



September 20, 2017

Allan Calder, AICP
Siskiyou County
Community Development Director
806 S. Main Street
Yreka, Ca.
96097

Re: Comments Regarding Crystal Geysers FEIR

Dear Mr. Calder:

The City of Mt. Shasta is in receipt of Siskiyou County Planning Commission Staff Report regarding Crystal Geysers' Use Permit Application and Final Environmental Impact Report.

On September 18, 2017 Mt. Shasta City Council held a special City Council meeting to take public comment and formulate the City's official response to Use Permit Application, UP-16-03, and the potential Certification of the Final Environmental Impact Report, FEIR, on the project. The City of Mt. Shasta has concluded that the FEIR fails to adequately address the concerns of the City of Mt. Shasta as set forth in our response to comments, February 24, 2017, regarding the Draft Environmental Impact Report. The City's specific concerns regarding the FEIR are set forth in this cover letter and the attached document prepared for the City by ENPLAN . Because of the complexities of the project and the degree of public concern, the City of Mt. Shasta respectfully requests that Siskiyou County, at a minimum, take the following actions;

1. Withdraw the Crystal Geysers User Permit Application from the Planning Commission's September 20, 2017 meeting agenda,
2. Extend the period for public comment on the Final EIR to October 31, 2017
3. Agree to meet with representatives of the City of Mt. Shasta with the intent of developing a clearer understanding of the identified environmental impacts, the proposed mitigation measures and associated public concerns, examples of which are identified below and more thoroughly discussed in the attachment :

- a. 14.12-1 Utilities, the FEIR more than doubles the volume of waste water discharge identified in the DEIR an amount agreed to by the City and Crystal Geysers after months of negotiation. This condition must be changed back to the original agreed upon amount of 0.024 mgd at any time. Because of this discrepancy, and the potential catastrophic impact to the City's waste water system the City of Mt. Shasta requests that the EIR be changed and recirculated for public comment.
 - b. The FEIR indicates that the leach field system is under the jurisdiction of the State of California and outside the City's jurisdiction. However, Crystal Geysers has applied for a permit to use these leach fields for waste water disposal in an area that could affect the City's drinking water system. Again, the EIR must address this issue and be recirculated for public comment.
 - c. Section 4.8 Hydrology and Water Quality needs to be reanalyzed and a data collection program be instituted to determine Project impacts on the aquifer over time.
 - d. As pointed out in the City's response to the FEIR, attached, the cumulative impacts on City streets require a mitigation measure in the form of a Road Maintenance Agreement between the City and Crystal Geysers.
4. Agree to immediately commence negotiations of a Cost Sharing Agreement regarding the Fiscal Impacts of the proposed Crystal Geysers project on the City of Mt. Shasta. The City of Mt. Shasta requests that this Agreement be executed and incorporated into the Final Environmental Impact Report.

This cover letter and the attached City comments prepared by ENPLAN, and incorporated herein by reference, constitute the City of Mt. Shasta's comments regarding the inadequacies of the Final Environmental Impact Report on the Crystal Geysers Project.

Respectfully Submitted,

Bruce D. Pope

Bruce D. Pope
City Manager

RE: Proposed Crystal Geysir Bottling Plant Project, Review of Responses to Comments

COMBINED COMMENTS (Original Comments Letter of September 15, 2017, and additional comments of September 19, 2017)

Note: Because the County has determined that their Planning Commission can certify the FEIR, that language has been deleted.

On February 24, 2017, the City submitted written comments to Siskiyou County on the Draft EIR. In reviewing the Draft EIR (DEIR), the City considered comments it previously submitted in response to the June 24, 2016, Notice of Preparation (NOP). The City's DEIR comment letter also addressed additional concerns regarding potential impacts to the community and its residents related to lighting, glare, hydrology and water quality, noise, and traffic.

The County recently made the FEIR available for public review, and a Siskiyou County Planning Commission Public Hearing on the Project will be held on Wednesday, September 20, 2017. Pursuant to §21177 of the Public Resources Code, any party that challenges the EIR and/or Use Permit in court may be limited to raising only those issues they, or someone else, raised at the public hearing, or in written correspondence delivered to the Clerk of the Planning Commission prior to or at the public hearing.

Following is a summary of the City's comments, the FEIR Responses to Comments and a recommended determination as to whether the City's comments were adequately addressed. First and foremost, according to the Staff Report for the Planning Commission meeting, the Planning Commission intends to certify the EIR for the proposed Project.

Several of the Responses to Comments state that the County's standard first Condition of Approval on use permits requires that the project substantially conform to the project description as submitted to the County, and the environmental document prepared for the project as recommended for adoption. For example, if a measure, such as installing a traffic sign, is included in the Project Description, a separate mitigation measure is not required.

ENPLAN reviewed the proposed Siskiyou County Planning Commission Resolution for the Project. Condition 1 of the proposed County Resolution states:

The project shall substantially conform to the application submitted March 18, 2016, including any materials subsequently submitted to the Planning Division prior to the application being deemed complete, and as approved by the Siskiyou County Planning Commission on September 20th, 2017. Any proposed amendment shall be submitted for consideration by the Planning Director to determine the review process pursuant to the Siskiyou County Code.

The proposed Condition does not reference the FEIR or specifically reference the Project Description. We recommend this Condition of Approval be revised as follows. The language below has been included in other Resolutions adopted by the County and will ensure compliance with the certified FEIR for the Project.

The project shall substantially conform to the project description approved by the Siskiyou County Planning Commission on _____, 2017, and in the certified Final Environmental Impact Report

prepared for the project (SCH #_____). Any proposed amendment(s) shall be submitted for consideration to the Deputy Director of Planning to determine the review process pursuant to the Siskiyou County Code.

SECTION 4.12 UTILITIES

FEIR Comments A4-2, A4-3, and A4-5;

Responses: Pages 3-72 and 3-73 of the FEIR

Summary of the City's Comments on DEIR

Sewer System

Although a parallel 12-inch pipeline would accommodate Crystal Geysers 0.05 mgd PWWF, the City requests implementation of Option P2 (dual 18-inch pipelines), which would accommodate ultimate flows for the planned buildout of the City as recommended in the City's Master Sewer Plan.

Pursuant to Mt. Shasta Municipal Code (MSMC) Section 3.55.090 (Developer Construction of Facilities), when a developer is required to construct a public facility which has supplemental size, length or capacity over what is needed to address the impacts of that development, a reimbursement agreement with the developer and a credit against the applicable impact fee will be offered. The reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burdens created by the development.

The City of Mt. Shasta requests that Wastewater Treatment Option 1 be the recommended mitigation option. Under Wastewater Treatment Option 1 all domestic and industrial rinse and process wastewater would be discharged into the City's municipal sewer system through the existing connection at the southwest corner of the project site.

Requested Mitigation Measures:

- Mitigation Measure 4.12-1 (pg. 4.12-20) needs to be amended to delete "or eliminate" from the last sentence. The City does not see any scenario in the future that would allow elimination of maximum daily flow limits on the Crystal Geysers plant.
- The City requests a mitigation measure requiring installation of dual 18-inch pipelines (Option P2), which would address cumulative impacts. Crystal Geysers would receive credit toward their impact fee as discussed above.
- The City of Mt. Shasta requests the final EIR state that Wastewater Treatment Option 1 be the recommended mitigation for the development's wastewater treatment. Based on the evidence presented, the City of Mt. Shasta believes Option 1 is the most beneficial to the environment.

Summary of Response to Comment:

Mitigation Measure 4.12-1 has been revised to delete the words "or eliminate."

The FEIR has been supplemented to acknowledge the City's preference for Option P2 (dual 18-inch pipelines) and Wastewater Treatment Option 1. Because the City is the responsible agency

for approval of the sewer pipeline upgrade and the Permit for Industrial Wastewater Discharge Drainage, the City has the discretion to require its preferred options.

A discussion of MSMC Section 3.55.090 (Developer Construction of Facilities) related to a reimbursement agreement has been added to the FEIR.

Determination:

It should be noted that Wastewater Treatment Option 4 (discharging industrial rinse wastewater and treated industrial process wastewater to the on-site leach field or to a proposed on-site irrigation system) has been eliminated as an allowable option (refer to FEIR Volume II, page 3-15).

Wastewater Treatment Options

The City requested that the final EIR state that Wastewater Treatment Option 1 be the recommended mitigation for the development's wastewater treatment. Based on the evidence presented, the City believes Option 1 is the most beneficial to the environment.

The Response to Comments states that the City has the discretion to require its preferred option; however, under Treatment Option 2, industrial rinse flows would be sent to the on-site leach field; under Treatment Option 3, industrial process and rinse flows would be sent to the on-site leach field. Although the City has the discretion to mandate its preferred treatment option, the City does not have the discretion to regulate the leach field.

In addition, the FEIR and Response to Comments (Number 16, page 3-17; Comment P25-3, page 3-116; Comment P35-14, page 3-143; Comment P36-66, page 3-160; Comment P36-235, page 202; Comment P139-2, page 3-376) state: The initial wastewater treatment option will be selected prior to project approval. It does not appear that the Planning Commission Staff Report, Resolution, or supplemental documentation identify the initial wastewater treatment option.

Treatment Option 1, with all wastewater flows going to the City's WWTP, is the only option that is acceptable to the City. Because the FEIR states that the treatment option will be identified prior to project approval, no action may be taken by the County until this is resolved.

Mitigation Measure (MM) 4.12-1

Crystal Geyser will meter all wastewater discharges to the City's sewer system so that maximum daily flows will not exceed the limit set forth in the Permit for Industrial Wastewater Discharge (currently anticipated to be 0.024 mgd under all weather conditions) 24,000 gpd or 0.05 mgd during PWWF conditions, whichever is more restrictive at any time. Wastewater discharges will be metered through the installation of an underground holding tank within the disturbed area of the project site south of the Plant and/or by limiting operation at the Plant to a single bottling line during anticipated PWWF events. Flow metering will be conducted continuously using an industrial sewer discharge magnetic flow meter and recorded daily pursuant to the Permit for Industrial Wastewater Discharge. Depending on the timing of flow contributions from the Plant relative to the timing of the WWTP expansion and infrastructure improvements, the City may elect to adjust ~~or eliminate~~ the permitted maximum daily flow of the Plant in the future.

According to the City's Public Works Director and PACE Engineering, Inc., with the exception of the deletion of "or eliminate" as indicated above, the proposed modifications are unacceptable, and the mitigation measure needs to be revised.

The City's Industrial Waste Discharge Permit will specify the allowable flows from the Project, and the conditions for which they are allowed, which is likely to be "at all times," with the caveat that the City has the discretion to further restrict and/or prohibit flows to the City's WWTP whenever the City deems it is necessary.

Therefore, the City's comments regarding utilities have not been adequately addressed.

SECTION 4.1 AESTHETICS

FEIR Comment A4-5

Responses: See Master Response 7 (Lighting Plan), page 3-7 and 3-8 of the FEIR; and Response A4-5, page 3-73 of the FEIR;

Summary of the City's Comments on DEIR

DEIR Section 4.1 (Aesthetics), page 4.1-11, describes proposed lighting improvements and states they would conform to MSMC Section 18.70.120. The lighting plan is discussed in more detail in DEIR Section 3.5.5 and supplemented by DEIR Appendix F. However, the lighting plan does not include all information required pursuant to MSMC Section 18.70.120, and no mitigation measures are included to ensure implementation of appropriate lighting standards. Page 3-31 of the Project Description indicates that building and free-standing signage will be constructed of non-reflective materials and will not be internally illuminated. However, it does not appear the DEIR addresses lighting fixtures that could be attached to the sign.

Requested Mitigation Measures:

The City requests a mitigation measure be included to require the final lighting plan and sign plans be reviewed and approved by the County, in consultation with the City, prior to commencement of operations. The final lighting plan must include all information identified in MSMC Section 18.70.120. The final signage plan shall demonstrate compliance with MSMC Chapter 8.52.

Summary of Response to Comment:

Because the Project site is located in the County and not the City, the City's municipal code requirements related to lighting plans do not apply. However, the lighting plan generally conforms to MSMC Section 18.70.120 relating to lighting standards for large-scale industrial facilities in that it includes fully shielded or cut-off lights to eliminate off-site light spills. Sign illumination will comply with the 1998 Mitigation Agreement, which includes provisions that signs shall not be internally illuminated, and shall not be constructed of reflective materials. These provisions align with Chapter 8.52 of the MSMC.

Determination:

A mitigation measure requiring final review of the lighting plan and sign plan was not included in the FEIR. However, although not referenced in the Response to Comments, Section 10-6.5823 of the Siskiyou County Code states that any sign permitted under the Siskiyou County Code may be illuminated, provided that no light bulb, tube, filament, or similar source of illumination is visible beyond the display face. The Siskiyou County Code gives discretion to the Planning Director to approve sign permits. The Director's decision may be appealed to the Planning Commission, and the Planning Commission's decision may be appealed to the Board of Supervisors.

Because the County's Codes align with the goals of the City's Code to eliminate off-site light spills, and the County's Planning Director reviews sign permits to ensure compliance with lighting standards, and an appeals process is available, it appears that the City's concerns can be addressed through the County's design review process.

SECTION 4.8 HYDROLOGY AND WATER QUALITY

FEIR Comment A4-6

Response: See Response A4-6, page 3-74 of the FEIR.

Summary of the City's Comments on DEIR

Municipal Water Supply; Cumulative Impacts

Page 4.8-30 of the DEIR states, "*Due to the local topography and residential zoning of adjacent properties to the northeast, there are no other reasonably foreseeable developments that would significantly utilize the groundwater aquifer for water supply. Therefore, cumulative impacts associated with groundwater supply are less than significant and no mitigation is required.*"

The City's 2010 Water Master Plan identifies development of a new well at the base of Spring Hill and the addition of an additional 1.0 million gallon reservoir on Spring Hill. These improvements are also identified in the 2011 City of Mt. Shasta Municipal Services Review Report. In addition, the City's General Plan Land Use Element (2007) identifies the Spring Hill area, north of the Crystal Geyser facility, as a special planning area in the City because of its unique development opportunities as well as the challenge of infrastructure limitations and development constraints. The City's General Plan calls for a Specific Plan that would set the proposed density.

The City's Impact Fee Report (2009), which identifies the Spring Hill area as the primary growth area for the City, states it is reasonable to assume approximately 2,585 dwelling unit equivalents (DUEs) within the vacant 341 acres. This could result in approximately 4,373 new residents, essentially doubling the population of the City.

The City's water system does not currently extend to or serve the Spring Hill area. Consequently, commercial uses have been approved and developed with private systems. This is generally contrary to the City's policies concerning water service for commercial uses and may complicate the development of a more efficient public water system in the future.

It does not appear the DEIR addresses potential impacts of the Project on the City's future municipal well or cumulative impacts associated with future well and residential development as

described above. The DEIR's conclusion that cumulative impacts to groundwater supply are less than significant is not supported, and the DEIR needs to be amended accordingly.

Requested Mitigation Measure:

Appropriate Mitigation Measures should be considered based on additional analysis as described above.

Summary of Response to Comment:

Cumulative Impacts

In accordance with CEQA, cumulative impacts are based on reasonably foreseeable development and growth projections contained in the City's and County's General Plans.

The City's Impact Fee Report acknowledges the General Plan growth rate of 0.63 percent, but applies a 1 percent assumption of growth to account for non-residential development. However, even the City's General Plan recognizes that historical growth has been less – between 0.35 to 0.42 percent in the 16 years prior to its adoption. In addition, U.S. Census Bureau data shows that the City has experienced an overall decrease in total population since 2009 (from 3,517 in 2009 to 3,292 in 2016), and indicates that the City's population continues to remain relatively flat.

Given the low growth rate in the City over the last decade, it is unknown when growth in the Spring Hill area would actually occur. Thus, any estimates for growth in this area would be speculative and beyond the scope of analysis required by CEQA.

Impacts on Municipal Well

As shown in the City's 2010 Master Water Plan, four potential future wells have been identified (Wells 3, 4, 5, and 6). Potential Well 3 is the closest proposed well to the Project site, approximately 700 feet southwest of the on-site Domestic Well and 2,500 feet southwest of Well DEX-6 (the production well). Potential Well 4, the next closest, is approximately 3,200 feet southeast of the Domestic Well and 5,000 feet southeast of on-site Well DEX-6; however, Well 4 is in a different watershed source area.

Timing for the construction of these new facilities is uncertain. The Master Water Plan does identify Spring Hill zone improvements in the City's full-buildout scenario, but none of these improvements are expected to be built within the 2030 planning horizon. In addition, the City's 2014-2018 Capital Improvement Program identifies Well 3 as a post-2018 future unfunded project. Thus, any estimates for growth in the Spring Hill area which would trigger the need for these new facilities would be speculative and beyond the scope of analysis required by CEQA. Although the pumping rates of the City's future municipal well are unknown, given the relatively minor effect of the Project on groundwater levels in the vicinity (less than 0.5 foot), the proposed project would not contribute to cumulative water supply impacts. This analysis has been added to the FEIR. *(Also see discussion under FEIR Comment A4-7 below).*

Determination:

In the absence of an adopted Specific Plan for the Spring Hill area that establishes allowable densities on which to base future water supply needs, we concur that development in the Spring Hill is speculative at this time. In addition, because growth rates in the City historically have been less than projected in the General Plan, and overall population has decreased in certain years,

the proposed Project's impacts to the City's water supply are anticipated to be less than significant.

FEIR Comment A4-7

Responses: See Master Response 17 (Groundwater Supply), pages 3-31 through 3-36 of the FEIR; Master Response 18 (Groundwater Quality), pages 3-36 through 3-40 of the FEIR; and Response A4- 7, pages 3-75 and 3-76 of the FEIR.

Summary of the City's Comments on DEIR

Groundwater; Water Quality

Pages 4.8-4 through 4.8-6 of the DEIR discuss the existing groundwater monitoring wells and reference the Hydrogeologic Evaluation prepared by Richard C. Slade & Associates LLC (RCS) (Appendix P). The DEIR describes groundwater parameters which have been measured and/or monitored on site, including:

- Well production rate;
- Chemical composition of pumped groundwater;
- Transmissivity and storativity indicating unconfined groundwater conditions;
- Water level drawdown impacts on adjacent wells;
- Depth to groundwater and seasonal fluctuations;
- Age of groundwater;
- Groundwater gradient direction;
- Groundwater flow rate; and
- Total Dissolved Solids (TDS).

The DEIR states the existing groundwater wells could be used to monitor these groundwater parameters in the future, if necessary.

The RCS report states, *"Generally, as pumping of a well continues, water quality conditions can change. ...when the plant was in operation, between early-2001 and late-2010, no data were available to help validate such changes over time, if indeed they did occur. Thus, the impact of future pumping on water quality conditions cannot readily be evaluated at this time"* (emphasis added). In addition, the RCS report (pp. 46-47) recommends phasing of the Project and well operations. A regular program of data collection and database maintenance would allow information to be reviewed by qualified groundwater professionals to determine changes in groundwater conditions over time. Examples of data collection efforts are included on page 46 of the RCS report.

The RCS report states that as pumping is conducted on a regular basis and as groundwater conditions change due to external factors (such as changes in precipitation), then the current and/or future proposed pumping program could be modified to adjust to such changes in conditions prior to expanding the groundwater production to the next higher pumping capacity. The RCS report provides the following examples for data review and interpretation:

- Plot the production volumes from each well, along with precipitation, static water levels and pumping water levels, in order to assess the impact of pumping on static water levels (SWLs) in all monitored sites.

- Conduct a longer-term aquifer test on the Domestic Well, in order to determine transmissivity (T) and storativity (S) values, if possible, of the “shallow” aquifer system and impact on other off-site wells. Preferably, this could be performed by packing off the “deeper” fractured rock aquifer system and pumping from only the shallower alluvial sediments. These alluvial sediments may not be able to yield significant quantities of water to a well, based on their fine-grained nature, although some sand and gravel layers could yield greater amounts, comparatively. Such testing could provide a final determination of this.
- Changes in spring flow over time should be plotted against total pumping of the plant wells and changes in precipitation over time.
- Plot temporal changes in key water quality constituents in groundwater samples from the wells. Tracking changes in these constituents would provide indications of any possible gross changes in the water quality that may be introduced by pumping of the well.

Requested Mitigation Measure:

The City requests mitigation be included to require a data collection program to determine Project impacts on the aquifer and off-site wells over time. The data collection program should be consistent with the recommendations included in the RCS report. A qualified groundwater professional selected by the County should conduct the monitoring and reporting, and results should be provided to the County, City, and other interested parties.

The data collection program should include parameters that must be met before the Project is allowed to expand groundwater production to the next higher pumping capacity.

Summary of Response to Comment:

A relatively large amount of geologic and hydrogeologic data related to the Proposed Project is available. As stated in the FEIR (Volume III, Appendix X, Attachment 1), “A bottling plant was in operation within the project site for approximately 10 years, between 2001 and 2010, and groundwater levels, pumping rates and precipitation data exist for this period of operation (pumping data exists between 2006 and 2010)...The data effectively provides a 10-year operational aquifer test with pumping from the same well (DEX-6) at rates comparable to those currently being proposed. Based on actual data collected over many years, it is possible to make confident and accurate estimates of the effects of the proposed pumping on groundwater levels.”

In response to comments submitted on the DEIR, additional analysis was completed and is included in the FEIR. This includes a *Supplement to Hydrogeological Report* (Volume II, Section 4.8.4, Impact 4.8-2; FEIR, Volume III, Appendix W; and *Analysis of Groundwater Level Data Technical Memorandum* (FEIR, Volume III, Appendix X).

The additional analysis included aquifer/pump testing of the Domestic Well conducted by RCS (FEIR Volume III, Appendix W), and an analysis of groundwater level effects completed by CH2M, and peer reviewed by RCS (FEIR, Volume III, Appendix X). The analysis included further consideration of historic groundwater levels, pumping levels from former Dannon plant operations, and precipitation (FEIR, Volume III, Appendix X, Attachment 3).

The aquifer/pump testing was completed to:

1. Provide water level and flow rate data needed to help determine potential water level drawdown impacts in other nearby selected on-site and off-site wells.
2. Determine the current specific capacity of the subject well while pumping at the maximum operational pumping rate of the well.
3. Provide data to help permit the direct calculation of the aquifer parameters of transmissivity (T), storativity (S), horizontal hydraulic conductivity (KH) of the aquifer(s), if the aquifer(s) is (are) unconfined. It is currently assumed that the aquifer system(s) is (are) under unconfined, water table conditions, rather than confined conditions.

The testing was conducted over a ten-day period and consisted of three parts: a baseline period of water level monitoring in selected observation wells prior to turning on the pump; a subsequent period of continuous pumping of the Domestic Well; and monitoring the water level recovery in the selected observation wells after the pumping portion of the test was completed. The actual pumping portion of the test was conducted at an average rate of 247 gallons per minute (GPM) for a continuous period of 72 hours (3 days).

This was a conservative rate as the estimated amount of water needed at full build-out of the Project with two bottling lines in production is about 16 GMP (18,367 GPD), assuming that the well is pumping 80 percent of the time. If the well were to be pumped at its maximum rate of 250 GPM to supply this demand, then it would need to pump for only about 73 minutes each day. Generally, the test concluded that:

1. The Domestic Well extracts its groundwater primarily from the lower aquifer system;
2. There is limited connectivity between the upper and lower aquifer systems in the vicinity of the Domestic Well; and
3. Operation of the Domestic Well as proposed would result in substantially less than 0.6 feet of drawdown at nearby off-site wells owned by others.

Specifically, as a result of pump testing, a maximum water level drawdown impact of approximately 0.6 feet was recorded in the Domestic Well. By the very nature of the cones of depression around a pumping well, it is known that the maximum water level drawdown will occur in the pumping well, with potential drawdowns decreasing as the distance from the pumped well increases. Additionally, during operation of the Project, the Domestic Well will likely be cycling on and off during the day as the demand is needed, rather than constantly pumping at the high rate as was tested during the pumping test.

Consequently, given the distance of the adjacent wells from the Domestic Well and the intermittent pumping that would actually occur during operation, impacts to adjacent wells would be substantially less than 0.6 feet of drawdown (previous operations at this site resulted in up to 1.5 feet of groundwater level fluctuation). Further, recharge to these wells would not be affected because the wells are generally located upgradient of the production wells at the project site (refer to DEIR, Appendix P).

Therefore, the conclusion that the Project would have less-than-significant impacts on surrounding groundwater wells, and no mitigation was needed, would not change as a result of the pump test. The Final EIR (Volume II, Section 4.8) has been updated to include information regarding the findings of the pump test.

Determination:

In addition to the information described above, included in FEIR (Volume III, Appendix X) is a *Technical Memorandum* prepared by Geosyntec Consultants and CH2M, June 7, 2017 (Geosyntec/CH2M Report). The authors of the Geosyntec/CH2M Report include Mark Grivetti, a Professional Geologist, Certified Hydrogeologist, and Certified Engineering Geologist in the State of California; and Jeffrey Zukin, a California Professional Geologist and Certified Engineering Geologist. Together, they have a combined total of 60 years of experience with development of groundwater for municipalities, industrial sites, agricultural, and domestic uses. Relevant experience includes evaluation of impacts associated with water supply development in terms of yield, sustainability, impact on surface water, evaluation of groundwater basins and bedrock aquifers, aquifer testing, geophysical and geochemical analysis, groundwater modeling, well field design, long-term groundwater yield analyses, development of spring sources, and watershed protection management.

Mr. Grivetti and Mr. Zukin also reviewed underlying reports, logs and other data cited in Appendix P of the DEIR, as well as other available data pertaining to hydrogeology and wastewater discharge. The Geosyntec/CH2M Report references the long-term groundwater monitoring data from the ten-year period of previous pumping operations, and concludes that the large amount of hydrogeologic data that has been collected at the site provides sufficient data on which to make a determination regarding potential pumping impacts.

The Report affirms that no matter how complex the aquifer conditions, because pumping has a minimal effect on the water levels in DEX-6, the proposed pumping from DEX-6 will have a minimal, if any, effect on water levels in surrounding wells. In addition, there was no long-term trend of water level decline in the aquifer associated with the ten years of prior pumping. As documented in the FEIR (Volume III, Appendix X), the changes in water level during this time are associated with changes in precipitation.

In addition, Crystal Geyser is required to conduct monitoring in accordance with Waste Discharge Requirements (WDRs) issued by the Central Valley Regional Water Quality Control Board (CVRWQCB). The requirements of WDR 5-01-233, and the recently issued Supplemental Monitoring and Report Program, indicate that quarterly monitoring of groundwater levels in MW-1, MW-2 and MW-3 is required and must be reported to the RWQCB. In addition, the production well (DEX-6), the Domestic Well, DEX-3A and DEX-1 also are currently equipped with data loggers, and groundwater level data collected from DEX-6, DEX-3A and DEX-1 also are reported to the RWQCB on a quarterly basis.

WDR 5-01-233 and Supplemental Monitoring and Reporting Program, also requires weekly, monthly and quarterly sampling of effluent, and quarterly monitoring of groundwater and then, if approved by the RWQCB, possibly annual monitoring of some constituents.

Included in the FEIR as Comment Letter P29 is a letter submitted by Timothy K. Parker, California Professional Geologist, Certified Engineering Geologist, and Certified Hydrogeologist with over 25 years of geologic and hydrologic professional experience.

Mr. Parker recommends that a groundwater-monitoring program be implemented, including a number of nearby domestic wells, to create a baseline of information, followed by periodic monitoring to measure any change in the system during the startup and implementation of plant operations. The neighborhood currently has a groundwater level monitoring program (The Big Springs Area Groundwater Elevation Study), which could be leveraged and/or integrated to assure groundwater resources are sustained in the area.

Mr. Parker also recommends that if monitoring reveals that the Project impacts residential domestic wells adjacent to the plant, mitigation measures should be included to require changing the plant groundwater production schedule and ramping down plant pumping to reduce or eliminate impacts to domestic wells.

Due to conflicting opinions of experts in the field of groundwater impact analysis, we concur that a data collection program to determine Project impacts on the aquifer and off-site wells over time is appropriate. This will provide more detailed information than water level monitoring required by the RWQCB.

The data collection program should include parameters that must be met before the Project is allowed to expand groundwater production to the next higher pumping capacity. In addition, the data collection program should include, at a minimum, the following actions:

- Plot the production volumes from each well, along with precipitation, static water levels and pumping water levels, in order to assess the impact of pumping on static water levels (SWLs) in all monitored sites.
- Conduct a longer-term aquifer test on the Domestic Well, in order to determine transmissivity (T) and storativity (S) values, if possible, of the "shallow" aquifer system and impact on other off-site wells. Preferably, this could be performed by packing off the "deeper" fractured rock aquifer system and pumping from only the shallower alluvial sediments. These alluvial sediments may not be able to yield significant quantities of water to a well, based on their fine-grained nature, although some sand and gravel layers could yield greater amounts, comparatively. Such testing could provide a final determination of this.
- Changes in spring flow over time should be plotted against total pumping of the plant wells and changes in precipitation over time.

Therefore, the City's comments regarding groundwater impacts have not been adequately addressed.

SECTION 4.10 NOISE AND VIBRATION

FEIR Comment A4-8

Responses: See Master Response 10 (Suggested Additional Mitigation Measures), Number 1 (Hours of Operation), Page 3-10 of the FEIR; and Response A4-8, page 3-76 of the FEIR.

Summary of the City's Comments on DEIR

A Noise and Vibration Impact Analysis for the proposed Project was completed by Bollard Acoustical Consultants, Inc. (Appendix T). The DEIR concludes impacts from traffic noise would be significant and unavoidable, and operational noise would be less than significant.

Page 4.10-27 of the DEIR acknowledges back-up alarms would be a primary noise source, and approximately 20 truck trips would occur during nighttime periods. The industry standard for most back-up alarms is a repetitive piercing beeping noise with a volume ranging from 97 to 112 decibels. The DEIR needs to be amended to include a discussion of daytime and nighttime impacts, including sleep disturbance, resulting from the use of back-up alarms.

In addition, the DEIR (pages 4.10-22 through 4.10-16) discusses the potential for excessive ground borne vibration during construction activities. To quantify vibration impacts, the Caltrans *Transportation and Construction Vibration Guidance Manual* (2013) was utilized. However, potential impacts related to vibration during operational activities were not analyzed, and the DEIR needs to be amended accordingly.

Requested Mitigation Measures:

The City requests a mitigation measure be included to state no truck traffic and no operation of vehicles equipped with a back-up warning alarm shall occur between the hours of 10:00 PM and 7:00 AM. This would provide for sufficient transportation of products and effectively mitigate the noise produced by trucks and equipment at night. If it is not feasible to restrict back-up warning alarms, and no feasible mitigation measures are available, the DEIR needs to identify operational noise as significant and unavoidable. Following analysis of vibration impacts due to project operations, as discussed above, the City requests appropriate mitigation measures be identified.

Summary of Response to Comment:

In response to comments submitted on the DEIR, noise impacts related to on-site and off-site heavy truck noise generation were re-analyzed, and the results of the updated analysis are included in the FEIR (Volume II, Section 4.10; and Volume III, Appendix T, *Updated Environmental Noise & Vibration Assessment*, prepared August 7, 2017).

The analysis included additional noise and vibration testing conducted by Bollard Acoustical Consultant's (BAC) on June 22, 2017, with Project-related major noise-generating equipment in operation. While the equipment was in full operation, BAC staff also conducted observations around the entire perimeter of the Project site and was unable to detect any perceptible off-site vibration.

The FEIR also includes a discussion of noise and vibration from operation of Well DEX-6. The well pump is located more than 1,000 feet from the nearest residences to the east and more than 1,200 feet from the nearest residence to the south. In accordance with the vibration propagation formula contained in the *Transit Noise and Vibration Impact Assessment* (FTA, 2006), pump vibration levels at this distance would be well below the threshold of perception.

In addition, equipment previously utilized by the former Plant operations, specifically the high pressure air compressors that are believed to have previously been the cause of vibration-related concerns, are being replaced with new, more balanced state of the art equipment, with little to no potential for vibration. Further, compressors and other appreciable vibration-generating equipment have been, or will be, installed on resilient mounts to isolate the equipment from the building slab, which would prevent vibration from occurring off site. This would render vibration generated by on-site equipment imperceptible at off-site noise-sensitive receptors.

In addition, as a result of the additional analysis, the Project has been amended to restrict truck traffic and loading dock operations to between the hours of 7:00 AM and 10:00 PM. This limitation would extend to the use of all other on-site mobile equipment utilizing backup warning devices (backup beepers), all on-site truck circulation at the loading dock area, and use of the private access route.

Determination:

The project has been amended to restrict truck traffic and loading dock operations to between the hours of 7:00 AM and 10:00 PM. This will eliminate the use of backup warning devices during nighttime hours.

In addition, equipment used during prior plant operations are being replaced with new equipment with little to no potential for vibration. Other vibration-generating equipment will be installed in a manner to prevent vibration from occurring off site.

As stated in the *Updated Environmental Noise & Vibration Assessment*, prepared August 7, 2017 (FEIR Appendix T), the Caltrans publication, *Transportation-and Construction-Induced Vibration Guidance Manual*, written for Caltrans by Jones & Stokes in June 2004, provides guidelines for acceptable vibration limits for transportation and construction projects in terms of the induced peak particle velocity (PPV).

It should be noted that the FEIR (Section 4.10, page 4.10-25, states: *To quantify reference vibration levels commonly generated by construction equipment, the Caltrans Transportation and Construction Vibration Guidance Manual (Caltrans, 2013) was utilized.* It is not clear why both the 2004 and 2013 guidance manuals were referenced for the vibration impact analysis.

The *Updated Noise & Vibration Assessment* states, *“Vibration levels exceeding 0.1 inches/second, which is widely considered to be the threshold of perception, are considered significant in this analysis.”*

However, according to the 2013 Caltrans Guidance Manual, the threshold of perception is 0.006 – 0.019. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level; however, the Project is located within a rural area, and the human response to vibration is expected to be more significant. The table below proves human response to vibration based on PPV (inches/second).

Human Response to Vibration

Human Response	Vibration Level (Inches per Second PPV)	
	Transient Sources	Continuous/ Frequent/ Intermittent Sources
Barely Perceptible	0.04	0.01
Distinctly Perceptible	0.25	0.04
Strongly Perceptible (continuous vibrations begin to annoy people)	0.9	0.10
Disturbing	2.0	0.4

Source: Caltrans, 2013

The Updated Noise & Vibration Assessment (Appendix T) states, *“For large pumps with rigid foundations, maximum vibration levels for satisfactory pump operations reportedly should not exceed 0.28 inches/second rms on the surface of the pump.”* This is merely a manufacturer’s recommendation; actual PPV levels for well DEX-6 are unknown, and there was no attempt to estimate PPV levels for well DEX-6.

The City requests that an appropriate vibration study be completed for the Project. Because the Caltrans Guidance Manual was referenced in the *Updated Noise & Vibration Study*, the most recent Caltrans Guidance Manual should also be referenced in the completion of

vibration studies. Section 9.3 (Vibration Study Reports) from the 2013 Caltrans Guidance Manual states that a vibration study report needs to include instrumentation, measurement sites, measurements, measurement results, data analysis, tables showing measured data, and figures showing site layouts and cross sections, instrument setups, drop-off curves, and other pertinent illustrations. Chapter 4, Vibration Propagation, also needs to be referenced in completing the updated vibration study report.

The City requests that a mitigation measure be included to require a data collection program to analyze vibration impacts from Project operations, including vibration impacts from well DEX-6. The data collection program should include the installation of vibration monitoring instruments in accordance with the 2013 Caltrans Guidance Manual (refer to Chapter 10, Vibration Measurement and Instrumentation). Monitoring should be conducted by a qualified third-party acoustical engineer or other qualified professional approved by the County.

Whereas the County's General Plan includes standards for noise exposure, and states that noise created by new proposed non-transportation noise sources shall not exceed the adopted noise level standards, no such thresholds exist for vibration levels. The City requests that a mitigation measure be included to state that in no circumstance shall the PPV level for Project operations, including the operation of well DEX-6, exceed 0.01 PPV (inches/second) at the closest sensitive receptor.

Therefore, the City's comments have not been adequately addressed.

SECTION 4.11 TRANSPORTATION AND CIRCULATION

FEIR Comment A4-9

Responses: See Master Response 24 (Signage/Truck Routes), pages 3-55 and 3-56; and Response A4-9, page 3-76 of the FEIR.

Summary of the City's Comments on DEIR

Truck Traffic in Central Business District

According to the project description (DEIR page 3-9), at full production, Project operations are estimated to include 100 truck trips per day (up to 50 round trips per day) and up to 181 employee vehicle trips per day. Page 3-10 states trucks would be directed to use the same route as with former CCDA Waters operations, utilizing the Interstate 5 (I-5) and Abrams Lake Road Interchange and traveling on North Mt. Shasta Boulevard to CGWC Drive to the south end of the Project site. The DEIR states, in accordance with the existing 1998 Mitigation Agreement, truck traffic would not enter downtown nor would it travel on Ski Village Drive.

However, the 1998 Mitigation Agreement as presented in the DEIR states, "Dannon will use our best reasonable efforts to contractually obligate all carriers to limit access to the plant to roads north of and including the proposed access road off of North Mt. Shasta Boulevard to avoid truck traffic through the central business district" (emphasis added). As written, this measure does not prohibit truck traffic from travelling through the downtown area, and does not even attempt to limit truck traffic on Ski Village Drive.

Summary of Response to Comment:

This issue has been clarified in the FEIR (Volume 2, Section 3.5.1), as follows (new language is underlined; deletions are struck-out):

Trucks would be directed carriers would be contractually obligated to use the same route as with former CCDAs Waters operations, utilizing the I-5 and Abrams Lake Road Interchange and traveling on North Mt. Shasta Boulevard to CGWC Drive to the south end of the Plant, avoiding Ski Village Drive. In accordance with the existing 1998 Mitigation Agreement (see Section 3.6), truck traffic would not enter downtown nor would it travel on Ski Village Drive.

Determination:

Because truck carriers would be contractually obligated to access the site via CGWC Drive, they would avoid entering downtown and travelling on Ski Village Drive. Therefore, it appears the City's comments have been adequately addressed.

FEIR Comment A4-10

Responses: See Master Response 26 (Road Conditions), pages 3-58 and 3-59; and Response A4-10, page 3-76 of the FEIR.

Summary of the City's Comments on DEIR

Structural Integrity of Roadways

Transportation of products to and from the Project site will most likely be conducted by large, heavy vehicles, such as semi-trucks, which have a much greater impact on road life and conditions than standard passenger vehicles. The City is concerned with potential impacts from heavy truck traffic on City streets. North Mt. Shasta Boulevard and Spring Hill Drive, in particular, may not be structurally sufficient to handle the projected truck trips.

The DEIR needs to be amended following an analysis of the structural integrity of these roadways to ensure they are sufficient to accommodate the weight and frequency of project traffic. If Project traffic will contribute to significant deterioration of City streets, a mitigation measure should be included to require a Road Maintenance Agreement between Crystal Geyser and the City outlining a repair schedule and/or compensation methods for the repair of roadways that are degraded as a result of project-related traffic.

Summary of Response to Comment:

Included in the FEIR (Volume II, Section 5.13 and Volume III, Appendix U), is an analysis of project impacts on the pavement structural section of North Mt. Shasta Boulevard (see FEIR, Volume II, Section 4.11, Impacts 4.11-3 and 4.11-9; and Volume III, Appendix U).

The effect of traffic on pavement is measured through use of the Traffic Index (TI) that is used to determine pavement thickness. The TI is a measure of the number of equivalent single-axle loads (ESAL) expected in the traffic lane over the pavement design life of the facility. TIs for the study roadway segments were calculated in accordance with the California Highway Design Manual, Chapter 610: Pavement Engineering Considerations.

The primary factor for determining pavement load is the projected average annual daily truck volumes. For this analysis, the TI was calculated to determine whether or not the truck traffic added by the Project would significantly impact North Mt. Shasta Boulevard by changing the minimum design standard that should be applied. As per the methodology set forth in the Caltrans Highway Design Manual, the TI is rounded to the nearest 0.5 and the segment of North Mt. Shasta Boulevard adjacent to the project site was calculated to have a TI of 11.0. Detailed calculations are included in FEIR Volume III, Appendix U.

Based on the analysis of project truck traffic on the existing and cumulative pavement conditions, the project would not result in any changes to the current or future TI on North Mt. Shasta Boulevard. Because the project truck trips do not result in any change to the TI (i.e. the required pavement structural section) the impact of Project truck traffic would be considered less than significant and no mitigation is required.

In addition, the DEIR assumed that outbound truck traffic would use Spring Hill Drive to reach the Abrams Lake Road interchange and access the southbound I-5 on-ramp. Based on additional analysis of traffic patterns, field review, and observations conducted in the study area by Abrams Associates after release of the DEIR, it was subsequently determined that it was inaccurate to assign the Project truck trips to this roadway. Trucks can continue straight onto the I-5 northbound exit and use I-5 to access the Abrams Lake Road interchange with less delay. Spring Hill Drive has steeper grades, is a more circuitous/longer route, and has no paved shoulders in many areas. Thus, it was determined that it is highly unlikely that truck traffic related to the project would utilize Spring Hill Drive. Therefore, the proposed project would not increase traffic volumes on Spring Hill Drive.

The FEIR has been revised to indicate that trucks are not anticipated to utilize Spring Hill Drive based on the physical conditions of the roadway. Therefore, an analysis of the structural integrity of this roadway is not required.

Determination:

If the City concurs with the determination regarding Spring Hill Drive, no further analysis of the structural integrity of this roadway is required.

Although the FEIR states that North Mt. Shasta Boulevard has a TI of 11.0 and concludes that Project truck trips do not result in any change to the TI, a description of TI values is not provided and it is unclear why heavy truck traffic associated with the proposed Project would have no impact on City streets. In addition, no analysis of the current condition of the roadway was completed. Therefore, a determination of the Project's impacts on the structural integrity of the City's streets is not possible. Additional analysis assessing the existing structural condition of North Mt. Shasta Boulevard is required, as well as an explanation of TI values.

If Project traffic will contribute to significant deterioration of City streets, a mitigation measure should be included to require a Road Maintenance Agreement between Crystal Geysers and the City outlining a repair schedule and/or compensation methods for the repair of roadways that are degraded as a result of project-related traffic.

Alternatively, the City has the option to contact the County to discuss an appropriate proportionate fair share of costs for improvements at this intersection and determine the possibility of entering into a cost-sharing agreement with Crystal Geysers.

FEIR Comment A4-11

Responses: See Master Response 25 (Traffic Safety), pages 3-56 through 3-58 of the FEIR; and Response A4-11, page 3-77 of the FEIR.

Summary of the City's Comments on DEIR

Safety Issues

Spring Hill Drive/Mt. Shasta Boulevard/I-5 Ramps Intersection

Page 4.11-17 of the DEIR concludes that the North Mt. Shasta Boulevard, Spring Hill Drive, and I-5 intersection is not considered hazardous because it meets current guidelines for sight distance for the posted speed limits. However, the DEIR notes that roadway design results in a potential for speeding that has resulted in concerns regarding safety. The DEIR traffic analysis should evaluate the "baseline condition," which includes a higher proportion of speeding vehicles than is typical. The propensity for speeding should be taken into account when determining if a traffic signal is needed at this intersection.

The DEIR suggests that safety concerns at this intersection could be alleviated if the City trimmed back vegetation along the eastern side of North Mt. Shasta Boulevard to improve visibility. The Traffic Impact Analysis (TIA) (FEIR Volume III, Appendix U) further suggests the City could request that Caltrans further trim the vegetation in the median between the off-ramp and the on-ramp (to the north of the Spring Hill Drive intersection). In addition, the TIA notes the green freeway guide sign reading "Weed/Portland" that is located in the median in this area can partially obstruct the view of traffic on the off ramp for vehicles waiting to turn left from Spring Hill Drive. The TIA suggests the City consider requesting that Caltrans relocate this sign.

Whereas the DEIR indirectly acknowledges there are hazardous issues in this area, and the TIA recommends that the City take actions to improve visibility, no mitigation measures are provided. The revised traffic analysis, accounting for a propensity for speeding at this intersection, should address the need for mitigation at this intersection. If a signal is not required, but sight-distance improvement is necessary, the responsibility for making improvements should be examined. The TIA suggests that the burden of mitigation would be placed on the City. There are no guarantees that Caltrans would comply with the City's requests; therefore, this impact may need to be considered significant and unavoidable.

Summary of Response to Comment:

The FEIR has been revised to indicate that Crystal Geysers Water Company (CGWC) will work with the City to install an additional sign at the Ski Village Drive intersection with Mt. Shasta Boulevard to direct truck traffic to continue straight through the intersection to further reduce incidents of trucks mistakenly turning left onto Ski Village Drive (refer to FEIR Volume II, Section 3.5.7).

In addition, truck carriers would be contractually obligated to use the same route as with former CCDA Waters operations, utilizing the I-5 and Abrams Lake Road interchange and traveling on North Mt. Shasta Boulevard to CGWC Drive to the south end of the Plant, thereby avoiding Ski Village Drive. Truck traffic would not enter downtown, nor would it travel on Ski Village Drive.

The DEIR presented some potential improvements (i.e., trimming back vegetation, requesting that Caltrans relocate the "Weed/Portland" sign) that could improve the sight distance at the intersection of Spring Hill Drive and Mt. Shasta Boulevard. However, these were recommended improvements that would address existing conditions at the Spring Hill Drive and Mt. Shasta Boulevard intersection, and not mitigation measures to address effects of the Project. Project impacts were found to be less than significant (refer to FEIR Volume II, Section 3.5.7; and FEIR Volume III, Appendix U, the revised Traffic Impact Analysis).

Determination:

Because CGWC will work with the City to install an additional sign in accordance with City regulations, and contractual obligations would prevent truck traffic on Ski Village Drive, the

response partially addresses the City's comments regarding safety issues at the Spring Hill Drive/Mt. Shasta Boulevard/I-5 Ramps Intersection.

Although mitigation measures are not included to require the suggested sight-distance improvements (vegetation trimming and freeway sign relocation), because the vegetation and sign are not on property owned or controlled by Crystal Geysers, and Crystal Geysers does not have the authority to complete the improvements, the mitigation measure would be considered infeasible.

Therefore, it appears the City's comments have been adequately addressed.

FEIR Comment A4-12

Responses: See Master Response 25 (Traffic Safety), pages 3-56 through 3-58; and Response A4-12, page 3-77 of the FEIR.

Summary of the City's Comments on DEIR

Mt. Shasta Boulevard/Ski Village Drive and Mt. Shasta Boulevard/Project Entrance Intersections

The City of Mt. Shasta requests that the intersections of Mt. Shasta Boulevard with Ski Village Drive, and the southerly Project entrance on Mt. Shasta Boulevard be re-evaluated for the need for left turn lanes and acceleration lanes.

Page 4.11-5 of the DEIR acknowledges that bike lanes and a Class I multi-modal trail in the vicinity of the Project site would connect the downtown area of the City with the Mt. Shasta City Park. Some areas along the eastern side of Mt. Shasta Boulevard near the Project site have sidewalks; however, there are no sidewalks along Ski Village Drive in the vicinity of the Project site.

The potential for accidents would be intensified with the introduction of Project truck traffic. Re-evaluation of the need for left-turn lanes and acceleration lanes is needed to address: 1) increased pedestrian and bicycle usage due to bike lane and multi-modal trail construction, 2) increased daytime Project truck traffic assuming that Project truck traffic is prohibited during nighttime hours as requested by the City, and 3) future development in the Spring Hill Area, as discussed under Hydrology and Water Quality above, which will bring additional people into the area.

Summary of Response to Comment:

The DEIR included an analysis for potential left-turn lanes and/or acceleration lanes (including widening study area roadways based on the *Guidelines for Reconstruction of Intersections* (Caltrans, 1985) and *A Policy on Geometric Design of Highways and Streets* (AASHTO, 2011). Based on the guidance set forth in these documents and a review of accident data in the area, the installation of left turn lanes or acceleration lanes would not be recommended at either of the above-mentioned intersections under either existing plus project or cumulative plus project conditions.

According to information available from the Mt. Shasta General Plan, Everitt Memorial Highway and Mt. Shasta Boulevard are identified as conceptual primary bike routes. In addition, a planned Class I multi modal trail in the project vicinity would connect the downtown area of the City with the City Park via a route west of the railroad tracks. As discussed in the DEIR, the proposed Project would not significantly impact or change the design of any existing bicycle facilities or create any new safety problems for pedestrians or bicyclists in the area because the additional trips would not substantially alter the traffic patterns of study area roadways.

The Traffic Impact Analysis (TIA) was revised to reflect the change in the proposed Project to restrict delivery truck traffic hours between 7:00 am and 10:00 pm. Assuming an even distribution of traffic during non-peak hours between 7:00 am to 10:00 pm, fewer than 6 truck trips per hour would be generated by the proposed Project.

Refer to Responses A1-1 and A4-6 regarding cumulative growth assumptions and consideration of growth in the Spring Hill area.

The resulting analysis indicated there were no changes to the DEIR conclusions; project traffic would still be considered less than significant.

Determination:

Turn Lanes/Acceleration Lanes

Although the Response to Comments states that the DEIR included an analysis for potential left-turn lanes and/or acceleration lanes based on the *Guidelines for Reconstruction of Intersections* (Caltrans, 1985) and *A Policy on Geometric Design of Highways and Streets* (AASHTO, 2011), a discussion regarding what conditions would warrant the need for turn lanes and acceleration lanes is not included. It is difficult to imagine that in the cumulative condition, no turn lanes or acceleration lanes would be required. The City requests additional explanation regarding the need for turn lanes and acceleration lanes.

Included in the FEIR as Comment Letter A1 is a letter submitted by Caltrans. The letter indicates that Caltrans has reviewed the DEIR and agrees that it is adequate and that additional truck trips associated with the Project are not significant. However, Caltrans notes that *"a number of years ago the City of Mount Shasta contacted Caltrans regarding intersection 1 (Springhill Drive at North Mount Shasta Boulevard). At the time there was some development interest in the Spring Hill Drive area and the City of Mount Shasta requested to meet with Caltrans to discuss improvements such as a future traffic signal. Although this development impact is not significant, the County and the City may want to discuss whether this project should agree to enter into an agreement with the City to contribute toward future improvements to the affected intersection."*

Following additional analysis regarding the need for future turn lanes/acceleration lanes, a calculation of the Project's fair share of the costs of future traffic improvements, based on the proportionate impact of the Project to the need for the improvements, must be calculated and included as a mitigation measure. The calculation shall be based on the standard Caltrans formula for determining fair share allocations.

Alternatively, the City has the option to contact the County to discuss an appropriate proportionate fair share of costs for improvements at this intersection and determine the possibility of entering into a cost-sharing agreement with Crystal Geysler.

Therefore, the City's comments have not been adequately addressed.

FEIR Comment A4-13 and A4-14

Responses: Refer to Response A1-1 (Caltrans Comment), page 3-64 of the FEIR; and A4-6 page 74 of the FEIR, regarding development of the Spring Hill area.

See Master Response 26 (Road Conditions), pages 3-58 and 3-59 of the FEIR; Response A4-13, page 77 of the FEIR; and Response A4-14, page 77 and 78 of the FEIR.

Summary of the City's Comments on DEIR

Cumulative Impacts

The DEIR should acknowledge future development in the Spring Hill area, as discussed above, in the cumulative impacts analysis. In addition, DEIR Figure 4.11-4 (Study Area Roadway ADT – Cumulative Plus Project) does not show an increase in traffic on Spring Hill Drive as compared to Existing Plus Project Conditions. All other roadway segments show an increase in ADTs.

Summary of Response to Comment:

The average daily traffic (ADT) volume on Spring Hill Drive was shown to be 800 vehicles under both existing plus project conditions in the DEIR (DEIR Section 4.11, Figure 4.11-3) and cumulative plus project conditions (DEIR Section 4.11, Figure 4.11-4).

The identical ADT volumes on Spring Hill Drive under existing and cumulative conditions was the result of rounding to the nearest 100 vehicles. As discussed in Master Response 26 (Road Conditions), the DEIR and TIA have been revised to indicate that trucks would not be anticipated to utilize Spring Hill Drive based on the physical conditions of the roadway, and to reflect a reduced existing plus project ADT of 700 on Spring Hill Drive.

Determination:

As discussed under Section 4.8 above, under FEIR Comment A4-6, and Section 4.11 under FEIR Comment A4-10, in the absence of a Specific Plan, growth assumptions in the Spring Hill Area are speculative at this time. If the City concurs with the determination regarding Spring Hill Drive, it appears the City's comments have been adequately addressed.

FEIR Comment A4-15 through A4-19

Responses: See Responses A4-9 through A4-19, pages 3-76 through 3-78 of the FEIR.

Summary of the City's Comments on DEIR

Requested Mitigation Measure:

1. A mitigation measure needs to be included to state all trucks travelling to or from the Project site shall be prohibited from using Ski Village Drive and from using Mt. Shasta Boulevard south of the southerly Project entrance.

Response to Comment:

As clarified in the FEIR, truck carriers would be contractually obligated to utilize the Abrams Lane Road Interchange and the CGWC Drive entrance. This would prevent truck traffic from traveling through the downtown area and utilizing Ski Village Drive. Because no significant traffic impacts were identified, and because this requirement is a component of the proposed Project, this mitigation measure is not required.

Determination:

Because truck carriers would be contractually obligated to access the site via CGWC Drive, they would avoid entering downtown and travelling on Ski Village Drive. Therefore, it appears the City's comments have been adequately addressed.

Requested Mitigation Measure:

2. Southbound traffic from Spring Hill Drive turning left onto North Mt. Shasta Boulevard has limited visibility of southbound vehicles exiting I-5 at a relatively high speed. Because of this safety issue, combined with the probable structural deficiency of Spring Hill Drive, the City requests a mitigation measure be added to prohibit truck traffic on Spring Hill Drive.

Response to Comment:

Based on additional analysis of traffic patterns, field review, and observations conducted in the study area by Abrams Associates after release of the DEIR, it was subsequently determined that it was inaccurate to assign the project truck trips to this roadway. The DEIR has been revised to indicate that trucks would not be anticipated to utilize Spring Hill Drive based on the physical conditions of the roadway.

Determination:

If the City concurs with the determination regarding Spring Hill Drive, it appears the City's comments have been adequately addressed.

Requested Mitigation Measure:

3. Although the DEIR (page 4.11-17) states that a directional sign would be placed at the truck entrance to reduce the likelihood that trucks miss the turn-off, this needs to be included as a mitigation measure to ensure signage is implemented. Further, as stated on page 3-13 of the DEIR, the measure should specify that "Selection and installation of the sign will be done in accordance with City of Mt. Shasta regulations and will be subject to approval and oversight by the City."

Response to Comment:

Signage at Mt. Shasta Boulevard and CGWC Drive is included as part of the proposed Project. Selection and installation of signage will be done in accordance with City of Mt. Shasta regulations and will be subject to approval and oversight by the City. Because this is an element of the proposed Project, a mitigation measure is not required. No other impacts were identified that would require additional signage or mitigation at this intersection.

Determination:

We concur that because the requested signage is included as part of the Project Description and will be in accordance with City regulations, no mitigation measure is required. The County's standard conditions of approval require that the Project be in compliance with the Project Description (the proposed Condition 1 would need to be amended as described on page 1 of this letter).

Requested Mitigation Measure:

4. The City requests a mitigation measure to require a Road Maintenance Agreement between Crystal Geyser and the City outlining a repair schedule and/or compensation methods for the repair of roadways that are degraded as a result of project-related traffic.

Response to Comment:

Refer to Master Response 26, Road Conditions. City of Mt. Shasta road maintenance is funded primarily by the Transportation Tax Fund, which accrues from the excise tax on gasoline and bonds approved by State voters. Trucks and other vehicles driving to and from the project site will contribute to these funds when purchasing gasoline within the City and the County. As needed, the City and County will perform maintenance activities on roadways affected by trips to and from the project site, as is typical for all roadways within the City and County. CGWC is currently paying, and will continue to pay County taxes on the project site, which will contribute to roadway improvements, as deemed necessary by the City and County. Therefore, additional payments for roadway maintenance would be excessive and more than CGWC’s fair share of improvements.

Determination:

There is no guarantee that gasoline would be purchased within the City; unless the County and City have a tax-sharing agreement, the City’s comment is not adequately addressed.

Although the City could contact the County to discuss whether this project should enter into an agreement with the City to contribute toward future road maintenance, there is no guarantee that an acceptable agreement will be reached.

Requested Mitigation Measure:

- 5. Transportation of products to and from the plant will most likely be delivered by large, heavy vehicles. Material transportation vehicles, such as semi-trucks, have a greater impact on road life conditions. The City of Mt. Shasta believes the increase in heavy vehicle trips will increase the deterioration rate of North Mt. Shasta Boulevard and Spring Hill Drive. Further analysis is needed to calculate the impact of the heavy vehicles on road conditions and lifespan.

Response to Comment:

Refer to responses to comments A4-9 through A4-17. As discussed in Section 4.11 under FEIR Comment A4-10 above, an analysis of the structural integrity of North Mt. Shasta Boulevard was completed and concluded that Project truck traffic would be considered less than significant and no mitigation is required. In addition, the DEIR was revised following a determination that trucks would be unlikely to use Spring Hill Drive.

Determination:

If the City concurs with the determination regarding Spring Hill Drive, it appears the City’s comments have been adequately addressed.

STATEMENT OF OVERRIDING CONSIDERATIONS

Summary of the City’s Comments on DEIR

FEIR Comment A4-120

Responses: See Response A4- 20, pages 3-78 and 3-79 of the FEIR.

As the County is aware, Section 15093 (Statement of Overriding Considerations) of the CEQA Guidelines states, "... *If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*

When a Project with significant and unavoidable impacts is approved, the lead agency must state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

If the County approves the Project, it appears the County's findings will focus on economic benefits of the Project due to job creation and taxes paid to Siskiyou County. Substantial evidence of these benefits should be supported by a fiscal impact analysis (FIA).

The FIA should include a brief description of Crystal Geyser's employment projections (positions, wages, and benefits), projected revenue from property taxes, sales taxes, licenses, permits, impact fees, and other revenue sources. The FIA should include fiscal impacts to the City and County related to maintenance of wastewater infrastructure; costs associated with fire protection and emergency medical services; costs associated with street maintenance; and costs associated with other public services provided by the City and County. Impacts should be projected for Phase 1 of the Project (one bottling line); full build-out of the Project; five years following full build-out; and 10 years following full build-out.

Summary of Response to Comment:

The City's recommendation to prepare a fiscal impact analysis is noted but is beyond the scope of environmental analysis required to be addressed within the FEIR.

Determination:

ENPLAN reviewed the Planning Commission Staff Report and supporting documents for the proposed Project. A Fiscal Impact Analysis is not included. The proposed Statement of Overriding Considerations states that the proposed Project increases the economic vitality of the region by generating approximately 60 new jobs that are anticipated to be filled locally. The Project would be fiscally positive and would increase tax revenues to the County through increased and expanded commercial activities and job-generation, enhancing the County's economic base. CGWC would contribute its fair share toward the cost of infrastructure improvements outside of the project site (i.e., utilities).

However, there does not appear to be any evidence in the public record in support of these claims. In addition, the statement does not take into consideration fiscal impacts of the proposed project, which may be greater than the economic benefits.

Supporting evidence detailing Crystal Geyser's employment projections (positions, wages, and benefits), projected revenue from property taxes, sales taxes, licenses, permits, impact fees, and other revenue sources needs to be provided. In addition, the FIA should include fiscal impacts to the City and County related to maintenance of wastewater infrastructure; costs associated with fire protection and emergency medical services; costs associated with street maintenance; and costs associated with other public services provided by the City and County. Impacts should be projected for Phase 1 of the Project (one bottling line); full build-out of the Project; five years following full build-out; and 10 years following full build-out.

Therefore, the City's comments have not been adequately addressed.

1998 MITIGATION AGREEMENT

Summary of the City's Comments on DEIR

FEIR Comment A4-21

Responses: See Master Response 8 (1998 Danone Mitigation Agreement), pages 3-8 and 3-9 of the FEIR; and Responses A4-21, page 3-79 of the FEIR.

For clarity and to prevent confusion during implementation and enforcement of the mitigation measures, the City recommends the 1998 Mitigation Agreement between the County and Danone International Brands, Inc. be rescinded and replaced. Some of the mitigation measures in the 1998 Agreement are outdated and not effective in reducing impacts, some of which are discussed above. Pursuant to Section 15126.4(a)(2) of the CEQA Guidelines, mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. Measures that do not include any performance standards that would effectively mitigate significant impacts are not adequate.

In addition, mitigation measures identified for the proposed Project conflict with some of the measures in the 1998 Agreement. For example, Mitigation Measure 4.5-1 for the proposed Project conflicts with the mitigation measure for site grading included on page 2 of the 1998 Agreement. Mitigation Measure 4.3-2 regarding potential impacts to migratory birds is much more detailed than the mitigation measure included on page 3 of the 1998 Agreement. All applicable mitigation measures, including applicable measures from the 1998 Mitigation Agreement, should be included in the Mitigation Monitoring and Reporting Program.

Summary of Response to Comment:

Because the measures provided in the 1998 Mitigation Agreement were incorporated in the DEIR and will be adopted as Conditions of Approval, it is not appropriate to include these measures within the MMRP. In general, mitigation proposed in the DEIR is more detailed and stringent than related requirements from the 1998 Mitigation Agreement; however, both measures will be applied, as applicable.

The County's standard first Condition of Approval on use permits requires that the project substantially conform to the project description as submitted to the County, and the environmental document prepared for the project as recommended for adoption. As the 1998 Mitigation Agreement measures are part of the project description and environmental document, their implementation will be enforced by this Condition of Approval.

Determination:

Although the response states that both measures will be applied, as applicable, there is no indication on how conflicts will be resolved.

In addition, as stated above, Condition 1 of the proposed County Planning Commission Resolution states:

The project shall substantially conform to the application submitted March 18, 2016, including any materials subsequently submitted to the Planning Division prior to the application being deemed complete, and as approved by the Siskiyou County Planning

Commission on September 20th, 2017. Any proposed amendment shall be submitted for consideration by the Planning Director to determine the review process pursuant to the Siskiyou County Code.

The proposed Condition does not reference the FEIR or specifically reference the Project Description.

We recommend this Condition of Approval be revised as follows. This language has been included in other Resolutions adopted by the County for other projects and will ensure compliance with the certified FEIR.

The project shall substantially conform to the project description approved by the Siskiyou County Planning Commission on _____, 2017, and in the certified Final Environmental Impact Report prepared for the project (SCH #_____). Any proposed amendment(s) shall be submitted for consideration to the Deputy Director of Planning to determine the review process pursuant to the Siskiyou County Code.

Therefore, the City's comments have not been adequately addressed.

