upland pond #2 to prevent an invasive situation.

The spring fed duck pond has been invaded by creeping water primrose (*Ludwigia* sp.) and has the potential to be a significant mosquito problem. *Ludwigia* provides excellent habitat for mosquitoes and can result in difficult and costly mosquito control operations.

Low Areas, Springs, Creeks, and Channels: The low areas, springs, creeks, and man made channels on the property could potentially provide habitat for mosquitoes during the winter, spring, and early summer months. As previously mentioned, mosquito species in the genus *Culiseta* and *Aedes* can be extremely aggressive nuisance species in the winter and spring months. Sonoma County Regional Parks and MSMVCD may need to discuss tolerance levels for park staff and visitors with regard to *Culiseta* and *Aedes* species if nuisance issues arise.

Mosquito Fish: There are many livestock water troughs within Tolay Lake Regional Park. Mosquito production may occur in water troughs and contribute substantially to mosquito populations in the park. The use of mosquito fish as a biological control mechanism is a viable option in the water troughs and could be potentially beneficial in the spring fed and upland ponds as well. Mosquito fish would be provided to park staff by MSMVCD.

Beginning in winter 2006/2007 MSMVCD will need to conduct mosquito surveillance at Tolay Lake Regional Park on a regular basis. Mosquito surveillance will provide MSMVCD with data on the distribution and abundance of larval and adult mosquitoes in the park. Larval mosquito surveillance is accomplished through the use of a twelve-ounce dipper cup attached to a broom handle and adult mosquito surveillance through the use of dry ice baited traps.

Throughout the three to five year interim management phase of Tolay Lake Regional Park an adaptive management strategy will be important in working toward a

management strategy for the Tolay Lake Regional Park Master Plan. It will also be important for MSMVCD and Regional Park staff to continue to communicate and work cooperatively throughout the Tolay Lake Project. MSMVCD staff and I look forward to working with you and Regional Park staff in the future.

Sincerely,

A handwritten signature in black ink that reads "Erik Hawk". The signature is written in a cursive style with a long horizontal stroke at the end.

Erik Hawk
Special Projects Supervisor/Biologist

State Water Resources Control Board

JUL 23 2015

In Reply Refer to
ATC: A30558

Karen Davis-Brown, Park Planner II
Sonoma County Regional Parks Department
2300 County Center Drive, Suite 120a
Santa Rosa, CA 95403

NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE TOLAY LAKE REGIONAL PARK MASTER PLAN PROJECT (PROJECT); WATER RIGHT APPLICATION 30558 OF SONOMA COUNTY TO APPROPRIATE WATER FROM TOLAY CREEK IN SONOMA COUNTY

Dear Ms. Davis-Brown:


On July 2, 2015, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received your Notice of Preparation (NOP) for the project identified above. The NOP indicates that Sonoma County Regional Parks Department (Regional Parks), acting as Lead Agency under the California Environmental Quality Act (CEQA), intends to prepare an EIR for said project. The project will include recreational improvements for multi-use and hiking trails; equestrian facilities; park center with visitor center; water supply and wastewater facilities including various improvements to existing facilities. This project includes facilities that area currently being processed by the Division under water right Application No. 30558 filed on August 13, 1996. The Division previously commented on the on the project via letters dated October 13, 2006 and September 17, 2002. The comments provided on those letters remain applicable. Copies of these letters are included for your reference.

As a Responsible Agency under the California Environmental Quality Act (CEQA), the Division has the responsibility to evaluate impacts to the environment and public trust resources. Since the preparation of the Initial Study, the State Water Board adopted the Policy for Maintaining Instream Flows in Northern California Coastal Streams (policy) which became effective on February 4, 2014. The policy focuses on measures that protect native fish populations, with a particular focus on anadromous salmonids (e.g. steelhead trout, coho salmon, and Chinook salmon) and their habitat. The policy prescribes protective measures regarding the season of diversion, minimum bypass flow, and maximum cumulative diversion. Flow-related impacts are evaluated using a water availability analysis which includes (1) a water supply report that quantifies the amount of water remaining instream after senior diverters are accounted for, and (2) a cumulative diversion analysis that evaluates the effects the proposed project, in combination with existing diversions, on instream flows needed for fishery resources protection. The project is located within the geographic scope of the policy. In order for the Division to use the EIR in the processing of water right Application No. 30558, proper analysis of these impacts should be covered in the document. For more information about the policy, please visit this web site: http://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/

In addition to any consideration under CEQA, the Division must also consider the effect of the water right Application No. 30558 on public trust resources and avoid or minimize harm to those resources where feasible. This analysis may include but is not limited to, wildlife, fish, aquatic dependent species, streambeds, riparian areas, tidelands, and recreation.

If you require further assistance, I can be contacted at (916) 341-5352 or by email at angeles.caliso@waterboards.ca.gov. Written correspondence should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Angeles Caliso, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,



Angeles Caliso
North Bay Unit
Division of Water Rights

Enclosures: Division letters dated October 13, 2006 and September 17, 2002.

cc: State Clearinghouse
P.O. Box 3044
1400 10th Street
Sacramento, CA 95812-3044



State Water Resources Control Board



Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300

P.O. Box 2000 ♦ Sacramento, California 95812-2000

Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Linda S. Adams

Secretary for

Environmental Protection

Arnold Schwarzenegger

Governor

OCT 13 2006

Michelle Julene
Sonoma County Regional Parks
2300 County Center Drive, Suite 120A
Santa Rosa, CA 95403

Dear Ms. Julene:

REVIEW OF THE INITIAL STUDY FOR TOLAY LAKE REGIONAL PARK PROJECT,
STATE CLEARINGHOUSE #2006092037

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received your letter on September 15, 2006 requesting comments on the Initial Study to help focus the Environmental Impact Report (EIR) for the Tolay Lake Regional Park Project. The proposed project includes water right Application 30558, which was filed on August 21, 1996. Application 30558 was filed to collect 1,110 acre-feet per annum (afa) of water to storage into two existing onstream reservoirs and three proposed offstream reservoirs. A Petition for Change of the points of diversion, points of rediversion, and the purposes and places of use under Application 30558 was received on September 25, 2006. The petition requests modification of the points of diversion for the three proposed offstream reservoirs, to a single onstream reservoir to restore the historic Tolay Lake. The Petition for Change is currently under review by Division staff.

As a Responsible Agency under the California Environmental Quality Act (CEQA), the Division has a responsibility to evaluate the environmental and public trust impacts of the appropriation. All known and reasonably foreseeable impacts need to be evaluated. The impacts need to be evaluated as to whether or not the impacts are significant and an explanation needs to be based upon substantial evidence. If an impact is significant, then the EIR must describe feasible measures that could avoid or minimize the significant adverse impacts. The discussion should determine if the mitigation measures bring the impacts to a level of less than significant. If a significant impact cannot be avoided or minimized to a level that is less than significant then the implications of these impacts should be shown and an explanation of why the project is being proposed notwithstanding their effect should be provided. This is necessary since the State Water Board must make a Statement of Overriding Considerations weighing the benefits of the proposed project against the unavoidable adverse environmental impacts in order to make a decision to issue a water right permit.

The State Water Board must also consider if approval of the project is in the public interest and if the project design and proposed mitigation measures provide protection

California Environmental Protection Agency

OCT 13 2006

of public trust resources. The EIR should evaluate the potential impacts of all known and foreseeable future water development projects including but not limited to, riparian diversions, small domestic registrations, livestock stockpond registrations, and all pending applications to appropriate water.

In a letter dated September 17, 2002, (copy enclosed) the Division described to the applicant potential impacts of the project on environmental and public trust resources that need to be evaluated in order to proceed with the application. Although the proposed petition has modified the project since the letter was prepared, many of the potential impacts described in the letter still apply.

The comments in this letter are based upon the project as a whole, taking into account the existing water right application, the changes that are proposed in the Petition for Change, and the project description outlined in the Initial Study. These comments may repeat or elaborate on comments made in the September 2002 letter. In order for the EIR to meet the Division's needs as a responsible agency, the EIR needs to address, at a minimum, the potential impacts of the project to aquatic resources. However, the following comments are not meant as a complete list of potential impacts, as some impacts may surface when more information becomes available. Potential impacts that need to be evaluated include, but are not limited to:

The EIR should describe all potential impacts to fishery resources in Tolay Creek and Sonoma Creek. A biological survey should be conducted to determine the aquatic resources that exist or may have existed within the zone of influence of the proposed project. Emphasis should be placed on the potential for aquatic species that may be listed as threatened or endangered on the federal or state endangered species listings.

A Water Availability Analysis (WAA)/Cumulative Flow Impairment Index (CFII) Report should be prepared to determine if water is available for appropriation. The report can also serve as a basis for evaluating the cumulative impacts to instream aquatic downstream resources. Contact the California Department of Fish and Game (DFG) staff to select Points of Interest (POIs) for the WAA/CFII. A CFII is calculated at each POI. These CFII calculations are an important tool in determining the cumulative impacts of diversions to anadromous fish. For more information on preparing a WAA/CFII report, consult the enclosed example of a WAA/CFII report.

To examine cumulative impacts to anadromous fish refer to the Draft "Guidelines for Maintaining Instream Flows to Protect Fisheries Resources Downstream of Water Diversions in Mid-California Coastal Streams" (NMFS-DFG Draft Guidelines) updated on June 17, 2002. The National Marine Fisheries Service (NMFS) and DFG developed these draft guidelines for protecting fishery resources downstream of water diversions in the California coastal watershed from the Mattole River to San Francisco and for coastal streams entering northern San Pablo Bay. Tolay Creek is within the

OCT 13 2006

geographical area referred to in the NMFS-DFG Draft Guidelines; and therefore, these guidelines can be used to examine impacts to instream flows for the protection of fishery resources for this project.

A wetland delineation should be conducted using protocols acceptable the U.S. Fish and Wildlife Service and DFG to determine the potential impacts to wetlands.

Examine the seasonal impacts of storing water in Tolay Lake and any proposed draining of the lake in early spring. This change to the hydrology can affect fish and wildlife species and may be different from what the species are accustomed. This can particularly have an effect on the migration of Steelhead.

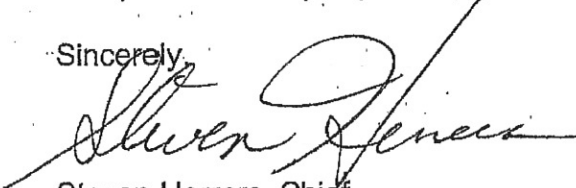
The EIR should describe all the known water diversion and water storage facilities in the Tolay Creek watershed. The description should include the locations, amounts, and priority of all known water rights that may be impaired by the proposed project.

The EIR should also provide an evaluation of the proposed project and the pending water right application and Petition for Change to ensure consistency with the environmental impact analysis and the water rights process.

Enclosed is a copy of the most updated version of the NMFS-DFG Draft Guidelines, an example of a WAA/CFII report and a copy of the September 17, 2002 letter.

Thank you for the opportunity to provide comments on the Initial Study. We look forward to working with you during the EIR process. If you have any questions or would like additional information regarding any of these comments feel free to contact Joseph Bandel at (916) 552-9286 or via email at jbandel@waterboards.ca.gov.

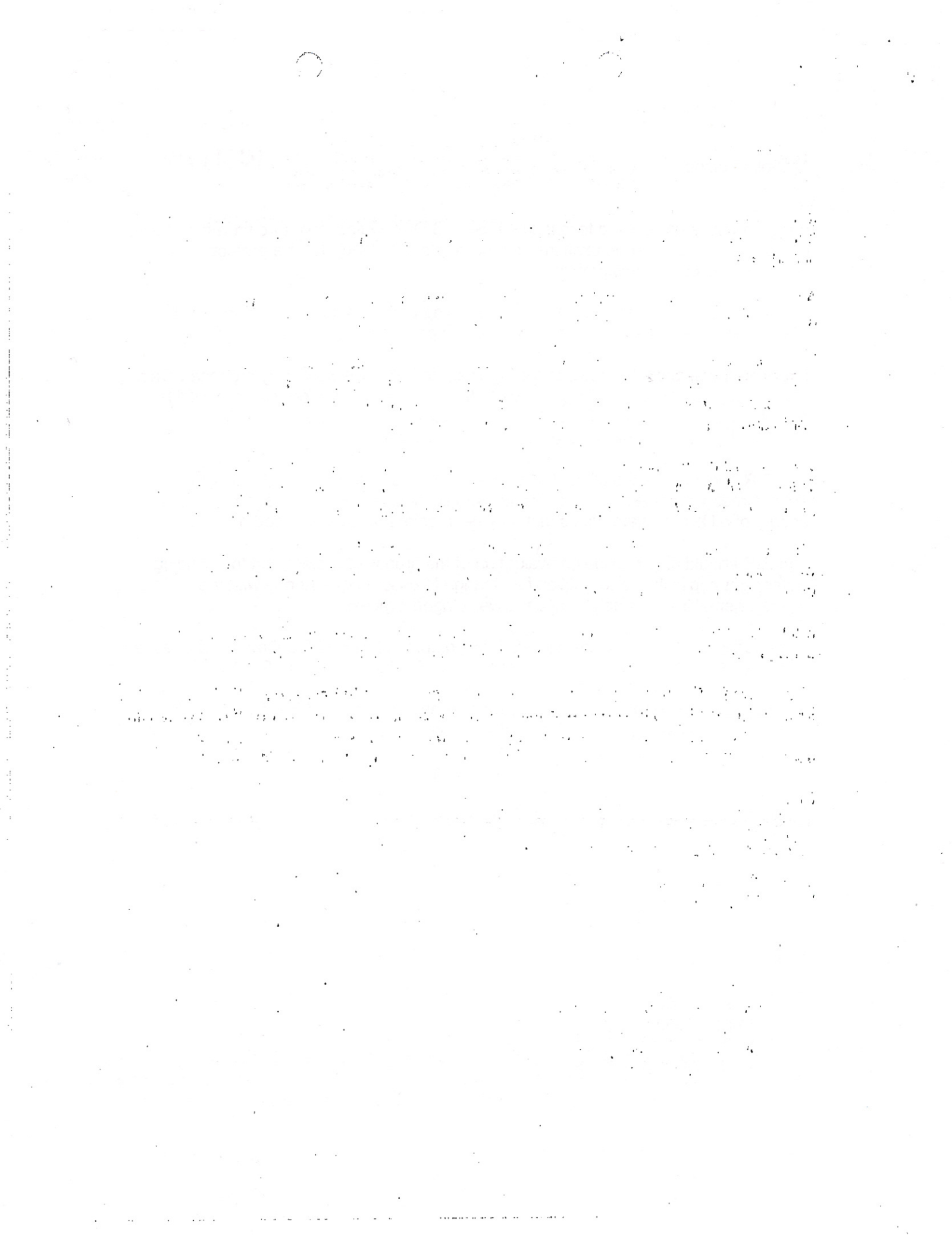
Sincerely,



Steven Herrera, Chief
Water Right Permitting Section

Enclosures (3)

cc: State Clearinghouse
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814





State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Water Rights
1001 I Street, 14th Floor • Sacramento, California 95814 • (916) 341-5300
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 341-5400 • Web Site Address: <http://www.waterrights.ca.gov>

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

SEP 17 2002

CERTIFIED

Cardoza Ranches 1830 2194 ✓ RUC
c/o Ms. Kathy Cardoza
5869 Lakeville Highway
Petaluma, CA 94954

Dear Ms. Cardoza:

APPLICATION A030558 – CARDOZA RANCHES

The purpose of this letter is to discuss the status of your application for a water right permit and to describe activities that you must complete in order for the State Water Resources Control Board (SWRCB), Division of Water Rights (Division), to continue processing your application. Currently, the Division is faced with a shortage of technical staff and a backlog of pending applications and change petitions. As a result, the Division has implemented a new policy. The applicant will now be responsible for completing most technical activities that will be required in order for the Division to act on the application and issue a permit. This approach is similar to policies employed by most other government permitting agencies. A water right permit is a property right, similar to a building permit or an approved subdivision map. The water right permit attaches to the land and, in some cases, is of substantial value. Consequently, the cost of completing the major technical activities necessary to secure the permit should, appropriately, be borne by the person(s) realizing economic gain from the permit.

Because of previous cooperation between the Cardoza Ranches applicants and Mr. Joseph G. Roche (Application A030579) concerning preparation of a Water Availability Analysis assessing the combined effects on streamflow of your two proposed projects, a similar letter is also being sent to Mr. Roche.

Background Information

On August 21, 1996, you submitted an application requesting a water right permit that would authorize storage of 1,100 acre-feet per annum (afa). The proposed project would authorize storage in two existing, onstream (but unpermitted) 25 acre-foot reservoirs, plus storage in three additional offstream reservoirs (not yet constructed) with capacities of 500, 300 and 250 acre-feet. The proposed purposes of use include irrigation and frost protection for 1,500 acres of grapes, plus stockwatering, domestic and recreation purposes. Water would be diverted from Tolay Creek and unnamed tributaries of Tolay Creek in Sonoma County. The proposed season of diversion would be October 1 to May 15 of each year.

SURNAME
DWR 540

[Signature]
09/11/2002

[Signature]
9/12/02

[Signature]
21st 9/12/02

[Signature]
9/13/02
for HNS

SEP 17 2002

Cardoza Ranches

2

On December 12, 1997, the Division distributed a notice of your application to interested parties. Protests were submitted by several parties, including the California Sportfishing Protection Alliance (CSPA), Joseph G. Roche, Gamma Development Corporation, and Margaret Kullberg. Applicant has accepted protest dismissal conditions for Roche and Gamma Development. The CSPA and Kullberg protests are apparently unresolved at this time.

Potential Cumulative Impacts on Threatened and Endangered Species

The Central California Coast steelhead (*Onchorhynchus mykiss*) was federally listed by the National Marine Fisheries Service (NMFS) as threatened under ESA (62 FR 43938, August 18, 1997). Division staff held a series of meetings with NMFS, Department of Fish and Game (DFG) and other interested parties to develop methods to assess potential site-specific and cumulative impacts of new water projects on anadromous fishery resources in coastal watersheds, including certain watersheds within San Francisco Bay. This assessment method is described in a document entitled *Guidelines for Maintaining Instream Flows to Protect Fisheries Resources Downstream of Water Diversions in Mid-California Coastal Streams* [Draft], dated June 17, 2002, prepared by NMFS and DFG [copy enclosed]. This document will hereinafter be referred to as the Guidelines. As described in the Guidelines, NMFS and DFG are concerned that the proposed projects on Tolay Creek may have the potential to cause significant adverse impacts to anadromous fishery resources if the total October 1 through March 31 diversion demand within the stream is greater than five percent of the average unimpaired December 15 through March 31 seasonal runoff at any point downstream where fish are present. The specific locations of concern in the watershed are called the Points of Interest (POIs) and are selected by NMFS and DFG.

As a result of correspondence with Division staff in 1999, a report prepared by James C. Hanson was submitted to the Division in October 2000 on behalf of your and Mr. Roche's applications. This report presented the results of a preliminary Water Availability Analysis (WAA) for the Tolay Creek watershed, including all existing senior diverters plus your proposed project and that proposed by Mr. Roche. The report indicates that the combined projects will divert most of existing stream flow in average years, during the months of November, December and January. In dry years, the combined projects will essentially eliminate flows in Tolay Creek in nearly all months. It is unclear to what extent steelhead utilize Tolay Creek, including the tidal portion of the creek. It is also unclear to what extent the proposed projects will affect freshwater and tidal marshes in the lower reaches of Tolay Creek, with possible effects on listed species.

The environmental documents for the Santa Rosa Subregional Long-Term Wastewater Project (June 1996) also indicate the presence of California red-legged frog (*Rana aurora draytoni*) in the Tolay Creek watershed. The U.S. Fish and Wildlife Service (USFWS) has listed the red-legged frog as a threatened species in accordance with the ESA. The USFWS has also listed the California freshwater shrimp (*Syncaris pacifica*) as an endangered species; this species is known to be present in water bodies near Tolay Creek. Other listed species may also be affected by your proposed project.

SEP 17 2002

Request for Information

Before the Division can continue processing your application, you will need to make a specific showing that your project can be operated so as not to contribute to existing or potential significant cumulative impacts on steelhead, red-legged frog, freshwater shrimp, and other species in Tolay Creek. This will require that you hire a qualified consultant to develop recommendations for specific project modifications or other actions (mitigation measures) that could be taken to prevent your project from contributing to these significant cumulative impacts.

As part of this process you must determine whether the total diversion demand in Tolay Creek, including your proposed diversion, may cause a significant adverse impact to anadromous fishery resources, and prepare a Water Availability Analysis/Cumulative Flow Impairment Index Report (WAA/CFII Report). An example of how the WAA/CFII Report should be formatted is enclosed. Division staff has contacted NMFS and DFG, who have determined the appropriate POI for the WAA/CFII analysis. The NMFS and DFG should be contacted directly if the CFII at any POI is greater than five percent, since additional hydrologic or biological analysis may be required. Please consult the Guidelines for further information on when and how these further studies should be conducted.

The Hanson report discussed above was calculated using a different method than the method currently employed. Given the high percentage of streamflow predicted to be diverted by your and Mr. Roche's proposed projects, it may not be necessary to recalculate this WAA. Your calculation also used the same Point of Interest (POI) (the lower end of the non-tidal reach of Tolay Creek, east of the railroad tracks) which would be used in the Guidelines methodology. If you choose to recalculate the WAA, including calculating what effect your proposed project would have independent of Mr. Roche's, the new methodology should be used.

You should be aware that the issuance of a water right permit is a discretionary action, as defined by the California Environmental Quality Act (CEQA). CEQA requires that the SWRCB, as lead agency, prepare the appropriate environmental document. As the applicant, you are responsible for all costs related to the environmental evaluation and the preparation of the CEQA document.

In view of the above discussion, we request that you advise the Division whether you intend to continue the water right permit application process. Please submit your reply in writing within 30 days of the date of this letter. If you do not respond in writing within 30 days, we will assume that you no longer want to obtain a water right permit and the Division will proceed with the cancellation of your application, in accordance with section 1276 of the California Water Code.

If you want the Division to continue processing your application, you need to clearly demonstrate that you are taking significant steps to complete the water right process. Within 60 days of the date of this letter, you need to complete and sign a Memorandum of Understanding (MOU) with the SWRCB that clearly sets forth the roles of the (1) SWRCB, (2) you, the water right applicant, and (3) your consultant. (See enclosed list of environmental and engineering consultants who are familiar with the preparation of CEQA documents and the water rights process.) Upon receipt of a completed and signed MOU, we will return an executed copy to you.

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A copy of the MOU template is enclosed.

Within 60 days of the date of the executed MOU, your consultant must submit a preliminary work plan that includes a description of the tasks to be performed, including the scope of the WAA/CFII analysis to be performed; the specific environmental studies to be performed; a list of permits required to construct and implement your project; and a schedule for consultation with DFG, NMFS and any local, state or federal agency from whom a permit may be required. Based on this preliminary work plan, Division staff and your consultant will then set a schedule for preparation of a final work plan and completion of tasks. The final work plan shall include detailed descriptions of, and a schedule of completion for, any biological, endangered species and archeological survey reports requested by the SWRCB, and a WAA/CFII Report as described above. It is important that the WAA/CFII Report be completed prior to starting the CEQA process, as the results could determine the scope and content of the CEQA document.

Failure to submit the above requested information by the final completion date may result in cancellation of your application and possible enforcement action by the Division concerning your two existing, unpermitted reservoirs. **Note: Even if you decide not to proceed with the entire proposed project, you are still required to obtain a water right permit for your two existing (unpermitted) reservoirs, unless you can demonstrate the such permits are not needed, based on evidence of a riparian right or a pre-1914 appropriative right.**

For Further Information

If you have questions regarding the Guidelines please contact:

NMFS, Dr. William Hearn Phone - (707) 575-6062 - E-Mail: William.Hearn@NOAA.gov
Dr. Stacy Li Phone - (707) 575-6082 - E-Mail: Stacy.Li@NOAA.gov
DFG, Ms. Linda Hanson Phone - (707) 944-5562 - E-Mail: Lhanson@dfg.ca.gov

Mailing addresses for the above contact persons are given below.

Please contact Mohammed Khan in the Applications Section at (916) 341-5243, or Jim Sutton in the Environmental Section at (916) 341-5388, if you have any questions or would like to discuss the requirements described in this letter.

Sincerely,

ORIGINAL SIGNED BY

Harry M. Schueller
Chief Deputy Director

Enclosures (5)

cc: See next page.

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cc: Dr. William Hearn
National Marine Fisheries Service
777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404-6528

Dr. Stacy Li
National Marine Fisheries Service
777 Sonoma Avenue, Room 325
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Ms. Linda Hanson
Department of Fish and Game, Region 3
P.O. Box 47
Yountville, CA 94599

Mr. Robert W. Floerke, Regional Manager
Department of Fish and Game, Region 3
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Mr. Larry Week, Chief
Native Anadromous Fish and Watershed Branch
Department of Fish and Game
1416 Ninth Street, 12th Floor
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Ms. Nancee Murray, Staff Counsel
Department of Fish and Game
Office of the General Counsel
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

bcc: MF, SRH, RAS, LLA, RSS, MK (w/o enclosures)

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