SECTION C
INDIVIDUALS COMMENTING ON THE DRAFT EIR

Section C5
Planning Commissioners Providing Oral Comments at the 22 September 2011 County of Sonoma Planning Commission Hearing (For ease of identification, the Planning Commission Transcript is identified as Comment Letter C97)

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Steve Brown, applicant representing Mr. Gordenker, stated that he worked closely with Amy to get to this point, and he is set to undertake lagalization of the septic system within 90 days, but was unsure when it can be completed. He asked for language to extend the completion of the septic system to a completion date in the same year.

Public Hearing Closed: 2:20

Commissioner Carr commented that the quarry was one of the first projects he had worked on when he became a planner, and asked if the SVCAC had reviewed the request. **Staff Wingfield** replied that they had and recommended approval. **Commissioner Carr** asked whether the bond for an accurate reflection fo the financial assurances in place, and Staff Wingfield noted that this condition has already been met. **Commissioner Carr** asked if there is any latitude in the mining ordinance to go beyond 2016, and **Staff Wingfield** said that the applicant requested the short time. **Commissioner Carr** expressed concern because of past violations.

Changes to draft conditions:

Condition 41	Change BZA to Planning Commission
Conditioin 22	Clarify that mining will not take place on Saturday, Sunday or holidays
Condition 5	Clarify that the septic system will be applicant for within 90 days and installed within 9 months of issuance of the septic permit, to be completed within one year of permit issuance.

Action: **Commissioner Carr** moved to approve the project with modifications. Seconded by **Commissioner Cook** and passed with a 5-0 vote.
Appeal Deadline: ten days
Resolution No: 11-025

Carr: aye Bennett : aye Cook: aye Liles: aye Lynch: aye
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Item No. 5 Time: 1:45 p.m. **File: PLP11-0031**
Applicant: **County of Sonoma**, Transportation and Public Works Department Aviation Division
Con't from: September 1, 2011 Staff: Denise Peter
Env. Doc.: Environmental Impact Report
Proposal: 1. Adopt the revised 2011 Airport Master Plan
2. Amend the Air Transportation Element
3. Amend the Public Facilities District
Location: 2200 Aviation Blvd., Santa Rosa,
APN: APNs: 059-260-010(Primary),164-170-001, 164-170-002, 066-250-009, 164-170-003, 066-250-008, 164-170-005, 164-170-006, 066-250-004, 066-250-005, 066-250-006, 066-250-007, 066-250-015, 066-250-016, 066-250-019, 066-250-021, 059-200-011, 059-200-008, 059-271-001, 059-260-001, 164-170-014, 164-170-015, 057-070-003, 066-280-015, 059-260-011 Supervisorial District: 4
Zoning: Base Districts: Public Facilities District (PF), Diverse Agriculture District (DA), Land Intensive Agriculture District (LIA), 1.4% Heavy Industrial District (M2)
Combining Districts: Valley Oak Habitat (VOH), Portions adjacent to streams north of the runways, Floodway (F1) and Flood Plain (F2), Second Unit Exclusion Zone (Z) and Scenic Resource (SR)

Board of Supervisors Hearing date to be determined

Denise Peter summarized the staff report, which is incorporated herein by reference. Dave Full, the EIR consult, was available for comment and is currently working on responses to each comment. David Dietz, Mead and Hunt, the Airport Master Plan consultant; and Jon Stout, Airport Manager, were also available for questions.

1 **Questions from Commissioners**: **Commissioner Liles** asked Jon Stout whether noise monitoring is done at the airport. He knows of many concerned citizens from the area. **Mr. Stout** replied that there is no noise monitoring system in place at the Sonoma County Airport currently, and noise is not considered to be a significant problem. When the time comes for a new terminal, monitoring may be planned. The General Plan currently allows 21 commercial flights per day . The noise impacts associated this number of flights was studied in the EIR for the current General Plan, and they are not changing this number of flights.

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2 **Commissioner Liles** asked what other mitigation issues are needed in the draft EIR. **Mr. Stout** said there is a long list of traffic mitigations involving intersections, as well as pedestrian, sidewalk, and bike lanes that Public Works would have to pay its fair share for. There are cultural sites to be mitigated. Biological mitigations include riparian, creekbeds, wetlands, and potential for California Tiger salamander, badgers, owl, bats and several plant species. These may be mitigated on site or by purchasing mitigation credits through banks. The FAA prefers wetland mitigations or things that attract wildlife to occur off site.

3 **Commissioner Carr** asked what the FAA thought about the aviation forecast that have been included in the Airport Master Plan. **Mr. Stout** said they had discussed forecasts for over a year and hold different opinions. The FAA has airport at a flat forecast of 2% in terms of total operations, and total operations track closer. Adding more Horizon flights would meet the FAA forecast. Horizon currently has an agreement to offer ten flights per day. **Commissioner**

4 **Carr** asked what the impact of the DEIR was on future funding, whether it operates independently of what the County thinks the airport should be. **Mr. Stout** said the runway project is viewed as a safety project, and achieves runway safety area compliance. The FAA is not looking at the runway as a capacity project. The terminal project, when it goes forward, will be funded by federal grants and local funds. Passenger numbers have an impact on entitlement funds and federal grants given by the FAA.

5 **Commissioner Carr** wondered why the highest possible projections are being considered given the current General Plan limits instead of one of the lower growth scenarios, whether there is a new runway or not. Mr. Stout commented that the General Plan allows for 21 flights a day currently, and the Airport Master plan does not exceed the projections of 573,000 passengers until almost 2030, and there is not much difference. The General Plan assumes that aircraft was smaller in size. Airlines have gradually increased the number of seats on aircrafts, and the figures reflect the current industry.

6 **Commissioner Carr** asked for clarification about the decoupling, and how serious the safety issue was. **Mr. Stout** showed a new graphic which indicated the secondary runway will provide length sufficient to handle larger planes, adding that safety standards call for two distinct runways, not shared at any point. A staging area was also created where aircraft can move, as aircraft cannot be held in the runway safety areas.

7 **Commissioner Carr** commented that the decoupling problem could be fixed without lengthening the runway, referring to a report that said only 635 feet was needed. **Mt. Stout** commented that the secondary runway has a 200 foot extension which decouples the two runways. The extension of 885 feet on the main runway is to clear the runway safety area for the secondary runway, while providing aircraft movement for the aircraft that would use it without interfering with safety. It will also provide a runway length sufficient to accommodate regional jet aircraft.

8 **Commissioner Carr** commented that the decoupling could be done if the runway was 200 feet shorter and asked if it would save Airport Creek. **Mr. Stout** said that this decoupling could be done, but the difference of 125 feet could create an aircraft staging area problem for the main runway. A portion of the creek would have to still be culverted even with the shorter runway. A federal mandate of runway safety standards requires 1000' feet of clear compacted dirt beyond the runway, which must be 500 feet wide. The creek is located 850 feet north of the existing runway end, so would need to be culverted to meet safety area standards even it no extension occurred.

9 **Commissioner Carr** referred to a comment that suggested the runway be moved to the South towards Laughlin Road and asked Mr. Stout to comment on this. **Mr. Stout** said that the road realignment was not the main issue, but the impact that would occur to Mark West Creek and endangered species. **Commissioner Carr** said there could also be problems with the grade of the land at the south end.

10 **Commissioner Carr** asked if air taxi or very light jets are counted as commercial jet service. **Mr. Stout** said that the air taxis and charters require diffferent license requirements from the FAA, and allow and operator to be paid to carry people, which is a shuttle service. They don't count towards commercial airline totals or passengers.

11 **Commissioner Carr** said that Meade and Hunt in the last CALUP debate done by the ALUC asked about noise contours follwing the actual flight tracks of the planes rather than straight up and down . The consultant went and observed planes, some landing from north and some had a curl that planes from the east and south use. This meant different things to the ALUC because of safety zone requirements and compatibility requirements. Did the proposed contours run on actual lines? **Commissioner Carr** asked for the basis of the contours. **Mr. Stout** said that they were based on actual tracks and radar data. The noise consultant pulled all the data from the FAA. The information was put into a computer based program that creates the CNEL contours.

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12 **Commissioner Carr** noted that the fleet mix for noise and air quality in the no project alternative includes planes that need the extended runway to land, such as the Embraer 190, and asked for an explanation of how the no project alternative could include planes that need runway to be lengthened. **Mr. Stout** answered that Embraer 190 needs 5500 feet. Airlines can utilize various approaches to make an aircraft work on a given runway. Frontier Airlines has shown interest and would be willing to take weight penalties, but they prefer to utilize the maximum capacity of the aircraft. Airlines can opt to take weight penalties or take passengers off. Runway use is also influenced by temperature.

13 **Commissioner Bennett** commented that at the last meeting statistics were given about Airport Express service, and the DEIR has no impacts noted about Airport Express activity as it relates to greenhouse gas emissions, and wants this calculated into the final EIR, deducting Airport Express usage from the final figures. Mr. Stout stated the Airport Express carried over 100,000 persons annually to other airports.

14 **Commissioner Lynch** asked if improvements to 101 at Airport Blvd. were part of the mitigations. **Mr. Stout** said that they were not, because the intersections were sufficiently far along to be considered complete in the short term project within five years. The 101 interchange construction is two years away. The airport will pay a fair share for the Skylane Laughlin Road project.

15 **Commissioner Liles** noted that most opponents are from his district, and he received many comments. He asked staff to please respond to all his comments given at the September 1 meeting. The project would actually decrease some of the noise issues to the south, but will complicate things around the airport and in north Windsor.

16 **Commissioner Liles** asked for the voluntary curfew limits with Horizon to be in place and well organized. He asked for staff to come back with noise mapping splitting commercial and private paths, and flight routes structured to avoid houses to the south and have more flights over vineyards to the south. **Commissioner Liles** asked for a definition of

17 "congested area" including FAA requirements. Biologic mitigations concerned him greatly, and **Commissioner Liles** requested that mitigation be done in and around the communities of Windsor, Larkfield, and north Santa Rosa. That way those affected the most will also see the most benefit.

Commissioner Carr submitted written comments but wanted to discuss the alternatives in the DEIR, noting the difficulty dealing with alternatives in a project that is a plan. **Commissioner Carr** thought the No Project Alternative

18 failed in comparing the No Project Alternative to Project Alternatives. There should be an alternative that compares less planes. It should be more responsive to what people who live around the airport are asking for - less planes, noise and emissions. The DEIR did not spell out a less ambitious alternative for the airport. The runway length and decoupling issue are triggering the expansion of the airport, and this is causing complaints. This makes it difficult to balance the compatibility issues with the need for tourism. If there are legal challenges to the EIR, not having this alternative would be a pose a legal risk. **Commissioner Carr** recommended using a fleet mix that uses a shorter

19 runway extension that solves the decoupling issue which will also address significant impacts. **Commissioner Carr**

20 thought that Alternative 4 was rejected too quickly. He noted that this alternative may not meet all project objectives, but may meet many.

21 **Commissioner Cook** supports recommendation that local mitigation constraints be kept in the affected area and other comments made by Commissioner Liles.

22 **Commissioner Cook** asked to include responses to the letter from Mark Calhoun in the response to comments.

Commissioner Bennett stated he would wait for the responses to comments in the final EIR before commenting on the project.

23 **Commissioner Lynch** commented that a goal of the County is to reduce greenhouse gases, and recommended incorporation of methods to reduce greenhouse gases into the mitigations. **Commissioner Lynch** recommended

24 doing everything possible to make a project that suits the environmental goals of the County.

Chair Lynch stated that there is no date set for the final EIR to be reviewed and that the item will be renoticed.

Action: The Commission provided direction about the draft EIR and directed staff to prepare a response to comments on the draft EIR.

Appeal Deadline:
Resolution No.:

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DEIR Comments; Airport Master Plan Update by Greg Carr

25 1. There appears to be an inconsistency in the analysis of the No Project Alternative. The fleet mix assumptions for the noise and air quality analyses include aircraft that would need the extended runway in order to utilize the County airport. Yet the extended runway (and decoupling) is part of the project. Therefore, the fleet mix assumptions need to be revised to reflect the lack of runway…and the affected impact analyses revised accordingly.

26 2. Chapter 3.2 on agricultural resources should be modified to add an analysis of the loss of County-designated agricultural land and the relevance of GP 2020 Policy LU-9d.

27 3. In Chapter 3.3 (Air Quality), the paragraph entitled "Increased Activity" on page 3.3-23 should be modified to clarify that the level of aviation activity, and therefore the air quality impact, is dependent upon extension of the runway and is not necessarily the same with or without the project.

28 4. The DEIR lacks a reasonable range of alternatives. Specifically, the DEIR should include an alternative based upon a less ambitious (lower) forecast of commercial airline activity, a shorter, or no, extension of runway 14-32, and a different method for decoupling the runways. Although such an alternative would not meet 100% of all project objectives, it would meet most of them. In fact, such an alternative would accommodate many of the regional jets that could provide increased services. Most importantly, such an alternative would reduce project impacts, would be responsive to the testimony of affected citizens, and would provide the PC and Board with the environmental information required to balance the need for air service with neighborhood compatibility issues.

29 5. There is a discrepancy re the need for lengthening the runway to accomplish the objective s for decoupling and accommodating regional jets. In the AMP and elsewhere it states that 885 feet are needed for both purposes. But in the alternatives analysis (pg 4-11), it says that the minimum needed for decoupling is 685 feet.

30 6. DESCRIBE NOISE LEVELS OF PROP VS JET & COMPARE.

RESPONSES TO COMMENT LETTER C97 – ORAL COMMENTS SUBMITTED AT 22 SEPTEMBER 2011 PLANNING COMMISSION HEARING

Planning Commissioner Liles

C97-1 There is no noise monitoring system in place at the Charles M. Schulz – Sonoma County Airport. Given that the 65 CNEL noise contour[62] is primarily on Airport property, the FAA is unlikely to fund a noise monitoring system at the Airport. Notwithstanding this fact, Mitigation Measure 3.10.5 on page 3.10-45 of the EIR provides that, in accordance with Policy AT-3f of the Air Transportation Element (ATE) of the Sonoma County General Plan, the County shall develop a Runway Approach Protection Plan. The Runway Approach Protection Plan shall provide for noise monitoring where appropriate and identify appropriate mitigations to be undertaken in the event noise standards are exceeded. These mitigations may include purchase assurance, acoustical treatment, and purchase of easements. With implementation of appropriate noise attenuation, the impact would be reduced to a less-than-significant level.

C97-2 Mitigation measures are included for impacts related to aesthetics, agricultural resources, air quality, biological resources, cultural resources, hydrology and water quality, land use and planning, noise, and transportation and traffic. All mitigation measures will be included in the Mitigation Monitoring and Reporting Program, which must be approved by the County of Sonoma Board of Supervisors if the Proposed Project is to be implemented.

Planning Commissioner Carr

C97-3 For a discussion of forecasts used by the FAA, please see the response to comment #C96-5 of the oral comments submitted by Steve Birdlebough at the 1 September 2011 Planning Commission hearing (Comment Letter C96) on page 5-318.

C97-4 The funding for the Runway Safety Area (RSA) is based on the FAA view of airport operating revenues and loans that the project is a safety project and not a capacity-enhancing project. Other projects that could be implemented at the Airport would be funded by a combination of federal grants, passenger facility charge (PFC) fees, and will undergo additional environmental review by the County at such time as one of the future long-term elements is brought forward for review and implementation, as well as an independent environmental review by the appropriate funding agencies.

C97-5 It is important to note that the forecasts in the Air Transportation Element (ATE) of the Sonoma County General Plan only extend to the year 2020 and that the forecasts provided in the Airport Master Plan Update extend to the year 2030. The difference between the 2020 forecasts of the ATE and the 2030 forecasts of the Airport master Plan Update is approximately 26,000 operations.

The Draft EIR used the forecasts contained in the Master Plan Update. These forecasts are consistent with the limits of 21 commercial airline departures per day included in the ATE. Including an alternative that artificially limits the number of

[62] The 65 CNEL noise contour is used by the FAA as the significance threshold for noise.

enplaned passengers would result in a reduction in operational-related impacts. However, since the impacts associated with the Proposed Project (21 daily departures) are not significant, CEQA does not require the development of an alternative that results in a lesser magnitude of impacts. In addition, analyzing an alternative that would have a lower number of operations than is already allowed at the Airport would underestimate the potential impacts that could occur.

C97-6 Appendix F of the Draft EIR provides the recommendations of the Runway Safety Action Team (RSAT) for the Charles M. Schulz – Sonoma County Airport. These recommendations, which are included as objectives for the Proposed Project (please see Chapter 2 of the Draft EIR) are included in the Runway Safety Action Plan to further enhance safety associated with the operation of the Airport.

C97-7 The commenter is correct in noting that the Runway Safety Action Plan provides standard language regarding the potential options for decoupling the approach ends of Runways 14 and 19. As a result of the Runway Safety Action Plan, the County developed a detailed approach to decoupling the approach ends of these runways and took into account specific physical parameters and operational considerations in developing the Proposed Project. The extension of the approach end of Runway 14 by 885 feet is intended to clear the RSA for Runway 1/19 while providing adequate aircraft movement areas for the aircraft that would use Runway 14/32**. Figure C97-7-1** on the next page illustrates why the extension of the approach end of Runway 14 should be 885 feet.

C97-8 The standard RSA for Runway 14/32 is 1,000 feet. The current distance from the end of Runway 14/32 to Airport Creek is 850 feet. Therefore, the establishment of a standard RSA for Runway 14/32 would affect Airport Creek even without the extension of the approach end of Runway 14.

C97-9 For a discussion of the reasons for rejecting the alternative to extend Runway 14/32 to the south, please see the response to comment #15-1 of email (1) submitted by Darryl E. Laxo (Comment Letter C15) on page 5-142 and the responses to comments #C29-1 and #C29-3 of the email (2) submitted by Darryl E. Laxo (Comment Letter C29) on page 5-169.

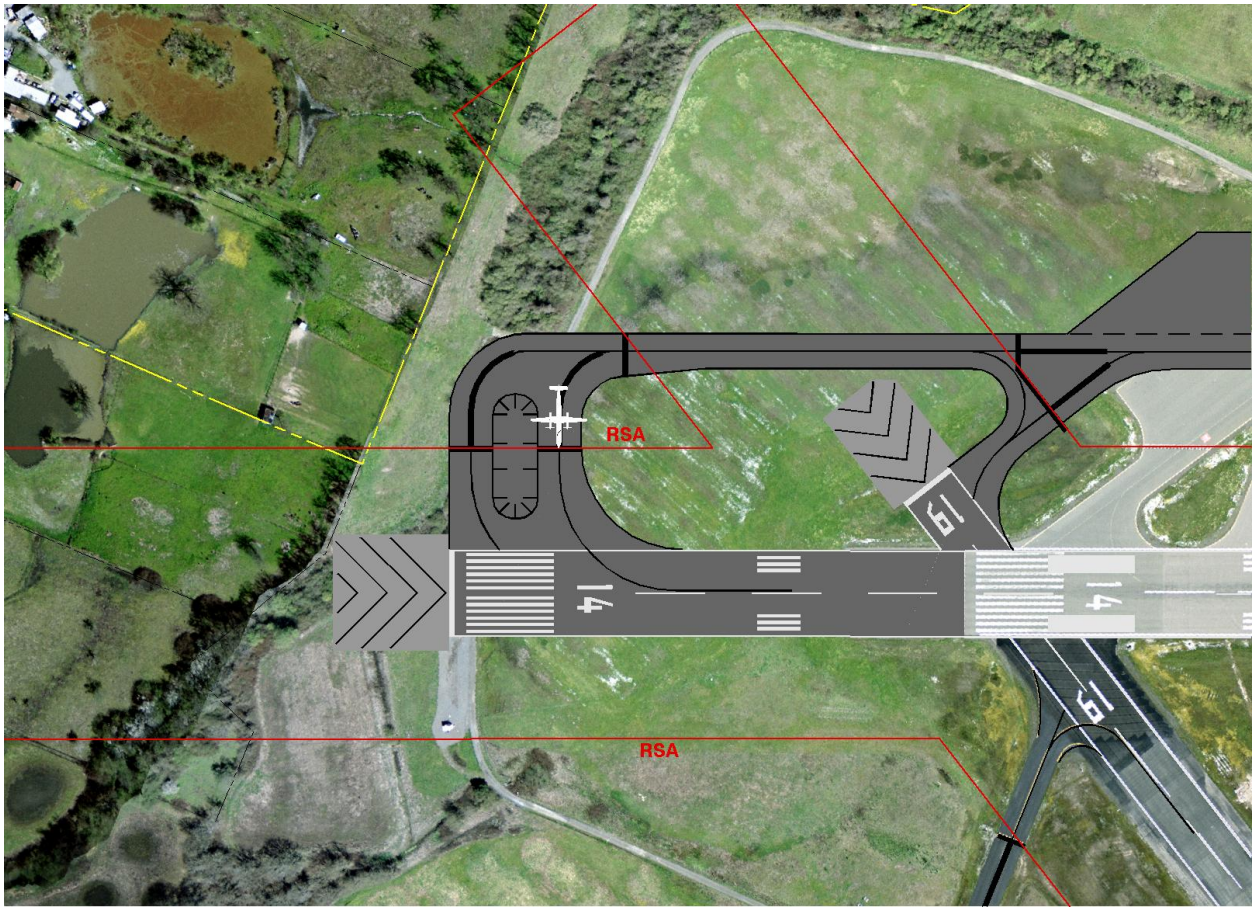
C97-10 Air taxi and very light jets do not count toward commercial airline operations or enplaned passengers because they do not provide scheduled airline service as defined in the ATE.

C97-11 The noise contours presented throughout Section 3.10 of the Draft EIR are based on actual flight tracks and FAA radar data. The information on actual flight tracks is one of the parameters used by the Integrated Noise Model (INM), which is the industry standard for the development of noise contours.

C97-12 The aircraft fleet mix associated with the Proposed Project for 2015 is shown in Table 3.10-12 on pages 3.10-19 and 3.10-20 of the Draft EIR and the aircraft fleet mix for 2030 is shown in Table 3.10-20 on page 3.12-35 and 3.10-36 of the Draft EIR. As stated on page 3.10-18, the aircraft fleet mix used in the analysis was based on the forecasts contained in the Airport Master Plan Update.

The EMB-190 aircraft has runway length requirements greater than the existing length of Runway 14/32 *assuming that the EMB-190 has a full payload of passengers and baggage*. The EMB-190 could operate on the existing Runway 14/32 length if weight penalties were taken that would result in a less-than-full payload of passengers, fuel, and/or baggage. Therefore, the assumptions used in the noise analysis of the Draft EIR for the No Project Alternative were based on the EMB-190 being operated with a less-than-full payload for departures on Runway 14/32.

Figure C97-7-1
STS RUNWAY EXTENSION BYPASS TAXIWAY



SOURCE: Mead & Hunt , 2011
PREPARED BY: Mead & Hunt, 2011

Planning Commissioner Bennett

C97-13 Airport Express currently transports approximately 200,000 passengers a year. There are 19 daily trips to San Francisco International Airport and 9 daily trips to Oakland International Airport. There has been a slight decline in passengers due to the start of

Horizon at the Airport, but it is not possible to determine the effect of Horizon service since the decline in passengers also could be due to the downturn in the economy.

For a discussion of greenhouse gas emissions, please see Master Response C on page 4-7. The general quantification of the reduction in greenhouse gas emissions attributable to an increase in passengers at the Airport (and a resulting decrease in passengers traveling to San Francisco or Oakland International Airports) only included those passengers traveling in private vehicles. To present a conservative general quantification of the reduction in greenhouse gas emissions, it was assumed that Airport Express would continue to operate the same number of daily trips to San Francisco and Oakland International Airports.

Planning Commissioner Lynch

C97-14 As stated on page 3.12-10 of the Draft EIR, planned circulation improvements in the Airport vicinity include the reconstruction of the Airport Boulevard / U.S. 101 interchange and the widening of Airport Boulevard from the U.S. 101 interchange to west of the North Laughlin Road / Skylane Boulevard intersection. Both of these improvements were included in the Draft EIR analysis because funding for these projects has been secured and design of the projects is underway. As such, these improvements are part of the background circulation system in 2015 and are not included as mitigation measures associated with the Proposed Project.

Planning Commissioner Liles

C97-15 For responses to all comments received at the 1 September 2011 Planning Commission hearing (Comment Letter C96), please see the letter in Section C4 of this document starting on page 5-125.

C97-16 For a discussion of a voluntary nighttime noise curfew, please see the response to comment #A3-9 of the letter submitted by the Town of Windsor (Comment Letter A3) on page 5-17.

The FAA is solely responsible for the vectoring and sequencing of aircraft within the airspace approaching the Airport. Once aircraft are near the Airport they are required to fly established procedures in the air traffic pattern to ensure a safe and orderly approach to landing. Although the FAA and the Airport coordinate activities frequently, airspace control and management is the sole responsibility of the FAA. Any change in departure or arrival flight paths can only be approved and implemented by the FAA. The Airport can and will work with FAA and the affected communities to address flight pattern issues and proposals; however, the Airport cannot unilaterally impose restrictions on the flight of aircraft.

The Airport has, at the request of and working with the Town of Windsor, sought and received approval from the FAA for a right-hand traffic pattern to Runway 14 during the times that the Air Traffic Control Tower is closed, raised the standard aircraft traffic pattern for light aircraft from 800 feet above ground level (AGL) to 1,000 AGL, and raised the pattern for large aircraft from 1,200 feet AGL to 1,500 AGL.

Separate noise contours for commercial and general aviation aircraft would be similar to (but smaller than) the noise contours presented in Section 3.10 of the Draft EIR since all aircraft fly similar flight paths to and from the Airport.

C97-17 "Congested area" also known as a "Densely Populated Area" is defined by the FAA as those areas of a city, town, or settlement that contain a large number of occupied homes, factories, stores, schools, and other structures.

The County will consider the implementation of mitigation measures related to biological resources in the Airport vicinity to the extent feasible and will work with the regulatory agencies to identify areas where mitigation measures could be implemented.

Planning Commissioner Carr

C97-18 For a discussion of forecasts used by the FAA, please see the response to comment #C97-5 of the oral comments submitted by Planning Commissioner Carr at the 22 September 2011 Planning Commission hearing (Comment Letter C97) on page 5-400. Also, Under CEQA the no project alternative does not mean no action. When the project is the revision of an existing plan, policy or operation (as is the case here), the no project alternative is "the continuation of the existing plan, policy or operation in the future." CEQA does not require an EIR to examine lesser level of development than current entitlements authorize.

C97-19 The significant impacts associated with the Proposed Project are not related to the length of the runway extension or the forecasted fleet mix. Therefore, the identification of a different fleet mix would not result in eliminating any of the significant impacts identified in the Draft EIR.

C97-20 Alternative 4, which is presented in Figure 4-4 on page 4-11 of the Draft EIR would meet two of the three key project objectives (see Table 4-1 on page 4-7 of the Draft EIR). While this alternative would decouple the runway ends and meet Runway Safety Area requirements, it does so in a way that would create an operational problem at the end of Runway 14. In order to allow one aircraft to pass another aircraft holding at the end of Runway 19 there needs to be provision of either a by-pass taxiway (as included in the Proposed Project) or a holding apron must be provided. As shown in **Figure H** (please see page 5-407), the bypass taxiway and holding apron are needed to avoid the creation of a possible conflict for taxiing aircraft. *The FAA air traffic control staff based at the Airport specifically requested that the extension design incorporate one of the two means of accommodating aircraft holding at the end of Runway 14*. A common reason for an aircraft to hold at the end of Runway 14 is when the pilot is awaiting Instrument Flight Rules (IFR) clearance for departing. Other aircraft may be departing without an IFR clearance and need to get past the holding aircraft. A bypass taxiway is proposed because it would have fewer impacts to Airport Creek than a holding apron. Alternative 4, as analyzed in the Draft EIR, does not include either a bypass taxiway or a holding apron.

Alternative 4 would extend Runway 14/32 to 5,804 feet, which is a 689-foot extension. This extension would probably make it feasible for regional jets to operate at the Airport

(the third key objective) but only under some conditions. However, being about 200 feet shorter than the Proposed Project it would more frequently impose operating restrictions on regional jets. This would result in blocked seats which would reduce the economic viability of scheduled passenger service. The impact would be particularly significant for the smaller (i.e., 50 passenger) regional jets expected to initially serve the Airport.

Planning Commissioner Cook

C97-21 The County will consider the implementation of mitigation measures related to biological resources in the Airport vicinity to the extent feasible and will work with the regulatory agencies to identify areas where mitigation measures could be implemented.

C97-22 Responses have been prepared for the letter submitted by Mark Calhoon (Comment Letter C31) and are presented in Section 5C1 of this document starting on page 5-122.

Planning Commissioner Lynch

C97-23 For a discussion of greenhouse gas emissions, please see Master Response C on page 4-7.

C97-24 The Draft EIR has identified mitigation measures to reduce the magnitude of impacts associated with the implementation of the Proposed Project. All mitigation measures will be included in the Mitigation Monitoring and Reporting Program, which must be approved by the County of Sonoma Board of Supervisors if the Proposed Project is to be implemented.

Planning Commissioner Carr

C97-25 The commenter is incorrect in stating that there is an inconsistency in the analysis of the No Project Alternative. The fleet mix identified for the No Project Alternative is correct because the EMB-190 could operate on the existing Runway 14/32 length if weight penalties were taken that would result in a less-than-full payload of passengers, fuel, and/or baggage. Therefore, no revisions to the fleet mix for the No Project Alternative is necessary and no additional impact analysis is required.

C97-26 Sonoma County General Plan Policy LU-9d applies to General Plan amendments which convert agricultural land to a non-agricultural land use category. This policy also allows for approval for public projects that provide public benefits. Although the project approvals do not include General Plan Amendments to the land use map at this time, it should be noted that Public Facilities Element Policy PF-2z (added to the General Plan in 2008) does require that in conjunction with acquisition of land for major public facilities an amendment be made to the Public-Quasi-Public land use category.

In the future when the Airport acquires land for Airport Approach Protection, consistent with its Approach Protection Area Map (General Plan Figure AT-10), Policy PF-2z calls

for certain procedural steps to be implemented to amend such lands to the Public-Quasi Public category. These procedural steps include holding a public hearing on the proposed facility and, following approval, processing of the General Plan Amendment by the responsible public agency.

The first step of this process is being accomplished in the context of the Airport Master Plan. When parcels come forward for acquisition in the future as identified on the revised Approach Protection Area Map, Airport and PRMD staff will process these in accordance with Policy PF-2z.

With regard to the General Plan's general goal of not converting agricultural land, it should be noted that the General Plan allows flexibility for public projects providing public benefits in Policy Lu-9d. It should be noted that if the Board of Supervisors adopts a Statement of Overriding Consideration for the Proposed Project listing the public benefits, this determination could also serve as findings of public benefit for future General Plan amendments associated with parcels acquired for Airport Approach Protection.

In consideration of all of the relevant goals and policies of the General Plan, the Proposed Project and future acquisition of parcels to the Public-Quasi Public land use category would be considered inconsistent with the General Plan, should the Board find that the project has public benefits.

Policy LU-9d: Deny General Plan amendments that convert lands outside of designated Urban Service Areas with Class I, II, or III soils (USDA) to an urban or rural residential, commercial, industrial, or public/quasi public category unless all of the following criteria, in addition to the designation criteria for the applicable land use category, are met:

(1) The land use proposed for conversion is not in an agricultural production area and will not adversely affect agricultural operations,
(2) The supply of vacant or underutilized potential land for the requested use is insufficient to meet projected demand,
(3) No areas with other soil classes are available for non resource uses in the planning area, and
(4) An overriding public benefit will result from the proposed use.

Amendments to recognize a pre existing use are exempt from this policy. Public uses such as parks and sewage treatment plants may be approved if an overriding public benefit exists.

Policy PF-2z: Acquisition of land for all larger public facilities not addressed by Policy PF-2aa, including parks, schools, wastewater treatment and water transmission facilities, is consistent with all nonagricultural land use categories, provided that:

(1) A formal public hearing on the proposed facility is required to provide an opportunity for public review and comment before a final decision on the facility is made, and

(2) Following approval of the use, a General Plan Amendment to designate the site Public/Quasi-Public on the Land Use Map will be processed by the responsible public agency.

Acquisition of land for these larger public facilities is generally consistent with agricultural land use categories.

C97-27 The commenter is correct in noting that the air quality impacts are not the same with or without the Proposed Project. A comparison of Table 3.3-11 on page 3.3-24 of the Draft EIR with Table 3.3-12 on page 3.3-25 of the Draft EIR shows that the total annual emissions associate with the Proposed Project are different than those associated without the Proposed Project. To clarify this important point, page 3.3-23, paragraph 6, sentence 2 of the Draft EIR is revised to read (deleted text is in ~~strikethrough~~ and new text is in double underline):

Aviation activity (take offs and landings) represents the largest contributor of emissions at the Airport, however, ~~this~~ an increase is anticipated to occur with or without the implementation of the Proposed Project.

C97-28 For a discussion of the reasons why a shorter runway extension is not feasible, please see the response to comment #C97-7 of the oral comments submitted by Planning Commissioner Carr at the 22 September 2011 Planning Commission hearing (Comment Letter C97) on page 5-400. In addition, please see Master Response E on page 4-10.

C97-29 For a discussion of the operational deficiencies associated with a minimum extension of 685 feet (Alternative 4), please see the response to comment #C97-7 of the oral comments submitted by Planning Commissioner Carr at the 22 September 2011 Planning Commission hearing (Comment Letter C97) on page 5-400.

C97-30 For a discussion of the noise levels for both propeller aircraft and jet aircraft, please see Impact 3.10.6 on pages 3.10-45 through 3.10-56 of the Draft EIR.

SECTION D
COMMENTS RECEIVED AFTER THE CLOSE OF THE COMMENT PERIOD

COMMENT LETTER D1 – EMAIL SUBMITTED BY DON CHIGAZOLA

1 Comments: Our employees make hundreds of business trips each year from Bay Area airports. Expanded air service from Sonoma County Airport to destinations eastward would provide for increased safety and productivity of our employees. Additionally, local service would eliminate unnecessary commute trips on Hwy 101 to SFO and OAK. We applaud the efforts to expand air service at STS.

RESPONSE TO COMMENT LETTER D1 – EMAIL SUBMITTED BY DON CHIGAZOLA

D1-1 This comment does not specifically address the analyses contained in the Draft EIR. Therefore, the comment in support of the Proposed Project is acknowledged and will be forwarded to and considered by the decision-makers at the County of Sonoma Planning Commission and the County of Sonoma Board of Supervisors.

COMMENT LETTER D2 – EMAIL SUBMITTED BY HAROLD GLICKMAN

1	Comments: As someone who flies out of STS whenever possible I wish to express my support for the airport's expansion plans. More flight options and destinations that would reduce the number of times I have to fly out of Oakland or San Francisco would be welcomed by me.

RESPONSE TO COMMENT LETTER D2 – EMAIL SUBMITTED BY HAROLD GLICKMAN

D2-1 This comment does not specifically address the analyses contained in the Draft EIR. Therefore, the comment in support of the Proposed Project is acknowledged and will be forwarded to and considered by the decision-makers at the County of Sonoma Planning Commission and the County of Sonoma Board of Supervisors.

COMMENT LETTER D3 – LETTER SUBMITTED BY SONOMA COUNTY FIRE AND EMERGENCY SERVICES DEPARTMENT
Page 1 of 2

Public Services Criteria
The California Environmental Quality Act (CEQA) states that a Project may create a significant environmental impact if the Project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.

Fire Protection:
The Sonoma County Fire and Emergency Services Department believes that Project implementation would result in significant impacts with respect to fire protection, and an analysis must be conducted which proves that the project would result in a "less than significant impact" to those public services for the following reasons:

1

- The Sonoma County Fire and Emergency Services Department believes that project implementation has the potential to impact existing fire protection facilities in an adverse manner.
- The Sonoma County Fire and Emergency Services Department believes that the current staffing levels, equipment and facilities may not be adequate to respond to additional calls for service to the project area.
- The Sonoma County Fire and Emergency Services Department believes that Project build-out could impact the Fire Department's ability to maintain acceptable response times and may exasperate the ability to maintain adequate service levels.

Police Protection:
The Sonoma County Fire and Emergency Services Department believes that Project implementation would result in significant impacts with respect to police protection, and an analysis must be conducted which proves that the project would result in a "less than significant impact" to those public services for the following reasons:

2

- The Sonoma County Fire and Emergency Services Department believes that project implementation has the potential to impact existing police protection in an adverse manner.
- The Sonoma County Fire and Emergency Services Department believes that the current police staffing levels, equipment and facilities may not be adequate to respond to additional calls for service to the project area.

1

COMMENT LETTER D3 – LETTER SUBMITTED BY SONOMA COUNTY FIRE AND EMERGENCY SERVICES DEPARTMENT
Page 2 of 2

2

- The Sonoma County Fire and Emergency Services Department believes that Project build-out could impact the Fire County Sheriff's ability to maintain acceptable response times and may exasperate the ability to maintain adequate service levels.

Please let me know if you have any questions. My cell number is: (707) 696-2901

Thank you,

Robert MacIntyre, Fire Marshal
Sonoma County Fire & Emergency Services Department
Fire Prevention Division
2300 County Center Drive - Suite 221-A, Santa Rosa CA, 95403
(707) 565-1154

RESPONSES TO COMMENT LETTER D3 – LETTER SUBMITTED BY SONOMA COUNTY FIRE AND EMERGENCY SERVICES DEPARTMENT

D3-1 As stated in the Initial Study (see Appendix A of the Draft EIR), the Proposed Project would have no impact to fire protection services because the Proposed Project would not result in construction of a substantial number of new buildings (most of the project elements involve relocation or redevelopment of existing facilities, not the creation of additional facilities). In addition, the on-Airport emergency response levels are established by the Federal Aviation Administration (FAA) and the Airport is in compliance with these requirements. Therefore, no additional analysis is warranted.

D3-2 As stated in the Initial Study (see Appendix A of the Draft EIR), the Proposed Project would have no impact to police protection services because the Proposed Project does not include the development of any new residential or business communities. All Airport security within the passenger terminal is the responsibilities of the Transportation Security Administration (TSA) and not the local police force. Therefore, no additional analysis is warranted.

COMMENT LETTER D4 – EMAIL SUBMITTED BY CALEB JONES
Page 1 of 2

I fully support the airport's planned expansion, as a person who loves to travel and loves aviation, I think it will bring endless possibilities to Sonoma County.

Here is what I suggest you do to help win people over:

Look at Westchester County Airport in White Plains, NY (airport code HPN) as a model for STS.

Its in a very similar situation, its a smaller airport overshadowed by major NY airports. Its in a residential, upscale area and only services 15 destinations. They are constantly going through expansion fights but have implemented some great ideas that STS should consider. 1

Westchester County Airport has in place a "Voluntary Restraint from Flying Program" (commonly referred to as "voluntary curfew") which asks that flights be avoided between midnight and 6:30 AM each day.

ALSO, check THIS out about their environmental management:

The Westchester County Airport is fully committed to achieving excellence in environmental protection by integrating environmental values into all airport activities. This is accomplished through the AEMS, an ISO 14001 certified Airport Environmental Management System through which the airport's environmental performance is monitored; airport-wide environmental management practices are continually improved; and employees receive environmental training. The Westchester County Airport was, in 2004, the third airport in the U.S. to achieve

COMMENT LETTER D4 – EMAIL SUBMITTED BY CALEB JONES
Page 2 of 2

this level of environmental performance.

http://airport.westchestergov.com/environmental-management-system?task=view

1 I hope STS becomes the next Westchester/White Plains airport, no I hope you become better than HPN.

If you need me to go to bat for you, I'd be more than happy.

Keep up the good work,

Caleb Jones
kayy911@msn.com

RESPONSE TO COMMENT LETTER D4 – EMAIL SUBMITTED BY CALEB JONES

D4-1 This comment does not specifically address the analyses contained in the Draft EIR. Therefore, the comment regarding the environmental initiatives at White Plains Airport in New York is acknowledged and will be forwarded to and considered by the decision-makers at the County of Sonoma Planning Commission and the County of Sonoma Board of Supervisors.

COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION
Page 1 of 13

NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., GOVERNOR

DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

September 27, 2011

VIA EMAIL: Crystal.Acker@Sonoma-County.org
Ms. Crystal Acker
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403

Subject: DEIR for the Sonoma County Airport Master Plan Implementation Project - SCH# 2008062022

Dear Ms. Acker:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEIR for the Sonoma County Airport Master Plan Implementation Project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The project is the expansion of the existing Charles M. Schulz – Sonoma County Airport through a 20-year Master Plan. The short-term project elements are being reviewed at a project level of analysis. The long-term projects proposed to be implemented between 2015 and 2030 are being reviewed at a programmatic level of analysis.

1 Prime Farmland, Unique Farmland, Farmland of Statewide Importance, and Farmland of Local Importance are all located within the Airport's existing boundary and in areas that would be acquired as a result of the proposed project. Three parcels proposed for acquisition are under Williamson Act contract. These parcels are currently planted with grapevines and it is the Airport's intent to continue to lease this land to the current grower.

The DEIR claims that the majority of the existing airport is mapped as Urban & Built Up Land. However, portions of the airport are also mapped as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance by the Department's Farmland Mapping and Monitoring Program. Most of the parcels proposed for acquisition provide approach zone protection and are mapped as farmland. The existing land use of these areas would not change. In many cases, these lands would continue to be leased to active agricultural operations.

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION
Page 2 of 13

A small amount of farmland would be paved or graveled over by the proposed runway extensions and internal service roads. None of this area is currently under cultivation due to it close proximity and the incompatibility it would create with existing aircraft operations. Furthermore, this land cannot be farmed in the future as long as the Airport remains active.

The DEIR goes on to say that the project would not result in the loss of any active farmland and there would be no change in existing land use, as the land would not be farmed in the foreseeable future with or without the proposed Project. The 14 acres of prime farmland, which are on Airport property and have not been under agricultural use for more than 60 years, would be used to extend the two runways and their respective RSA's. Since this land has been in ownership by the County for aviation-related uses since 1949 (i.e., prior to 1984 when the Farmland Protection Policy Act (FPPA) was enacted), and this is not considered to be an impact to farmlands within Sonoma County. The FPPA is intended to minimize the impact Federal programs have on unnecessary and irreversible conversion of farmland to nonagricultural uses. However, activities not subject to the FPPA include construction within an existing right-of-way purchased on or before August 4, 1984.

1

Division Comments

The DEIR states that as a result of the Proposed Project, the County would acquire Williamson Act Farmlands, located in acquisition Areas 2 and 5 prior to future project implementation. The County of Sonoma would terminate all Williamson Act contracts on these parcels.

Williamson Act Easement Exchange Program

The Williamson Act Easement Exchange Program is very complex. Please see the attached explanation of the process and contact our Division if you have any questions.

Eminent Domain Issues

Public agency acquisition of Williamson Act land must meet the requirements of acquisition by eminent domain or in lieu of eminent domain (e.g., Code of Civil Procedure 1230.010 et seq. and Government Code §7260 et seq.) in order to void the contract pursuant to §51295.

The Department does not provide counsel regarding eminent domain law but encourages the County to obtain legal counsel for this purpose. However, when an acquisition by a public agency with eminent domain authority occurs without the use of eminent domain power, the contract remains in effect until and unless terminated by nonrenewal (§51245), cancellation (§51282 – 51284.1), easement exchange (§51256 - 51256.1) or rescission and entry into an open space easement (§51255). If the contract continues in effect, the uses on the land proposed by a public agency must be compatible with the contract, local rules and ordinances, and Williamson Act statute. If an agency does not have eminent domain authority or chooses not to carry out its eminent domain authority, then the project should be pursued through the termination processes mentioned below.

COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION
Page 3 of 13

Williamson Act Cancellations

Under California Code of Regulations Section 15206(b)(3), a project is deemed to be of statewide, regional or area-wide significance if it would result in the cancellation of a Williamson Act for any parcel of 100 or more acres.

Sections 51282 through 51285 outlines the steps necessary for the cancellation of a Williamson Act contract. Section 51284.1 requires the notice for a tentative cancellation of a contract to be sent as soon as the cancellation application is deemed complete, but not less than 30 (thirty) days prior to the scheduled action by the Board or Council. The Board or Council must consider any comments submitted by the Department when making their findings. A notice of the hearing and copy of the landowner's petition shall be mailed to the Director of the Department of Conservation 10 (ten) working days prior to the hearing as a separate application from any CEQA document. The notice must be mailed to: 1

Derek Chernow, Acting Director
Department of Conservation
C/o Division of Land Resource Protection
801 K Street MS 18-01
Sacramento, CA 95814-3528

Under Government Code section 51282, the city or county must approve a request for cancellation and base that approval on specific findings that are supported by substantial evidence. When cancellation is proposed, the Department recommends that a discussion of the findings be included in the CEQA document.

Thank you for giving us the opportunity to comment on the DEIR for the Sonoma County Airport Master Plan Implementation Project. Please provide this Department with the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,

John M. Lowrie
Program Manager
Williamson Act Program

cc: State Clearinghouse

Enclosures: Williamson Act Public Acquisition Process,
Acquisition Notification Provisions of the Williamson Act
Williamson Act Easement Exchange Program Process

COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION
Page 4 of 13

Williamson Act Public Acquisition Process

The following is information about public acquisition and the notification process for public acquisition of land located in an Agricultural Preserve and/or under Land Conservation (Williamson) Act contract:

What is Public Acquisition?

- Acquisition of land located in an "agricultural preserve" by a "public agency" or "person" (Government Code section 51291, subd. (a)) for a "public improvement" as defined by Government Code section 51290.5 (which includes interests in real property).

When is Notice Required?

- Whenever it appears that land within an agricultural preserve may be required by a public agency or person (acting on behalf of a public agency) for a public use, the public agency or person shall advise the Director of Conservation and the local governing body responsible for the administration of the agricultural preserve of its intention o consider the location of a public improvement within the preserve (Government Code section 51291(b)).

What Notice is not Notice.

- Public Acquisition Notice must be provided separately from CEQA environmental notice. CEQA Notice does not equal Williamson Public Acquisition Notice.

What are the Legal Requirements for Notice?

- The requirement to notice occurs three times in Williamson Act statute.

FIRST NOTICE: A public acquisition must notify (1) the Director of the Department of Conservation and (2) the local jurisdiction administering the agricultural preserve (City/County) when the public acquisition has the intention to acquire land in an agricultural preserve for a public purpose (Government Code section 51291(b)).

The **First Notice** prior to acquisition should include the following information:

1. The public agency's explanation of [its] preliminary considerations of the findings of Government Code section 51292 (a) and (b));
2. A description of the agricultural preserve land the public agency intends to acquire for the public improvement;
3. A copy of any Williamson Act contract which pertains to the subject land (Government Code section 51291(b)).

- The Department must be notified in advance of any proposed public acquisition (Government Code sections 51290-51295), and specific findings must be made by the public agency.
- The public agency must consider the Department of Conservation's comments in response to the first notice prior to taking action on the acquisition.
- The property must be acquired by eminent domain or in lieu of eminent domain in order to void the contract (Government Code section 51295).

COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION
Page 5 of 13

SECOND NOTICE:

Second Notice occurs within 10 days of acquisition and should include:

- After acquisition (escrow has closed), the public acquisition shall notify the Director of Conservation within 10 working days (Government Code Section 51291 (c);

1. The notice shall include a general explanation of the decision and the finings made pursuant to section 51292.
2. A general description, in text or by diagram, of the agricultural preserve land acquired (a vicinity map is good);
3. And, a copy of any applicable Williamson Act contract(s).

THIRD NOTICE (if needed):

- If there is a significant change in the public improvement, the public acquisition must provide notice to the Department and the local jurisdiction (e.g. the amount of land acquired increases or decreases, or project design changes) (Government Code section 51291(d)); **OR**
- If the public acquisition decides not to acquire the property and/or decides to return the property to private ownership;
- If the public acquisition decides not to use the land for the public improvement the land must be placed under a contract that is as restrictive as the one it was under before acquisition occurred (Government Code Section 51295).

All required Notices should be sent to:

Department of Conservation
Division of Land Resource Protection
801 K Street, MS 18-01
Sacramento, CA 95814-3528

COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION
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ACQUISITION NOTIFICATION PROVISIONS OF THE WILLIAMSON ACT

Notification provisions of the Williamson Act (Government Code Section 51291) require an agency to notify the Director of the Department of Conservation of the possible acquisition of Williamson Act contracted land for a public improvement. Such notification must occur when it **appears** that land enrolled in a Williamson Act contract may be required for a public use, being **acquired**, the original public improvement for the acquisition is **changed**, or the land acquired is **not used** for the public improvement. The local governing body responsible for the administration of the agricultural preserve must also be notified.

NOTIFICATION (Government Code Section 51291 (b))

The following information must be included in the notification correspondence.

1. The total number of acres of Williamson Act contracted land to be acquired and whether the land is considered prime agricultural and according to Government Code Section 51201.
2. The purpose for the acquisition and why the parcel was identified for acquisition. If available, include documentation of eminent domain proceedings or a property appraisal and written offer in lieu of eminent domain per GC §§7267.1 and 7267.2 to void the contract per §51295; include a chronology of steps taken or planned to effect acquisition by eminent domain or in lieu of eminent domain.)
3. A description of where the parcel(s) is located.
4. Characteristics of adjacent land (urban development, Williamson Act contracts, noncontract agricultural, etc.)
5. A vicinity map and a location map (may be the same as #8)
6. A copy of the contract(s) covering the land.
7. CEQA documents for the project
8. **The findings required under GC Section 51292 , documentation to support the findings and an explanation of the preliminary consideration of Section 51292** (Include a map of the proposed site and an area of surrounding land identified by characteristics and large enough to help clarify that no other, noncontract land is reasonably feasible for the public improvement).

ACQUISITION (Government Code Section 51291 (c))

The following information must be included in the notification when land within an agricultural preserve has been **acquired**. The notice must be forwarded to the Director within **10 working days** of the acquisition of the land. The notice must also include the following:

1. A general explanation of the decision to acquire the land, and why noncontracted land is not available for the public improvement.
2. Findings made pursuant to Government Code Section 51292, as amended.
3. If the information is different from that provided in the previous notice sent upon consideration of the land, a general description of the land, and a copy of the contract covering the land shall be included in the notice.

COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION
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SIGNIFICANT CHANGE IN PUBLIC IMPROVEMENT (Government Code Section 51291 (d))

Once notice is given as required, if the public agency proposed any significant change in the public improvement, the Director must be notified of the **changes** before the project is completed.

LAND ACQUIRED IS NOT USED FOR PUBLIC IMPROVEMENT (Government Code Section 51295)

If the acquiring public agency does not use the land for the stated public improvement and plans to return it to private ownership, **before** returning the land to private ownership the Director must be notified of the action. **Additional requirements apply.** The mailing address is:

Department of Conservation
801 K Street, MS 18-01
Sacramento, CA 95814
phone (916) 324-0850

COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION
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NAVIGATING WILLIAMSON ACT EASEMENT EXCHANGE PROGRAM PROCESS

The Williamson Act Easement Exchange Program (WAEEP) combines the Williamson Act's (WA) cancellation procedure and elements of the California Farmland Conservancy Program (CFCP) easement program. The WAEEP provides a contract rescission process that includes added incentives and requirements. The WAEEP project must be sponsored jointly by the landowner and the local government and is subject to the approval of the Director of the California Department of Conservation (Department).

A landowner using the contract *cancellation* process pays a cancellation fee. The local government conducts the cancellation proceeding subject to comment from the Department. In contrast, *rescission* is initiated by the local government and requires Department approval. In rescission *two* exchanges take place. The contract is exchanged for the permanent agricultural conservation easement in lieu of actual payment of the cancellation fee. The easement must have a value equal to or more than the amount of the cancellation fee. In addition, the easement land must be the same size or larger than the land under contract.

At some point before a project's cancellation process is complete, a landowner may seek to *convert* a cancellation proceeding into a rescission proposal by entering into a Rescission Agreement and submitting a Rescission Application to the Department. However, if rescission is desired, it should be planned for beginning with a pre-application consultation with the Department.

The Department recommends the following process when considering the WAEEP. Sections referenced are from the California Government Code 51200 et. seq. and the Public Resources Code 10250 et. seq., unless otherwise noted.

Pre-Application Consultation

Prior to submitting a WAEEP cancellation/rescission application to the local government and prior to submitting a rescission application to the state, consultation with the Department is recommended at the earliest possible time regarding:

- The cancellation/rescission criteria applicable to the land proposed to be removed from the Williamson Act
- Scoping the content of the EIR for the proposed alternate use (development) on the Williamson Act land proposed for rescission/cancellation
- The necessity to complete action at the local government level prior to action by the Department
- Identification of a land trust or other qualified organization to hold the permanent agricultural conservation easement(s)
- Location and suitability of proposed and alternative easement land(s).

Updated 5/2007 Williamson Act Easement Exchange Program Process 1

COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION
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CEQA

A local government must make a CEQA determination for all Williamson Act contract cancellations (§51282(f)). Categorical exemptions are not applicable. Contract cancellations of 100 acres or more are deemed to be projects of statewide, regional or area wide significance, and these CEQA documents must be circulated through the State Clearinghouse. (California Code of Regulations Section 15206(b)(3)). An initial study must review all agricultural lands issues. Requirements in the specific contract that are more restrictive than those in the statute must also be analyzed in the CEQA documents.

CEQA documents must recognize the Department as a Responsible Agency for WAEEP purposes. (PRC§ 21069) The document should include a map of proximate Williamson Act contracted lands and address each of the cancellation findings. The WAEEP findings that must be reviewed by the Director, including the CFCP easement eligibility and selection criteria should also be addressed.

CEQA requires that significant impacts to the environment, including conversion of agricultural lands, be mitigated. (PRC§21081). As a Responsible Agency, the Department will require that mitigation for agricultural land conversion be included in the EIR. It is important to remember that the lands put under easement through the WAEEP process are in lieu of paying a cancellation fee to the state, and cannot be considered mitigation for the conversion of land. (§51256).

Rescission Phase I: Contract Cancellation Process

The owner of the Williamson Act contracted land completes a cancellation petition and submits it to local government and the Department for review. If cancellation findings and requirements can be met, the landowner proceeds with the following process:

1. The Lead Agency completes the CEQA process for the alternative use proposed for the contracted land. The Department participates as a Responsible Agency in the Lead Agency's CEQA process on the alternate use proposed for the Williamson Act contracted land when rescission is proposed. The CEQA documents must contain analysis of the environmental impacts resulting from development of the alternative use. Notice of Preparation, Draft Environmental Impact Reports and other CEQA documents should be submitted to the Department for review and comment prior to Department comment on the cancellation notice.

2. The landowner submits a petition for WA contract cancellation to the local government having jurisdiction over the contracted land. When the board /council accepts the petition application as complete it sends a notice to DOC with specific information. (§51282, 51284.1)

3. DOC reviews the cancellation notice, proposed findings, CEQA and other applicable documents. DOC notifies the local government of review results. If DOC does not agree that the findings are appropriate and supportable, the landowner can resubmit, attempt to move forward on just contract cancellation, or withdraw the cancellation petition. (§51284.1(c)).

4. The County Assessor must determine the cancellation valuation of the land and the cancellation fees. (§51283).

Updated 5/2007 Williamson Act Easement Exchange Program Process 2

COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION
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5. After notice to the public, DOC, and WA contract holders within one mile of the proposed cancellation; a public hearing must be held. (§51284).

6. When the board or council approves the tentative cancellation it passes a resolution that includes documenting the justification for findings. (§51283.4)

It is important that the Department agrees that required cancellation findings may be met in order for the rescission process to proceed. The Department receives a large portion of the information necessary for completion of Rescission Phase I from the local government processing the cancellation petition.

Nonrenewal Of The Williamson Act Contract

If the landowner desires to change the use of the land under contract to uses other than agricultural production and compatible uses, the preferred procedure according to the California Supreme Court is to file a notice of nonrenewal. Cancellation and rescission are not permissible when the objectives to be served by cancellation can be accomplished by nonrenewal or if the objectives to be served should have been predicted and served by nonrenewal in the past. So that development is planned for well in advance, landowners and local governments should undertake nonrenewal to terminate contracts whenever it appears that development will occur within ten years.

Rescission Phase II: Easement Exchange Proposal

The landowner and the local government enter into a Rescission Agreement that includes authority for submission of a Rescission Application to the Department and for the other necessary actions to complete the easement exchange. A CEQA determination is necessary for the agreement. A revised agreement may be required before the application is approved.

The landowner provides all of the information required for Department review in Rescission Phase II:

- Draft rescission findings (Government Code section 51256)
- Pertinent portions of the city or county's general plan that demonstrate a long-term commitment to agricultural land conservation as reflected in the goals, objectives, policies and implementation measures of the general plan relating to the conservation easement area. (Local policies may include Right to Farm Ordinances, Agricultural Elements, zoning designations for the easement area and any other local agricultural conservation policies.) (§51256, 105251(b), 10252(c)).
- A map or detailed description indicating how the proposed easement area would likely be converted to nonagricultural use in the foreseeable future without protection. (Include a clear and substantial description of the development pressures affecting the proposed easement area.) (§51256, 10251(c)).

The Department determines if it has sufficient information for its Phase II review. If the Department determines that the rescission findings cannot be met, the landowner is advised that proceeding with a Phase III of the application is inadvisable, or if the Department staff finds that making the rescission findings may be feasible, it recommends that the landowner complete remaining pre-application procedures and consider preparation of a full rescission application.

COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION
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Rescission Phases III & IV

The landowner submits the final components of the rescission application to the Department. This consists of ***eight*** key components, including Rescission Agreement, Final EIR, easement holder identification, easements lands identification, easement appraisal, and escrow instructions.

Rescission Phase III

Rescission Agreement (see Rescission Phase II above)

Certified Final EIR (with full analysis of the rescission)

Identify Qualified Easement Holder - A qualified easement holder is identified.

- The qualified easement holder (steward) may be a nonprofit land trust, conservancy or foundation, a resource conservation district, a regional park or open space district, a regional park or open space authority, a city, or a county.
- The preferred qualified easement holder or a co-holder is a nonprofit land trust, conservancy or foundation with experience holding and monitoring agricultural conservation easements and that has a governing body that is committed to conservation of agricultural land.
- The organization should demonstrate in its mission and actions, such as in its community outreach program, a commitment to the preservation of working agricultural lands, a commitment to agriculture as a preferred land use, and a commitment to supporting commercial agricultural operations. Its bylaws must include a mission to protect agricultural lands.
- It must demonstrate easement management and agricultural land conservation expertise, including the fiscal and technical capacity to draft, hold, monitor and enforce the easement, and including defending the easement through litigation if necessary (Public Resources Code section 10252 (f) and Civil Code 815.7).
- Private organizations must be tax exempt and qualified nonprofit organization under Internal Revenue Code (IRC) sections 501(c)(3) and further qualify under IRC sections 170(b)(1)(A)(vi) or 170(h)(3).
- It must meet the organizational purpose requirements of Public Resources Code sections 10211 and 10221, and Civil Code 815.3(a).

Identify Qualified Easement Lands

Qualified lands and optional lands are proposed for easements. The landowner of Williamson Act contracted land initiates a cooperative effort with qualified easement holders, the Department or others to find qualified easement areas that:

- Are the same size or larger than the Williamson Act contracted area proposed for cancellation (§51256(c)).
- Have the same dollar value or greater than the cancellation fee required to cancel Williamson Act contract (§51256(d)).
- Substantially meets the easement elements required in Public Resources Code sections 10251 and 10252.

Updated 5/2007 Williamson Act Easement Exchange Program Process 4

COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION
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- As demonstrated by review of a preliminary report from a title company, appear to be without title impediments.
- Are demonstrated in a preliminary manner to not have boundary or other disputes.

The Department schedules an initial site visit of the proposed easement areas with the landowner, easement holder and local government representative to assess the characteristics of the proposed easement parcel. If the pre-application review indicates that the proposed easement parcel may not be satisfactory, the landowner can propose a different easement area, or enlarge or enhance the proposed easement area.

If the Department agrees that the proposed easement meets the requirements above, the landowner submits pre-application easement land review material to the Department for the proposed easement(s) and/or an alternate easement or easements:

- Phase I Environmental Assessment
- A preliminary report from a title company
- Identification of all interests in the land, including owners, leases, etc.
- Any available surveys, maps, reports, water rights, and other documents for the easement properties.

If the Department agrees that the proposed easement meets requirements, an agricultural conservation easement should be drafted and an easement appraisal begun.

Draft Agricultural Conservation Easement

The Department's Model easement for the WAEEP is used or the easement holder drafts an agricultural conservation easement satisfactory to the easement landowner. When easement language is complete, and identifies all elements, it is signed off by the easement holder and the easement landowner.

The easement is submitted to the Department for review at the earliest feasible time. The easement must have the fundamental characteristics found in agricultural conservation easements.

The Department reviews and evaluates the easement and works with the landowner and easement holder to complete an easement draft adequate for purposes of appraising the value of the property affected by the easement. The easement language remains open for changes throughout consideration of the project and is not finalized until escrow. Changes to the easement language could necessitate going back and repeating one or more of the above steps.

Easement Area Appraisal

1. Landowner hires a State of California certified general real estate appraiser to determine easement value.
2. Appraiser follows appraisal specifications required by Department of General Services (DGS) to complete appraisal.
3. The easement appraisal is submitted to DOC for review and evaluation.
4. DOC reviews and evaluates easement appraisal and submits to DGS. If DGS indicates that the appraisal was not adequate, landowner can contact DOC for recommendations,

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COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION
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and modify easement language, seek another easement appraisal, or withdraw the easement exchange proposal.

5. The appraiser's easement valuation will, in most cases, need to reviewed again near escrow because of changes in easement language, passage of time, the requirement that the appraisal be made within 30 days of the Rescission Agreement, and in the event that market conditions change.

Rescission Phase IV

Draft Escrow Instructions

A draft of comprehensive escrow instructions necessary to carry out all elements of the transaction must be submitted to the Department. For good cause shown, the draft instructions may be submitted to the Department for its review separate from the application binder.

Title Insurance for the State

The project is finalized at the local government level. The landowner submits to the local government for review and preparation of rescission findings and resolution of project support or rejection. If local government can make the findings and approve the project, the local government prepares an approval and transmittal form and submits material to DOC for review.

Department Review

1. The Department determines if the easement exchange application is complete. If the application is not complete, the Department identifies needed information and tasks.
2. The Department reviews the project.
3. The Department may determine that an agreement between the applicant and/or landowner and the Department is necessary.
4. The Department completes tasks necessary to assure that the rescission can be successfully carried out.

Department Decision

If all findings required cannot be made the project is denied by DOC. DOC then informs the local government and the landowner of the decision with an invitation to contact DOC if the landowner wishes to modify project.

If DOC can make findings, project is approved. The Director sends an approval letter to the applicant, local government, and easement holder.

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RESPONSE TO COMMENT LETTER D5 – LETTER SUBMITTED BY CALIFORNIA DEPARTMENT OF CONSERVATION

Note: This comment letter was submitted individually by both the California Department of Conservation and the State Clearinghouse on behalf of the California Department of Conservation. For economy, it is only included once in this document.

D5-1 This comment does not specifically address the analyses contained in the Draft EIR, but rather describes the project and outlines the process for cancelling a Williamson Act contract. Therefore, the comment regarding the Williamson Act cancellation process is acknowledged and will be forwarded to and considered by the decision-makers at the County of Sonoma Planning Commission and the County of Sonoma Board of Supervisors.

COMMENT LETTER D6 – EMAIL SUBMITTED BY SONOMA COUNTY BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

Dear Crystal:

On behalf of the Sonoma County Bicycle and Pedestrian Advisory Committee (SCBPAC), thank you for the opportunity to comment on the Draft EIR for the Airport Master Plan.

1 In Chapter 3.12 of the DEIR regarding Transportation and Traffic, Impact 3.12.11 outlines impacts to bicycle facilities for 2030. The only impact identified in the DEIR is along Skylane Blvd. between Airport Blvd. and Shiloh Road. The report states that traffic increases along Skylane Blvd. would potentially increase safety concerns for bicycle riders along this route. The SCBPAC feels that a similar potential safety impact to bicycle riders would potentially occur along the Brickway Blvd. route when it is extended over Mark West Creek and connects to River Road via Laughlin Road. Brickway Blvd. Extension is included as a Class II bicycle lane project in the 2010 Sonoma County Bicycle and Pedestrian Plan. With the planned extension of Brickway Blvd. south to River Road, motor vehicle traffic along this route will increase. Similar to Mitigation Measure 3.12.11 for Skylane Blvd., please consider requiring that the County provide a fair share contribution toward the provision of Class II bicycle lanes along Brickway Blvd., Brickway Blvd. Extension, and/or Laughlin Road between Airport Blvd. and River Road.

Once again, thank you for the opportunity to comment on the DEIR for the Airport Master Plan.

Sincerely,

Steven Schmitz, Staff
Sonoma County Bicycle and Pedestrian Master Plan
707-585-7516

Cc: Mitch Simson, County TPW

RESPONSE TO COMMENT LETTER D6 – EMAIL SUBMITTED BY SONOMA COUNTY BICYCLE AND PEDESTRAIN ADVISORY COMMITTEE

D6-1 As stated on page 3.12-10 of the Draft EIR, Brickway Boulevard is a planned circulation system improvement. Because that project is already assumed to be constructed by 2015 and includes a Class II bicycle lane as part of the project, there is no need for the Airport to provide a fair share of funding for the project to mitigate for impacts to bicycle facilities in 2030.