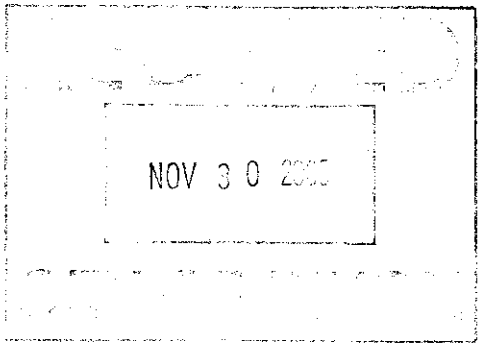
Dixon Regional Watershed Joint Powers Authority
1170 N. Lincoln, Suite 110, Dixon, CA 95620 – Phone (707) 678-1655



November 28, 2005

City of Dixon
Mr. Warren Salmons
600 East A Street
Dixon CA, 96620

Re: Comments on the Dixon Downs Draft Environmental Impact Report

Mr. Salmons;

The Dixon Regional Watershed Joint Powers Authority has reviewed the Draft EIR and other pertinent documents regarding the Dixon Downs Project and has identified several issues that need to be further addressed. The Dixon Regional Watershed Authority has been created to by the City of Dixon, the Dixon Resource Conservation District, Maine Prairie Water District and Reclamation District No. 2068 to provide for the planning, financing, acquisition, ownership, construction, operation and maintenance of drainage facilities designed to service the Dixon Regional Watershed. This project is located in this watershed. The Authority efforts are focused on improving regional drainage by accommodating increased drainage needs of future development and reducing current drainage problems throughout the region.

The Authority offers the following comments to insure that the regional drainage facilities are adequately designed and constructed to meet the contractual and identified regional drainage needs:

1) The Draft EIR correctly summarizes the Authority's agreement on page 4.6-20 and 21 that The Parties agree that, "pursuant to this Agreement and for the purpose of settling potential disputes, the baseline present storm flows from the Northeast Quadrant shall be set at 23.1 cfs for a 5-year storm, 27.2 cfs for a 10-year storm, and 37.2 cfs for a 100-year storm measured at the 30-inch CMP in the railroad embankment". This represents the existing condition and should be considered the EIR's existing condition downstream of the identified point of measurement. (reference exhibit K, JPA agreement) The Draft EIR and supplemental report from West Yost assumes combined existing condition (EC) flows of 51.0 cfs for a 5-year storm, 59.0 cfs for a 10-year storm, and 95.0 cfs for a 100-year storm from the 36-inch RCP and the 30-inch CMP. These inconsistencies require resolution. Great deference should be given the conclusions agreed to by the agencies executing the JPA. Moreover, the project EIR indicates that while the post project flows will not be greater than the EC, it does not acknowledge the fact that the member agency have recognized that the lands of the project and lands west of NEQ did not participate in the existing downstream drainage system development and that flows from these lands were not accommodated in the downstream watershed drainage design. 13-1 13-2

2) The Authority is concerned that the project assumes that the existing privately owned drainage facilities from Pedrick Road to Tremont 3, a distance of 1½ miles, are capable of conveying the modeled flows. Since this segment is not maintained by any of the public entities responsible for local drainage there may exist no reliable assurance that a perfected right of drainage that has been established. The JPA agreement flows, as described in Appendix K, neither anticipate nor provide for flows above 37.2 cfs without substantial downstream modifications. Such modifications are not proposed in the draft EIR. The project proponent should undertake a review of this issue to ensure that the conditions modeled are not change in a manner consistent 13-3

with the project's analysis.

13-3 (con't.)

3) The Authority notes the comments on Page 4.6-33 which state that the NQSP requires that the project proponents enter into Development Agreements. Part of the rationale for this requirement is to ensure the orderly implementation of master infrastructure planning and fair-share funding for the entire 643 acres of the NQSP area were virtually no utilities exist. An example is a master plan for drainage. The Authority is currently designing a component of the Eastside Drain and is working to resolve the issues assessed above, however the Draft EIR does not adequately address the project participation in the process. The Authority would like the project proponents to clearly identify the process in which the projects fair share would be determined. We understand that through the Development Agreement the project would contribute impact fees to the Storm Drainage Facilities Fund as identified in the City's Ordinance 03-010 relating to Strom Drainage Facilities Impact Fees which in turn would be used by the JPA to fund and construct regional drainage facilities to mitigate and accommodate the NQSP impact on the downstream regional drainage facilities.

13-4

Again the Authority has identified the above issues that need additional clarification in order to insure that the Dixon Regional Drainage Authority can implement the contemplated regional drainage facilities. If you have any question please call John S. Currey Board Secretary at (707) 678-1655 extension 105.

Sincerely,

Dixon Regional Watershed Authority

Rick Martinez
Chairman of Board

Cc: Member Agencies

Enc: Exhibit K Dixon Regional Waters Watershed JPA

Exhibit "K"

June 16, 2004 Letter from West Yost & Associates to City

EXHIBIT K

W E S T
Y O S T
& ASSOCIATES

Consulting Engineers

June 16, 2004

Mr. Mike Dean
Meyers Nave Riback Silver & Wilson Professional Law Corporation
455 Capital Mall, Suite 235
Sacramento CA 95814

Project No.: 066-03-09.03

SUBJECT: North East Quadrant Drainage

Dear Mike:

As you requested at our meeting on June 7, 2004 at David Aladjem's office, I have prepared this letter to describe the proposed approach for drainage from the Northeast Quadrant (NEQ), through the drainage service areas of the Dixon Resource Conservation District (DRCD) and Reclamation District (RD) 2068 and discharging to Hass Slough. Presented below is a brief history of drainage through the NEQ Area, which provides a background for understanding the reasoning leading to the proposed drainage approach. This proposed approach is not intended as the final solution. It is intended as a possible approach, and it is anticipated that revisions to this approach may be suggested by the involved agencies.

BRIEF NEQ DRAINAGE HISTORY

1. Based on the Tremont 3 planning and design documents, the Tremont 3 drain was planned, designed and constructed without including any capacity for runoff from the large watershed upstream of the NEQ or from the NEQ. These areas were excluded from the Tremont 3 service area, presumably because these property owners chose not to contribute to the cost of construction of the Tremont 3 drain. It is likely that the two southern 36-inch railroad culverts were plugged intentionally to preclude runoff from outside the service area from crossing the railroad at these points and entering the Treatment 3 drain.
2. Based on old aerial photographs, runoff from the large watershed upstream of the NEQ and the central area of the NEQ was rerouted to the borrow ditch along the west side of the railroad near the location of the existing 36-inch railroad culvert, which drains into a filled ditch. This would have caused significant flooding in the area between the railroad and Pedrick Road and the area just west of Pedrick Road. Although this ditch has been filled, water overtops the bank of the ditch in 5-year, 10-year and 100-year storms, thus the culvert does convey flow in large design storms, even though it probably was not intended to do so.
3. Also based on the old photographs, the cropping patterns in 1937 were such that much rainfall would have ponded on fields resulting in a lower peak runoff from the area upstream of the railroad than occurs under today's existing conditions since most fields have now been leveled.
4. The only intended drain from the area upstream of the railroad is a 30-inch CMP culvert under the railroad northeast of the Campbell's Soup facility. Under existing conditions, this culvert passes a flow rate of about 23.1 cfs in a 5-year storm, 23.8 cfs in a 10-year storm, and 35.0 cfs in a 100-year storm. Had the ditch downstream of the 36-inch culvert been completely filled, the flooding upstream of the railroad would have reached a higher elevation, causing the flow

1260 Lake Boulevard, Suite 240 Davis, California 95616 Phone 530 756-5905 Fax 530 756-5991 email: mail@westyost.com

through the 30-inch CMP culvert to increase to about 23.1cfs in a 5-year storm, 27.2cfs in a 10-year storm, and 37.2 cfs in a 100-year storm.

PROPOSED DRAINAGE APPROACH

Described below is the proposed drainage approach for the NEQ.

Required Improvements - The Tremont 3 drain has no capacity intended for runoff from the NEQ or the area upstream of the NEQ, and drainage fees have not been paid for the NEQ or the area upstream. The NEQ property owners/developers will pay the JPA enough money to plan, design, acquire right-of-way, and construct improvements from the railroad to Hass Slough for the flow through the 30-ich CMP that appears to have been intended to remain open. This flow rate is about 23.1 cfs in a 5-year storm, 27.2 cfs in a 10-year storm, 37.2 cfs in a 100-year storm. The 36-inch RCP culvert will be completely plugged.

Alternatives – After funding the Required Improvements, the NEQ property owners/developers must undertake one of the two following alternatives.

1. Detention Storage Alternative - They can construct detention storage upstream of the railroad adequate to reduce flow under the railroad to about 23.1 cfs in a 5-year storm, 27.2 cfs in a 10-year storm, 37.2 cfs in a 100-year storm. This detention basin would be funded, designed, and constructed by the NEQ property owners/developers. This detention storage will have to comply with all of the City's design standards for detention basins. Some of the most critical design standards are:
    - 100-year Water Surface Elevation (WSEL) must be one foot below building pad elevations, including the adjacent Campbell's Soup facilities.
    - 10-year Hydraulic Grade Line (HGL) must be one foot below gutter elevations.
    - Channel freeboard requirements are one foot if the WSEL is below the adjacent ground or three feet if the channel includes levees.
    - Detention basin freeboard requirements are one foot if the WSEL is below the adjacent ground or three feet if the basin includes levees.
2. Eastside Drainage Project - They can pay the JPA enough money to plan, design, acquire right-of-way, and construct (including any environmental mitigation costs) a larger downstream conveyance capacity suitable for buildout of the NEQ. It is anticipated that this project would include the following elements and would be funded and operated as follows:
    - Detention storage upstream of the RR - This storage would be sized to allow for the development of Phase 1 of the Dixon Downs Project, and possibly, would also be consistent with the buildout detention storage requirements. The NEQ property owners/developers would fund, plan, design, acquire property, and construct this detention storage basin. The basin would have to comply with all of the City's design criteria.
    - Eastside Drain Connection – This increase of downstream conveyance capacity would include a larger culvert under the railroad, channel excavation and additional culverts from the railroad to the upstream end of the 3-Mile Extension. These improvements would presumably be consistent with the planned 3-Mile Extension and the planned New South Channel. The length of this segment of channel is 7.5 miles (58% of the total length of 13 miles). Because this segment represents 58 percent of the total length of the EDP project, the NEQ discharge rate would be increased by 58 percent of the capacity of this channel enlargement. For example, if the increase of conveyance capacity was 100 cfs, then the authorized NEQ discharge rate would be

increased by 58 cfs. The other 42 cfs would be shared between the NEQ and the agricultural community. The agricultural community would have priority to use the 42 cfs of capacity, but if it was not needed by the agricultural community, the NEQ discharge rate could be increased up to a limit of 137 cfs (37 cfs of original continuous discharge plus 58 cfs expanded capacity discharge plus 42 cfs of shared discharge). The Eastside Drain Connection would be funded by a payment from the NEQ property owners/developers to the JPA. The JPA would plan, design, acquire right-of-way, and construct the Eastside Drain Connection.

- The 3-Mile Extension - This segment of channel improvements would be funded with a $200,000 grant from the Solano County Water Agency to the JPA. The length of this channel segment is 3 miles (23 percent of the total length of 13 miles). The Eastside Drain Connection would presumably be consistent with the planned 3-Mile Extension. If additional capacity is needed to serve the NEQ beyond the capacity that can be constructed for $200,000, the additional capacity will be funded by the NEQ property owners/developers.

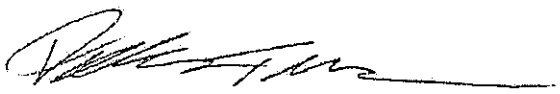
- The New South Channel. – This segment of channel would be funded with a grant of $1.1 million from the City of Dixon to the JPA. The City of Dixon may recover this cost from the NEQ property owners/developers as the NEQ properties are developed. The length of this channel is 2.5 miles (19 percent of the total length of 13 miles). The Eastside Drain Connection would presumably be consistent with the New South Channel. If additional capacity is needed to serve the NEQ beyond the capacity that can be constructed for $1.1 million, the additional capacity will be funded by the NEQ property owners/developers. The New South Channel will be no smaller than can be constructed through the City's agreement to fund this channel at a cost of up to $1.1 million).

I will continue to evaluate these drainage options, including modeling and preparing cost estimates for the required improvements and each of the alternatives. I will provide this additional information as soon as it is available.

Please call if you have any questions or comments.

Sincerely,

WEST YOST & ASSOCIATES



Douglas T. Moore
Principal Engineer

DTM:mta

LETTER 13: Dixon Regional Watershed Joint Powers Authority, Rick Martinez, Chairman of the Board

Response to Comment 13-1:

It is acknowledged that the JPA baseline conditions, considered valid for assessment of disputes, are inconsistent with the modeled existing conditions stated in the Draft EIR. However, unlike potential NEPA or other analyses, CEQA analysis requires that project impacts are compared with the actual, on-ground, existing conditions. Therefore, it is important to use the actual existing condition flow contributions to the regional drainage system for evaluation of the Proposed Project's potential impact; whether or not the participating drainages are recognized or included in the drainage system design, management, or drainage rights. As noted in the Draft EIR, the Northeast Quadrant Specific Plan (NQSP) Public Facilities and Services Element Policy 6.11.4 Drainage states that:

> 4. Overall stormwater volume generated from the plan area will be mitigated through plan area participation in a regional drainage project, funded, in part through the Dixon North First Street Assessment District and supplemented by other methods as determined by the City.

Furthermore, an encroachment permit is required from the DRCD in order to add or modify culverts or pipes contributing drainage to the Tremont 3 Drain.

Response to Comment 13-2:

The Dixon Downs Drainage/Flood Control EIR Evaluation (West Yost and Associates, March 10, 2005) (Drainage Report, see Volume II Appendix C of the DEIR) notes that runoff from upstream of the NQSP and the Central NQSP area (including the Proposed Project site) was not included in the design of the Tremont 3 system.

Response to Comment 13-3:

To provide a maintainable outfall from the Proposed Project site to Tremont 3 is beyond the scope of this project and EIR. However, the Proposed Project has two outfall options included in the Conceptual Drainage Plan:

- Option 1 includes an improved channel to the Tremont #3 and a new culvert under the UPRR; the improvement conceptual detail is provided in the report. This option would require purchasing of property/easements for the private drainage ditches east of Pedrick Road.

- Option 2 includes use of a 66 inch storm drain along Vaughn Road to convey Proposed Project site drainage to Tremont #3

The preferred option is Option 2, where storm flows are not conveyed through the private, unmaintained surface drainage ditch.

Response to Comment 13-4:

A calculation of the project's fair share participation in a required drainage management project/system is not included in the Draft EIR Project Description or Development Agreement. Mitigation of regional drainage problems is beyond the scope of this project and CEQA analysis; however, several potentially viable options have been mentioned in the Conceptual Drainage Report (see Volume II Appendix K of the DEIR) and are being explored for maximizing efficacy in mitigating potential drainage problems. However, for the CEQA analysis, adverse impacts of the Proposed Project are assessed according to changes in existing conditions. Beneficial impacts, such as participation in a regional drainage system mitigation effort, are not addressed nor are they required for compliance with the CEQA analysis. Furthermore, an encroachment permit is required from DRCD in order to add or modify culverts or pipes contributing drainage to the Tremont 3 Drain, which would serve to assure that drainage issues within this system are addressed upon implementation of the Proposed Project.

SOLANO COUNTY
Department of Resource Management
Planning Services Division
675 Texas Street, Suite 5500
Fairfield, CA 94534
www.solanocounty.com

Telephone No: (707) 784-6765
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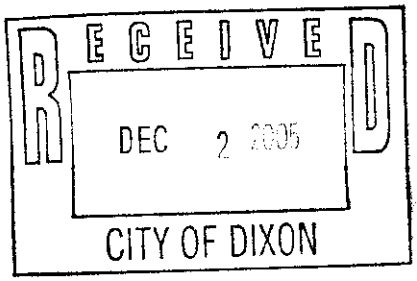
Birgitta Corsello, Director
Cliff Covey, Asst Director



City of Dixon
600 East A Street
Dixon, CA 95620-3697

Attention: Community Development Director

RE: Dixon Downs Horse Racetrack and Entertainment Center Project
Draft Environmental Impact Report

Thank you for the opportunity to review the Draft Environmental Impact Report (EIR) for the Dixon Downs Project. We would like to offer the following comments on the Draft document.

1. Land Use, Planning and Agricultural Resources.

The Draft EIR does not fully discuss the impacts of the project on surrounding agricultural lands. While the Draft EIR discusses the direct impacts on conversion of agriculture land at the project site to an urban use and to some extent the potential impacts of the project on adjoining agricultural land to the east, it does not discuss the indirect impacts of the project on agricultural lands within the unincorporated county due to the conversion of orchard and row crops land to horse boarding, training and breeding facilities to support the Dixon Downs project. 14-1

The City of Dixon did prepare a separate report on the economic impacts of the project titled "Fiscal and Economic Analysis, Proposed Dixon Downs Development, City of Dixon, August 19, 2005". However, this report only analyzed the impacts of the project on the City of Dixon's local economy and economic development and the fiscal impacts on the City of Dixon. The report did not analyze the impacts of the project on the surrounding agricultural economy. 14-2

Section 15131 of the CEQA Guidelines state that "Economic or social effects of a 14-3

project may be used to determine the significance of physical changes caused by the project." Physical change can result either directly or indirectly from a project. 14-3 (con't.)

The County has already received numerous inquires concerning the establishment of horse boarding, training and breeding facilities in the Dixon area in anticipation of the Dixon Downs project. We have also received inquiries and applications for proposed subdivision of agricultural lands in anticipation of the demand for horse facilities as a result of this project. 14-4

The Draft EIR should analyze the impacts of converting agricultural land in orchard and row crop production to horse boarding, training and breeding facilities. This should include the potential impacts of horse facilities on adjoining agricultural lands and agricultural operations.

The Draft EIR should also analyze the impacts of the conversion of productive agricultural land to horse facilities on the local agricultural economy. As this conversion takes place, it may be more difficult to sustain the remaining agricultural operations particularly if there becomes insufficient critical mass to support the agricultural infrastructure such as agricultural processing facilities and other agriculture service uses. Loss of the supporting infrastructure would place increasing pressures to further convert the remaining productive agricultural lands to non-agricultural land uses. 14-5

2. Transportation and Circulation

The proposed project will substantially increase traffic on several Solano County roads that provide access to the City of Dixon, including Dixon Avenue West, Midway Road, Pedrick Road, Porter Road and Sparling Lane (see Figures 4.10-6 and 7, and Tables 4.10-21 and 22). Although the Draft EIR indicates that the project will not decrease the level of service of those roads and therefore no significant impact was identified or mitigation measures proposed, Solano County still faces increased maintenance, safety and liability impacts from the project. The County would like to further explore with the City of Dixon mechanisms to contribute its fair share of funding to the cost of maintaining and making necessary safety improvements to accommodate the increased traffic from this project and other city projects on Solano County roads. 14-6

As a result of increased urban traffic at the West A street/I-80 Interchange, Pitt School Road/I-80 Interchange and North First Street/I-80 Interchange, the Pedrick Road over crossing is the remaining principal access for the movement of farm equipment between farm properties north and south of Interstate 80 within the Dixon region. Increased traffic at this interchange will further restrict the ability to move farm equipment within this area. This potential impact was not addressed in the Draft EIR and should be further evaluated. 14-7

The proposed project will also result in the closure of Vaughn Road at the railroad crossing (see Figure 4.10-11). This route is part of the Dixon-Davis Bicycle Route, a four phase, multi-year project constructed by Solano County with the support of the City of Dixon that provides a continuous Class 2 bicycle route from Davis to Dixon. 14-8

The route runs from Davis along Old Davis Road, to Tremont Road, to Runge Road, to Vaughn Road into the City of Dixon. If a portion of Vaughn Road is to be closed within the City of Dixon, the City should provide for an alternate Class 2 route from Vaughn Road at the Dixon city limit to Pitt School Road at the southerly Dixon city limit, where the bicycle route is planned to continue to Vacaville. 14-8 (con't.)

The project proposes to provide a fair share contribution to the cost of mitigation measures at the SR12 – SR113 intersection (see page 4.10-88). Mitigation measure number 4.10-4(a) should indicate that the City of Dixon shall work with Caltrans rather than with Solano County to develop a mechanism by which the contribution can be made and applied to this intersection. 14-9

Thank you again for the opportunity to comment on the Draft EIR for the Dixon Downs Project. If you have any questions concerning our comments, please feel free to contact Harry Englebright at (707) 784-3169.

Sincerely,

Birgitta E. Corsello
Director

cc Kathy Gibson, Senior Management Analyst
Jim Laughlin, Deputy County Council
Paul Wiese, Engineering Manager
Mike Yankovich, Planning Manager

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LETTER 14: Solano County Department of Resource Management, Birgitta E. Corsello, Director

Response to Comment 14-1:

The Draft EIR addresses the loss of farmland on the project site as well as any land use incompatability with adjacent uses. It would be too speculative to analyze in any meaningful way the potential loss of orchard and row crops within the county as a whole. There is no way to know, with any certainty, how many acres could be converted to horse breeding operations directly associated with the project. In addition, it is assumed that any horse breeding, training or breeding facilities would be considered acceptable uses on land designated and zoned for agricultural uses. Please see Response to Comment 7-2.

Response to Comment 14-2:

This comment does not address physical environmental effects that are the subject of the EIR. However, as is described in Responses to Comments 14-4 and 14-5, the Draft EIR fully considers the project-specific and cumulative effects of the project on agricultural resources. Please see Response to Comment 7-2.

Response to Comment 14-3:

Section 15131 of the CEQA Guidelines states that "economic or social effects of a project shall not be treated as significant effects on the environment." Subsection (b) states that the "[E]conomic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant."

Response to Comment 14-4:

The Draft EIR fully considered the effects of the Proposed Project on agricultural resources, including adverse effects on productivity due to conversion of agricultural lands to urban uses, a conversion that has been planned for lands in the Northeast Quadrant since 1995 and that was acknowledged by the City in the Northeast Quadrant Specific Plan EIR at that time (see Impact 4.7-2). Impact 4.7-3 considered the effects of the Proposed Project on productivity of nearby agricultural lands due to nuisances and other land use conflicts that can occur between urban and agricultural operations. In addition, the Draft EIR acknowledged effects on agricultural operations due to increased urban traffic using area roadways that are occasionally used by local farmers to move agricultural equipment (see Impact 4.10-6). Please see also Response to Comment 14-1, above and Response to Comment 7-2.

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Response to Comment 14-5:

The Draft EIR considered the project specific and cumulative effects of the conversion of agricultural land due to the Proposed Project on agricultural resources in Solano County. As reported in the discussion of Impact 4.7-4, the project would contribute to a loss of 260-acres of prime farmland out of a total of over 143,211 acres of prime farmland in Solano County. In addition, the County currently contains 7,584 acres of Farmland of Statewide Importance, 13,735 acres of Unique Farmland, for a total

of 164,530 acres of state-designated Important Farmland. There is another 201,338 acres of Grazing Land in the County. The project site represents approximately 0.16 percent of the Important Farmland in Solano County, and 0.07 percent of the agricultural land in the County. Further, the agricultural lands of Solano County are physically contiguous to, and operate within the same agricultural economy as the agricultural lands of Yolo County, as well as nearby Sacramento, Colusa and other agricultural counties in the southern Sacramento Valley. It is unreasonable to think that the adverse effects of the loss of the 260 acres of farmland on the project site would have a substantial effect on the agricultural infrastructure in the region. Please see also responses to Comment Letter 7.

Response to Comment 14-6:

The commenter is correct in noting that segments of Pedrick Road, Porter Road, Midway Road, and Dixon Avenue West within Solano County were analyzed in the Draft EIR. Since no impacts were identified on these segments, no mitigation measures were recommended. The project's adverse effects on maintenance of these County roadways, while a meaningful economic issue, does not constitute an environmentally significant concern. Thus, it was not analyzed in the Draft EIR. Many agencies, including Dixon, allocate budget in their Capital Improvement Programs to improve and maintain their roadways. For instance, the City of Dixon is working in cooperation with Caltrans to rehabilitate a segment of SR 113 south of downtown.

Response to Comment 14-7:

The commenter correctly notes that increased traffic at the I-80/Pedrick Road interchange would further restrict the ability to move farm equipment in the area. The Draft EIR identified this as potentially significant (see Impact 4.10-6). Mitigation measures included the installation of signs on Pedrick Road to advise motorists of farming vehicles and equipment and increased law enforcement. However, even with implementation of these mitigation measures, the impact remains significant and unavoidable.

Response to Comment 14-8:

Please see Master Response TRAFF-3 for discussion of the closure of Vaughn Road and the Vaughn-Pedrick Connector.

Response to Comment 14-9:

To address the comment the text in the Draft EIR is revised accordingly.

Mitigation Measure 4.10-4(a) on page 4.10-88 of the Draft EIR is revised as follows:

4.10-4(a) *(Phase 1)*

Make a fair share financial contribution toward the cost of a traffic signal (or other equally effective mitigation) at the SR 113/SR 12 intersection. The City of Dixon shall work with ~~Solano County~~ Caltrans to develop a mechanism by which the contribution can be made and applied to this intersection.

STA
Solano Transportation Authority

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Area Code 707
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November 30, 2005

Warren Salmons, City Manager
City of Dixon
600 East A Street
Dixon, CA 95620 - 3697

Re: Dixon Downs Horse Racetrack Project and Commercial Development Center – Draft Environmental Impact Report (DEIR)

The Solano Transportation Authority (STA) appreciates the opportunity to review and comment on the "Dixon Downs Horse Racetrack and Entertainment Center Project, Draft Environmental Impact Report," dated September 2005. The proposed project is located on approximately 260 acres in the northeast portion of the City of Dixon, and situated south of I-80 between SR 113 and Pedrick Road.

The STA has reviewed the project for consistency with the Solano Congestion Management Program (CMP) and the CMP Network, particularly the effects on I-80 and SR 113, located within the vicinity of this project. The CMP establishes a Level of Service "E" standard for the segment of I-80 located closest to this project (i.e. from Postmile 38.21 to 42.53). The CMP Level of Service standard for SR 113 is "F" through the City of Dixon and "E" for portions of SR 113 within the County of Solano.

As the Congestion Management Agency for Solano County, the Solano Transportation Authority (STA) reviews general plan amendments and/or EIRs that propose a project that may potentially exceed the level of service standards identified in the Solano Congestion Management Program (CMP). Projects that are not contained in the countywide travel demand model are required to have special modeling runs conducted by the STA, using the countywide model and paid for by the project sponsor. If a project exceeds the standards of the CMP, then the STA could require a "Deficiency Plan" be developed by the City to mitigate the impacts of the project. The major goal of the CMP is to maintain mobility on Solano County's streets and highways. The CMP aims at maintaining a high level of transportation systems operations by requiring analysis of the effects of land use decisions on the transportation system and coordinating mitigation of the impacts to the system on an area-wide and multi-jurisdictional basis. 15-1

During 2004 the project sponsor paid for a special model run that was conducted by the STA using our previous Solano Countywide Traffic Model in effect at that time. That special model run met the basic requirements of the 2004 Solano 15-2

Congestion Management Program that requires new general plan amendments that are not fully anticipated in our model to conduct a special run. However, STA staff would still like to further verify that this and other cumulative projects in the vicinity of the project along I-80 (i.e. the Milk Farm project recently approved along the north side of I-80 in the vicinity of this project) are fully reflected in new Solano – Napa Travel Demand Model (for land uses, phasing and mitigation) and will continue to meet the Level of Service Standard "E" along this portion of I-80 as established by the CMP.

15-2 (con't.)

STA staff supports the objectives of this project to create additional retail and entertainment uses and related jobs in the City of Dixon and supports the objectives of the DEIR of providing a self-mitigating project. Therefore, STA staff is submitting some additional recommendations and an alternative that we believe would improve the project by identifying a fair share contribution to the adjoining CMP network, refining the land use plan, improving traffic safety and incorporating various transportation demand system and related design components into the project.

15-3

The EIR project description states that the project "...would consist of a phased mixed-use development that includes a thoroughbred horse racing training facility which would also operate as a performance arts center, with retail and commercial uses, a hotel/conference center and office space." Phase 1 would consist of a horse racing/training facility, horse barns, the "Finish Line Pavilion", grandstand and related facilities, and employ approximately 760 employees. Phase 2 would include a 250,000 square feet (sf) of hotel/conference center, 750,000 square feet of retail, and 200,000 square feet of office along with parking facilities.

15-4

The Project Objectives as contained on page 6-1 to 6-4 of the DEIR include the following:

- "Provide for economic uses capable of fully paying for infrastructure..."
- "To add value to the surrounding community and contribute to establishment of a strong local economic base through job creation..."
- "To provide a self-mitigating project, whereby mitigation measures are incorporated into the project design so as to minimize the project's environmental impacts."

There are proposals and/or mitigation measures in the DEIR that STA recommends be made binding through the development review and development agreement process.

- Off-site parking at remote locations (east and west of Dixon along the I-80 corridor) that would be served by bus shuttles to Dixon Downs (Pg 4.10-58).

15-5

- Twenty bus parking spaces on-site and carpool/vanpool preferential parking spaces (Pg. 4.10-69)

15-6

- Closure of Vaughn Rd. and elimination of the existing grade-crossing of UPRR.

15-7

- Mitigation measure to implement a Transportation Demand Management (TDM) Plan (Figure 4.10-12) in Phase I and Phase II. 15-8
- Mitigation measure to develop and implement a Transportation Management Plan (TMP) for Tier 2 & Tier 3 events (Figure 4.10-12) 15-9
- Potential TDM Plan recommends shuttles from downtown Dixon Park and Ride (PNR). Have shuttles from other locations as well particularly those closer to the freeway such as Dixon's Market Lane/Pitt School Rd. PNR, PNRs along the I-80 corridor east and west of Dixon, and through shared-use parking agreements with other organizations such as retailers, churches, etc. whose peak parking hours are complementary to the peak Dixon Downs periods (Pg 4.10-85). 15-10

In July 2004, the STA Board adopted the I-80/I-680/I-780 Major Investment and Corridor Study. The study identified two mid-term projects (Nos. 21 and 22) to make improvements to the I-80/Pitt School Road Interchange and to construct a park and ride lot in the vicinity of North First Street/I-80. It also identified other long-term projects, additional mixed-flow lanes in both the westbound and eastbound directions between Meridian Road and Kidwell Road (Project No. 35), improvement of the interchange at SR 113/I-80 and a park and ride lot at West A Street (Project No. 47). In addition, the need for improving three additional local I-80 interchanges within the City of Dixon was identified, including Pedrick Road/I-80.

In 2004, the STA also prepared the I-80/680/780 Transit Corridor Study. It proposed revisions to the current Route 30 bus service (that currently stops at Pitt School Road) including eventually expanding its headways during peak periods (i.e. 20 minute headways to Sacramento) and additional off-peak services (including operating on Saturdays and Sundays) with stops at the Dixon Downs project during event travel times. 15-11

STA is planning the initiation of a Major Investment and Corridor Study for the SR 113 Corridor, one of STA's priority projects during the next two years. The STA recently submitted a $250,000 planning grant application to Caltrans for federal transportation planning funds. If approved a local match of $62,500 (20%) would be required by Caltrans to match the 80% of federal funds that STA requested. This study will examine the current conditions and operations of the SR 113 corridor, including safety and operational problems, and alternatives alignments for re-routing SR 113 (particularly trucks and through traffic) around the easterly perimeter of Dixon (i.e. Pedrick Road), between I-80 and SR 12.

The Solano Countywide Bicycle Plan, adopted in June 2004, identified the need for Class 2 bike lanes along Pedrick Road through the City of Dixon and unincorporated Solano County, from I-80 to Maine Prairie Road.

Additional Recommended Mitigations:
STA recommends the following additional mitigation measures be considered by the City of Dixon:

1. STA understands that Caltrans will require the use of the new Solano Napa Travel Demand Model as part of the project sponsor developing any project study reports or any encroachment permits from Caltrans for improvements required to the adjoining I-80 mainline, interchanges, on-ramps, off-ramps or other improvements to I-80 or SR 113 (that would require an encroachment permit from Caltrans). Therefore as soon as the specific land uses for the project are finalized, it is recommended that an additional special model run, paid for by the developer, be conducted by the STA using the new Solano Napa Travel Demand Model to identify a fair share of contribution to the I-80 mainline, ramps and interchange improvements as proposed in the I-80/I-680/I-780 Major Investment and Corridor Study. As part of the mitigation program for the project, it is suggested the City consider developing a funding mechanism between the City of Dixon, STA and Caltrans to provide a fair share contribution towards long - term improvements to the adjoining segment of I-80, identified as Segment 7 in the I-80/I-680/I-780 Major Investment and Corridor Study. 15-12

2. STA suggests that the project contribute toward improvements to be identified in the SR 113 Major Investment and Corridor Study. If the long range alignment of SR 113 is ultimately designated by the City, STA and Caltrans along Pedrick Road, that the development dedicate adequate right-of way and provide funds to improve the easterly side of the project and provide for it's fair share of a relocated state highway. 15-13

3. The Land Use Section of the 2005 Solano CMP (page 29) states:

   "Coordination between land use and transportation is encouraged. This often includes mixed-use zoning, pedestrian pockets, grid-style street systems, preferential parking, and other provisions that tie increased housing to increased job availability in the area. Other land use decisions that would lead to reductions in single-occupant vehicle trips should be explored and taken..." 15-14

   Based on this CMP language, it is suggested that the city and the developer consider an additional alternative to incorporate some residential or mixed - use development into the project. Additional linkages between the housing and the other commercial components of the site (i.e. transit stops, and bicycle/ pedestrian facilities) could help provide some alternative access travel modes to and within the site.

4. To improve traffic safety, STA supports the City of Dixon closing of the existing at-grade separation at Vaughn Road/Union Pacific Railroad (UPRR) tracks and for the project to pay a fair share towards the long- range grade separation of Pedrick Road at the UPRR. 15-15

5. Class 2 bike lanes should be established along Pedrick Road. Also, the existing Class 2 bike route along Vaughn Road (a part of the Dixon-Davis 15-16

Bike Route) should be realigned when the at-grade Vaughn Road railroad crossing is removed. 15-16 (con't.)

6. Changeable message boards on both I-80 and SR 113 should be considered to advise motorists of preferred means of access to the site. 15-17

7. A joint use park and ride facility in close walking distance to the project, should be established. 15-18

8. A bus stop for express buses should be provided within walking distance of the main entrance to the site and/or a shuttle bus to the nearest Express Bus Route 30 bus stop should be provided. 15-19

Thank you for this opportunity to comment. If you or your staff have any questions and wish to discuss in more detail, please contact me at 707.424.6006 or Elizabeth Richards, STA Director of Transit and Rideshare Services at 707.427.5109.

Sincerely,

Dan Christians,
Assistant Executive Director/Director of Planning

Enclosure: Solano Congestion Management Program

Cc: Mayor Mary Ann Courville
STA Board Members
City of Dixon, Council Members
Daryl Halls, Executive Director
Elizabeth Richards, Director of Transit and Rideshare Services
Tim Sable, Caltrans District 4
Janet Koster, City of Dixon

LETTER 15: Solano Transportation Authority, Dan Christians, Assistant Executive Director/Director of Planning

Response to Comment 15-1:

The stated goals and procedures of the Solano Congestion Management Program (CMP) described in this comment have been noted.

Response to Comment 15-2:

The commenter states that the special traffic model run (using the Solano Countywide Traffic Model) conducted for the Proposed Project met the basic requirements of the 2004 Solano CMP. The commenter also states that STA would like to verify that this and other projects along I-80 are included in the new Solano-Napa Travel Demand Model. This is certainly a valid question since it relates to the ability to maintain LOS E along this portion of I-80 as established by the CMP. It is suggested that STA contact the transportation engineering firm, DKS Associates, who developed the Solano-Napa Travel Demand Model, to obtain this information.

Response to Comment 15-3:

The commenter's support for the objectives of the project is noted and forwarded to the decision-makers for their consideration.

Response to Comment 15-4:

The list of project objectives included in Chapter 6, Alternatives, matches the project objectives identified in Chapter 3, Project Description. The discussion of project objectives presented in the Draft EIR describes both the objectives that the City of Dixon intends to use in considering a decision on the merits of the project application, as well as the objectives of the project applicant in making the project application to the City of Dixon. The Draft EIR presents both sets of objectives, and clearly distinguishes between the two sets, in order to inform the public and decision makers, and improve informed decision making. It is appropriate for the statement of objectives to include the applicant's objectives, consistent with Section 15124 of the State CEQA Guidelines which states that "[t]he statement of objectives should include the underlying purpose of the project".

Response to Comment 15-5:

This comment refers to the need for off-site parking and shuttle buses to accommodate Tier 3 events. Since the supply of on-site parking is not adequate to accommodate Tier 3 events, off-site parking would be required. Although not identified as mitigation for the project, the City may nonetheless condition the project to provide a certain number of off-site spaces to accommodate Tier 3 events.

Response to Comment 15-6:

The project applicant proposes to provide 20 bus parking spaces near the Finish Line Pavilion building. Although the project description makes no mention of preferential parking for car/vanpools, this strategy was suggested as part of the TDM plan recommended in Mitigation Measure 4.10-3(a).

Response to Comment 15-7:

Please refer to Master Response TRAFF-3 for discussion of the closure of Vaughn Road and the closure of the existing UPRR crossing of Vaughn Road.

Response to Comment 15-8:

The TDM plan was recommended in Mitigation Measure 4.10-3(a). This mitigation can be required by the City as a condition of approval of the project.

Response to Comment 15-9:

The TMP plan was recommended in Mitigation Measure 4.10-5. This mitigation can be required by the City as a condition of approval of the project.

Response to Comment 15-10:

If the City chooses to adopt Mitigation Measure 4.10-3(a) requiring the implementation of a TDM plan, it may add or remove specific elements at its discretion. The City currently operates a dial-up curb-to-curb transit service, which can complement the recommended shuttle system between the project and downtown Dixon.

Response to Comment 15-11:

Comments relating to the status of the I-80/680/780 Major Investment/Corridor Study, I-80/680/780 Transit Corridor Study, and SR 113 Major Investment/Corridor Study are noted. The commenter states that the Solano Countywide Bicycle Plan (2004) identified the need for Class II bike lanes along Pedrick Road through the City of Dixon and unincorporated Solano County. Mitigation Measure 4.10-9 recommends the installation of Class II bicycle lanes on Pedrick Road between I-80 and Vaughn Road consistent with the *Solano Countywide Bicycle Plan*.

Response to Comment 15-12:

The commenter suggests that when specific land uses for the project are finalized, an additional special model run be performed using the new Solano-Napa Travel Demand Model. The new model run would identify a fair share of the contribution to the I-80 mainline, ramps, and interchange improvements. The new Solano-Napa Travel Demand Model will likely be used during the preparation of the PSR for the I-80/Pedrick Road interchange. The possibility of a second special model run would be considered at the time the PSR is being prepared. However, as noted in Master Response TRAFF-1, by constructing a fourth lane in each direction of I-80 east of Pedrick Road, the project is making a mainline improvement that is roughly proportional to its increase in traffic. Master Response TRAFF-1 also discusses the regional transportation impact fee program being explored by the City to help fund various regional improvements.

Response to Comment 15-13:

The commenter suggests that the project contribute toward improvements to be identified in the SR 113 Major Investment/Corridor Study. This comment presumably refers to the redesignation of SR 113

along Pedrick Road. The project would be conditioned to widen Pedrick Road to four or more lanes plus a median (for landscaping or turn lanes) from I-80 to the southern boundary of the project site. The widening south of Dixon Downs Parkway would occur to the west within the project's property. The roadway would narrow to two lanes prior to the railroad tracks.

Response to Comment 15-14:

The commenter suggests that the City and developer consider an additional alternative to incorporate some residential or mixed-use development into the project. The City's current General Plan designates the proposed project site to be an employment area and does not anticipate residential or mixed-use development. Such uses would be inconsistent with the current General Plan and the current NQSP for the area. However, the proposal does include accommodations for back stretch workers staying at the facility on a temporary basis.

The City's Measure B residential growth control initiative and its implementing ordinance would prevent any significant residential growth for some time. Further, the designation of any significant portion of the NQSP for residential uses would undermine the purpose of the specific plan to provide local in-city employment opportunities and thereby reduce the need for long daily commutes to the Sacramento and Bay Area regions by City residents needing employment.

Response to Comment 15-15:

Please refer to Master Response TRAFF-3 for discussion of the closure of Vaughn Road and the existing at-grade railroad crossing on Vaughn Road. The commenter suggests that the project pay a fair share cost toward the long-range grade separation of Pedrick Road at the UPRR. Funding for local roadway improvements that would serve new development would be paid by development. To this end, the City is exploring the creation of a fee program (perhaps included within its CIP or separate) to collect fees to pay for improvements such as the Pedrick Road Grade-Separation. There is also discussion regarding developer created community facility or assessment districts.

Response to Comment 15-16:

Mitigation Measure 4.10-9 recommends the installation of Class II bicycle lanes on Pedrick Road between I-80 and Vaughn Road consistent with the *Solano Countywide Bicycle Plan*. Please refer to Master Response TRAFF-3 for discussion of the closure of Vaughn Road.

Response to Comment 15-17:

The Traffic Management Plan may include changeable message signs to direct motorists to preferred streets and parking lots during Tier 2 or 3 events. A permanent sign is situated on eastbound I-80 west of the project site. Depending on the type of event, it may be used for event advisory messages.

Response to Comment 15-18:

A park-and-ride lot is currently located within the City of Dixon near I-80 at Pitt School Road. A second park-and-ride facility is located in downtown Dixon. The City would prefer not to place a park-and-ride lot within the project site because of its distance from I-80 and the potential adverse effects of more traffic traveling to/from the lot through adjacent intersections.

Response to Comment 15-19:

The commenter suggests that a bus stop be provided within walking distance to the main entrance. The City currently operates a dial-a-ride curb-to-curb system. Assuming this system is unchanged, then transit patrons would be dropped at their desired location within the site. During the design review process, City staff can require on-site transit facilities such as bus stops, turnouts, benches, and/or shelters.

November 30, 2005

Warren Salmons
City of Dixon
Community Development Dept.
600 East A Street
Dixon, California 95620

Subject: ***Dixon Downs, Draft EIR Review and Comment***

Dear Warren:

We are in receipt of the draft Environmental Impact Report (EIR) for the Dixon Downs project in Dixon. Domestic water is provided by Dixon-Solano Municipal Water Service (DSMWS). The following are the District's comments on the EIR:

1. The District, on Behalf of DSMWS, has no further comments on the EIR regarding the District or DSMWS. 16-1

Thank you for the opportunity to review and comment on this project. If you have any questions, please contact me at (707) 448-6847 ext. 4020 or email pfuchslin@sidwater.org

Sincerely,

Paul Fuchslin, P.E.
Supervising Civil Engineer

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LETTER 16: Solano Irrigation District, Paul Fuchslin, Supervising Civil Engineer

Response to Comment 16-1:

The Solano Irrigation District has indicated that they have no comments on the Draft EIR.

1947 Galileo Ct., Suite 103 • Davis, California 95616

YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT

(530) 757-3650 • (800) 287-3650 • Fax (530) 757-3670

November 30, 2005

City of Dixon
City Hall
Mr. Warren Salmons, City Manager
600 East A Street
Dixon, CA 95620-3697

Subject: Draft Environmental Impact Report (DEIR) for the Dixon Downs Horse Racetrack and Entertainment Center Project

Dear Mr. Salmons:

The Yolo-Solano Air Quality Management District (District) received a copy of the DEIR for the above referenced project and appreciates the opportunity to review and offer comments. As a commenting agency, the District can facilitate meaningful public dialogue of the project's environmental consequences by determining the adequacy of the air quality analysis. In general, the comprehensive air quality analysis could be considered reasonably complete. Our comments focus on three areas: clarifications, District rules and regulations, and the District's recommendation for additional mitigation measures. However, the District does not believe that our comments would change the air quality analysis' conclusions or significance determinations.

Clarifications

The following are minor clarifications that are pointed out for clarity of the document:

1. References to the District versus Solano County

On page 4.2-9, the document correctly describes the District's jurisdiction as covering the northern (northeastern) portion of Solano County as well as all of Yolo County. However, in multiple other pages of the air quality analysis, references are made to Solano County, not the District. Solano County is in the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which is a different air basin. In addition, there are references in the document to the Air Pollution Control District (APCD), however there is no such agency. 17-1

An example of where the jurisdiction distinction is important is that the attainment status is different for the portion of Solano County that is in our District versus the BAAQMD. The attainment status and classification described in the second paragraph of page 4.2-2 and summarized in Table 4.2-1 are correct in the context of the District's portion of Solano County, but not the BAAQMD's portion.

2. Ambient Air Quality Standards and Attainment Status

The information in Table 4.2-1 regarding the 1-hour ozone standard is not up-to-date (the reference in the footnotes of the table cites June 2002). As of June 15, 2005, the federal 1-hour ozone standard was revoked. For the federal 8-hour ozone standard, the District is classified as "serious" non-attainment, not "severe" as cited on Table 4.2-1. For the state ozone standard, the District is classified as "serious" non-attainment, not "severe" as cited on Table 4.2-1. For the state PM2.5 standard, the District is "unclassified" and for the federal PM2.5 standard the District is "unclassifiable/attainment". Any references in the document that relate to the District's attainment status should be considered in this light. 17-2

3. Toxic Air Contaminant (TAC) emissions

The discussion on page 4.2-24 states that "construction activities are not of concern when evaluating TACs." While the main TAC associated with construction activity is diesel PM (which was identified as a TAC in 1998, contrary to the statement on page 4.2-6 that it was "recently" identified), there are many other TACs emitted from diesel combustion. The District does not agree with the statement that the risk from diesel PM is only evaluated based on 70 years. The Office of Environmental Health Hazard Assessment (OEHHA) guidelines suggest for short term impacts (for example construction projects), to model the risk using a minimum exposure of 9 years, even if the project only lasts for 1-2 years. In addition to the "chronic" impact, some of the TACs from diesel combustion can have an "acute" impact. 17-3

3. Operational emissions

The project's operational emissions discussion on page 4.2-18 should have included information about emissions from the horses. Assuming the worst case of 1,440 horses with a Volatile Organic Compound (VOC) emission factor of 6.7 lbs./horse/year, about 5 tons per year (or 26 lbs/day) of VOC emissions are predicted from the project. The emissions should be considered in the Total Operational Emissions summarized in Table 4.2-6. 17-4

With the passage of California Senate Bill 700, all Districts are required to establish permitting programs based on emissions from individual agricultural operations. In March 2005, Rule 11.1, AGRICULTURAL OPERATING PERMIT PROGRAM, was adopted requiring the District to issue permits to agricultural operations whose VOC or Nitrogen Oxides (NOx) potential to emit is equal to or exceeds 12.5 tons per year. In addition, the District is in the process of developing a separate rule to require permits for "large confined animal feeding operations", which for horses, the Air Resources Board (ARB) has defined "large" as 2,500 horses per location. 17-5

District Rules and Regulations

In addition to those rules listed on page 4.2-9, the following rules potentially relate to the proposed project.

- Visible emissions are not allowed to exceed 40 percent opacity for more than three minutes in any one-hour, as regulated under District Rule 2.3, RINGELMANN CHART.
- Cutback and emulsified asphalt application shall be conducted in accordance with District Rule 2.28, CUTBACK AND EMULSIFIED ASPHALT PAVING MATERIALS.
- District Rule 2.40 WOOD BURNING APPLIANCES prohibits installation of any new traditional "open hearth" type fireplaces.
- All stationary equipment, unless exempted by Rule 3.2, emitting air pollutants controlled under District rules and regulations require an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.
- Portable equipment, other than vehicles, must be permitted with the District or registered with the Air Resources Board's (ARB's) Portable Equipment Registration Program (PERP) (http://www.arb.ca.gov/perp/perp.htm).

17-6

Additional mitigation measures

The District supports the list of proposed mitigation measures as discussed starting on page 4.2-16, however have a couple of clarification comments and a couple of additional recommended measures.

1. On page 4.2-16, there appears to be an incorrect reference to a mitigation measure 4.4-1 (c) and (d). Per Table 2-1 Summary of Impacts and Mitigation, section 4.4 appears to address cultural resources.

17-7

2. The discussion of the Northeast Quadrant Specific Plan (NQSP) mitigation measures is a good reference for possible mitigation measures. Related to these NQSP measures, the District has specific comments:

   a. page 4.2-17 strikes measure AQ-J and states that it "is no longer applicable", however the District does not know why this would not be applicable.

17-8

   b. measure AQ-I states that "vehicle idling shall be kept to an absolute minimum. As a general rule idling shall be kept below 10 minutes". Based on the statewide rulemakings (Air Toxic Control Measures), the District recommends a maximum of 5 minutes, rather than 10 minutes.

17-9

   c. measure AQ-K states that "construction activities should utilize new technologies to control ozone precursor emissions as they become available and feasible" but doesn't define these last two terms. The District believes that lean-NOx catalysts are "available" for a wide range of equipment and when we consider whether these devices are "feasible", we do so from a technological standpoint, not necessarily an economic standpoint. The District would recommend stronger language for mitigation measure 4.2-1(d) to require some type of reporting for

17-10

any vehicle which did not have this technology and why it was not "available" or "feasible". 17-10 (con't.)

d. the document adds language to measure AQ-U that was not in the original NQSP measure relating to "permanent" parking lots. As this was not in the original and there is no assurance if and when a second phase would occur, the District recommends that emissions from all parking facilities be mitigated through paving and landscaping. 17-11

3. Pages 4.2-15 and 4.2-16 discuss the use of architectural coatings which comply with District Rule 2.14 (100 g/l or 150 g/l) and concludes by stating that "no other feasible measures available". The South Coast Air Quality Management District's Rule 1113 limits VOC content of non-flat coatings to 50 g/l and flat coatings to 100 g/l currently and 50 g/l in 2008. Since the coatings exist to comply with these lower limits, the District recommends that as a mitigation measure, coatings that meet South Coast's rule limits should be used. 17-12

In conclusion, the District appreciates receiving the DEIR and the opportunity to provide our recommendations presented in this letter. The District would be happy to meet with you to discuss our comments further. If you require additional information, please contact me at (530) 757-3665.

Sincerely,

Paul Andrew Hensleigh
Deputy Air Pollution Control Officer

LETTER 17: Yolo-Solano Air Quality Management District, Paul Andrew Hensleigh, Deputy Air Pollution Control Officer

Response to Comment 17-1:

As the Commenter states, a portion of Solano County falls under the jurisdiction of the Yolo Solano Air Quality Management District (YSAQMD). Consequently, the comment that "Solano County is in the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which is a different air basin" is not entirely accurate. In fact, as is noted by the commenter, parts of Solano County are within either the jurisdiction of the YSAQMD or the BAAQMD. The project site is located in that portion of Solano County subject to the jurisdiction of the YSAQMD.

Air districts in California are named either "air quality management districts" or "air pollution control districts". Many times these appellations are used interchangeably. However, it is acknowledged that the air district covering the Proposed Project site is an "air quality management district", not an "air pollution control district". Consequently, all references in the Draft EIR to an "air pollution control district" shall be replaced with "air quality management district".

All attainment status and classifications for Solano County refer to that portion of Solano County in which the Proposed Project is located, which, as mentioned previously, is within the jurisdiction of the YSAQMD.

Response to Comment 17-2:

In response to the comment, the Table 4.2-1 on page 4.2-3 of the Draft EIR is revised as follows:

Table 4.2-1

State and Federal Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards[a]	National Standards[b]		~~Solano County~~ YSAQMD State Status/ Classification	~~Solano County~~ YSAQMD National Status/ Classification
		Concentrations[c]	Primary[c,d]	Secondary[c,e]		
Ozone	~~8-hour~~ 1-hour[f]	-- 0.09 ppm	~~0.08 ppm~~ ~~0.12 ppm~~ N/A	~~Same as Primary~~ N/A	Nonattainment/ Severe	~~Nonattainment/ Severe~~ N/A
Ozone	8-hour	~~N/A~~	0.08 ppm	Same as Primary	~~N/A~~	Nonattainment/ Serious
Carbon Monoxide	8-hour 1-hour	9.0 ppm 20.0 ppm	9 ppm 35 ppm	Same as Primary	Attainment/ None	Attainment/ None
Nitrogen Dioxide	Annual Mean 1-hour	-- 0.25 ppm	0.053 pm --	Same as Primary	Attainment/ None	Attainment/ None
Sulfur Dioxide	Annual Mean 24-hour 3-hour 1-hour	-- 0.04 ppm -- 0.25 ppm	0.03 ppm 0.14 ppm -- --	-- -- 0.5 ppm --	Attainment/ None	Attainment/ None
Fine Particulate Matter (PM_{10})	Annual Mean Annual Geometric Mean 24-hour	-- 30 μg/m³ 50 μg/m³	50 μg/m³ -- 150 μg/m³	Same as Primary -- Same as Primary	Nonattainment	Unclassified
Fine Particulate Matter ($PM_{2.5}$)	Annual Mean 24-hour	-- 12 μg/m³ --	15 μg/m³ 65 μg/m³	Same as Primary	~~Not Designated~~ Unclassified/ None	~~Not Designated/ None~~ Attainment/ Unclassifiable

Notes:

ppm = parts per million, μg/m³ = micrograms per cubic meter

a. California standards, other than carbon monoxide, sulfur dioxide (1-hour), and fine particulate matter, are values that are not to be equaled or violated. The carbon monoxide, sulfur dioxide (1-hour), and fine particulate matter standards are not to be violated.

b. National standards, other than ozone, the 24-hour $PM_{2.5}$, the PM_{10}, and those standards based on annual averages, are not to be exceeded more than once a year. The 1-hour ozone standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above the standard is equal to or les than one. The 8-hour ozone standard is attained when the 3-year average of the annual fourth highest daily maximum concentration is less than 0.08 ppm. The 24-hour PM_{10} standard is attained when the 99th percentile of 24-hour PM_{10} concentrations in a year, averaged over 3 years, at the population-oriented monitoring site with the highest measured values in the area, is below 150 μg/m³. The 24-hour $PM_{2.5}$ standard is attained when the 98th percentile of 24-hour $PM_{2.5}$ concentrations in a year, averaged over 3 years, at the population-oriented monitoring site with the highest measured values in the area, is below 65 μg/m³. The annual average $PM_{2.5}$ standard is attained when the 3-year average of the annual arithmetic mean $PM_{2.5}$ concentrations, from single or multiple community oriented monitors is les than or equal to 15 μg/m³.

c. All measurements of air quality are to be corrected to a reference temperature of 25° C and a reference pressure of 760 mm of mercury (Hg) (1013.2 millibar); ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

d. National Primary Standards: The levels of air quality deemed necessary by the federal government, with an adequate margin of safety, to protect the public health.

e. National Primary Standards: The levels of air quality deemed necessary by the federal government, to protect the public welfare from any known or anticipated adverse effects to a pollutant.

f. The 1-hour ozone standard will be replaced by the 8-hour standard on an area-by-area basis when the area has achieved 3 consecutive years of air quality data meeting the 1-hour standard.

Source: CARB http:///www.arb.ca.gov, ~~June 2002~~. December, 2005.

Response to Comment 17-3:

It is noted that diesel particulate emissions contain individual toxic components such as toluene. The Air District does not indicate whether they believe that any individual toxic components that are a part of diesel fuel would have any acute impacts on receptors. Construction workers operate heavy-duty diesel equipment for eight hours a day or more without experiencing acute impacts. It is not reasonable to suggest that any receptors in the vicinity of the project site that would be exposed to far less diesel than the actual operator of a piece of diesel equipment would be in danger of experiencing any acute impacts. It is important to note that currently agricultural equipment is operating on the site throughout the year. Agricultural equipment also uses diesel fuel and is emitting diesel particulates.

The nearest receptors to the project site are residences located south of the project site on Vaughn Road. These receptors are approximately 100 to 150 feet from the southern edge of the Proposed Project site. Heavy-duty diesel equipment would operate along this southern edge for only a portion of the overall construction period during grading. Only grading activities would be expected to involve the use of significant numbers of heavy-duty mobile equipment that generate the most TACs during construction. Grading activities would be a very small part of overall construction activities. Most of the construction period would be dedicated to the framing, wiring, and interior construction that uses equipment of much lower horsepower which consequently emits much less diesel particulate. Moreover, the undeveloped nature of most of the area surrounding the project site would indicate that wind would disperse emissions and emissions would not stagnate near receptors.

The Draft EIR already contains a mitigation measure that would ensure that all applicable diesel equipment use a lean NO_x catalyst. This would reduce small particulate matter from diesel vehicles by 63 percent.[3] To further reduce any potential remaining impact from diesel TAC, the use of diesel particulate traps for all appropriate diesel fueled construction equipment would be added. This technology would reduce particulate matter from diesel engines by another 80 percent.[4] The total combined mitigation would result in an approximately 92.5 percent reduction of particulate matter from construction activity. This would ensure that no chronic or acute TAC impacts would be experienced from construction activities associated with the Proposed Project.

Whether a TAC evaluation examines exposure over 70 years or as little as nine years, as suggested in the OEHHA Guidelines, the assumption is that the receptor is consistently exposed to a significant source of TAC. As stated above, TAC sources in the form of heavy-duty diesel equipment would grade at the southern edge of the project site for only a short time. Moreover, even the small amount of emissions produced over this short time would be reduced by over 90% through the use of clean diesel fuels and add-on control technology. All other non-grading construction activities at the southern portion of the proposed project site (construction of grooms quarters and stables) would occur at least 500 feet from the residences on Vaughn Road. The CARB's Risk Management Guidance for the Permitting of New Stationary Diesel-Fueled Engines describes that for a 500 horsepower diesel engine, diesel concentrations significantly decrease at 500 feet. No pieces of construction equipment would have a horsepower greater than 500.

The combined facts that heavy-construction equipment would grade at the southern edge of the proposed project site for only a small portion of the overall construction period, that diesel emissions

3 URBEMIS 2002, version 8.7.

4 Ibid.

would be reduced through mitigation by over 90%, and that non-grading construction activity would use smaller equipment at least 500 feet from the nearest receptors. This would ensure that no TAC impacts would be experienced from construction activities associated with the Proposed Project.

Mitigation Measure 4.2-1(d) on page 4.2-17 of the Draft EIR is revised as follows:

- *All diesel powered construction equipment that can accommodate a diesel particulate trap shall include this trap on the equipment.*

Response to Comment 17-4:

VOC is an acronym for volatile organic compounds. VOC's are the EPA's term for organic gases that react to form ozone. Reactive organic gases, or ROG, is the term used by the California Air Resources Board to denote organic gases that react to form ozone. VOC's and ROG's are virtually the same, except that the EPA considers slightly more gases to be reactive. The terms "ROG" and "VOC" are normally used interchangeably, and will be considered identical in this response. To address the concerns raised by the commenter, VOC associated with horse emissions is added to Table 4.2-16.

Table 4.2-6 on page 4.2-19 of the Draft EIR is revised as follows:

Table 4.2-6

Phase 1 Operational and Phase 2 Construction Impacts (peak pounds-per-day)

	ROG	NO_x
Construction Phase – Building Construction		
Building Construction Off-Road Diesel	30.92	211.05
Building Construction Worker Trips	6.69	12.54
Architectural Coatings Off-Gas	2,466.67	-
Architectural Coatings Worker Trips	2.50	1.54
Total Building Construction	2,506.78	225.13
Total Building Construction (Mitigated)	2,506.78	225.13
Exceeds YSAQMD Threshold	yes	yes
Operational Phase (no large event)		
Mobile Emissions	19.38	9.24
Area Source Emissions	0.57	5.65
Horse Emissions	26	0
Total Operational Emissions	~~19.95~~ 45.95	14.89
Total Operational Emissions (Mitigated)	~~19.95~~ 45.95	14.89
Exceeds YSAQMD Threshold	no	no
Operational Phase (large event)		
Mobile Emissions	108.73	143.24
Area Source Emissions	0.09	0.15
Horse Emissions	26	0
Total Operational Emissions	~~108.82~~ 134.82	143.39
Total Operational Emissions (Mitigated)	~~108.82~~ 134.82	143.39
Exceeds YSAQMD Threshold	yes	yes
Combined Phase 2 Construction and Phase 1 Operational without Large Event	~~2,526.73~~ 2552.73	240.02
Combined Phase 2 Construction and Phase 1 Operational with Large Event	~~2,615.6~~ 2,641.6	368.52

Source: EIP Associates, 2005.

Response to Comment 17-5:

The existence of California Senate Bill 700 and YSAQMD Rule 11.1 is noted. The Proposed Project would contribute VOC and NO_x emissions from a variety of point and area sources, as discussed in the Draft EIR. The vast majority of NO_x emissions would be attributed to mobile sources. Using the emission factor of 6.7 pounds/head/year for horses developed by the CARB for emission inventory purposes, and assuming that the maximum of 1,440 horses were stabled on site full time, total annual VOC emissions from horses would be approximately 4.8 tons of VOC. These horse emissions would be the only agricultural emissions associated with the Proposed Project. Consequently, the operational emissions from the Proposed Project that could be considered as "agricultural" emissions (horses) are below the 12.5 ton per year permit threshold found in Rule 11.1. All other operational emissions would be related to non-agricultural sources, in keeping with the commercial nature of the project; therefore,

the Proposed Project would not be required to obtain a permit from the YSAQMD. Although, it is possible, that the YSAQMD may require permits for individual pieces of equipment such as boilers or backup generators.

As stated in the project description, there could be a maximum of 1,440 horses stabled at the facility at any one time; however, this would be unlikely. The maximum number of horses (1,440) would be less than the 2,500 horses that would constitute a "large confined animal feeding operation" as defined by the Air Resources Board.

Response to Comment 17-6:

In response to the comment, the following text will be added to the Draft EIR page 4.2-9 under the header Local Air District Rules:

> *RULE 2.3 – Ringelmann Chart*
> *Sets opacity limits on emission discharges.*
>
> *Rule 2.28 – Cutback and Emulsified Asphalt Paving Materials*
> *Limits the emissions of organic compounds from the use of cutback and emulsified asphalts in paving materials, paving, and maintenance operations.*
> *Rule 2.40 – Wood Burning Appliances*
> *Prohibits installation of any new traditional "open hearth" type fireplaces.*

It is noted that stationary equipment not exempted by Rule 3.2 that emits air pollutants would require an Authority to Construct (ATC) and Permit to Operate (PTO) from the Air District. It is noted that portable equipment is required to be registered with the Air Resources Board.

Response to Comment 17-7:

The commenter is correct. This is a typographical error that will be corrected.

The first sentence in the second complete paragraph on page 4.2-16 of the Draft EIR is revised as follows:

> Implementation of the following NQSP mitigation measures as well as Mitigation Measure ~~4.4-1~~ 4.4-2(c) and (d) would reduce emissions of PM_{10} from construction to a maximum of approximately 55 pounds per day, as shown in Table 4.2-5.

Response to Comment 17-8:

The City determined that previously adopted NQSP Mitigation Measure AQ-J is no longer applicable because it would not serve to mitigate adverse effects of the project, and, in some cases, could exacerbate adverse air quality or other environmental effects of the project.

Previously adopted NQSP Mitigation Measure AQ-J states:

> During smog season (April through October), the construction period shall be lengthened so as to minimize the number of vehicles and equipment operating at the same time.

This measure was identified for the purposes of reducing or eliminating effects due to the generation of ozone precursors, NO_x and ROG. Measure AQ-J would not reduce or eliminate the generation of NO_x and ROG, only spread it out over a longer period of time. Since ozone is created in the atmosphere through a photochemical reaction, and is not a localized effect, spreading out the time during which the precursors are generated would have no mitigating effect, and could increase effects by requiring emissions-generating sources to be run longer. In addition, such effects as construction noise, construction traffic disruption, and others could be exacerbated by lengthening the time period of construction. As such, the City has determined that this measure is no longer applicable for the mitigation of ozone precursors in the NQSP area.

Response to Comment 17-9:

The text of NQSP Mitigation Measure AQ-I on page 4.2-17 of the Draft EIR is proposed to be changed because it is no longer applicable:

> *Vehicle idling shall be kept to an absolute minimum. As a general rule idling shall be kept below ~~10~~ 5 minutes.*

Response to Comment 17-10:

To address the concerns of the Air District, Mitigation Measure 4.2-1(d) on page 4.2-17 of the Draft EIR shall be revised to read as follows:
The following measure shall be implemented to reduce emissions of NO_x during construction:

- *All diesel powered construction equipment shall use a lean-NO_x catalyst, where feasible. If this technology is not used a report shall be provided to the City that explains why it was not available or feasible to include on the construction equipment.*

Response to Comment 17-11:

NQSP Mitigation Measure AQ-U on page 4.2-21 of the Draft EIR was revised to be more specific and to address long-term dust control by requiring that all permanent parking lots and roadways be paved. Because Phase 2 would be developed at a later date within an area slated for temporary parking to serve Phase 1, the mitigation measure was revised to require that temporary or non-paved parking lots use alternate parking methods which would be required to be approved by the City, in part, to ensure dust is controlled. In the event all or part of Phase 2 is not developed in the future it is anticipated that the project applicant may request that the temporary parking lots to serve Phase 1 become permanent lots and be paved and landscaped to control dust.

To ensure this occurs, NQSP Mitigation Measure AQ-U on page 4.2-21 of the Draft EIR is revised to read as follows:

> *AQ-U PM_{10} emissions shall be reduced by curtailing fugitive dust through effective landscaping, and paving all permanent vehicle roads and parking lots. Temporary or non-paved parking lots shall use alternate parking methods approved by the City which would minimize any particulate matter emissions.*

Response to Comment 17-12:

Although the South Coast Air Quality Management District (SCAQMD) has an architectural coatings rule that specifies a VOC limit for non-flat coatings that is lower than the current YSAQMD rule, and a VOC limit for flat coatings that would be lower than the YSAQMD rule limit to take effect in 2008, it is not certain that the use of these types of coatings are feasible for the Proposed Project. Neither the YSAQMD or the SMAQMD, which is the largest district in an ozone nonattainment area, have adopted VOC limits in their architectural coatings rules that reflect those found in the SCAQMD rule. Many issues have been raised in the South Coast area concerning the durability and quality of the low-VOC coatings specified for use in the rule. Using less durable coatings can actually impede progress towards attainment of air quality goals because it becomes necessary to apply them with greater frequency. Essentially, applying low-VOC coatings more often can produce more VOCs than applying slightly higher VOC paints with less frequency. Also, industry in the Sacramento area commonly asserts that the colder climate in the Sacramento area (versus the Los Angeles area) makes the use of extremely low-VOC coatings infeasible because low-VOC coatings need warmer conditions to dry satisfactorily. Since no air district in the Sacramento Ozone Nonattainment Area has adopted a rule implementing the South Coast VOC limits for architectural coatings, it has not been demonstrated that the use of these coatings in the Sacramento area is feasible. Therefore, it is recommended to not include the South Coast Air Quality Management District's Rule 1113.

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MOTHERLODE CHAPTER
Explore, enjoy and protect the planet

City of Dixon
600 East A Street
Dixon, CA 95620
Attention: Community Development Director

11-28-05

RE: Dixon Downs Horse Racetrack and Entertainment Center Project Draft Environmental Impact Report

The Yolano Group Sierra Club has reviewed the Dixon Downs Horse Racetrack and Entertainment Center Project DEIR. The proposal is for a 260 acre phased, mixed-use development including a thoroughbred horse racing and training facility that would also operate as a performance arts center, with retail and commercial uses, a hotel/conference center and office space. The project is proposed for a portion of the City of Dixon Northeast Quadrant Specific Plan area. It lies along I-80 with the cities of Davis and Sacramento located approximately six miles and 25 miles to the northeast respectively, and Vacaville and San Francisco located roughly 15 miles and 65 miles to the west. The two main boundaries are Pedrick Road to the east and I-80 to the northwest.

Due to the location, size, and potentially serious negative impacts that could occur as a result of this proposal, the Yolano Group has serious concerns with the proposed project. We include our comments below.

Air Quality

Solano County is already out of attainment for both federal and state standards for ozone and small particulates. (Ozone is a gas formed when reactive organic gases [ROGs] and nitrogen oxides [NOx] undergo photochemical reactions in the presence of sunlight. Both ROGs and NOx are by-products of internal combustion engine exhaust. Small particulates [PM10] are very small, suspended particle or droplets 10 microns in diameter or smaller. Most PM10s in populated areas are caused by road dust, diesel soot, combustion products, abrasion of tires and brakes and construction activities.)

18-1

Ozone is a strong irritant that can lead to asthma, chronic bronchitis and cardiovascular diseases. Small particulates can enter the lungs and cause damage to the alveoli, the tiny air-sacs where air from the lungs is transferred into the bloodstream. These particles can also carry carcinogens and other toxins into the lungs. Addition of a project that will result in thousands of new vehicle trips and that will bring levels of service at several intersections, road segments, and I80 to unacceptable levels, even after mitigation, will greatly exacerbate these problems.

The Yolo-Solano Air Quality Management District (YSAQMD) is classified as a severe non-attainment area for federal one-hour ozone standards. California has adopted standards that are in some cases more stringent that Federal Standards. The YSAQMD is implementing plans to bring the district into compliance with ambient air quality standards. This will be accomplished partly through education in the public and private sectors in ways to reduce air pollution. Under YSAQMD standards, a development project is considered to contribute substantially to an existing violation of the California Ambient Air Quality Standard if it emits pollutants at a level equal to or greater than 5% of the CAAQS. The YSAQMD has established air pollution impact significance thresholds for certain criteria pollutants. These thresholds are used to determine the significance of air quality impacts of any project. The current thresholds for ROGs = 82 pounds per day; for NOx = 82 pounds per day; and for PM10 = 150 pounds per day. Construction and/or operation of Phases 1 and 2 of the Proposed Project will result in levels of these pollutants to exceed the significance thresholds even after all feasible mitigation measures are implemented. 18-2

Impact 4.2-1 states that construction activities associated with the Proposed Project would generate emissions of criteria pollutants (PM10, ROGs, NOx) that exceed the YSAQMD thresholds of significance. Construction activities during both Phase 1 and 2 would bring levels of these pollutants to levels considerably above the significance thresholds. Even after mitigation measures to reduce dust and vehicle idling; compliance with the YSAQMD's architectural coating rule (Rule 214); and requiring construction equipment used during Phase 2 to use a lean-NOx catalyst, levels of these pollutants would exceed the YSAQMD levels of significance. 18-3

Impact 4.2-2 states that operation of Phase 1 combined with construction of Phase 2 and operation of the two combined would generate emissions of ROG and NOx exceeding thresholds of significance. 18-4

Phase 1. Since Phase 1 operation would create infrastructure for large events at the site, such an event would produce large numbers of vehicle trips to the site. Most attendees would chose to drive personal vehicles, regardless of mitigation measures to reduce use of personal vehicles. It is expected that transit service would be limited, and there is no way to require its use. Table 4.2-5 indicates that emissions from the Project on a large event day would exceed YSAQMD thresholds of significance for both NOx and ROG, ozone precursors. 18-5

Phase 1 Operational and Phase 2 Construction. Operation of Phase 1 would be occurring simultaneously with part of the Phase 2 construction. Daily emissions from Phase 2 would also cause levels of ROG, NOx and PM 10 to exceed thresholds of significance. The URBEMIS 2002 modeling shows that implementing feasible mitigation measure could only slightly reduce the combined impacts of Phase 1 and Phase 2. Daily operational emissions from Phase 1 and 2 would still exceed thresholds of significance. 18-6

Impact 4.2-6 states that combined Phase 1 operation and Phase 2 operation and construction, when combined with other existing and future development in the SVAB, could generate emissions of ROG and NOx contributing to a cumulative impact. 18-7

Phase 1. YSAMQD thresholds for NOx, ROG, and PM10 would be exceeded on large event days. These would combine with emissions from other development in the SVAB and contribute to an air quality violation in the region. The fact that implementation of the Project itself causes exceedance of the thresholds by itself, shows that its contribution to a violation would be considerable.

Phase 1 and 2. The new land use would contribute more vehicle trips than would occur with the current zoning. Thus, Phase 1 and 2 of the Project would contribute emissions that would be 18-8

cumulatively significant. Even with implementation of mitigation measures, this impact remains significant. Since PM10 produced by the Project would not only exceed threshold levels, but would also be greater than that produced with existing zoning, the Project violates the current AQMD to reduce PM10. This is a cumulative significant impact that cannot be mitigated. 18-8 (con't.)

Another potential contributor to air pollution that was not considered in this DEIR is the production of ROG from the manure from the approximately 1400 horses that would be stabled on site at any given time. On average, a 1,000 pound horse will produce approximately 50 pounds of manure per day of which about 20% or 10 pounds will be volatile solids, capable of volatilizing and releasing into the atmosphere. Therefore, for 1400 horses, the total amount of volatile solids produced per day for the entire facility would be 14,000 pounds per day. This does not take into account emissions from the urine produced and mixed with the manure on site. Assuming only a small percentage of the total volatile solids emit into the atmosphere, large amounts of ROG could be produced by the manure and urine produced on site. These emissions could be significant and would be emitted every day on site, independent of any special events. A study of these emissions should be undertaken and the impacts and proposed mitigations included in the DEIR which should then be recirculated for review. 18-9

Approval of this project will result in significant degradation of air quality in the area and region. In particular, increased vehicle trips induced by large events at Phase 1 and the regional draw of a large shopping and entertainment venue at Phase 2 will add thousands of vehicle trips to the destination site. This will result in the release of hundreds of more pounds of health-threatening pollutants into the air, thereby greatly exacerbating the poor air quality. None of the proposed mitigation measures can reduce ROG, NOx, and PM10 to less than significant levels. The contribution of the very high emissions of these criteria pollutants to degradation of the local and regional air quality cannot be mitigated. These impacts on air quality and on health of residents in the immediate area and the region are significant and unavoidable if the project is built. How can the city justify allowing a project that seriously violates current YSAQMD plans to reduce these pollutants? Development under current zoning for this site under the NQSP, while also adding to air pollution to some extent as will any development, will have fewer impacts on air quality than will the Proposed Project. In an attempt to comply with regional air quality goals, the City of Dixon should reject this project and proceed with planning under the current zoning, using all available technologies to mitigate for impacts on air quality. Otherwise, the City must submit a plan to mitigate for the effects of this project on area and regional air quality and the DEIR must be recirculated. 18-10

Biological Resources.

The discussion under Habitat Types attempts to reduce the significance of the project site as far as habitat, and implies that, since the site is actively cultivated, it supports few natural species. However, farmland does support numerous species. Many species have had to adapt because farming practices have taken over so much of what was their habitat, and many have adapted well. For example, grain and low row crops provide excellent Swainson's Hawk and other raptor foraging habitat. Irrigated areas also attract migrating water fowl. The edges of fields and irrigation and drainage channels provide habitat for a number of other species, including squirrels and other rodents, and Burrowing Owls. The DEIR does provide a list of species known or expected to occur at the site. The potential for occurrence of special-status species was determined through habitat information obtained by field surveys conducted in May and June of 2004 and from review of the California Natural Diversity Data Base and the U.S. Fish and Wildlife plant and animal list. It should be noted that these data bases are generally not kept up to date and should not be heavily relied upon. Also, May and June surveys would not have captured occurrence of plant and animal species present only in winter, such as certain wetland species. 18-11

The project site is Swainson's Hawk foraging habitat as stated in the DEIR. Swainson's Hawks were regularly seen flying over the site during surveys. The DEIR comments on the fact that the CNDDB includes approximately 57 recorded occurrences of Swainson's Hawks within a five-mile radius of the Project site. When was this list last updated? Does the sited data indicate how many of these occurrences are nest sites? Table 4.3-2 indicates that the Project site does not provide nesting habitat for the Hawk, since the only tree on the site, and known to have supported a nesting pair, was removed four years ago. Why was this tree removed and by whom? Who authorized the removal of a tree known to be a nest site for a species listed as threatened by the State of California and is a USFWS Species of Concern? Was a certified biologist involved in the timing of removal of the tree? 18-12 18-13

The Burrowing Owl is shown on the map, Figure 4.3-1, to occur at the south-eastern tip of the site or just across the street from it, and it would not be unlikely for them to occur on-site. There are apparently several sites within a five-mile radius of the Proposed Project site that do support Burrowing Owls. Protocol Level surveys were not performed for Burrowing Owl, although the DEIR mentions that none were seen during the walk-through surveys conducted on May 24 and June 1 in 2004. This does not mean they are not at the site. The Burrowing Owl is a federal and state species of concern. Their population has declined by 80% in the last two decades. They have been extirpated in some counties. Loss of habitat is mainly attributed to the loss of open grassland associated with development. The proper surveys should be conducted for the Burrowing Owl, and if present, proper mitigation measures proposed and the DEIR recirculated. 18-14

Impact 4.3-1 indicates that construction of the Proposed Project "could" result in loss of foraging habitat for Swainson's Hawk and other raptors. Since the surveys conducted in May and June 2004 indicated that the Swainson's Hawk was repeatedly observed flying over the site, construction of the Project will most certainly remove 260 acres of Swainson's Hawk foraging habitat. The DEIR states that acquisition and preservation of suitable foraging habitat off site and at a ratio acceptable to CDFG would not restrict the current range of Swainson's Hawks. A loss of 260 acres of foraging habitat will most certainly restrict the range and could impact breeding pairs using the site for foraging. 18-15

The mitigation measures proposed are not adequate for protection of Swainson's Hawk habitat or the species. Mitigation Measure 4.3-1 requires that the project applicant preserve an equal amount of raptor foraging habitat *based upon Phase 1 project impacts.* It is unclear whether this means that Phase 1 impacts are impacts on the entire 260 acres, or only on the 180 acres that will be developed in Phase 1. Since the entire site, for Phase 1 and 2, will be graded at one time, and since construction and consequent operation activities associated with Phase 1 will render the entire site unusable for foraging habitat for any raptor, the project applicant must be required to preserve suitable Swainson's Hawk foraging habitat (at a 1:1 ratio or better) equal to the loss of the entire 260 acres. 18-16

Measure 4.3-1 also states that "to the extent possible, mitigation lands that provide suitable habitat to mitigate impacts to multiple species could be considered as well as land that includes Prime Farmland to also comply with Mitigation Measure 4.7-1." If the land that is used as mitigation for loss habitat for the Swainson's Hawk and other raptors is also farmland, then there must be a written agreement for management of the mitigation land to ensure that it remains cultivated only with those crops that support raptor foraging habitat. (Grain and low row crops mainly. No vineyards or orchards.) The land acquired should also be near enough to the project site to be of benefit to the population impacted by the development. It is to be preferred that the two types of mitigation (for loss of habitat and for loss of prime farmland) are carried out separately on separate parcels to provide for maximum preservation of land lost to development. 18-17

Mitigation Measure 4.3-1also permits that preservation of suitable foraging habitat occur through *either* purchase by the applicant of conservation easements or fee title on lands with suitable foraging habitat *or* payment of a mitigation fee to an established mitigation bank or similar habitat development and management company, or the City of Dixon. The monies would be held in a trust and used to purchase mitigation credits. The mitigation measure further states that if the lands or easements have not been acquired at the time of the first building permit, the City will hold the money until suitable lands are identified and acquired by the city or preserved through other methods such as a suitable mitigation bank, or the money may also be paid by the City into Solano County's HCP effort if and when it becomes approved. 18-18

Under the fee-based system, how is the amount of the fee to be determined? Is it based on the real cost of land? Will the agreement with the applicant require that the fee be equal to the real cost of suitable mitigation land at the time of purchase, regardless of when that is? Since the price of land continues to escalate due to development pressures, money paid today will not be sufficient to purchase suitable Swainson's Hawk foraging habitat at a 1:1 ratio in the future. This has been the case in Yolo County where the county has collected nearly $5 million in money for the loss of approximately 2600 acres of habitat lost to development, and has acquired no mitigation land whatsoever. Other fee-based mitigation programs in the region have also failed. The City of Elk Grove and County of Sacramento had fee-based systems, and they failed to allow for acquisition of mitigation lands to replace those lost to development. Both Elk Grove and Sacramento County adopted the requirement that the developer must acquire the land or easement prior to issuance of grading permits. 18-19

As stated in the DEIR, Solano County has no HCP and apparently no monitoring plans to determine that any mitigation for loss of Swainson's Hawk habitat is effective. If the money is paid into the HCP effort, there is no guarantee that land can be acquired to replace that lost to development when the HCP is adopted, for the same reasons as stated above. If the money is paid into a mitigation bank, are there management and monitoring plans in place? What guarantee is there that the fee paid by the applicant is adequate to acquire Swainson's Hawk foraging habitat that is equal to or better than the land lost at this site and reasonably close to this site order to benefit the population that will impacted by its loss? 18-20

CEQA requires that there must be a reasonable certainty that the chosen mitigation measures can be implemented. Mitigation Measure 4.3-1 would allow the City to hold the fee moneys in an interest-bearing account until suitable lands are identified or to pay the fee into the HCP if and when it becomes approved. This means then, that the fee could go into an account for an unknown period of time, and suitable land may be acquired at some unknown future date. Under this scenario, by the time the county attempts to acquire habitat to replace that lost to development, the money will be grossly insufficient to acquire suitable habitat to replace that lost. Since in this case, there is no certainty that the mitigation measure can be implemented, then the measure is infeasible and this is a violation of CEQA. Furthermore, since the provisions of an HCP are not known at this time, and will be determined long after the construction of this project, payment of a fee into the HCP effort at this time would also be a violation of CEQA. Adoption of a mitigation measure where substance of the measure will be decided after approval of the project is a violation of CEQA. 18-21

To ensure acquisition of Swainson's Hawk and other raptor mitigation lands to replace on a 1:1 ratio or better than that lost to development, the applicant should be required to acquire, prior to issuance of any permits or disturbance of the land, either through fee title or permanent easement, suitable Swainson's Hawk foraging habitat on a 1:1 or better ratio, that is equal to or better than the land lost to development and near enough to this site to be of benefit to the population being impacted. The applicant should transfer the land or easement to an appropriate conservation operator, along with a fee 18-22

to cover costs of management and monitoring of the mitigation lands to ensure mitigation is working. A management and monitoring plan should also be adopted and circulated for review. This DEIR should be recirculated reflecting responses to the above concerns. 18-22 (con't.)

Impact 4.3-2 states that construction of the project could result in loss of nesting birds protected by the CDFG of the Migratory Bird Treaty Act (MTBA). Mitigation measure 4.3-2(a) is to conduct a pre-construction breeding-season survey during the calendar year that construction is planned. The results of this survey will be submitted to the City of Dixon. Conducting a survey is NOT a mitigation. Furthermore, the appropriate surveys should have been done for this DEIR so that the public had the ability to review the results of the surveys and adequacy of proposed mitigations. Unless more EIR's are planned for the time of survey conduction, this will not be possible. 18-23

Mitigation Measure 4.3-2(b) requires pre-construction surveys be done if vegetation removal for the potential nesting area is planned. If nesting is occurring, the vegetation removal will be delayed until a qualified biologist determines that the young have fledged OR, if construction cannot be delayed, avoidance will include establishment of a buffer zone around the nest site. Appropriate surveys should have been done for the EIR so that the public had an idea of the extent (or not) of the occurrence of ground-nesting birds on the site. This is again, not a mitigation measure, since there is still a loss of this nesting habitat for possible protected species. Mitigation should entail acquisition of suitable habitat elsewhere to mitigate for the loss of this land to development. This mitigation should be included and the DEIR recirculated. 18-24

Impact 4.3-3 states that the development would fill irrigation channels that could be wetlands and wetland habitat under state or federal jurisdictions. Mitigation Measure 4.3-3 requires that a wetland delineation will be conducted and submitted to the Army Corps of Engineers to determine federal jurisdiction of the major east/west drainage ditch. If the ditch or others on the project site are under federal or state jurisdictions, the applicant will be required to compensate for the loss of habitat at a 1:1 ratio. This wetland delineation and determination of existence of protected species should have been conducted for the DEIR so that the public had the ability to review the data and presence or absence of protected wetland species and proposed mitigation measures. The mitigation measures proposed here are speculative in nature, depending on the outcome of studies to be performed in future. The studies must be performed for this EIR, substantive mitigation measures proposed, and the DEIR recirculated. 18-25

Impact 4.3-4 states that cumulative development.....including the Proposed Project, would contribute to the cumulative loss of foraging habitat for Swainson's Hawks and other raptors. Swainson's Hawks and other raptors have had to depend more and more on agricultural lands for foraging habitat. The ag lands of Yolo, Solano, and San Joaquin County support the core breeding population of Swainson's Hawks in California. Cumulative loss of foraging habitat as a result of urbanization of ag land will substantially reduce foraging habitat necessary to support breeding nest sites for the Swainson's Hawk. Construction of the Proposed Project will contribute to loss and fragmentation of Swainson's Hawk foraging habitat through incremental conversion of ag land to human use. Loss of habitat on this project site will be significant, and therefore the loss on ag lands on a regional level would be significant. The mitigation measures proposed are inadequate to compensate for this cumulative impact. Mitigation measure 4.3-4(a) is to simply implement Mitigation Measure 4.3-1. We have discussed at length the inadequacies of this measure above. Mitigation Measure 4.3-4(b) requires implementation of Measures B-D or B-E from the NQSP EIR. These measures require that studies be done to determine if the species nests on the site and, if so, develop appropriate mitigation measures. The mitigation measures are not defined here but will be determined at some undefined future date. CEQA requires that specific mitigation measures be described and implemented as a condition of development. Those measures must be available for review by the public. Simply 18-26 18-27

conducting surveys is not mitigation. The appropriate surveys should have been done for this DEIR as stated previously, and appropriate mitigation measures proposed in this DEIR. The studies should be conducted, appropriate Mitigation Measures proposed and the DEIR recirculated. 18-27 (con't.)

If B-D are not implemented, then B-E are to be implemented and that is that future development will participate in the HCP for the county. The HCP does not exist; the substance of the HCP is unknown; this mitigation is speculative and a violation of CEQA. 18-28

Hazardous Materials.

The project site was evaluated in 2001 and 2005. A Phase II ESA completed as recommended in the Phase I ESA for the Mistler property determined that soil in the area of a former 10,000 gallon AST had been contaminated by a diesel leak. The contaminated soil area is roughly 20 feet across and at least 10.5 feet deep. Shallow groundwater contamination may also have occurred, but ground water testing has not occurred. The Phase II ESA recommended further soil and groundwater testing. Known contamination is limited to areas on the Mistler property which will probably be developed with a parking lot. This is not certain however. Mitigation Measures require that prior to issuance of a grading permit, contaminated soil be removed and further soil tests be conducted to ensure that all soil contamination has been removed. After soil removal, a groundwater testing system will be implemented to demonstrate that diesel fuel releases have not affected groundwater at the site. Groundwater monitoring will continue until the Solano County Environmental Management Department determines testing is no longer required. If the Solano County EMD determines that remediation is required, the developer or successors shall work with county staff to affect clean-up. 18-29

Diesel fuel contains carcinogens among other toxic substances. If there is a potential for ground water contamination, this should be determined and proper remediation efforts implemented prior to development of the Project. The area where diesel leakage occurred should be off-limits to any development until groundwater monitoring wells are in place and monitoring has occurred long enough to determine that either there is not groundwater contamination and construction can proceed or there is contamination and appropriate mitigation measures are adopted and implemented. Proper mitigation measures may include installation of an extraction system or treatment in situ of the contaminated groundwater, both of which could be hampered by development in that particular location. The county should not allow any development of the area where diesel fuel leaked until groundwater monitoring has taken place and a treatment system, if needed, is in place. If the county or city do allow this development to take place, they could be liable for future costs, both economic and human, in relation to remediation of groundwater contamination and efforts to prevent spread or human contact. 18-30

Land Use, Planning, and Agricultural Resources.

Agricultural Resources

This entire 260 acre parcel is prime farmland with predominantly Class I and II soils and with high Storie Index ratings. The soil types are Brentwood clay loam, Capay silty clay loam and Yolo silty clay loam. The soils on this property are among the best in the country. 18-31

Development of this property represents a violation of the City's current General Plan which calls for preserving agricultural lands and preventing their premature conversion to urban uses, and for encouraging the maintenance of agricultural uses in all undeveloped areas designated for future urban use, especially in the areas designated for future industrial uses. Development of this project could constitute premature development, as development at this site is not otherwise proposed at this time. (It is designated for future development as commercial and light development, and development.) Good planning generally dictates that development will take place adjacent to already developed land and 18-32

proceed outward in an orderly manner, rather than unnecessarily sprawling onto prime farmland or jumping over undeveloped land. How does the city justify this type of proposal in light of the fact that this is prime land, is currently actively farmed, and this parcel is not contiguous with the current developed portions of the city? 18-32 (con't.)

Impact 4.7-1 states that implementation of this project could conflict with current policies intended to protect the environment. The conclusion is that this would not be the case as this project is not considered a premature conversion of ag land, as this area is within the NQSP and is zoned for development. Nonetheless, the current land use is agricultural, not slated for immediate development and development of this project now would constitute premature conversion. 18-33

Impact 4.7-3 deals with problems with incompatible uses. The analysis concludes that this is not a significant impact. However, there could be significant conflicts at this site with farming practices on surrounding lands. If this site is developed into a track and entertainment venue, drawing large numbers of people for on-site events, and into a retail/commercial venue also drawing large numbers of people to on-site activities, there will undoubtedly be conflicts with adjacent farming practices, such as discing, spraying, including aerial, of pesticides and herbicides, and other farming practices that normally create dust, noise, or presence of airborne toxic substances. How does the city and applicant intend to prevent these conflicts and protect on-site users from these activities? Are major buffers proposed between the site and surrounding farmland? The EIR should state specifically how this issue will be addressed. 18-34

Impact 4.7-2. Development of the site would result in conversion of prime farmland to non-agricultural uses. Mitigation for this is that the applicant will preserve an equal amount of prime farmland and protect it for long-term ag use through various mechanisms. This still results in a net loss of prime agricultural land and a permanent loss of this site for ag uses. 18-35

Impact 4.7-4 covers cumulative loss of prime farmland. This project taken together with other development in the County will result in a cumulative loss of significant amount of prime farmland. While the applicant is required to preserve an equal amount of prime farmland, this does not replace that lost. There is still a net loss. How does the city and county justify continual loss of prime farmland to urban uses, when prime farmland is disappearing at a high rate in Solano County? 18-36

Planning and Land Use

The northeast quadrant specific plan land use goals include providing the City of Dixon with a major employment center. According to the fiscal analysis done for the project, the existing zoning would generate far more jobs and compensation than the Dixon Downs proposal. In Table 7, Economic Impact Analysis for Operational Phase, Employment Impacts (Jobs) it is shown that jobs provided by operation of Phase 1 and 2 combined equals 3,592. Jobs provided under current zoning are 5,639.7. In Table 8, under Compensation Impacts, Phases 1 and 2 combined provide total compensation impacts of $139,766,559 compared to $244,016,423 for current zoning. In Table 9, Industry Output Impacts are $275,171,440 for Phases 1 and 2 combined and $649,248,494. It appears from a jobs/benefits and industry output standpoint, the current zoning provides twice the jobs and compensation benefits as well as output. How does the city justify changing the General Plan and NQSP to permit a project that will actually provide less benefit to the community as far as jobs and associated benefits than that which would be provided under the current zoning? 18-37

A look at the Fiscal Analysis Summary of Each Scenario at Build out submitted by Goodwin Consulting, Inc. on 1-21-05 reveals that Phase 1 of the proposed project will provide the City of Dixon with $764,907 or $961,808 after fair share, while development under current zoning would provide 18-38

$301,059 or $688,157 after fair share. The number provided for development under current zoning is in conflict with a report done by the same consultant on 12-6-04 which states that development under current zoning would result if a net fiscal impact of $971,726 and after fair share of $1,225,725. Using these numbers, the City reaps greater benefits with current zoning than from Phase 1 of the Dixon Downs project. (Since there is speculation as to whether and when Phase 2 will be built, Phase 2 benefits are not considered here.) There are also problems with speculating on what development under current zoning would actually provide, since there is no specific project to analyze. It is virtually impossible to say what the eventual development under current zoning might be. Therefore, the assertion that the Dixon Downs project brings more to the community than development under current zoning is not necessarily true. Even with added revenues from Phase 2, the city will still grapple with the costs of the large, negative impacts of this project, such as the very significant infrastructure costs, particularly those associated with the many road-widenings and reconfigurations triggered by this project. Moreover, it is clear from the analyses, that from a jobs/compensation standpoint, current zoning would bring more benefits to the community than the project even with Phase 2 built out. What justification is there for changing existing zoning to permit a project with potentially fewer benefits to the community and the very real potential for serious negative fiscal impacts for the city?

18-38 (con't.)

Alternatives.

The City of Dixon is considering this project and a number of amendments to the General Plan and NQSP for various stated reasons. The selection of alternatives is guided by the need to reduce or eliminate project impacts and to achieve project objectives, which are listed on page 6-1 through 6-4. Most of the city's objectives in considering this project can be satisfied under the current zoning. If the goal of the City of Dixon is to provide more retail, entertainment, civic and cultural opportunities for the community, then these can be achieved on the existing property or others within the city without this massive project. Since Phase 2 of this project may not be built for some time, if at all, it cannot be guaranteed that this project will provide civic, cultural, or retain opportunities for the community, while build out of the NQSP under existing zoning and directing development for some of the amenities to the downtown, could guarantee such amenities. Furthermore, since there is no guarantee of Phase 2 in the near future, there is every possibility that infrastructure, service and maintenance costs will far exceed fiscal benefits.

18-39

Reviewing the alternatives analyzed in the DEIR, It appears that the superior alternative, other than "no project" which would not achieve the long-term planning goals already set by the City of Dixon, is the "No Project/No Action Alternative. Although there are apparently a few instances (4 out of 66) where the impacts from this alternative would allegedly be greater than with the Proposed Project, the No Action Alternative will meet all the goals of the City of Dixon with far fewer impacts on the environment, cultural resources, public services, transportation, and the community than the Proposed Project. Furthermore, the City will be in control of what is allowed on the site, and can ensure that only what is best for the community is approved.

18-40

Most impacts, including impacts on agricultural and biological resources, would be essentially the same. Traffic and transportation impacts, noise impacts, etc. would be less, as there would be no large-scale destination events taking place here, and no regional shopping and entertainment center. Under impacts identified as being more severe, most are pure speculation based on what might or might not be permitted uses in the future.

18-41

It is asserted that the No Action Alternative would not achieve the city's goals of providing alternatives to existing zoning, an entertainment venue, and a retail center. The goals of providing entertainment and retail should be directed at the downtown and in neighborhood centers, not to a huge, peripheral

18-42

development that will directly compete with the downtown and could severely negatively impact the downtown creating abandoned business and associated blight. This project is akin to building a huge mall outside the city which will draw business and customers away from downtown Dixon, and, since the intent of the project applicant is to keep visitors to the project on-site, would offer nothing to the current downtown businesses or entertainment venues.

18-42 (con't.)

This project does not appear to be in the best interest of the community. It cannot guarantee the touted benefits, yet will produce many substantial negative impacts on the community, the environment and the quality of life of current residents. This project will also have substantial negative impacts on surrounding communities and the region. A major race track and entertainment center such as is proposed here will result in thousands of additional vehicle trips to the site as well as other impacts covered in this letter. The addition of a regional shopping and entertainment venue will add to the substantial impacts. Consideration of a project such as this requires much more discussion on a regional level, as this project would not only impact the City of Dixon.

18-43

The Yolano Group thanks the City of Dixon for the opportunity to review and comment on this DEIR. If there are any questions, please contact Pam Nieberg at 530-756-6856 or pnieberg@dcn.davis.ca.us.

Sincerely,

Pamela S. Nieberg

Pam Nieberg
Co-chair, Yolano Group Sierra Club

LETTER 18: Yolano Group Sierra Club, Pam Nieberg, Co-chair

Response to Comment 18-1:

The commenter's characterization of this portion of Solano County's attainment status for ozone and particulate matter, and the sources and health effects of these pollutants is accurate. However, the assertion that the Proposed Project would generate traffic which would "greatly exacerbate" the area's air quality problem is not accurate. The modeling performed for the project showed that, when compared to the overall inventory for Solano County, ROG emissions from daily operations of the Proposed Project would increase the inventory by only 0.004%, and NO_x emissions would increase only 0.003%. This is a very small increase in the County's overall emissions. On the rare days when a "large event" would be held, operational emissions would increase the County-wide ROG and NO_x inventories by only 0.006%.

Response to Comment 18-2:

The comment identifies the standards or thresholds used by the Yolo-Solano Air Quality Management District (YSAQMD) to determine impacts associated with ROG, NO_x, and PM_{10}. The comment also references the findings in the Draft EIR that air quality impacts associated with construction and operation of the Proposed Project would generate emissions of criteria air pollutants that would be in excess of the YSAQMD thresholds.

Response to Comment 18-3:

The comment correctly states that construction activities associated with Phase 1 and 2 of the project would exceed the YSAQMD standards resulting in a significant and unavoidable impact.

Response to Comment 18-4:

The comment correctly states that operation of Phase 1 combined with construction of Phase 2 would generate emissions of ROG and NO_x that would exceed the YSAQMD standards resulting in a significant impact.

Response to Comment 18-5:

The comment notes that most people attending an event at the project site would travel via automobile and transit service would be limited. As noted in the Draft EIR, the number of vehicles that would travel to the site on a large event day would exceed the YSAQMD standards for ROG and NO_x. The comment is noted and forwarded to the decision-makers for their consideration.

Response to Comment 18-6:

The comment reiterates information presented in the Draft EIR. The comment notes that operation of Phase 1 would occur during the same time as construction of Phase 2 resulting in levels of ROG, NO_x, and PM_{10} that exceed YSAQMD standards. The comment is noted and forwarded to the decision-makers for their consideration.

Response to Comment 18-7:

Phase 1 of the Proposed Project would have a significant cumulative impact because of the emissions it would generate during project operation. However, it is not correct to state that emissions generated by Phase 1 would combine with other emissions in the region to produce an air quality impact. Past history shows that the Sacramento region is prone to experiencing violations of the ozone standards. However, according to the Air Resources Board, in the past three years there has been only one monitored violation (or exceedance) of the federal ozone standard and five monitored violations of the State ozone standard. For PM_{10}, over the past three years there have been no monitored violations of the federal PM_{10} standard and only one violation of the State PM_{10} standard. This data indicates that air quality is improving in the County, and it is not accurate to state that air quality violations would certainly occur in the future because of cumulative emissions.

Response to Comment 18-8:

According to the YSAQMD's Air Quality Handbook, if a project requires a change in zoning and the vehicle trips associated with the new zoning is greater than those associated with the original zoning, there would be a significant cumulative impact. This is the case with the Proposed Project; therefore, as discussed in Section 4.2, Air Quality, the Proposed Project's contribution to cumulative emissions is significant as discussed in Impacts 4.2-6 and 4.2-7.

Response to Comment 18-9:

The YSAQMD, which is the primary local regulatory agency in charge of improving air quality in the area, commented on potential ROG emissions from horse waste (see Response to Comment 17-4). According to the YSAQMD, the use of an emission factor of 6.7 pounds of ROG per horse annually is appropriate for evaluating horse waste emissions. This number comes from the emission factor for horses developed by the CARB for emission inventory purposes. This would result in an additional 26 pounds per day of VOC/ROG from daily operation of the project, assuming as a worst case that 1,440 horses were stabled on site (which is unlikely to occur). An additional 26 pounds per day of ROG from horse waste would increase daily build-out operational emissions from 239 pounds per day to 265 pounds per day. This is determined to not be a significant increase in the calculated operational ROG emissions from the Proposed Project. Thus, no further study of horse waste ROG emissions is required. Most directly emitted gas is methane, which is not reactive. The CARB emission factor would account for all gas produced by a horse, both directly and through horse waste.

Response to Comment 18-10:

While the Proposed Project may have a cumulatively considerable impact, as discussed in Response to Comment 18-1, the Proposed Project would not "greatly exacerbate" poor air quality in the area. Also as shown in Response to Comment 18-1, the Proposed Project increases county-wide emissions of ROG and NO_x by only thousandths of a percent, so it is not accurate to assert that plans to improve air quality would be seriously jeopardized by the project.

While developing the site as specified in the NQSP would likely produce fewer operational emissions, the increase in emissions associated with the Proposed Project is not so substantial that it would seriously hinder the ability to attain regional air quality goals.

Response to Comment 18-11:

As discussed on page 4.3-1 of the Draft EIR, it is acknowledged that farmland does support natural plant and wildlife species that commonly occur in the central valley agricultural fields. It is not the intent of the Draft EIR to "downplay" or reduce the significance of the cultivated fields, but to point out that cultivated agricultural land is not a natural habitat type that would be expected to support a diverse and abundant assemblage of native plant and wildlife species. Like many irrigated agricultural fields in Solano County, the project site is expected to support winter migrants, such as waterfowl, wading and shore birds. It is also recognized on page 4.3-11 of the Draft EIR that the site is frequently used as foraging habitat for Swainson's hawk.

Response to Comment 18-12:

It is not known when the California Department of Fish and Game updates the specific Swainson's hawk recorded occurrences; however, as subscribers to the CNDDB service EIP Associates is issued updated versions of the CNDDB every six months. The data does indicate how many of the recorded occurrences are actual nest sites.

Response to Comment 18-13:

It is not known who removed the tree or who authorized its removal. Four years ago the tree supported a Swainson's hawk nesting pair but has since been removed. The tree was personally observed on the project site by EIP Biologist, Ron Walker, prior to its removal. The City of Dixon has no tree ordinance in effect; therefore, a private property owner has the ability to trim or remove trees without seeking authorization from the City, unless precluded by project entitlement, which is not the case with respect to this property. The loss of approximately 260 acres of potential foraging habitat to the proposed project would be mitigated for through the acquisition and preservation of suitable foraging habitat at a 1:1 ratio. Preservation of suitable foraging habitat would not restrict the range of Swainson's hawk and would reduce impacts, independent of the nesting tree previously onsite, to a less-than-significant level.

Response to Comment 18-14:

During field surveys conducted on the project site in May and June 2004 there was no evidence (i.e., pellets, whitewash, feathers, burrows, or prey remains around burrows) of burrowing owls being present on the project site. If the site supported nesting burrowing owls, the field surveys conducted during the nesting season (May and June) would have revealed their presence. In general, during the months of May and June a nesting pair, with or without juveniles, or evidence of a nest, is very apparent. There was no evidence of burrowing owl presence that would have implemented the protocol level surveys. In addition, Mitigation Measure 4.3-2(a) requires that the project applicant, in consultation with the City of Dixon and CDFG, conduct a pre-construction breeding-season survey (approximately March 15 through August 30) of the project site during the same calendar year that construction is planned to begin.

Response to Comment 18-15:

On page 4.3-20 of the Draft EIR it states that during Phase 1 the 260-acre project site would be graded resulting in the loss of Swainson hawk foraging habitat. The loss of this habitat was determined to be significant impact. Mitigation Measure 4.3-1 requires that the project applicant mitigate at a 1:1 ratio and

either purchase adequate foraging habitat land or participate in a mitigation bank, either option provides that 260 acres of foraging habitat would be protected in perpetuity per CDFG guidelines.

Response to Comment 18-16:

Please see Response to Comment 18-15, above.

Response to Comment 18-17:

To address the commenter's concern, Mitigation Measure 4.3-1 shall be revised to require suitable habitat that supports grain and low growing row crops and not orchards or vineyards. Mitigation Measure 4.3-1 states that suitable foraging habitat consists of alfalfa or other low growing crops. To the extent feasible, the mitigation lands should be within 10 miles of an active nest.

Mitigation Measure 4.3-1 on page 4.3-20 of the Draft EIR is revised to read as follows:

4.3-1 *(Phases 1 and 2)*

The project applicant shall preserve an equal amount of suitable raptor foraging habitat based upon ~~Phase 1~~ project impacts (at a 1:1 ratio). To the extent possible, mitigation lands that provide suitable habitat to mitigate impacts to multiple species could be considered as well as land that includes Prime Farmland to also comply with Mitigation Measure 4.7-1. In addition, to the extent feasible land shall be acquired within 10 miles of an active nest site. Suitable foraging habitat includes alfalfa or other low growing row crops. Orchards or vineyard would not be considered suitable habitat. Preservation may occur through either:

1) *Payment of a mitigation fee to an established mitigation bank, or similar habitat development and management company, or the City of Dixon through a negotiated agreement between the City and the project applicant. The monies will be held in a trust fund, and used to purchase mitigation credits to offset the loss of suitable foraging habitat for Swainson's hawk, and other raptors. The credits would become incorporated into the mitigation bank, owned and operated by the habitat development and management company, and protected in perpetuity (consistent with CDFG guidelines); or*

2) *Purchase of conservation easements or fee title of lands with suitable foraging habitat (consistent with CDFG guidelines).*

If mitigation lands (or a conservation easement covering the same) have not been acquired by the time of the first building permit, the City shall hold the project applicant's contribution in a separate, interest-bearing account until the appropriate lands are identified through the consultation with CDFG and City and acquired by the City or preserved through other methods such as a suitable mitigation bank. This amount may also be paid by the City into the Solano County HCP effort if and when it becomes approved.

Response to Comment 18-18:

Please see Responses to Comments 18-15 and 18-17, above.

Response to Comment 18-19:

The City does not have a formal Agricultural Mitigation Fee Program in place at this time. In the past, the City has negotiated agricultural fees within Development Agreements. The amount would be negotiated with the project applicant and set forth in the Development Agreement. Please see also Response to Comment 18-21.

Response to Comment 18-20:

Solano County currently does not have an adopted HCP. In the future if an HCP is adopted and money is paid into an agency approved HCP it is assumed that the Plan will have the necessary mechanisms in place to acquire mitigation land for Swainson's hawk foraging habitat; such mechanisms have historically been required by the state and federal regulatory agencies prior to approval of HCP's and similar mitigation plans. Agency approved mitigation banks have management and monitoring plans in place. Mitigation Measure 4.3-1 states that the project applicant shall preserve an equal amount of suitable foraging habitat. Suitable foraging habitat includes alfalfa or other low growing row crops, this would be the same as what exists on the project site currently.

Response to Comment 18-21:

Mitigation Measure 4.3-1 requires that "[t]he project applicant shall preserve an equal amount of suitable raptor foraging habitat based upon Phase 1 project impacts (at a 1:1 ratio)." The measure goes on to provide a number of methods of implementing this preservation mitigation, recognizing that preservation may be more effectively implemented through use of an approved mitigation bank or may be more effectively implemented by the City, having collected similar mitigation fees from numerous applicants, rather than individually by the applicant on a uncoordinated project-by-project basis. With a larger fee base, the City or another appropriate party may be able to purchase more and better mitigation land than could be accomplished with the same money on a project-by-project basis by project applicants. The methods described in Mitigation Measure 4.3-1 also provide for coordination with the California Department of Fish and Game on the suitability of mitigation lands. Finally, the measure recognizes that there is an ongoing process in Solano County to develop a countywide HCP, and allows that if such an HCP is approved, mitigation fees could be paid into appropriate HCP mitigation programs; however, the mitigation measure is not dependent upon the availability of such an HCP.

The variety of implementation methods addressed in Mitigation Measure 4.3-1 are commonly used in the implementation of habitat preservation mitigation throughout the state, and do not represent a diminution of the effectiveness of this measure to mitigate for the loss of Swainson's hawk foraging habitat.

Response to Comment 18-22:

Mitigation Measure 4.3-1 on page 4.3-20 of the Draft EIR notes that "[I]f mitigation lands (or a conservation easement covering the same) have not been acquired by the time of the first building permit, the City shall hold the project applicant's contribution in a separate, interest-bearing account until the appropriate lands are identified through the consultation with CDFG and City and acquired by the City or preserved through other methods such as a suitable mitigation bank". In addition, Mitigation Measure 4.3-1 requires that the project applicant preserve an equal amount of suitable raptor foraging habitat based upon Phase 1 project impacts (at a 1:1 ratio) in compliance with the CDFG requirements.

The CDFG nor the City of Dixon requires that a management and monitoring plan be prepared and adopted as part of the mitigation. The comment is noted and forwarded to the decision-makers for their review and consideration.

Response to Comment 18-23:

No nesting birds were observed during several biological field surveys. The intent of Mitigation Measure 4.3-2 is to ensure that the project applicant does not violate the MBTA or CDFG codes. In order to do so it will be necessary to conduct surveys, during the appropriate time of the year and certainly prior to any ground disturbing activities, documenting the presence of any nesting habitat. Therefore, allowing the project applicant the ability to avoid nesting birds.

Conducting nesting bird surveys two or three years prior to implementation of the project is of no value, given that birds could come into the project site and use it as nesting habitat in the future. Whereby, Mitigation Measure 4.3-2 requires that surveys be conducted during the same calendar year that construction is slated to begin. Any birds present on the site would be identified at that time. If any active protected or listed bird nests are located on the project site, Mitigation Measure 4.3-2(b) requires any removal of vegetation in which nesting is occurring be avoided during the March 15 through August 30 bird nesting period to the extent possible. If no vegetation removal is proposed during the nesting period, no surveys are required. If it is not feasible to avoid the nesting period, a survey for protected or listed nesting birds would be conducted by a qualified biologist prior to the start of removal of vegetation, grading, or other construction activity. In the event that an active nest is discovered in areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction would be postponed until a biologist has determined that the young have fledged (left the nest) or the nest is vacated and there is no evidence of a second nesting attempts. If construction cannot be delayed, avoidance shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone shall be determined in consultation with the City and CDFG.

Response to Comment 18-24:

Please see Responses to Comments 18-14 and 18-23, above. In addition, any land preserved for Swainson's hawk foraging habitat would also provide the same opportunities for ground nesting birds that could use the project site.

Response to Comment 18-25:

A discussion on potential jurisdictional wetlands is included on page 4.3-23 of the Draft EIR, and Mitigation Measure 4.3-3(1) states that the project applicant would be required to conduct a wetland delineation to be submitted to the U.S. Army Corps of Engineers. If it is determined that wetlands exist on the project site steps are identified in Mitigation Measure 4.3-3 that identify what additional requirements would be needed. In addition, there is no requirement that a wetland delineation be provided as part of the Draft EIR for public review.

Response to Comment 18-26:

The comment reiterates the conclusions of Impact 4.3-4. No further response is required.

Response to Comment 18-27:

The mitigation provided for Impact 4.3-4 is adequate and appropriate. Under CEQA, when a project has a cumulatively considerable contribution to a significant cumulative impact, the EIR is required to identify steps that could be taken to avoid or reduce the magnitude of the contribution to the significant cumulative impact to a less-than-considerable level. Thus, the identification of Mitigation Measure 4.3-1, which would reduce the project-specific impact related to loss of Swainson's hawk foraging habitat is appropriate. The further studies identified as an element of Mitigation Measure 4.3-1 are appropriate because, as is explained above in this FEIR, current surveys would be inadequate to identify the presence of species on the site in the future when construction activities, those activities that could actually cause harm to the species, would occur. The measures required under Mitigation Measure 4.3-4(b) require surveys immediately prior to grading or other land disturbing activities. These surveys would provide the most accurate and useful identification of the presence of species on the site, and would allow for the identification of specific steps that could be taken at that time to avoid or mitigate any effects to those species. Please also see Response to Comment 18-23.

Response to Comment 18-28:

NQSP Mitigation Measure B-E recognizes that parties in Solano County are in the process of developing a regional multi-species habitat conservation plan (HCP) and that, if such a plan were to be approved prior to the need for mitigation of impacts on sites within the NQSP area, participation in the approved HCP would be preferable to project-by-project land preservation or other mitigation. This mitigation measure is not illegal or inappropriate under CEQA because full mitigation is provided for through one or more measures, including this measure if it is available. In the event that the HCP is not approved and available for mitigation of Dixon Downs impacts at the necessary time, project-specific measures are described that would mitigate the effects of the project. Please also see Response to Comment 18-21.

Response to Comment 18-29:

The comment summarizes the information included in Impact 4.5-3 on pages 4.5-14 through 4.5-17 in the Draft EIR, which describes areas of known and potential soil contamination and the possibility of groundwater contamination. Mitigation Measure 4.5-3 outlines steps to define the extent of soil and groundwater contamination and to remediate hazards to the satisfaction of the Solano County Environmental Management Department (SCEMD).

Response to Comment 18-30:

The commenter's concern regarding County or City liability for the groundwater contamination is noted. Removal of the source diesel-contaminated soil (Mitigation Measure 4.5-3[a]) and groundwater testing would provide SCEMD staff sufficient information to determine whether additional site controls prohibiting development at the location of the proposed parking lot are necessary. It should be noted that removal of the contaminated soil, which would occur in advance of construction of the proposed parking lot, would substantially reduce the potential for groundwater contamination to spread. An in-situ groundwater cleanup system, which would include monitoring wells, can be successfully operated at the parking lot location with minimal environmental or human risk.

Response to Comment 18-31:

As identified in Section 4.7 of the Draft EIR, the project site is identified as Prime Farmland. Prime Farmland is defined as land that possesses "the best combination of physical and chemical features able to sustain long-term production of agricultural crops".

Response to Comment 18-32:

In 1995 the City of Dixon adopted the Northeast Quadrant Specific Plan (NQSP) which designates a mix of urban uses for development in this area of the City. At that time, the City committed the entire Northeast Quadrant to urban, employment-generating uses, and recognized the resultant loss of prime farmland in the NQSP EIR. Since that time there has been little development within the NQSP with the exception of the Walmart store completed in 2003 and recently expanded. Development within the NQSP, whether it is the proposed Dixon Downs project or some other project like Walmart or the currently proposed Flying J Plaza truck stop, would not constitute the premature conversion of agricultural land because this area has been previously earmarked by the City for urban development. On the contrary, if a project were proposed in an area of the unincorporated County designated for long-term agricultural uses and not previously committed to urbanization through the extension of an urban service boundary (such as a city sphere of influence) the proposed conversion from agricultural to developed uses could be viewed as a premature conversion of farmland. Such is not the case for the Proposed Project.

Response to Comment 18-33:

Please see Response to Comment 18-32, above.

Response to Comment 18-34:

Impact 4.7-3 on page 4.7-13 addresses the potential conflict between the proposed project and adjacent existing agricultural operations. As discussed in Impact 4.7-3, with full implementation of the NQSP the project site would be surrounded to the north, west, and south by urban uses. According to the Draft EIR,

> "[W]ithin the City limits, the land to the north is zoned for highway commercial development (Flying J truck stop is proposed), land to the west is zoned for professional/administrative offices, and land to the south is zoned for light industrial uses. Land to the east, across Pedrick Road, is in the unincorporated County and is used for agricultural processing and other agricultural activities. A horse racing facility would not be expected to conflict with agriculture, the dominate use currently surrounding the site, like some other urban uses (i.e., residential subdivisions).'

In addition, the project would comply with Mitigation Measure LU-A from the NQSP which requires that the project enforce the landscape medians and agricultural buffer zones established in the NQSP. Throughout the NQSP agricultural buffers are indicated as part of a plan-wide open space system. Land use goal 8 includes incorporating agricultural buffers throughout the plan area.

Response to Comment 18-35:

As discussed in the Draft EIR, development of the Proposed Project would require the conversion of Prime Farmland to developed uses. This land is designated and zoned for development and has not been

designated by the City to remain in continued agricultural use. The loss of this land is considered to be a significant and unavoidable impact of the project. Mitigation Measure (4.7-2) would reduce the impact to the maximum extent feasible, but not to a less-than-significant level. Implementation of Mitigation Measure 4.7-2 would preserve Prime Farmland; however, it is important to note that this mitigation does not "replace" Prime Farmland and that implementation of the Proposed Project would nonetheless result in a loss of Prime Farmland. Therefore, the impact would be considered significant and unavoidable.

Response to Comment 18-36:

The cumulative loss of farmland as discussed in Impact 4.7-4 is considered a cumulatively considerable impact resulting in a significant and unavoidable cumulative impact. The loss of Prime Farmland is occurring throughout the state. As discussed previously, the project site has been designated for development since the NQSP was adopted over 10 years ago. The loss of this Prime Farmland was considered when the NQSP was adopted and the City has considered this loss. Even though Mitigation Measure 4.7-2 does not replace the Prime Farmland lost it does require that an equivalent 260 acres of Prime Farmland be preserved in the County. This helps to ensure that Prime Farmland, even though it is elsewhere, would be preserved and protected in agricultural use.

In the event that the City determines to approve the project in light of unavoidable significant environmental effects, it would be required to prepare a Statement of Overriding Considerations that would provide an explanation of the reasons that it believes that the project should be approved. Although the Statement of Overriding Considerations is not currently available, it would be made available for public review prior to any hearing to consider the merits of the project.

Response to Comment 18-37:

A discussion is included on page 21 of the Fiscal and Economic Analysis report, dated August 19, 2005 (available for review at the City offices or on the City's website), that identifies the projected development horizon of the project site under both the proposed zoning and the current zoning. It is anticipated that the City would experience the fiscal and economic benefits of the project under the proposed zoning in the relatively near future (within 15 years). However, the economic benefits, while potentially greater under the current zoning, are uncertain in terms of when, and if, the project site would be developed as currently zoned. As currently zoned, the area may not fully develop for a period estimated to be beyond 30 years.

Response to Comment 18-38:

Please refer to the Fiscal and Economic Analysis report, dated August 19, 2005 (available for review at the City offices or on the City's website), for finalized fiscal impact results. Preliminary fiscal impact results from December 2004 were incomplete and in draft form. The December 2004 analyses were preliminary and subject to change.

It is almost impossible to predict the actual development mix for large parcels of undeveloped land in any situation. However, in order to conduct a planning level comparison of impacts under the proposed zoning and current zoning, general land use categories permitted on the project site, under both the proposed zoning as well as the current zoning, are analyzed. Note that development under the current zoning scenario is comprised of likely and permissible uses, including service commercial, light industrial,

and neighborhood commercial. Proposed projects at this early stage are typically evaluated in this manner.

Impacts associated with infrastructure costs would be addressed in the public facilities financing plan, which would be prepared for the project if it is approved for development. These impacts are not the annual fiscal impacts that have been evaluated. Note that, commensurate with virtually all new development around the state, the project, if approved would be required to "pay its own way" and the City and its constituents would not be adversely impacted.

Please see Response to Comment 18-37 that addresses the projected development horizon of the project site under both the proposed zoning and the current zoning. Also, please refer to Table 10 in Appendix 1-D of the Fiscal and Economic Analysis report, which demonstrates the positive fiscal impacts to the City General Fund as a result of the proposed Dixon Downs project (Phases 1 and 2).

Response to Comment 18-39:

This comment represents opinions of the commenter regarding the comparative abilities of the Proposed Project and the No Project/No Action Alternative (Alternative 2) to achieve the project objectives. The comment is noted and forwarded to the decision-makers for their review and consideration.

Response to Comment 18-40:

This comment represents an opinion that Alternative 2 would achieve the project objectives with fewer environmental impacts than the Proposed Project. The comment is noted and forwarded to the decision-makers for their review and consideration.

Response to Comment 18-41:

This comment represents opinions of the commenter regarding the comparative abilities of the Proposed Project and the No Project/No Action Alternative (Alternative 2) to achieve the project objectives. The alternatives analysis in the Draft EIR also addressed a No Project/No Action Alternative, which assumes the site is not developed and remains in agricultural use. Table 6-1 compares the severity of the impacts identified for each project alternative compared to the Proposed Project. The comment is noted and forwarded to the decision-makers for their review and consideration.

Response to Comment 18-42:

The comment expresses the opinion that the City's objectives would be better achieved by directing entertainment and retail uses to downtown Dixon and neighborhood retail centers. If the project were developed in downtown Dixon it is assumed it would result in greater traffic impacts due to people exiting from the freeway and traveling through the City on local streets to access the site. It is also anticipated there would be greater disturbance to City residents due to an increase in traffic noise, as well as a greater burden on the City's existing infrastructure. The comment is noted and forwarded to the decision-makers for their review and consideration.

Response to Comment 18-43:

The commenter's opinion is noted and forwarded to the decision-makers for their review and consideration.

Letter 19

Consistency with Dixon General Plan and Tiering under the California Environmental Quality Act

SIERRA CLUB
Solano Group

Janice Beaman
City Clerk
City of Dixon
600 East A Street
Dixon, CA 95620
VIA FACSIMILE 707-678-1489

November 30, 2005

Comments on the Draft Environmental Impact Report for the Dixon Downs Proposal

Ms. Beaman,

Thank you for the opportunity to comment and raise our concerns on the Draft Environmental Impact Report for the Dixon Downs Project. We found several inadequate areas that we would like to see addressed in the Final EIR. Also, we would especially like to commend the City of Dixon for making this document available on their web site and therefore making its dissemination easier.

General Comments

The Solano Group of the Sierra Club is obviously very concerned about the potential impacts of this proposal to urbanize this large tract of rural land currently under agricultural use. Most residents of our County consider agricultural lands to be one of our most important regional features and as representing good stewardship of existing natural resources. We are concerned that this current proposal appears to destroy this important character of our County with artificial or token or vague mitigations for what is lost. We would like the Final EIR to be more specific: if agricultural land will be preserved to mitigate loss of agricultural land – how many acres and where? If Swainson Hawk foraging habitat will be preserved elsewhere to compensate for destruction of habitat – how much and where? This is required by the California Environmental Quality Act; that is, case law dictates that a mitigation measure must be specific and cannot be "we will develop a plan at a later time."

19-1

Consistency with I ixon General Plan and Tiering under the California Environmental Quality Act

Since this pı ›posal represents a significant departure from the Dixon General Plan. The entire current ı ·ocess of enforcement of the California Environmental Quality Act is based on "tiering," vhere there is an overall EIR that accompanies a General Plan that is followed by a Spec fic Plan (in this case the Northern Quadrant) and its EIR which is followed by a proj ·1-level analysis of potential significant environmental impacts. This project level EIR d es not seem to mesh with the tiers above it. 19-2

Aesthetics

We are ver distressed that the EIR in Section 4.1 and in Table 2.1 concludes that the urbanization of vast tract of visually pleasing agricultural land (and the photographs in Section 4.1 grap ically demonstrate this) is a less than significant impact. Although we concede that ae hetics constitutes a value judgment by its very nature, we contend that any reasonable erson would conclude that this impact should be categorized as significant and una oidable in both Section 4.1 and in Table 2.1. Without this change in the Final EIR, this IR is simply inaccurate. We are distressed when EIR's neglect this most obvious impa on the community. As the document admits, this area represents the Eastern gateway to Dixon and to Solano County. The first impression of visitors to Solano County is cı rently of wide-open vistas of a pastoral agricultural scene. If this changes to large bu dings and the parking lots of a major racetrack and retail area, anyone in the comn unity would agree that aesthetics are significantly diminished. If the EIR does not identi y this impact as significant and unavoidable, it is simply, and let us be brutally frank, d honest. 19-3

Loss of Agricultura Land

The DEIR i more honest when it acknowledges the loss of prime agricultural land as an unavoid le significant impact. It proposes that "the project applicant shall preserve an equal a ount of Prime farmland of equal quality or an equivalent amount subject to City app val, and shall protect the land for agricultural use through long-term land use restriction such as agricultural conservation easements." We respect and applaud this mitiga on measure, but have the question, "where will the preserved land be?" That is, thes specifics should be decided during the EIR process in order to give decision makers th chance to decide whether the specific mitigation is sufficient. The plan, by law, cann be deferred. We would like a clarification of this mitigation, with specifics, and sugg st that the land should be in the proximity of Dixon rather than in a site distant from th impact. 19-4

Wetlands

We do not ce in the Draft Environmental Impact Report an explicit wetlands delineation, especi lly with an eye to the identification of vernal pools. While we acknowledge that ! ost of this area has a history of agricultural use, it is in fairly close proximity to Jepso Prairie, the largest preserved vernal pool collection in the state. We recognize that sim ar areas in Solano County that have a similar history of agricultural use have extensive vernal pool networks. These vernal pools, of course, since they represent an endan ered habitat, have many endangered species within them. And it is our understanding at current protocols from the U.S. Department of Fish and Wildlife require a two year urvey protocol to detect and characterize these endangered species. Why were these de ineations and surveys during two wet seasons not included? We suggest that any lo s of vernal pools should be mitigated with the restoration of at least a 2:1 ratio vernal poo s. Again, vernal pools in the nearby area would be the best mitigation. This i the first EIR in Solano County that we have seen that proposes a green field develop nent that did not make mitigation for vernal pool loss a central feature. 19-5

Biological Resourc s

The Biolog al Resources element of this Draft EIR acknowledges the significant impact that this pro ect would have on Swainson's Hawk foraging habitat and on Burrowing Owls. A gain, we would like to see more specifics for the mitigation plans for these species in the Final EIR.

In Section 4 3-1 the mitigation plan for the loss of Swainson's Hawk foraging habitat states "the p oject applicant shall preserve an equal amount of raptor foraging habitat based on Ph se 1 project impacts (at a 1:1 ratio)." It then suggests that a mitigation bank or onservation easements will be used. Our question is – which will be used? This must b specified now and not deferred. We are skeptical of the effectiveness of mi gation banks, and we would prefer to see a concrete proposal for permanent land eas ments. But where will these be? CEQA case law states that mitigation plan can ot be deferred. What is this mitigation plan? 19-6

The next st ement about the nesting habitat is entirely unreasonable: "all suitable [nesting] habitats w ould be removed under Phase 1" and therefore "if any nesting birds are identified, com liance with this mitigation measure would assure that the birds will not be disturbed du ing nesting season..." The key here is the preservation of habitat. If the nesting habitat to ultimately be destroyed, the developer might as well bulldoze it with the birds sittin on their nests. This is a mitigation that we commonly see, but it is hypocritical. A des royed nest will take that bird out, coming from its wintering habitat in Central America of the nesting population in the same way that a bulldozer will. 19-7

We respect and ap aud this mitigation measures, but again would like the Final EIR to address specifics. gain this is required by the EIR process in order to give decision makers the chance o decide whether the specific mitigation is sufficient. Again, the 19-8

habitat loss mitiga on plan, by law, cannot be deferred. And again we suggest that the land should be in t e proximity of Dixon rather than in a site distant from the impact. 19-8 (con't.)

Likewise we were listressed by the lack of concrete mitigation efforts for the loss of the observed Burrowi ; Owl habitat. Where will the mitigation sites be? How many will there be? 19-9

Public Services an Utilities

We are not ware that that the City of Dixon has completed its 5 year Municipal Services Review. las this been done? This sort of Citywide comprehensive review, with this project in luded, would better mesh with the review in this EIR. 19-10

Economic Elemen

Although a economic element is not required under CEQA, it has been a while since we have revi wed an EIR that did not incorporate one. This is especially important for this project that proposes a type of economic activity that seems to be failing everywhere. The r sidents of Dixon, reasonably, have asked, "why should be put in a racetrack when the wo racetracks in the Bay Area are failing or have failed?" Put another way, what lement of Dixon Downs will enable this racetrack to be economically viable when Golde Gate Fields and Bay Meadows have definitively demonstrated that they are not? We t ink that this is a reasonable question. We believe that the Final EIR should answer it. 19-11

Social Element

We are awa e that some of the local opposition against Dixon Downs has resulted from an opposition o a major site of gambling in the area and region and concern over the social impacts c gambling. Although this is not required, again, we think that it is a fair question for the Final EIR to address the social impacts of a major gambling arena to the immediate com unity and to the region. Recent case law requires the social impacts of Big Box stores t be addressed; with this precedent, we do not think that the request by the community for nalysis of the social impacts of this project to be unreasonable. 19-12

Thank you,

James D. DeKloe
Solano Group, Sier a Club
P. O. Box 7313
Vallejo, CA 94590

LETTER 19: Sierra Club Solano Group, James D. DeKloe

Response to Comment 19-1:

On page 4.3-20 of the Draft EIR it states that during Phase 1 the 260-acre project site would be graded resulting in the loss of Swainson hawk foraging habitat. The loss of this habitat was determined to be significant impact. Mitigation Measure 4.3-1 requires that the project applicant mitigate at a 1:1 ratio and either purchase adequate foraging habitat land or participate in a mitigation bank, either option provides that 260 acres of foraging habitat would be protected in perpetuity per CDFG guidelines. The specific parcel of land has not yet been identified and for the purposes of CEQA does not need to be identified at this time. Pursuant to Section 15126.4 of the State CEQA Guidelines the establishment of a performance standard is adequate mitigation as long as the performance standard can be reasonably expected to be feasibly implemented. Given the vast amount of similar habitat available in the region, it is reasonable to conclude that the protection of 260 acres of similar agricultural land. Thus, this approach to mitigation is appropriate under CEQA. Please see Response to Comment 18-21.

Response to Comment 19-2:

The Dixon Downs Racetrack and Entertainment Center EIR is not tiered from either the City of Dixon General Plan EIR or the NQSP EIR. The Dixon Downs Racetrack and Entertainment Center EIR is a stand alone EIR and does not rely upon analyses contained in either the City of Dixon General Plan EIR or the NQSP EIR. As discussed in the Introduction in the Draft EIR (Chapter 1), "[T]his EIR is a "Project EIR," pursuant to Section 15161 of the CEQA Guidelines. A Project EIR examines the environmental impacts of a specific project. This type of EIR focuses on the changes in the environment that would result from implementation of the project, including construction and operation. In contrast to a "program EIR" or "first tier EIR," which are typically followed by later, site-specific EIRs or negative declarations focusing on more detailed issues than those addressed in the program or first tier EIR, a "project EIR" is intended to fully address the environmental effects associated with full construction and implementation of a proposed project. Should it turn out that, as the Dixon Downs Horse Racetrack and Entertainment Center project builds out over time and the Dixon City Council or Planning Commission face individual development applications, the impacts of the overall project change, due either to project modifications or changed circumstances, the City may be required to prepare either addenda, supplemental EIRs, or subsequent EIRs in connection with such applications. (See CEQA Guidelines, §§ 15162-15164.)"

Response to Comment 19-3:

The commenter's concern regarding the visual impacts of the project are noted. The commenter's statements that urban development is by its nature visually adverse compared to urban development is a subjective conclusion not based in fact or substantiated by local policy. It simply represents the opinion of the commenter. On the contrary, the conclusions of the Draft EIR reflect the established policy of the City that the area of the Northeast Quadrant be developed with urban uses. As discussed in Section 4.1, Aesthetics, in 1994 an EIR was prepared for the NQSP and environmental impacts related to visual resources were addressed in that EIR related to the development proposed within the NQSP area. The NQSP EIR concluded that urban development in the NQSP area would be less than significant with regard to aesthetic issues.[5] The City has planned for development and desires development to occur in

5 City of Dixon, Northeast Quadrant Specific Plan Draft EIR, August 17, 1994, page 4-136 and 4-137.

this area of the City. The Proposed Project includes Design Guidelines prepared for the project which define parameters for building height, materials, style, landscaping, lighting, etc. The Design Guidelines also address signage on the site and specifically restrict the number, location, size, and construction materials of all signs on the project site. Exterior lighting guidelines established in the Design Guidelines are limited to parking lot lighting, pedestrian lighting, and building lighting. The primary visual difference between the development assumed in the NQSP and the Proposed Project is building height. The NQSP allows a maximum of 40-foot tall buildings (three stories) while the Proposed Project includes three five-story and two ten-story buildings that could reach a maximum height of 135 feet, including decorative tower features. The Proposed Project would adhere to sign requirements set forth in the Dixon Downs Development and Design Guidelines, General Plan policies, adhere to all applicable mitigation measures established in the NQSP and undergo the City's design review process, which would regulate future development to conform with the City's vision for development. The Draft EIR determined that the alteration of the site from its existing undeveloped condition, which forms the baseline for the impact assessment, would not be considered adverse from an aesthetic standpoint, and would result in a less-than-significant impact.

The comment that the project site represents the eastern entry to Solano County is factually incorrect. The Solano County/Yolo County boundary is further to the east, near the I-80 crossing of Putah Creek. Motorists traveling westbound on I-80 enter Solano County at that point and travel through approximately 3 miles of relatively open farmland between the Solano County line and the Pedrick Road interchange, which has historically been the location of the first urban uses in the Dixon area (such as the fruit market and gas station north of I-80 at Pedrick Road and the Milk Farm development north of I-80 between Pedrick Road and North First Street. This agricultural gateway to Solano County would not be changed by the development of the Proposed Project.

Response to Comment 19-4:

As stated in Mitigation Measure 4.7-1 (see page 4.7-13 in the Draft EIR), the "project applicant shall preserve an equal amount of Prime Farmland of equal quality or an equivalent amount subject to City approval, and shall protect the land for agricultural use through long-term land use restrictions, such as agricultural conservation easements. An organization such as the Solano Land Trust shall be used to facilitate the establishment of the conservation easement. This measure shall be implemented prior to grading." At this time it is not known where the land will be preserved; however, as stated in the mitigation, the ultimate decision will be subject to City approval. It is assumed the land would be preserved in coordination with the Solano Land Trust, acquires agricultural land in Solano County for long-term preservation. It would be inappropriate to try to prematurely identify the location of the preservation because it would constrain the market for available land, increasing land cost and potentially decreasing the amount of land that could be preserved. Lastly, the mitigation is not being deferred and not having all the specifics determined at this time is not required under CEQA.

Response to Comment 19-5:

A discussion on potential jurisdictional wetlands is included on page 4.3-23 of the Draft EIR, and Mitigation Measure 4.3-3 (1) states that the project applicant shall conduct a wetland delineation to be submitted to the U.S. Army Corps of Engineers. A survey of the site by a qualified wetland biologist failed to identify any potential vernal pool features on the site. The one site identified as a potential jurisdictional wetland is an agricultural drainage channel that traverses the site in a northwest/southeast direction; this feature does not appear to have all of the characteristics of a jurisdictional wetland, but

may prove to be jurisdictional, nonetheless, by virtue of it being a channelization of a former natural drainage across the site. It will be within the authority of the Corps of Engineers to make this final determination. Thus, the commenter's concerns about potential vernal pools and vernal pool species on the site are unwarranted.

Due to the location of the potential wetland on the project site, it is unlikely the wetland area could be avoided through project design. If the U.S. Army Corps of Engineers exerts regulatory authority over the wetland feature, and the project design would place more than one tenth of an acre of fill material in the wetland the project applicant shall be required to apply for a Section 404 permit. As part of the permit process the project applicant would be required to provide a discussion on project alternatives considered. Please also see Response to Comment 1-2.

Response to Comment 19-6:

Please see Response to Comment 18-21.

Response to Comment 19-7:

The reference to the removal of nesting habitat being removed during Phase 1 addressed the potential effects of site grading on ground nesting birds such as burrowing owls. The direct loss of these birds would be avoided through pre-construction surveys and, if birds are found, steps that can be taken to remove the birds from the site prior to potentially damaging grading activities. The commenter's reference to nest sites for birds that migrate to Central America appears to be in reference to Swainson's hawk which undertakes such a migratory pattern. There are no Swainson's hawk nest sites on the project site, nor are there any trees that would attract a Swainson's hawk nesting pair. The closest Swainson's hawk nest site is known to be approximately five miles northeast of the site along Putah Creek. Thus, grading and other construction activities on the site are not anticipated to have any effect on Swainson's hawk nesting habitat.

Response to Comment 19-8:

Please see Responses to Comments 18-21 and 19-4.

Response to Comment 19-9:

Please see Response to Comment 18-14.

Response to Comment 19-10:

A municipal services review is required to be prepared by the Local Agency Formation Commission (LAFCO) if the City of Dixon were proposing to annex a parcel of land, request a change to a specific service provider, or expand its Sphere of Influence into the County. According to Government Code Section 56425, LAFCOs are directed to review and update agencies SOIs every five years, or as necessary. The Proposed Project site is already within the incorporated boundaries of the City of Dixon and within the service area of DSMWS. At this point, it is not anticipated that a Municipal Service Review would be required for the Proposed Project.

Response to Comment 19-11:

The commenter is correct in stating that, CEQA does not require that the economic impacts of a project be evaluated in an EIR. Section 15131 of the Guidelines states that the inclusion of this information is not required. As stated in Section 15131: "Economic or social information may be included in an EIR or may be presented in whatever form the agency desires". It goes on to say that the "Economic or social effects of a project shall not be treated as significant effects on the environment". Therefore this information was not presented in the Draft EIR; however, the City contracted with Goodwin Consulting Group to address the economic impacts of the project. This information was released to the public at the same time as the Draft EIR and is available for review on the City's website (www.ci.dixon.ca.us).

Response to Comment 19-12:

As discussed above in Response to Comment 19-11, under CEQA the social effects of a project are not to be treated as a significant effect on the environment unless they can be directly or indirectly connected to a substantial adverse physical change in the environment. The case law referred to by the commenter involve a situation where the economic effects of a project were connected to a potential physical change in the environment, namely blight. In this case, there is no evidence in the record that provides a connection between social effects of the proposed project and a substantial adverse physical environmental effect. Therefore, information on social effects was appropriately not presented in the Draft EIR. However, the City did contract with Economics Research Associates to prepare a review of the social effects associated with the project. This information was released for public review at the same time as the publication of the Draft EIR, and is available for review on the city's website.

Additionally, the City contracted with Goodwin Consulting Group to prepare a review of the economic impacts associated with the project. This information, which was released for public review at the same time as the publication of the Draft EIR and is available for review on the city's website, found no evidence that the proposed project would adversely effect the economic viability of other businesses in the community that would lead to a potential physical change in the environment, including blight.

SERNACONSULTING LLC
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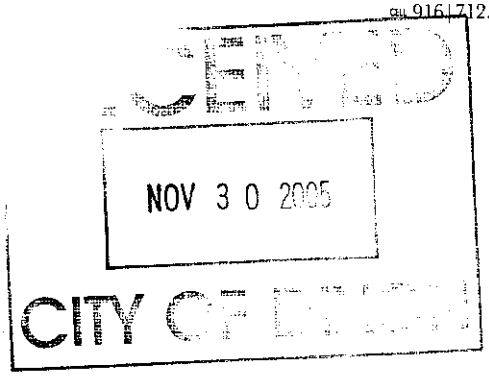

November 30, 2005

Mr. Warren Salmons
City Manager, City of Dixon
600 East A Street
Dixon, CA 95620

RE: Dixon Downs Horse Racetrack and Entertainment Center Project Draft Environmental Impact Report

Dear Mr. Salmons:

Thank you for the opportunity to respond to the Dixon Downs Draft Environmental Impact Report (DEIR). I am writing on behalf of my client, Dixon 133 LLC ("partnership") which owns approximately 110± acres located within the Northeast Quadrant Specific Plan Area (NQSP). The partnership's property lies immediately west of the proposed project across the future alignment of Dixon Downs Parkway; the only neighboring property adjacent to the project's western boundary along the north-south extent of the future Dixon Downs Parkway alignment (see Attachment A).

Like the proponent of the Dixon Downs Proposal and the City of Dixon, the partnership also has a vested interest in the success of the Northeast Quadrant Specific Plan Area. The comments and suggestions submitted herewith are issued in light of this common interest, and to ensure the City concludes an accurate, complete and equitable environmental impact assessment and mitigation strategy.

The comments and suggestions that follow are issued pursuant to CEQA Guidelines §15105, and the review and comment protocol cited in the Dixon Downs Draft Environmental Impact Report dated September 2005:

Section 4.2 Air Quality

Impact 4.2-4 on page 4.2-23 identifies operation of the proposed project as a possible source of offensive odors associated with horseracing activities. The issue description states that,

> The presence of as many as 1,440 stabled horses would produce odors on a day-to-day basis, from waste generated by the horses.[1]

[1] Dixon Downs DEIR, p. 4.2-23, first paragraph under "Phase 1" heading.

And even though the project would include a Manure Removal Management Plan, the DEIR explains that

> . . . there is still the possibility that nearby residences would experience odor impacts if they would be downwind of the stables[2].

Because prevailing winds come primarily from the south and west *during warmer months*, the DEIR concludes that wind patterns would be unlikely to contribute *frequent* odor impacts to receptors located south of the project, and therefore the impact is considered less than significant requiring no mitigation measure(s).

The assessment presented in the DEIR does not gauge the full extent of potential odor impacts associated with the presence of up to 1,440 horses at the proposed project site.

First, the assessment assumes there will be only three receptors located near the site; three private residences, the closest of which is 300' south of the southernmost proposed horse stable. The impact assessment *does not consider future "receptors"* (office workers or otherwise[3]) that would occupy the partnership's land to the west at buildout. This is a substantial oversight which requires further careful consideration and assessment, especially since the proposed location of 40 horse barns would lie directly across Dixon Downs Parkway from the partnership's property (see Attachment A). 20-1

Secondly, according to the description of operational characteristics, the DEIR infers that most horseracing activity at the proposed project will occur between October and April of any given year so as not to conflict with other state and local racing activity[4]. This time frame suggests horses would occupy stalls on the proposed project primarily during the cooler months of fall and winter. The description of horse-related odor impacts, however, suggests that prevailing winds during warmer months would come from the south and west, and that therefore receptors to the south (and presumably west) would be unlikely to encounter frequent odor impacts. There is no mention of prevailing wind patterns during cooler months or seasons. Consequently, the DEIR in its current form leaves unanswered the extent to which prevailing wind patterns might exacerbate odor impacts on receptors (present and future) during the period horses are most likely to occupy on-site stalls. A more detailed assessment of this particular condition is necessary to accurately determine the effect horse-related odor may or may not have on present and future receptors surrounding the project site, especially in the vicinity of the proposed horse barns. 20-2

Because a greater level of scrutiny should be applied to determine likely odor impacts as suggested above, any subsequent discussion of appropriate 20-3

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[2] Dixon Downs DEIR, p. 4.2-23, third paragraph under "Phase 1" heading.

[3] NQSP Proposed Zoning indicates PAO and Highway Commercial uses for the acreage currently controlled by AKT Development west of the proposed project site.

[4] Dixon Downs DEIR, p. 3-44, first paragraph under "Operational Characteristics" heading.

mitigation measures would likewise have to account for any and all specific conclusions resulting from a more detailed analysis. 20-3 (con't.)

Section 4.6 Hydrology, Drainage, and Water Quality

Mitigation measures addressing potential groundwater impacts associated with animal waste suggest that if the proposed project contaminates groundwater, no action will be required of the project proponent to address the presence of groundwater pollutants separate from soil contamination. The DEIR currently states the following:

> If [animal] waste material would be found to contaminate or still have the potential to contaminate groundwater, *soil* below the stalls shall be removed and an alternative barrier system installed.[5] *(emphasis added)*

Unlike soil contamination, groundwater pollutants, including those from animal waste, have the propensity to migrate within an aquifer. As such, contaminates are more likely to travel off site, potentially contaminating portions of a common aquifer shared by neighboring property owners. 20-4

The mitigation measures as presented in the DEIR do not suggest the means with which the project proponent would restore groundwater quality following potential contamination associated with the presence of animal waste. The DEIR needs to incorporate mitigation language specifying which actions would be taken to ensure groundwater quality is restored to pre-contamination condition in the event animal waste enters the groundwater system. The City of Dixon and adjacent property owners, including my client, need assurance that should the presence of 1,440 horse stalls on the project site lead to groundwater contamination the project proponent will be held responsible to restore groundwater quality to its original state. 20-5

Section 4.10 Transportation and Circulation

The DEIR Transportation and Circulation Section clearly identifies local roadway intersections and project access points subject to detailed impact analysis. Based on the list of project driveway access alternatives, the DEIR does not currently consider an existing, recorded IOD (Irrevocable Offer of Dedication) representing the future alignment of Dorset Drive as it approaches Dixon Downs Parkway (see Attachment B). The existing proposed alignment reflecting the IOD is evident in both Figures 4.10-8 and 4.10-9 as a faint roadway approximating the expected geometry and location of Dorset Drive. 20-6

[5] Dixon Downs DEIR, p. 4.6-53, under "Mitigation Measures" heading, last paragraph.

Because the intersection of Dorset Drive and Dixon Downs Parkway is arguably the most critical future intersection due to its location (immediately adjacent to project) and its function (to provide signalized ingress/egress to and from the project), accurate impact assessment necessitates consideration of all available information relative to likely or alternative roadway alignments and associated intersection locations. The DEIR does not recognize the existing Dorset Drive IOD alignment as an alternative and therefore leaves unanswered the question of possible or even likely project traffic impacts, specifically those related to project ingress/egress that may severely affect congestion through and near my client's property. In order to remedy this deficiency, application of the appropriate traffic model(s) should account for the expected alignment of Dorset Drive – at least as a study intersection/project driveway alternative – as is currently assumed based on the recorded IOD. 20-7

Conclusion

Again on behalf of Dixon 133, LLC I wish to express my sincerest thanks for the opportunity to respond to the Dixon Downs DEIR. Should you have questions or comments about this transmittal, please don't hesitate to contact me.

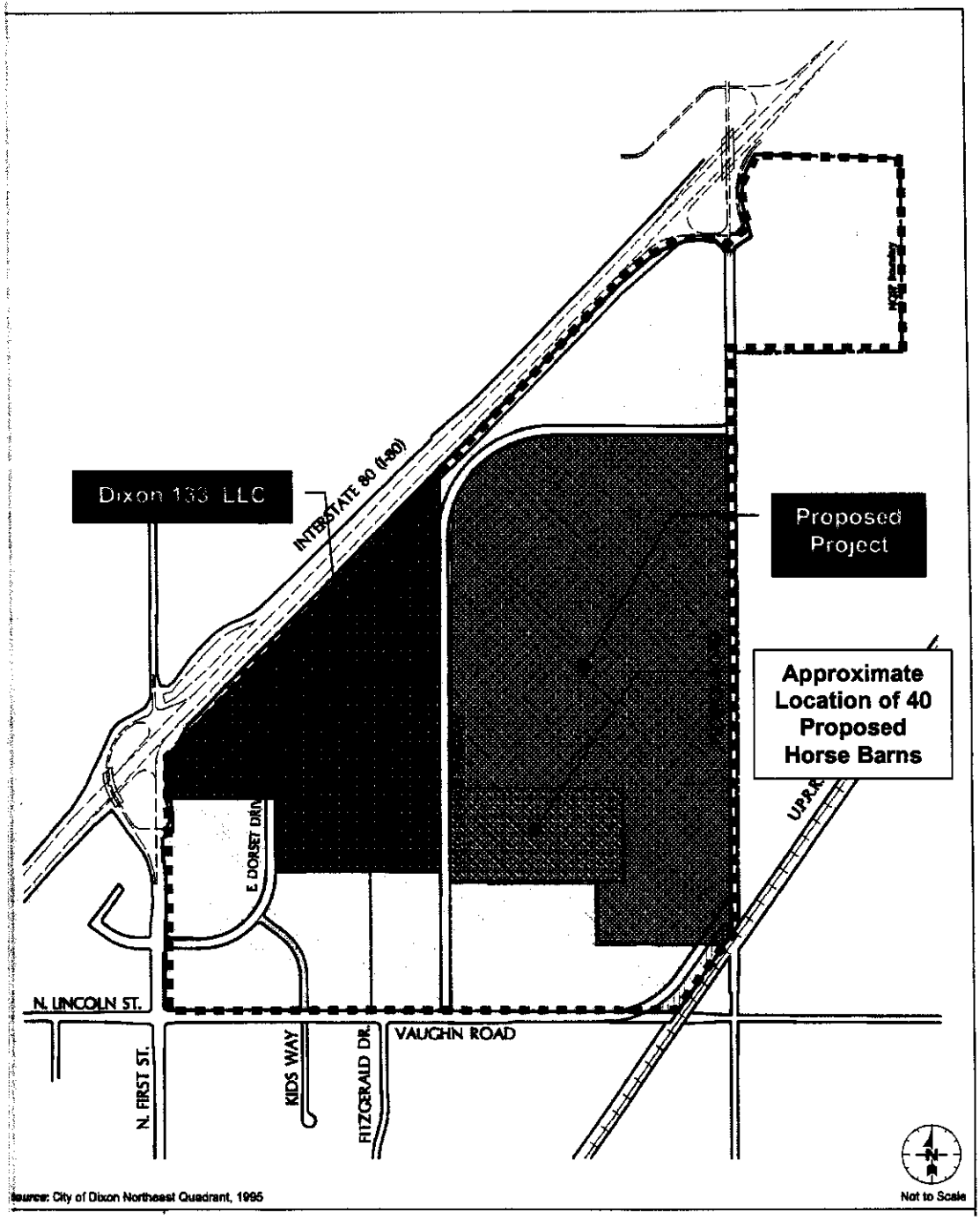
I look forward to the City and/or EIR consultant's response to the issues raised in this letter.

Respectfully,

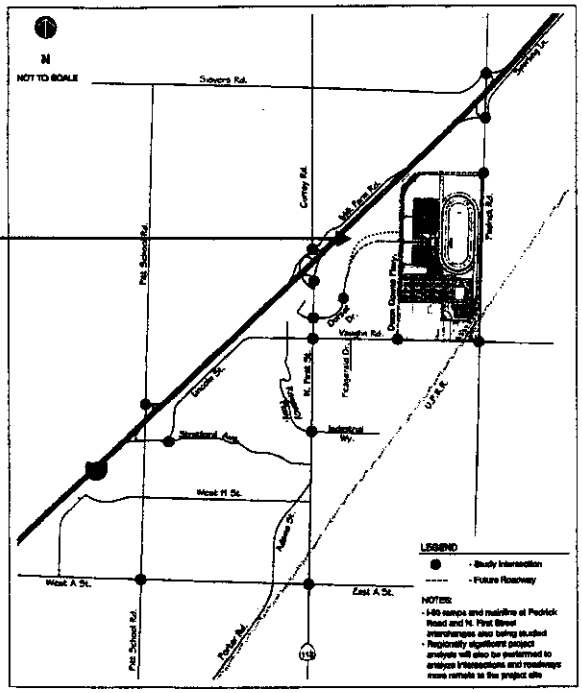
Phillip R. Serna
Principal

Attachments

ATTACHMENT A



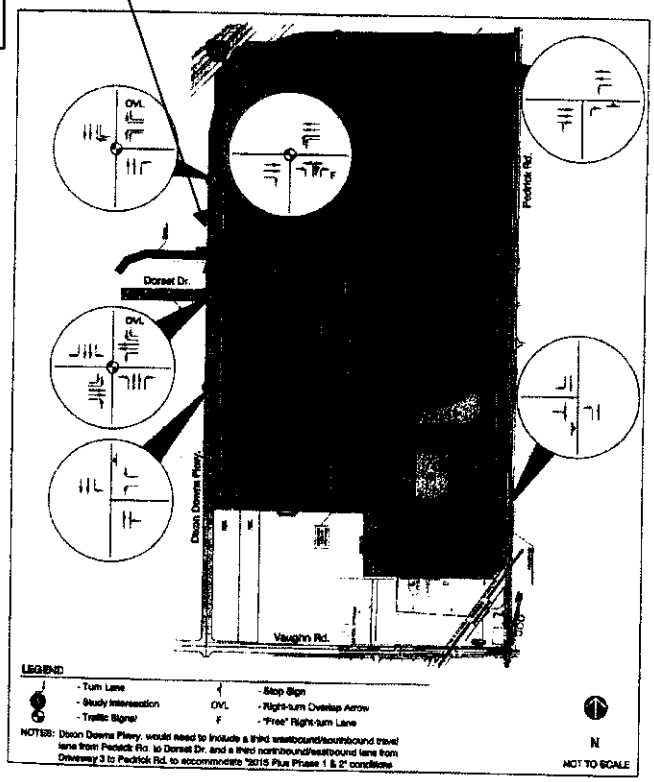
ATTACHMENT B



FEHR & PEERS
TRANSPORTATION CONSULTANTS

STUDY AREA
FIGURE 4.10-1

No consideration of existing, recorded IOD representing anticipated alignment of Dorset Drive.



FEHR & PEERS
TRANSPORTATION CONSULTANTS

RECOMMENDED ACCESS ON DIXON DOWNS PARKWAY FOR PHASE 1 & 2
FIGURE 4.10-2

LETTER 20: Serna Consulting, Phillip R. Serna, Principal

Response to Comment 20-1:

The Draft EIR examines impacts on those sensitive receptors (residences) that currently exist in the area. This is because future development cannot always be predicted with accuracy, especially before it is formally approved. However, it is acknowledged that because of the existence of the Northeast Quadrant Specific Plan area, property to the west of the Proposed Project site would eventually be developed. As discussed in Response to Comment 20-2, below, prevailing winds are such that odor impacts from stabled horses would not be either severe or frequent at property located to the west of the Proposed Project site. Therefore, it is anticipated that odor would not be an issue for future employees of this area.

Response to Comment 20-2:

Data collected by the Western Regional Climate Center[6] was reviewed to determine whether wind patterns in the area would indicate that odor impacts from the project site could be significant during the cooler October through April timeframe. The wind rose data collected by the Climate Center showed that in the years 2001 – 2005, the months of October through April demonstrated winds that were mostly from the north and south, with a small percentage of wind blowing to the west. Consequently, any development to the west of the project site would be unlikely to experience frequent odor impacts associated with the stabling of horses.

Response to Comment 20-3:

As discussed in Response to Comment 20-2, prevailing wind patterns are such that frequent odor impacts on development to the west would be infrequent. The Proposed Project is also implementing a Manure Management Plan which requires all manure to be removed from the stables and common areas and stored in a closed building. The manure would be removed on a daily basis to further reduce any residual impact associated with odors. Because winds would not contribute to frequent odor impacts, further mitigation is unnecessary.

Response to Comment 20-4:

In response to the comment, language has been added to the Mitigation Measure 4.6-7 to include groundwater mitigation if water quality does not meet standards for designated beneficial uses.

Mitigation Measure 4.6-7 on page 4.6-53 of the Draft EIR is revised as follows:

> *If the project is determined to contribute to groundwater contamination that causes beneficial use standards or criteria to be exceeded, groundwater remediation strategies shall be implemented to reduce potential project contributions to contamination to compliance with regulatory standards.*

6 www.wrcc.dri.edu

Response to Comment 20-5:

Several strategies could be implemented to remediate contaminated groundwater. The selection of a viable strategy would depend on the extent and amount of contamination, the existing environmental characteristics, availability and suitability of treatment devices, and other considerations. As noted in the Draft EIR, potential project impacts to groundwater quality are not likely to occur. Nevertheless, the Draft EIR acknowledges the possibility that contaminants could reach groundwater resources despite the project designs that are intended to avoid such a condition. Since it such contamination is not anticipated, it also cannot be known whether or not groundwater contamination would occur, what contaminants would be present and in what amount, and what the potential extent of such contamination would be, it is not practicable to define and detail remediation strategies. Defining a detailed strategy at this time would limit treatment options and not account for potential changes in environmental conditions, new technologies, and economic factors that may arise for this potential future condition. Mitigation Measure 4.6-7 has been amended to include that groundwater remediation be incorporated if the Proposed Project is found to contribute to contamination or would exceed groundwater quality criteria. This mitigation measure would assure that potential future impacts are less than significant. Please see Response to Comment 20-4, above.

Response to Comment 20-6:

The commenter states that the Draft EIR does not currently consider an existing recorded IOD (Irrevocable Offer of Dedication) representing the future alignment of Dorset Drive as it approaches Dixon Downs Parkway. Page 3-38 of the Draft EIR states that "Dorset Drive would be moved from its present location to an alignment approximately 340 feet to the south in order to line up with the project's Entry Boulevard and Finish Line Pavilion." Please refer to Response to Comment 20-7 for a discussion of circulation with the alternative Dorset Drive alignment.

Response to Comment 20-7:

The commenter states that the Draft EIR does not recognize the existing Dorset Drive IOD alignment as an alternative. Page 4.10-70 of the Draft EIR contains a subsection entitled "Discussion of Alternative Project Access", which discusses the alternative project access referred to by the commenter. This subsection states: "With this alternative alignment, the traffic signal at the realigned Dorset Drive/Dixon Downs Parkway intersection would be located 350 feet north of the signal at Driveway 2 (Finish Line Pavilion Access) and 650 feet south of the signal at Driveway 3 (Northerly Parking Lot Access). Both signals would still be required. This spacing is less than desired and would likely cause operational problems."

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November 30, 2005

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Re: Campbell Soup Supply Company's Comments on the Draft Environmental Impact Report ("DEIR") for the Dixon Downs Horse Racetrack and Entertainment Center Project

Dear Mr. Salmons:

Thank you for affording Campbell Soup Company, LLC, ("Campbell") the opportunity to comment upon the DEIR for the Dixon Downs Horse Racetrack and Entertainment Center Project ("Dixon Downs"). This office represents Campbell relative to actions by the City of Dixon concerning development of the Northeast Quadrant Specific Plan Area, including the proposed Dixon Downs project. Campbell's comments are set forth below.

Enclosed with this letter are additional comments on the DEIR on behalf of Campbell from Paul Miller of Omni Means (letter to Steven Rudolph dated November 29, 2005); from Peggy Bowker of Quad Knopf (letter to Steven Rudolph dated November 30, 2005) and from Kirk Swanson of Quad Knopf (letter to Steven Rudolph dated November 30, 2005). Campbell looks forward to the City's responses to the comments in this letter, as well as the enclosed letters, in full accord with CEQA Guidelines section 15088.

The Timing and Funding for Traffic Mitigation Measures is Uncertain

The local and regional traffic impacts from this project are dramatic and overwhelming. Upon the full development of the Dixon Downs project (Phase 1 and 2), the DEIR identifies eighteen significant and unavoidable impacts from the project, including the following significant and unavoidable traffic impacts:

- The operation of numerous intersections are worsened to unacceptable levels (Impact 4.10-1).
- The operation of Interstate 80 is worsened to unacceptable levels (Impact 4.10-3).
- The operation of several freeway segments are worsened to unacceptable level (Impact 4.10-5).
- The safety on Pedrick Road is reduced by creating potential conflicts with farm equipment and vehicles (Impact 4.10-6).
- The number of vehicles that cross at-grade railroad tracks is increased. (Impact 4.10-8).
- The operation of numerous intersections is exacerbated to cumulatively unacceptable operational conditions. (Impact 4.10-13).

Campbell is concerned that the effects of this project will interfere with traffic entering and leaving its facility located on the east side of Pedrick Road and directly across from the Dixon Downs project, which during the processing season amounts to approximately 600 tractor-trailers a day arriving and departing at all hours. Most critical is the efficient flow of tomatoes into the Campbell facility during the processing season (July into October), and the primary route for this highly perishable crop is Pedrick Road from the Interstate 80 interchange to the facility entrance. The DEIR indicates that this project will have a significant impact on freeway and local traffic, particularly the Interstate 80/Pedrick Road freeway interchange, and that the level of service standards will be below those established by the Solano Transportation Authority and the Dixon General Plan. This deterioration in traffic flow is unacceptable. Reduction in the level of service of the Interstate 80/Pedrick Road interchange, Pedrick Road between the interchange and the facility entrance, service on I-80 and on nearby roads will adversely affect Campbell's operation. The intersection, interstate and roadway improvements necessary to maintain existing levels of service needs to be part of the mitigation requirements for this project and these should be coordinated with other development in the Northeast Quadrant Specific Plan area. Furthermore, it is important that funding sources be identified for these improvements along with the schedule for constructing the improvements - before construction starts on the Dixon Downs project.

21-1

21-2

Adequate Drainage Facilities Are Not Identified and Mitigation is Uncertain

The drainage infrastructure in the Northeast Quadrant Specific Plan (NQSP) area is insufficient to handle existing surface water runoff, even with the limited amount of impervious surface areas currently present in this relatively undeveloped section of the City. The DEIR acknowledged that "existing storm drainage infrastructure in the NQSP area is inadequate to handle current peak flow conditions resulting in downstream flooding." (DEIR page 4.6-17). "Surface flow routinely overtops Pedrick Road and flows east as sheet flow over the fields between Pedrick Road and the Union Pacific Railroad." (See, DEIR, page 4.6-2). 21-3

The City has established a clear and unambiguous standard for drainage mitigation for new development: "The intent of the NQSP is that the stormwater flows will be detained in on-site basins incorporated in the landscape and parking areas surrounding each building and there will be no net increase in pre-project flows." (DEIR, page 4.6-16, emphasis added). Each application for development pursuant to the NQSP will be required to demonstrate the capacity to retain all storm water in a 100-year event unless a comprehensive storm drainage system is available to serve the Proposed Project." (DEIR, page 4.6-17, emphasis added).

Despite the deficient state of the existing drainage facilities in the NQSP and the clear mandate that each project must avoid any net increase in pre-project flows, the drainage detention facilities for the Dixon Downs project, and the NQSP area as a whole, have only been abstractly defined, and the initial designs appear to be inadequate. The DEIR states that: 21-4

> "The development of the Proposed Project would result in an increased runoff rate and runoff volume. The approximately 92 acre-feet detention basin in the interior of the racetrack would mitigate some of the potential increase in runoff. However, even with the detention basin, during the 100-year storm there would be greater flood flow with the Proposed Project compared to existing conditions, within this site area." (Page 4.6-34).

The DEIR also concludes that "based on modeling of the existing conditions and Proposed Project conditions, increased flow to the southeast corner of the NQSP would contribute to greater flooding in that location." (DEIR, page 4.6-34). Further, "under existing conditions the 100-year WSEL would be above the low point in the field south of Campbell's Soup facility for over five days. After project development, the duration of flooding would increase by 10 hours." (DEIR, page 4.6-32). These 21-5

statements indicate that the drainage facilities proposed for the Dixon Downs site are not adequately designed and fail to comply with the "no net increase" standard established by the City. 21-5 (con't.)

Additionally, the drainage solution for the full NQSP area remains uncertain:

> "The exact location of the multiple detention basins is unknown, but a total of up to 450 ac-ft of additional detention storage would be needed to reduce the discharge rate after full development back to the existing conditions discharge rate of 95 cfs, compared to 167 cfs without full detention, during a 100-year storm event." (DEIR, page 4.6-27). 21-6

While the above statement refers to development of the entire NQSP area, the Dixon Downs project comprises over forty percent (40%) of the land area within the NQSP (260 acres of the total 643 acres in the NQSP). The development of a comprehensive and detailed drainage plan for the NQSP should precede the approval of a project that accounts for forty percent (40%) of the land in the NQSP and will increase the impervious area of the site from three percent (3%) to seventy-two percent (72%).

The DEIR makes it clear that many segments of the Dixon Downs on-site drainage facilities have yet to be designed: "The berm system has not yet been included in the CDR, a conceptual grading plan illustrating this flood prevention measure and other detention facilities has not been prepared, the storm drain through the berm with a flap gate system has not been designed, the collector system of drains within the Proposed Project has not been designed." (DEIR, page 4.6-35). 21-7

Notwithstanding the uncertainty regarding the on site drainage system, and statements in the DEIR (as referenced above) indicating that this project will cause a worsening of downstream drainage impacts, other statements in the DEIR reach contradictory conclusions. On page 4.6-23, the DEIR unequivocally states that "development of [the] Proposed Project with the proposed drainage improvements (including a 100 acre-feet detention basin in the interior of the race track) does not cause any increases in flooding either upstream or downstream of the Proposed Project site." The DEIR Summary of Impacts and Mitigation Measures further indicates that all drainage impacts will be less than significant. (See Impacts 4.6-1 through 4.6-9). 21-8

Possibly the answer to the apparent inconsistent statements within the DEIR lies in the following sentence: "This increase in the duration of flooding is considered to be less than significant, since any potential crop damage would already have occurred." (DEIR, page 4.6-32). Stated differently, there will be an increase in drainage runoff, 21-9

but it is considered insignificant, because it is only contributing to an existing problem. 21-9 (con't.)

Several points, however, are very clear. There is an existing drainage problem in the NQSP area. The area-wide solution has not been defined. The Dixon Downs project, as proposed, will result in seventy-seven percent (77%) of 260 acres being turned into impervious surface areas and the drainage infrastructure design for this site is still in its conceptual stage. 21-10

The drainage analysis, in its present form, with inconsistent conclusions and undefined mitigation, does not provide the decisionmakers with information to "intelligently take into account environmental consequences." (CEQA Guidelines, Section 15151). This legal standard is not satisfied by the incomplete and inconsistent information offered in the DEIR. Further analysis is required to help insure the integrity of the process, and to encourage and facilitate a serious discussion of the drainage problems facing development in the NQSP area. (See, *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App 3d 818, 831). 21-11

Range of Alternatives Considered in the DEIR is Unreasonable

CEQA requires the EIR to consider a reasonable range of alternatives to the project in order to evaluate whether a change in the project location, nature or scope may lessen the significant environmental impacts, while still achieving most of the basic objectives of the project. (See, CEQA Guidelines Section 15126.6). The EIR is required to set forth a range of alternatives necessary to permit a reasoned choice among alternatives that avoid or lessen the significant impacts of the project. An alternative may be eliminated only if it (1) fails to meet most of the basic project objectives, (2) is infeasible, or (3) does not avoid or lessen significant environmental impacts. (CEQA Guideline section 15126.6).

The Dixon Downs DEIR analyzed four alternatives. Two of the alternatives proposed no project (either no development or development under existing zoning), and one alternative proposed development at a different location altogether. But only one alternative, Alternative 3, considered a modification of the existing project at its current location.

Alternative 3 reduced the size of this 260 acre development by eliminating approximately 250,000 square feet from Phase 2 of the project. While this may seem significant, it is important to note that there were no changes to Phase 1 of the project, which includes a maximum building area of over 1 million square feet spread over 21-12

200 acres. Phase 2 as modified includes a 250,000 square foot hotel/conference center, 500,000 square feet of retail and 200,000 square feet of office uses. The full development of Alternative 3 includes 2 million square feet of building area and parking to serve the extensive and varied uses, on the full 260 acre site.

21-12 (con't.)

Essentially, Alternative 3 proposes about a 10% reduction in total building square footage, but still includes facilities that could accommodate the attendance of up to 50,000 people at "Tier 3 events" (See, DEIR, page 3-31) with development occurring on all 260 acres of the project site.

The DEIR indicates that an alternative of reducing the size of the racetrack from 6,800 seats to 3,400 seats was rejected because "after reviewing the types of traffic impacts it was determined that reducing the size of Phase 1 would not be enough to appreciably reduce the severity of the traffic impacts identified. (DEIR, page 6-6). No supporting information for this conclusion was provided, but if the fifty percent (50%) reduction in seating equates to a fifty percent (50%) reduction in Tier 3 events (from 50,000 to 25,000 people), it is surprising that there was no appreciable reduction in the severity of traffic impacts.

21-13

CEQA does not establish in detail the scope of alternatives to be analyzed, but the EIR should provide decisionmakers with sufficient information from which to extrapolate the impacts of other hypothetical alternatives. A reduction of the retail by thirty percent does not give the decisionmakers a reasonable basis for evaluating whether other project modifications would result in lessening the significant impacts of this project.

21-14

There are certainly many reasonable alternatives to this proposal which, at present, includes a grandstand, a finish line pavillion (225,000 square feet), numerous horse barns (550,000 square feet), a hotel (250,00 square feet), retail (750,000 square feet), offices (200,000 square feet) and other ancillary structures. Alternatives that include a downsizing of the grandstand capacity, or elimination of the hotel, or reducing retail use by seventy percent (70%), or a combination of these adjustments would give the decisionmakers a better sense as to which uses create the highest traffic impacts, and whether the adverse traffic impacts could be reduced while still achieving the project objectives. A ten percent (10%) reduction in building square footage, while leaving all proposed uses essentially unchanged, does not afford the decisionmakers or the public sufficient information from which to extrapolate the impacts of other adjustments to the project.

21-15

CEQA requires a range of alternatives that will foster informed decisionmaking, public participation, and lead to projects that lessen significant environmental effects. (CEQA Guidelines Section 12126.6). The DEIR for Dixon Downs has not met this legal standard. 21-16

Conclusion

Campbell anticipates that the DEIR will be substantially revised as a result of public comment and Campbell requests that the City recirculate the revised EIR for a sufficient period of time to allow the public to meaningfully review it. 21-17

Campbell reserves its right to make further comments prior to the close of the City's public hearing on the Dixon Downs Project, as authorized by Public Resources Code Section 21177.

Very truly yours,

McDONOUGH, HOLLAND & ALLEN

Steven P. Rudolph

cc: Impact Sciences, Inc.
2101 Webster Street, Suite 1825
Oakland, CA 94612

David Dowswell
Community Development Director
City of Dixon
600 East A Street
Dixon, CA 95620

Honorable Michael Reagan
Supervisor, District 5
County of Solano
675 Texas Street
Fairfield, CA 94533-6342

omni·means
ENGINEERS · PLANNERS

November 29, 2005

Steven P. Rudolph, Esq.
McDonough Holland & Allen PC
555 Capital Mall 9th Floor
Sacramento, California 95814

RE: Comment Letter Regarding Proposed Dixon Downs and Flying J Travel Plaza Projects Impacts to the Existing Campbell Soup Company, LLC Canning Facility

Dear Steve:

Omni-Means appreciates the opportunity to provide comments on the Dixon Downs Draft Environmental Impact Report ("DEIR") and the Flying J Travel Plaza Final Initial Study in respect to the existing canning facility owned by Campbell Soup Company, LLC ("Campbell") and located on the east side of Pedrick Road just north of the Union Pacific railroad tracks.

Comments on the Dixon Downs DEIR:

1. Over ninety (90) percent of the proposed project traffic will impact Interstate 80 and sixty (60) percent will impact the I-80/Pedrick Road interchange, and have significant impacts during both weekday and weekend peak hours of operation. The interstate freeway and this interchange provide the primary truck access routes for the existing Campbell canning facility located on Pedrick Road and are of critical importance in maintaining timely and orderly truck deliveries (both entry and exit to the facility) of locally and regionally grown produce to the plant. Therefore any impacts to the interstate or this interchange will also impact the delivery of produce to the plant. 21-18

2. Interstate 80 and the I-80/Pedrick Road interchange are State facilities and are owned and maintained by Caltrans. Any improvements to these facilities must be approved by the local Caltrans district. Improvements over one million dollars would require completion of a PSR/PR document. Completion and approval of this document is a prerequisite to preparation and approval of any design plans (PS&E), and may require two or more years for completion and approval by Caltrans. In order to maintain acceptable critical peak hour traffic flows on I-80 and at the interchange, the improvements identified in Mitigation Measure 4.10-1 (a), 4.10-1(b) and 4.10-2 (a) must be completed prior to completion of Phase 1 of the project. Similarly, the improvements identified in Mitigation Measure 4.10-1 (c)), 4.10-2 (b), and 4.10-3 (b) must be completed prior to completion of Phase 1 and 2 of the project. To accomplish this, the freeway mainline and interchange PSR/PR and PS&E documents must be completed and approved by Caltrans prior to start of construction. 21-19

3. Development thresholds and mitigation monitoring must be established and incorporated into all mitigation measures to ensure that acceptable peak hour traffic operations are maintained throughout construction and operation of the Dixon Downs project. These thresholds should be 21-20

directly related to PM peak hour and weekend peak hour trip generation thresholds. The following paragraph must be added to these mitigation measures to ensure the timing of interchange improvements:

> ***Additional Text for Mitigation Measure 4.10-1 (a), 4.10-1 (b), 4.10-2 (a):***
> "The transportation improvements listed in this mitigation measure shall be fully constructed prior to any Phase 1 - Tier 1 event."
>
> ***Additional Text for Mitigation Measure 4.10-1 (c), 4.10-2 (b), 4.10-3 (b):***
> "The transportation improvements listed in this mitigation measure shall be fully constructed prior to completion of any on-site facilities that will generate more than xxx trips during either a weekday or Sunday peak hour."

Additional capacity analysis is required to determine the peak hour vehicle thresholds associated with each mitigation measure. These calculations should be performed and the appropriate threshold volumes incorporated into the mitigation language stated above.

21-20 (con't.)

4. During construction of the I-80/Pedrick Road interchange improvements associated with Mitigation Measure 4.10-1(c), traffic management plans shall be required to handle peak hour traffic volumes associated with both weekday and Sunday event activities. A mitigation measure should be added to the EIR to require any off-site transportation improvement to include traffic management plans specifically designed to handle the high peak hour event traffic associated with this project.

21-21

5. While the majority of vehicular traffic is expected to access the proposed project via Dixon Downs Parkway, additional traffic is also anticipated on Pedrick Road between Vaughn Road and Dixon Downs Parkway. This traffic will result in increased vehicular and truck delays for vehicles entering and exiting the Campbell canning facility. To mitigate these impacts the project should be required to extend the center left-turn lane proposed at the southern project access driveway on Pedrick Road (Figure 4.10-8) to the northern property boundary of the processing plant. The left-turn lane should be stripped as a two-way left-turn lane to provide a refuge area for canning facility trucks.

21-22

Comments on the Flying J Travel Plaza Final Initial Study:

1. The majority of the traffic generated by the proposed project will impact the I-80/Pedrick Road interchange, and have significant impacts during both weekday and weekend peak hours of operation. This interchange is the primary truck access for the existing Campbell canning facility and is of critical importance in maintaining timely truck deliveries of locally and regionally grown produce to the plant. Therefore any impacts to this interchange will also impact the delivery of produce to the canning facility.

21-23

2. The I-80/Pedrick Road interchange is a State facility and is owned and maintained by Caltrans. Any improvements to this interchange must be approved by the local Caltrans district. Interchange improvements over one million dollars would require completion of a PSR/PR document. Completion and approval of this document is a prerequisite to preparation and approval of any interchange design plans (PS&E). In order to maintain acceptable critical peak hour traffic flows at this interchange, any improvements identified at this interchange as a mitigation measure for the proposed project must be completed prior to completion of the

21-24

proposed project. To accomplish this, the interchange PSR/PR and PS&E documents must be completed and approved by Caltrans prior to start of construction. 21-24 (con't.)

Development thresholds and mitigation monitoring must be established and incorporated into all mitigation measures to ensure that acceptable peak hour traffic operations are maintained throughout construction and operation of the proposed project. These thresholds should be directly related to PM peak hour and weekend peak hour trip generation thresholds. 21-25

If additional clarification is required, we will provide additional material upon your request.

Sincerely,

OMNI-MEANS, Ltd.
Engineers & Planners

Paul Miller
Associate/Project Manager

PJM/pjm

Quad Knopf

November 30, 2005
Project : 050925

Steve Rudolph, Esq.
McDonough Holland and Allen
555 Capitol Mall
Sacramento, CA

RE: Preliminary review of **flood control and drainage** provisions in the Draft Environmental Impact Report (DEIR) for Dixon Downs Project

Dear Mr. Rudolph:

We have reviewed the drainage and flood control aspects of the Dixon Downs project and find the design concept appropriate for a project of this nature. We did not attempt to verify the analysis of existing conditions, as it was clearly stated that this had been done by the Solano County Water Agency consultants West Yost and Associates. They found that the existing conditions analysis was satisfactory and was in conformance with the Dixon Watershed Management Plan. The analyses were performed using standard methods acceptable in Solano County and the City of Dixon.

It is our understanding that under current conditions much of the area between I-80 and the UPRR is subject to flooding in frequent events and that the entire system is poorly maintained and does not have the capacity to handle storm flows under existing conditions. Flows cross Pedrick Road from the proposed project site and can affect the Campbell's Soup facility. Any increase in those peak flows would increase the potential for damages. The increased duration of flows leaving the detention basins while mitigating the increases in peak will not mitigate the increase in volume and they may also have some detrimental effects downstream. 21-26

The documents which are presented with the DEIR are somewhat inconsistent and confusing. The amount of detention proposed to mitigate the potential effects of the project is also nebulous. The location and size of facilities which will be placed under the UPRR appear to vary from report to report. 21-27

It will be very important to review plans for the project as they are developed and to obtain the analysis of the post Phase I condition. No analysis was done for post-Phase I because it is believed that since much of the mitigation for the entire development will be constructed with that phase and there will be no downstream impacts. Many times those type of conclusions can be proven wrong once an actual analysis is performed. It would be prudent to review an analysis of the downstream impacts of construction of only Phase I. It was also not clear if Phase I would all be constructed at one time or if it will be staged, and if so what provisions are made to evaluate the downstream impacts of such a case. 21-28

Quad Knopf

We are happy to have had the chance to provide our comments to you on this very preliminary information for the Dixon Downs project and we look forward to the opportunity to review more detailed plans and analyses as they become available.

Best Regards,
QUAD KNOPF

Margaret (Peggy) Bowker, P.E.
Director of Water Resources

Quad Knopf

November 30, 2005
Project: 050925

Steve Rudolph, Esq.
McDonough Holland & Allen
555 Capitol Mall
Sacramento, Ca 95814

Re: Preliminary review of **Groundwater Resources** in the Draft Environmental Impact Report (DEIR) – Dixon Downs Project.

Dear Mr. Rudolph:

The following is a summary of our review of Groundwater Resources addressed in the *Draft Environmental Impact Report* (December 24, 2003), and Appendix I -*Water Supply Assessment (WSA) for the Northeast Quadrant,* for the Dixon Downs project. In general, we found the DEIR and WSA lacking in site specific hydrogeologic data, details and discussions necessary to thoroughly evaluate the groundwater resource.

1.) **The DEIR and WSA describe only general groundwater resource characteristics.** Hydrogeologic data and details which are lacking include, the depths of all aquifers and aquitards in the vicinity of the project, the hydraulic conductivity and storage parameters of the aquifers, and the depths of sanitary seals and production intervals for all existing and proposed wells within the sphere of influence of anticipated pumping of the proposed project. 21-29

2.) **The WSA does not indicate how the storage capacity of the aquifer was calculated.** The WSA states that the 10-foot thickness of the groundwater aquifer contains approximately 17,000 ac-ft of water. The WSA does not contain any supporting data or explanation as to how this amount of storage for the aquifer was calculated, nor whether the data is depth specific. 21-30

3.) **The WSA does not explain how increased groundwater demand will affect pumping water levels.** The WSA states that groundwater withdrawals for the Dixon-Salano Municipal Water Service (DSMWS) will increase by a factor of 4 times (1,844 ac-ft to 7,500 ac-ft) from 2002 to the year 2024. The WSA does not indicate how this increase in groundwater demand will affect pumping water levels of existing and proposed wells in the Northeast Quadrant. No estimate of increased pumping costs due to lowered pumping water levels was addressed in the WSA. Similarly, no estimate of costs to deepen existing wells for impacted users was discussed either. 21-31

Quad Knopf

4.) **The WSA does not explain the effects drought periods and reduced recharge may have on pumping water levels.** According to the WSA, groundwater levels in the vicinity of the project have historically fluctuated greater than 30 feet between drought and non-drought periods. This project combined with surrounding development will reduce recharge from irrigation and may result locally in lower mean groundwater levels. The WSA lacks an explanation of the impacts of drought periods coincident with reduced recharge on pumping water levels and the resultant increase in energy costs to water users. In addition, water conservation practices to anticipate and mitigate these impacts were not discussed as well. 21-32

5.) **The DEIR lacks documentation that the two proposed deep wells will be located at the required spacing.** The DEIR states that the DSMWS set specific criteria that wells which pump 1500 gpm are located at least 1,320 feet apart. Figure 4.11-1 in the DEIR (and Figure B on page 56 of the WSA) is a general location map of domestic and agricultural wells, but the map is not to scale; in addition, the existing and proposed wells are noted with the same symbol and thus it is unclear if the proposed wells are a minimum of 1320 feet apart and at least 1320 feet from existing productions wells. 21-33

6.) **The DEIR discusses the regional water quality characteristics of the groundwater basin as whole with no site specific data from wells in the Northeast Quadrant.** The DEIR summarizes the ranges of the following contaminants for the entire groundwater basin: TDS, Chloride, Iron, Manganese, and Arsenic. Detailed discussions of the following water quality concerns were not included in the DEIR nor WSA: 1) the range and average concentrations of groundwater constituents that have been recorded for all existing individual wells in the sphere of influence of the proposed project, 2) the concentrations of constituents that are anticipated for the proposed wells for the proposed project, 3) changes in water quality that are anticipated at the existing wells as additional wells are placed in service and the recharge characteristics at the proposed project are reduced, and 4) the maximum depth of drawdown that will not cause significant impacts to water quality for water users in the area. 21-34

7.) **Neither the DEIR nor the WSA thoroughly discuss wellhead protection issues that are anticipated at the project site and surrounding areas.** For example, they do not address potential sources of contaminants for existing and proposed wells under existing and post-development conditions. 21-35

8.) **Neither the DEIR nor the WSA adequately discuss the potential for contaminants entering the aquifer and mitigation methods that could be utilized.** More specifically, the groundwater contaminants which would have the greatest chance of entering the aquifer from the project site and if the underlying aquitards have the ability to prevent contamination of aquifers currently being used in the area for potable water supplies was not addressed. Finally, no list of mitigations measures which may be required if the aquifer exceeds current maximum contaminant levels (MCLs) was discussed as well in the DEIR. 21-36

Please contact us at (775) 324-1212 to discuss any aspects of this review.

Quad Knopf

Best Regards,
QUAD KNOPF

Gary Hunbar c/o Kirk Swanson

Kirk Swanson

CC: Steve Rudolph
McDonough Holland & Allen
555 Capitol Mall
Sacramento, Ca 95814
(916) 444-3900

LETTER 21: McDonough Holland & Allen, Steven P. Rudolph

Response to Comment 21-1:

The commenter states that they are concerned that the effects of the project would interfere with traffic entering and leaving the Campbell facility located on the east side of Pedrick Road directly across from the project site. The majority of project trips on Pedrick Road would use Dixon Downs Parkway to access the parking areas in the front of the site. During the weekday p.m. peak hour, fewer than 40 project trips (assuming Phases 1 & 2 with a Tier 1 event) are expected to pass by the Campbell entrance. This increase in traffic would not adversely affect motorists' ability to enter and exit the Campbell facility.

If the project is approved, the City would condition the project to widen Pedrick Road to four lanes along the project frontage. All widening would occur on the west side of the road (into the Dixon Downs property). A median would also be provided. This median would be of a sufficient width to enable construction of a left-turn pocket into the Campbell facility. All movements would continue to be permitted into and out of the Campbell facility. More detailed studies regarding the placement, length, and width of this lane would be conducted in conjunction with the roadway improvement drawings.

Response to Comment 21-2:

The commenter correctly states that reductions in level of service at the I-80/Pedrick Road interchange, I-80, Pedrick Road, and nearby roads would occur. The commenter also states that it is important that funding sources be identified for improvements along with the schedule for constructing the improvements before construction starts on the Dixon Downs project. Please refer to Master Responses TRAFF-1 and TRAFF-2 as well as Response to Comment 21-19 for discussion on funding and timing of improvements at this interchange and on I-80.

Response to Comment 21-3:

The comment reiterates information contained in the Draft EIR. No further response is required.

Response to Comment 21-4:

The quote from the Draft EIR discusses potential flooding on the project site, not off the project site and into the downstream and regional drainage system.

Higher flood water surface elevation on the Proposed Project site would allow for increased stormwater detention and assures that off-site peak flows would not be increased. However, even if stormwater runoff would be controlled to prevent an increase in peak storm flows above existing conditions, timing of peak flow, stormwater routing, drainage system patterns and configuration, and other factors could alter local and regional hydraulic conditions such that flood water ponding depths and/or duration a some locations would be changed.

The small amount of the potential increase in flood water that would drain to the southern portion of the project site during a 100-year storm would be considered off-set by the small reduction in flood waters that drain to the southern portion of the project site during 5 and 10-year storm events. Therefore, overall flood impacts are considered less than significant.

Response to Comment 21-5:

For the CEQA analysis, impacts are determined based on project contributions compared to existing conditions. Significant changes or alterations in flooding or drainage would be considered a significant impact. The analysis does not compare project impacts to planned, designed, or baseline conditions, unless those reflect on-ground existing conditions.

The detailed model described in the Drainage Report (see Volume II Appendix C of the DEIR) and Storm Water Quality Management Plan (see Volume II Appendix F of the DEIR) includes drainage facility design parameters such as detention, grades, storm sewer system configuration, regional drainage system characteristics, and other drainage features affecting stormwater runoff and conveyance.

Changes in drainage patterns and flow conditions could alter ponding times, locations, and depth, even when there is no net increase over pre-project flows and all potential Proposed Project increases in storm flow are detained. With implementation of the Proposed Project, peak flows would not increase, however, changes in timing and duration could change, which may alter the local and regional hydraulic conditions. The increase in flood duration in the field south of the Campbell's Soup facility, referred to by the commenter, is a less than 10 percent increase in flood duration. Given that the existing conditions flood duration is over five days, this 10 percent increase is considered less than significant.

Response to Comment 21-6:

Development of a regional drainage plan for the entire NQSP area is not a part of the Proposed Project, and is not required in order to mitigate adverse effects of the project. As such, there would be no nexus to require the preparation of such a drainage plan as part of the Proposed Project.

Response to Comment 21-7:

The features identified in the Draft EIR and reiterated in the comment are project design details that are typically not fully designed until after preparation of an EIR and project approval. Mitigation Measure 4.6-2, on page 4.6-35 of the Draft EIR, requires a precise grading plan and detailed design of all features prior to receiving a grading permit.

Response to Comment 21-8:

There is no contradiction between the quote from the Draft EIR referenced in Response to Comment 21-6 or other portions of the Draft EIR analysis and the impact statements. The Proposed Project includes on-site full detention of 100-year storm flows in excess of existing conditions storm flows. The quote referred to in Comment 21-6 discusses the flow rates from and amount of storage for the entire NQSP area, not just the Proposed Project portion. There would be no worsening of downstream drainage because of implementation of the Proposed Project (see Impacts 4.6-1, 4.6-2, and 4.6-8). The Drainage Report clearly describes the Proposed Project's effects on downstream drainage. The effects of full development of the entire NQSP are beyond the scope of the project-specific analysis and are included only for determining potential cumulative impacts on drainage.

Response to Comment 21-9:

The potential increase in duration of flooding is not a factor of increases in peak stormwater flow rates caused by the Proposed Project. Changes in the drainage system design, flow paths, timing of peak flows, and rate of detained stormwater releases can all affect duration of flooding. An increase in duration of flooding might be considered a significant adverse impact if structures were inundated, economic impacts occur, human health risks are increased, or further ecological damage to habitat conditions occur. In and of itself, a slight increase in flood duration would have little adverse effect. Furthermore, the slight (less than 10 percent) potential increase in flood duration associated with implementation of the Proposed Project would be a less-than-significant impact because any potentially adverse physical effects that might occur as a result of the flooding would already have been realized under existing conditions. In this situation (over 5 days of flooding, no structures inundated, and no human health risks), there would be no further contribution to adverse impacts caused by increasing the duration of flooding by less than 10 percent.

Response to Comment 21-10:

Please see Responses to Comments 21-1 through 21-9.

Response to Comment 21-11:

The legal standard is satisfied by complete and consistent information presented in the Draft EIR. Sufficient design of the project's proposed drainage features has been completed to allow for assessment of project impacts on downstream drainage. The Proposed Project Drainage Report analysis (see Volume II Appendix K of the DEIR) shows that the planned on-site detention would prevent increases in stormwater flow rates over existing conditions. The commenter's concern about an increase in developed conditions of 167 cubic feet per second (cfs) after development, compared to 95 cfs for existing conditions, refers to full build-out of the entire NQSP without adequate detention. These numbers are not applicable to the Proposed Project impacts. As proposed, there would be no net increase in pre-project flows. The drainage calculations for full build-out of the NQSP area are provided to illuminate how much storage capacity would be necessary for full build-out of the NQSP and for assessing potential cumulative impacts.

Response to Comment 21-12:

The comment reiterates information pertaining to alternatives contained in the Draft EIR. No further response is required.

Response to Comment 21-13:

The comment is referencing a specific alternative that was reviewed but dismissed because the reduction in seats was not determined to appreciably reduce traffic impacts. A reduction in size of Phase 1 to a maximum of 3.400 seats would result in only a reduction of 10% (190 fewer peak hour trips) over the 3,740 (55% of the 6,800 seats) assumed for a typical weekday scenario. A typical weekday scenario occurs more often than a sold out event so for analysis purposes this was assumed for a typical week day event. If you combine Phase 1 and 2, assuming only 3,400 seats, the reduction is less significant. There is not an appreciable change in trips associated with a smaller facility; therefore, this alternative was dismissed.

Response to Comment 21-14:

The project alternatives were developed to either reduce or eliminate significant impacts identified while at the same time meeting the majority of the basic project objectives. CEQA requires an EIR to include description and analysis of "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project", including the No Project Alternative and, under certain conditions, different location alternatives. The Draft EIR accomplishes this requirement by evaluating two versions of the No Project Alternative, a smaller alternative, and an off-site alternative.

Alternative 1, the No Project/No Development Alternatives, considers the comparative effects of leaving the project site undeveloped, avoiding effects associated with development of the 260-acre site. Alternative 2, the No Project/No Action Alternative, addresses the comparative effects of development of the site under the existing entitlements in the Northeast Quadrant Specific Plan, avoiding effects of the specific horse racing operation proposed as a major use in the proposed project. Alternative 3, the Smaller Phase 2 Alternative, considers the comparative effects of a smaller retail/office development around the proposed horse racing facility, seeking to reduce the magnitude of effects related to traffic, public services and infrastructure, and other resources. Finally, Alternative 4, the Off Site Alternative, addresses the comparative effects of building the project as proposed but in a different part of Dixon, seeking to reduce the effects of the project that would be created by construction at the particular site proposed by the applicant.

The emphasis under CEQA is on consideration of a "range of reasonable" alternatives, and the Guidelines specifically note that "[a]n EIR need not consider every conceivable alternative to a project." By providing a comparative analysis of each of the above described alternatives, the Draft EIR contains an analysis of a range of reasonable alternatives, as required by Section 15126.6 of the State CEQA Guidelines.

Response to Comment 21-15:

The reduced level of retail development in Phase 2 under Alternative 3 was presented to describe the relative effects of an alternative that reasonably reduced the amount of retail while still allowing the applicant to achieve the basic objectives of the project. A reduction of 70% would not achieve this standard. While other project reductions could be contemplated, the analysis of Alternative 3 provides the City information about the relative sensitivity of the local environment to changes in the intensity of uses on the project site. Please see Response to Comment 21-14.

Response to Comment 21-16:

Please see Response to Comment 21-14.

Response to Comment 21-17:

The standards for recirculation of a Draft EIR are established in Section 15088.5 of the State CEQA Guidelines. That section states that recirculation is required when one or more of the following conditions exist:

- A new significant impact is identified;
- A new feasible mitigation measure is identified and the project applicant will not implement it;
- A new feasible alternative is identified that is environmentally superior to the project and the lead agency rejects it; or
- The draft EIR is determined to be so fundamentally flawed that the public was denied the opportunity to be fully informed about the environmental consequences of the project.

In this case, none of these conditions exist, and, thus, there is no need to recirculate the Draft EIR.

Response to Comment 21-18:

The commenter's statement that any impacts to I-80 or the I-80/Pedrick Road interchange would also impact the delivery of produce to the Campbell plant is acknowledged and forwarded to the decision-makers for their consideration.

Response to Comment 21-19:

The commenter states that Mitigation Measures 4.10-1(a), 4.10-1(b), and 4.10-2(a) must be completed prior to completion of Phase 1 and that Mitigation Measures 4.10-1(c), 4.10-2(b), and 4.10-3(b) must be completed prior to completion of Phases 1 and 2 of the project. These suggestions are consistent with the assignment of mitigations to each phase from the Draft EIR for each phase of the project. However, the Draft EIR does not identify a specific timing or performance threshold within each phase for when the mitigation measures must be in place. More importantly, CEQA Guidelines do not explicitly require concurrency between the timing of impacts and implementation of mitigation measures. Agencies are permitted to defer mitigation to the extent that the agency commits to a realistic performance standard for implementing the mitigation. The City of Dixon has the discretion to establish performance standards, triggers, or thresholds for implementation of the above mitigation measures. It should be noted that a supplemental traffic analysis was conducted to determine how much of Phase 2 could be constructed (assuming no adjacent development such as Flying J occurs) before operations degrade to unacceptable levels and Mitigation Measures 4.10-1(c), 4.10-2(b), and 4.10-3(b) are required. This analysis is contained in Appendix G of Volume II of the Draft EIR. Please refer to Master Response TRAFF-2 for the planned initiation of a PSR for the I-80/Pedrick Road interchange.

Response to Comment 21-20:
The commenter suggests that development thresholds and mitigation monitoring must be established and incorporated into all mitigation measures. Please see Master Responses TRAFF-1 and TRAFF-2 as well as Response to Comment 21-19 regarding funding and timing of these improvements.

Response to Comment 21-21:

The commenter correctly states that a Traffic Management Plan (TMP) would be necessary during reconstruction of the I-80/Pedrick Road interchange. Development and implementation of TMPs are routinely required by Caltrans during interchange reconstructions.

Response to Comment 21-22:

The comment states concern that the effects of the project would interfere with traffic entering and leaving the Campbell facility. Please refer to Response to Comment 21-1 for a discussion of this issue.

Response to Comment 21-23:

This comment does not pertain to the Proposed Project, but to a different project; the Flying J truck stop project. Therefore, no further response is required.

Response to Comment 21-24:

This comment does not pertain to the Proposed Project, but to a different project; the Flying J truck stop project. Therefore, no further response is required.

Response to Comment 21-25:

Please see Response to Comment 21-19.

Response to Comment 21-26:

The issue regarding potential increases in flood duration in the fields south of the Campbell's Soup facility is addressed in Impact 4.6-1, on page 4.6-30 of the Draft EIR. An increase in duration of flooding might be considered a significant adverse impact if structures were inundated, human health risk increased, economic impacts occur, or further ecological damage to habitat conditions occur. In and of itself, a slight increase in flood duration would have little adverse impacts. Furthermore, the slight (less than 10 percent) potential increase in flood duration associated with implementation of the Proposed Project would be less than significant because any potentially significant adverse impacts that might occur because of flooding would already have been realized under existing conditions. In this situation (over 5 days of flooding, no structures inundated, and no human health risks), there would be no further contribution to adverse impacts caused by increasing the duration of flooding by less than 10 percent. The only other change in duration of flooding identified in the Drainage Report model would be a slight (about 6 hours in 11 days) increase in duration at the upstream side of the Sikes Road culverts. All other modeled locations in the system would not be expected to experience any increases in flood duration and may have reduced flood durations in some situations.

Under current conditions, as described on page 4.6-31 of the Draft EIR under Impact 4.6-1, existing drainage system capacity is exceeded. Flow modeling for the Proposed Project demonstrated that while there would be an increase in impervious surface cover and the potential for higher storm flows, planned detention facilities would reduce off-site discharge to the same level as existing conditions. Furthermore, the maximum water surface elevation (WSEL) for drainage at the upstream side of the 36-inch RCP culvert under the UPRR railroad, just south of the Campbell's Soup Facility, would be essentially the same as under existing conditions. Therefore, the Proposed Project would not be contributing an increase in stormwater volume that would result in an increase in WSEL over that which currently exists. As a result, impacts of the project on downstream flooding would be less than significant.

Response to Comment 21-27:

The documents presented in the Draft EIR are not inconsistent. The amount of detention required to mitigate the potential Proposed Project increases in storm flows is not nebulous; however, the exact location of all necessary storage has not yet been finalized. The majority of storage would be located in the center of the Race Track area. Additional storage would be provided in swales, biofiltration areas, storm drains, the separate Stable Area facilities, and other locations. Consequently, whether or not the stable area detention is specifically sized to detain 85 to 100 acre-feet of storage has not yet been finalized.

The confusion appears to be related to the difference between runoff and required storage for full build-out of the entire NQSP versus runoff and storage for the Proposed Project, alone. The analysis for full build-out of the NQSP is for assessment of cumulative impacts. It is not necessary for this project and EIR to detail where storage for the entire NQSP would be located.

Response to Comment 21-28:

Potential water quality impacts associated with Phase 1 (construction and post-construction) are discussed in Impacts 4.6-4, 4.6-5, and 4.6-6. Construction of Phase 1 would include the primary detention feature for the entire Proposed Project site and detention/water quality features for the Stable Area as well. These are two of the most important detention features.

As described on page 4.6-30 of the Draft EIR, the impact analysis is a 'worst-case' analysis because it provides a conservative estimate of impacts to the drainage system since it addresses full buildout of the project. The sizing of proposed drainage infrastructure that would accommodate flows from full project buildout would be installed as part of Phase 1, including the intake structure on Dixon Downs Parkway, conveyance channel, twin 66-inch pipes, diversion structure, infield detention pond, outfall structure and the berm along the southern property line. The stormwater quality BMPs would also be constructed as part of Phase 1. Phase 2 would involve only the site development requiring extension of localized drainage system for the site/access roads and additional BMPs. Because proposed infrastructure would be installed as part of Phase 1 that would accommodate full project buildout drainage flows, it is not necessary to evaluate the impacts of Phase 1 only as suggested in the comment.

Response to Comment 21-29:

As stated on page 5 of the Water Supply Assessment (WSA) included as Appendix I in the Draft EIR, the WSA was prepared for the project consistent with the requirements of SB610 and Section 10910 of the California Water Code. As discussed on page 4.11-19 of the Draft EIR, water supply for the Proposed Project was analyzed and projected in the WSA and the extent to which the water supply calculated in the WSA can serve the Proposed Project is evaluated in Section 4.11 under Impact 4.11-1 (project-specific) and 4.11-4 (cumulative) consistent with the requirements of CEQA.

The information contained in the WSA describing the groundwater basin, which was incorporated in the Draft EIR, is consistent with the requirement of California Water Code Section 10910(f)(2). The additional hydrogeologic data requested in the comment letter might be appropriate at the time of specific well design to prevent drawdown of the groundwater in a manner that adversely affects the efficiency of adjacent wells; however, this detailed information is not required at this point in the process and is not necessary to evaluate water supply impacts of the Proposed Project. As noted on page 4.11-23

of the Draft EIR, the proposed new groundwater well would be located according to the DSMWS guide for siting wells with a pumping capacity between 1,500 and 2,000 gallons per minute to minimize interfering with existing and planned wells.

Response to Comment 21-30:

Information contained in the WSA describing groundwater resources, including the information on drought conditions referenced in the comment, was based on the analysis contained in the Summers Engineering, Inc. June 1988 *Groundwater Resources* report, and the May 1995 *North Central Solano County Groundwater Resources Report* prepared for the Solano Irrigation District and the Solano Water Authority, respectively (see page 6 of Appendix I of the Draft EIR).

Specifically (as described on page 4.11-26 of the Draft EIR),

> …according to the WSA, the Master Water Plan, and the *North Central Solano County Groundwater Resources Report*, the Solano Sub-basin is in a state of equilibrium, where groundwater levels are stable and at levels that preceded the overdraft of the basin from intense agricultural use of groundwater in the 1930's. The data presented in these reports, and additional data published by DWR, show that the Solano Sub-basin is not permanently impacted by multiple dry or wet years and is not in a state of overdraft. In other words, the Solano Sub-basin level changes slightly over short periods of time in response to climatic conditions, and over the past twenty years the basin has showed an average level of stability despite the increased level of growth and water demands. Further, the WSA reports that the Putah Creek Fan portion of the groundwater basin, where the City of Dixon is located, has an excess amount of water storage that may need to be pumped to prevent soils in the area from becoming water logged. The amount of excess water supplies in the groundwater basin was reported to be from 25,000 to 30,000 ac-ft. Further, the Proposed Project, in addition to existing and planned future uses (including agriculture and industrial uses), would have an adequate supply of groundwater to meet demands for the next 20-year period during normal, dry, and multiple dry years mainly because groundwater supplies are not affected by dry and multiple dry years.

Response to Comment 21-31:

In Section 4.11, Utilities, the Environmental Setting and Impacts 4.11-2 and 4.11-4 discuss potential effects of increased groundwater pumping on water levels. As noted in the Draft EIR, the aquifer is not currently in a condition of overdraft, groundwater extraction may be necessary to lower water tables in areas of the sub-basin where groundwater levels are too close to the surface (25,000 to 30,000 acre-feet excess), and even during low precipitation conditions (drought years) groundwater levels are not significantly altered as discussed on page 4.11-8 of the Draft EIR. Increased pumping and demand is not expected to create regionally lower water levels and to affect existing wells. The Master Water Plan has been developed and incorporates additional pumping requirements to meet planned development, including the Proposed Project. Localized pumping depressions can occur, therefore, the DSMWS has set specific criteria for location of wells based on the underlying aquifer storage material and pump rates. The Proposed Project would locate the new well according to DSMWS guidelines and be at least one-quarter mile away from other wells.

CEQA does not require economic issues associated with a project be analyzed in an EIR; therefore, the cost issues raised by the commenter are not addressed in the Draft EIR.

Response to Comment 21-32:

On page 4.11-8 of the Draft EIR it is noted that groundwater levels within the Solano Sub-basin are within two miles of the Proposed Project site and are in a fairly stable condition with seasonal and inter-

annual fluctuations reflecting typical patterns associated with winter and summer use. Furthermore, the effect of drought-type conditions during the 1970s and 1980s did not persist. As noted in the Draft EIR, historical fluctuations are currently moderated by implementation of the Solano Project. Please see Response to Comment 21-31.

Response to Comment 21-33:

To address potential impacts associated with additional DSMWS wells noted in the Master Water Plan are beyond the scope of this project and EIR analysis. However, wells developed for potable water supply by the DSMWS, would be developed and installed according to the DSMWS guidelines in order to prevent overlap of depression cones (well pumping that affects adjacent well water tables). The Draft EIR states that the new Proposed Project groundwater well, for non-potable water supply, would be located at least one-quarter mile away from other wells.

Response to Comment 21-34:

Sufficient detail on groundwater quality for the analysis of potential impacts associated with the Proposed Project is included in the Draft EIR, WSA, and Master Water Plan. Because any wells installed in association with the Proposed Project would be implemented according to the DSMWS guidelines, cones of depressions would not overlap with other wells. Consequently, the sphere's of influence would be localized and would not affect adjacent wells or groundwater resources and existing wells would not be within the Proposed Project's sphere of influence.

Analysis of potential impacts associated with installation and operation of additional DSMWS wells is beyond the scope of this project and EIR analysis. DSMWS currently monitors water levels and constituents in its wells and manages pumping to minimize potential drawdown impacts in accordance with its Master Water Plan.

Concentrations of constituents in groundwater anticipated for the Proposed Project are expected to be similar to existing conditions. Impacts 4.6-7, 4.11-6, 4.11-7, and 4.11-8 included in the Utilities section of the Draft EIR discusses potential project impacts on groundwater quality.

Response to Comment 21-35:

As noted in Response to Comment 21-29, the WSA was prepared consistent with the requirements of SB 610 and the California Water Code. As discussed under Impact 4.5-3 on page 4.5-15 of the Draft EIR, soil contamination has been identified on the project site. Groundwater near the surface could have been polluted by the downward migration of soil contaminants. Because no groundwater wells for potable use would be installed to serve the project, there would be no direct impact on future occupants from using contaminated groundwater. Potential environmental impacts associated with groundwater degradation would be mitigated by implementation of Mitigation Measure 4.5-3(a). This measure requires the installation of groundwater monitoring wells to measure groundwater quality.

Impact 4.6-7 on pages 4.6-51 through 4.6-53 of the Draft EIR describes that implementation of the Proposed Project could contribute to groundwater quality degradation through the migration of animal waste material into the groundwater. As required by the SWRCB for large CAFOs, existing groundwater supply wells would be monitored. Implementation of Mitigation Measure 4.6-7 requires that the project install and maintain a groundwater protection system.

The proposed non-potable groundwater supply well would be installed consistent with the requirements of the DSMWS, including wellhead protection.

Response to Comment 21-36:

Please see Response to Comment 20-5. Potential groundwater quality impacts are addressed in Impacts 4.6-7 and 4.11-6 through 4.11-8. Changes in land use could alter the amount and type of constituents percolating to groundwater. Removal of the land from agricultural uses would reduce the potential for contamination by agricultural chemicals. Development of impervious surfaces would also reduce the potential for direct infiltration of constituents washed off land surfaces.

Pacific Gas and Electric Company

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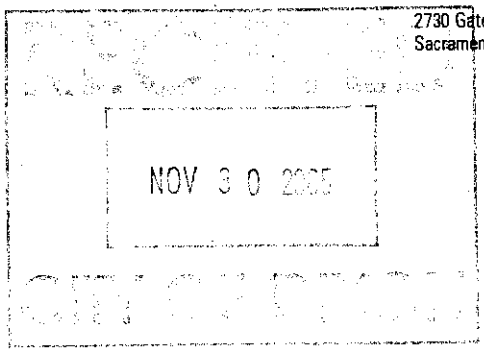
Sacramento, CA 95833



November 30, 2005

Mr. Warren Salmons, City Manager
City of Dixon
600 East A Street
Dixon, CA 95620

RE: Dixon Downs DEIR Response

Enclosed is the Pacific Gas and Electric Company (PG&E) response to the Draft Environmental Impact Report for the Dixon Downs Project. PG&E staff has reviewed the project and determined that the facilities noted on the attachment are required to serve the proposed project. 22-1

I recommend that the attached response be included as a part of the overall project description.

If you have any questions please contact me at (916) 923-7016. Thank you.

Sincerely,

Michael Gunby
Senior Land Project Analyst

ELECTRIC FACILITIES

SUBSTATION PURPOSE AND NEED

To meet the increased electrical demand that will be created by the Dixon Downs DEIR, Pacific Gas and Electric Company (PG&E) is proposing to build and operate a Substation at the northeast edge of the town near Pedrick Rd. The project will also include interconnection with the existing distribution and transmission system.

The objective of the project is to serve the additional electrical demand proposed in the Dixon Downs DEIR. The Interstate-80 corridor area of Solano County has had consistent electrical load growth which has resulted in the significant use of available electrical capacity. The additional planned electrical demand for the Dixon Downs project as well as other planned development along the I-80 corridor of Solano County will result in overextending the existing electrical infrastructure. Continued load transfers among existing electrical infrastructure to defer the work are not feasible because the surrounding circuits and substations do not have sufficient available capacity. Increasing capacity at existing outlying substations to service the growing community in the project area, limits the operational flexibility and service reliability of the electric system in the entire area. A new substation needs to be constructed in order to alleviate the threatened shortfall and provide the needed infrastructure for this green-field project. In addition, upgrades to the existing transmission system as well as distribution poles and wires are needed to accommodate the additional electrical load.

PROJECT LOCATION

PG&E is proposing to install a 115/12kV distribution substation, to be known as Pedrick Substation, on an approximately 4-acre site and related distribution facilities within the Dixon Specific Plan area. The property selected for the Substation site is located south of Interstate 80 and east of Pedrick road next to the Dixon Canning facility and the UPRR tracks. The site is next to PG&E's transmission lines, eliminating the need to extend the existing transmission line for this project. The distribution circuits already exist in this area and will be upgraded as required.

PROJECT CHARACTERISTICS AND FEATURES

Substation Design

The proposed Pedrick Substation will be a remote-controlled, low profile facility that will require only periodic maintenance. Electric power will enter the substation at 115 kV from a tap line off of the existing PG&E power lines that traverse the area along the SPRR tracks. This existing transmission line is currently a 60 kV line but will be upgraded to an 115kV transmission line to meet growth demand as well as to provide operational flexibility and service reliability to the growing community. The 60kV to 115kV upgrade will require the replacement of the existing 60kV transformer banks at

Dixon Substation, Batavia Substation, Travis Air Force Base and Dixon Canning with 115kV transformer banks. In addition, the existing transmission line will be reframed to meet 115kV line clearances. The transmission lines will be tapped by adding wires ("conductors") to the existing poles or interset new poles within the transmission line in order to drop power into the substation. Distribution power will leave the substation property through underground and overhead distribution feeder lines at 12 kV, and then interconnect with distribution feeders along existing and proposed city and county roads and public utility easements, providing service to the town of Dixon and surrounding areas.

The fenced portion of the substation will include three 45 MVA (megavolt ampere) transformers at full build-out. In addition to the transformers, on-site equipment will include switch-gear, dead-end structures, bus structures, steel take-down structures, other related electrical equipment, and an SPCC (Spill Prevention Control Countermeasures) concrete basin designed for transformer oil containment in the event of an equipment failure.

Other facilities at the substation will include a perimeter fence around the substation itself, interior lighting for the substation, and telecommunications equipment for protection of the substation and power lines in the event of a downed line.

The transformers and related electrical equipment will require a footprint approximately 300 feet by 375 feet, including a concrete pad for the transformers and switch gears and a 20 foot wide paved access road surrounding the electrical structures. In addition, the oil retention pond will include an area approximately 50 feet by 150 feet.

Initially two 12 kV overhead feeder lines on the substation property will connect with the existing overhead electrical distribution feeders. Ultimately twelve overhead and underground circuits will be built from the substation property.

The substation site will be bordered by the Dixon Canning facility to the north, the Dixon Truck Repair facility to the west and the SPRR tracks to the east and will be largely out of view from county roads.

The substation will be landscaped and set back approximately 120 feet from the county road right of way. In accordance with standard PG&E power line safety practice IB0105, the landscaping will be designed to meet the minimum clearance requirements in a 230 kV transmission line right of way, which is a minimum of 15 feet from the conductors to the maximum height of the proposed plants/bushes as specified in an authoritative reference such as the Sunset Western Garden Book.. PG&E will consult with the County of Solano for the preferred plant types and arrangements.

Substation Construction

The substation will be built to serve the proposed Dixon Downs project and surrounding commercial facilities and residences located south of I-80 at Pedrick Road. The substation construction will last approximately 6 months. The site will be prepared for the foundation work and equipment installation. The construction activities will include grading, filling, excavating, paving, concrete pouring, and installing all transformers, lines, and related electrical equipment. The construction equipment will include graders, paving machines, rollers, backhoes, compactors, concrete mixers, haul trucks, and crane-hoist. The distribution pole line upgrades will utilize standard PG&E line trucks to auger holes and replace poles. The construction activities will comply with local ordinances and occur on weekdays for the duration of the construction period. The proposed construction will include mitigation measures that will be implemented during construction for runoff and dust suppression in accordance with the local air district standards for this type of activity. The standard measures are included below in the Air Quality section of this document.

Effects Not Significantly Different Than Those in the Dixon Downs DEIR

The following discussion provides evidence that the proposed PG&E substation does not create unavoidable significant impacts to the environment and, furthermore, does not create effects found to be significantly different than those identified and fully evaluated in the Dixon Downs DEIR.

LAND USE

Presently the 4 acre property selected for the substation site is zoned industrial and is owned by PG&E. The vicinity primarily includes areas currently zoned industrial. The current land use is industrial. The existing electric transmission lines cross the area in a northeast to southwest direction along the existing UPRR tracks. The Substation's proposed location is appropriately placed contiguous to PG&E's existing 60kV electric transmission line. All new or upgraded distribution facilities will remain in County road rights of way.

BIOLOGICAL RESOURCES

The proposed Substation site has not been developed. PG&E will perform a pre-construction survey to confirm that sensitive biological resources will not be impacted. Distribution line construction will take place in roadways. Thus, any impacts to biological resources will be less than significant.

VISUAL RESOURCES

The proposed Substation site and immediately surrounding area is presently industrial. The view shed in the immediate vicinity of the site is presently dominated by the Dixon Canning facility, UPRR and county roads that traverse the area.

Along with other developments, there will be minor visual changes with the addition of the Substation facilities. No visual changes will occur with the upgrade of the distribution facilities except where the lines connect to existing overhead lines, where visual changes will be minimal. The substation equipment will be enclosed by a perimeter fence around the facility. The transformers within the site will be approximately 13 feet in height. The takedown structures will be sized according to the design required to interconnect with the existing electric transmission lines.

The visual impact of the Substation views from adjacent land uses will be mitigated by the fencing,

The visual impact of the Substation views from adjacent land uses will be mitigated by the fencing, setbacks and landscaping that will be installed on the site. The landscaping will comply with the PG&E standard IB0105 for landscaping within electric transmission rights of way. For these facilities, the approved plants and shrubs must maintain a minimum clearance of 15 feet from the overhead conductors at full maturity. Typical approved of trees and shrubs include, but are not limited to, Crape Myrtle, Oleander, Magnolia, Flowering Almond, and Olive. The electric distribution feeders will be placed in underground conduits except where they interconnect with existing above-ground feeders. Visual impacts will be less than significant with implementation of these measures.

NOISE

The proposed Substation site and immediately surrounding area are currently developed with industrial uses. Future development in the area will also be commercial/industrial. As such, the existing ambient noise levels are approximately equal to what they will be when the area is fully developed. As set out further below, project noise levels will fall within acceptable limits under the local noise ordinance. Thus, any noise impacts will be less than significant.

Construction

Substation

Construction of the substation site will involve use of earth moving equipment, trucks, and cranes. The noise levels would vary with the type of activity and the actual equipment being used. The potential noise from these activities will be 72 dBA at 750 feet away. The substation construction noise will be about 63 dBA at 2000 feet away.

While the construction noise may be occasionally audible at these locations, these noise levels constitute an insignificant impact.

Operations

Transmission/Distribution Lines

Audible transmission line noise is generated from corona discharge, which is experienced as a random crackling or hissing sound. Corona discharge occurs when particles such as dust or water droplets come into contact with a conductor, and it is this discharge that causes the crackling or buzzing sound. The potential for noise from corona discharge is greater during wet or windy weather than during dry, calm weather.

During dry, calm conditions, the sound of corona discharge is generally inaudible to a person standing directly below a transmission line. During wet or windy weather, corona noise is potentially audible within several hundred feet of the transmission lines. The actual noise is dependent upon the electric capacity of the transmission line. The sound generated by 115 kV lines during adverse weather conditions, such as fog or rain, for instance, would be less than 30 dBA directly below the transmission lines. Thus, any noise from transmission or distribution lines would be well within acceptable limits (less than 50dB.

Substation

Three 45 MVA, 115/12 kV transformers are planned for the Pedrick Substation. They are 6 dBA quieter than transformers in use in many older substations. The manufacturer specifications for each of the transformers are as follows:

The 45 MVA, 115/12 kV transformers are expected to meet 69 dBA, OA rating (without fans operating) and 72 dBA, FA rating (full capacity). Noise dampening measures will be implemented in avoid any significant adverse impacts.

Transformer noise is known to contain pure tone or "hum" components. This hum occurs at even harmonics (multiples) of the line frequency, e.g., 120, 240, 360 etc. Hertz (Hz). There is additionally an independent switching noise produced when the transformers are energized or de-energized by a switching operation. This noise occurs only rarely, in the case of line failure or emergency, so this noise is not considered significant and was not included in the estimates of transformer noise.

HEALTH AND SAFETY

Electromagnetic Fields (EMFs)

Electrical currents and voltages at the substation and along its connection lines would generate electric and magnetic fields (EMFs). EMFs are fields of force created by electric voltage (electric fields) and by electric current (magnetic fields). Voltage on any wire produces an electric field in the area surrounding the wire. Electric field strength is described in terms of voltage per unit distance at a specified position (volts per meter V/m). A magnetic field is produced from current in a conductor such as a wire.

Magnetic field strength is measured in terms of lines of force per unit area (Gauss, G; or milligauss, mG). EMF's are found whenever electricity is used, such as utility lines, building wires in homes, offices, schools, and home appliances. Typical magnetic fields from these sources range from below 1.0 mG to 1,000 mG.

On November 2, 1993, the California Public Utilities Commission (Commission) directed all publicly owned utilities in the state to take "no cost and low cost" EMF reduction steps on new and upgraded transmission, substation, and distribution facilities. The no-cost measures are those steps taken in the design stage that will not increase the project cost, but will reduce the magnetic field strength. The low-cost measures are steps that will cost approximately 4% or less of the total project cost and will reduce the magnetic field strength in the area by 15% or more at the fence line. Following the Commission's EMF decision, PG&E prepared design guidelines for substations, transmission, and distribution facilities.

Pursuant to the EMF Decision and the substation design guidelines, PG&E will prepare an EMF Field Management Plan that will specifically delineate the no-cost and low-cost EMF measures to be installed as part of the final engineering design for the substation. Accordingly, PG&E will submit to the Commission the EMF Field Management Plan for the project, prior to the construction activity on this substation.

Soil Conditions

Prior to construction of the substation, PG&E will submit a soils study and engineered grading plan in accordance with City grading permit requirements, which are specified in the Uniform Building Code for grading. No grading permits or studies are required for the distribution circuits since they will be constructed within proposed roads.

Hazardous Materials and Waste

During construction and operation of the project, hazardous wastes will be generated and several types of hazardous materials will be used and stored at the substation. PG&E will comply with all applicable federal, state, and local regulations, as appropriate, for the waste and materials, including the submittal of all required plans and forms.

Mineral Oil

Electrical transformers contain nonconducting mineral oil (highly refined hydrocarbon-base oil) used for insulation between conducting surfaces and as a coolant. When a transformer is taken out of service, the oil must be disposed of as hazardous waste. Older transformers frequently contained polychlorinated biphenyls (PCBs), which are defined as hazardous materials. However, PCBs are no longer used in electrical equipment and, therefore, the transformer oil used at the substation will contain no PCBs.

The site will be graded to direct drainage to a pond that meets Federal SPCC Guidelines (40 Code of Federal Regulations, Part 112) so that, in the unlikely event that a transformer becomes damaged and leaks oil, the oil would drain into the pond. A berm will be built around each piece of oil-filled equipment and a buried drainpipe will direct any oil leaks to the SPCC pond. The pond is impermeable and designed to contain 100% of the largest transformer oil volume plus 10% to contain rainwater and prevent discharge to surface water. Any oil spilled will be contained until it can be collected and transported to an approved disposal site. The SPCC containment will have a manually operated bypass valve, normally in a closed position, to allow pond draining after inspection. Per U.S. EPA requirements, PG&E will inspect the equipment and spill containment area on a monthly basis as well as the pond after heavy rains to ensure containment and proper transport of stormwater discharge. The oil would not pose any hazard to the environment or create any potential impacts for site workers, the public or the environment.

Therefore, given the substation design and safety programs, the risk of release from the substation would be very low and impacts would be less than significant.

Substation Batteries

The substation will have lead acid batteries to provide DC power for monitoring, alarm, protective relaying, instrumentation and control, and emergency lighting. The batteries will have 60 cells and be rated at 125 volts DC nominal. The electrolyte in the batteries is in a gel form that is totally sealed in a steel case. There will be liquid tight control barriers under and around the battery racks. To further prevent the risk of spills, the storage batteries will be located inside a dedicated metal-enclosed compartment in the switchgear.

Sulfur Hexafluoride Gas

Sulfur hexafluoride gas (SF6) is used as an insulator and an arc suppresser in circuit breakers. It is completely contained in the equipment and not released under normal conditions. Since the gas is inert and non-toxic, its release would not cause a significant impact.

Nitrogen Gas

This substation will contain approximately four cylinders of compressed nitrogen gas. This is used to maintain a slight nitrogen pressure in oil-filled electrical equipment. This pressure serves to keep out air that contains moisture, which can damage the equipment. Since the gas is inert and non-toxic, its release would not cause a significant impact.

Accident Electric Shock Hazards

The proposed substation could pose a hazard of electric shock for site trespassers. This hazard will occur at the transformers and will not extend off site to the general public.

To minimize potential exposure to electric shock hazards, access to the site will be restricted by fencing. Warning signs will be posted to alert persons of the potential electrical hazards. The power lines will be designed in accordance with California Public Utilities Commission General Order 95 Guidelines for safe ground clearances that have been established to protect the public from electric shock. These precautions will minimize the risk of persons to shock hazard.

Fire Hazards

During construction, no impacts are anticipated from accidental fires related to burning objects or welding activities. Welding will be performed at the substation site only in areas cleared of vegetation. Since the substation involves the transformation of electricity, the new operating facility will be a potential electrical fire hazard. Incidents such as downed power lines and malfunctions at the substation could generate sparks and start a fire. The risk will be low for a number of reasons. The substation will have asphalt pavement for road access and a gravel surface yard. There are minimum distance requirements implemented by PG&E for certain electrical equipment in the substation. In addition, PG&E installs high-speed relay equipment that senses a broken line condition and actuates circuit breakers to de-energize the line in a matter of milliseconds.

The substation will be fitted with an automated central alarm system that will immediately alert PG&E to any change in equipment condition. In the event that a fire should occur, emergency plans will be implemented by PG&E along with local Fire Department response. Adoption of such mitigation measures will reduce any impacts to less than significant.

WATER SUPPLY/STORM DRAINAGE

Construction of the substation could cause runoff with excavation and grading activities. Barriers will be placed on the site to prevent offsite runoff of sediment.

Construction of the concrete pads to support large heavy equipment and the paved access road will add impervious surface area on the property. The remaining yard will be a gravel surface. However, because the total area of the impervious surface will be less than one acre, the project will not significantly increase the amount of surface runoff. To ensure that surface water will not stand or collect on the site, the transformer footprint will be graded so as to drain accordingly. **All surface drainage will be directed toward the proposed detention basin for containment.** Construction of the Substation will exceed soil disturbance of an area greater than one acre, and therefore will require a State Water Resources Control Board National Pollution Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activities

(general permit). However, standard measures will be followed during construction to prevent runoff, where necessary. These will include placing straw bales or silt fences.

Groundwater hydrology will not be impacted by the construction of the Substation or distribution facilities, a minimal amount of water will be used at the substation for landscaping until established.

Drainage inside the Substation will be designed to protect equipment and move stormwater runoff out of the substation during a 25-year storm event. Since the neither City of Dixon nor Solano County have a storm system in the area, runoff from precipitation inside the substation will be directed towards the proposed detention basins located on the property for containment.

The Substation will not worsen existing flood conditions in the area. Given the facility's design and size of structures, the substation will not significantly impact surface topography or existing drainage patterns. There will be no runoff or water issues related to the upgrades of the distribution system since they are existing facilities.

GEOLOGY/TOPOGRAPHY

Prior to the construction of the proposed concrete pad, a site-specific soil study and geotechnical investigation will be conducted to provide detailed soils information for the foundation. PG&E will comply with County grading permit requirements as specified in the Uniform Building Code for grading. Due to the flat terrain of the vicinity, the topography will not be significantly altered by the construction.

CULTURAL RESOURCES

Since the site has been disturbed by agricultural uses, and since excavation and grading will be in a relatively limited area, there will be a very low potential that construction of the project will uncover or affect any unidentified Native American, archeological, or historic cultural resources. However, the following measures will be utilized to avoid potential impacts to cultural resources:

- Prior to the initiation of construction or ground disturbing activities a cultural resource database search and site visit will be conducted by a PG&E archeologist or consultant to determine if any cultural resources exist.

- Prior to the initiation of construction or ground disturbing activities, all construction personnel will receive environmental training.

- If buried cultural materials, including prehistoric and historic resources, are discovered in the project area:

    1. Work in the immediate area of the find will be halted.

2. PG&E archaeologist will be notified.
3. PG&E archaeologist will identify the find, and then make the necessary plans for treatment of the find.
4. PG&E archaeologist will evaluate the find and if it is found to be "important" per CEQA, determine appropriate mitigation measures.

- If buried human remains are encountered during construction:

1. Work will halt in that area.
2. PG&E archaeologist and the County coroner will be notified.
3. If the remains are determined to be Native American then the Native American Heritage Commission (NAHC) will be notified within 24 hours as required by Public Resources Code 5097. The NAHC will notify the designated Most Likely Descendants who will provide recommendations for the treatment of the remains within 24 hours. The NAHC will mediate any disputes regarding treatment of remains.

TRANSPORTATION/CIRCULATION

Project construction will not exceed approximately 20 construction employees for the duration of the construction period, which is approximately 6 months. Construction workers traveling to and from the site will add up to 40 daily trips (20 mornings and 20 evening) to the existing road network. Parking will be on the substation site.

The existing road system and whatever substation access road is required will provide emergency access to the substation site and for PG&E employees to check meters and perform routine maintenance since this will be an unmanned substation. Monitoring and maintenance activities are not expected to add more than 5 vehicle trips per month. Except for the temporary construction traffic, the ongoing estimated vehicle trips generated by substation operations will be a minor addition to traffic on existing roads. Any work on upgrading of the distribution circuits will be with PG&E line trucks located off the shoulder of the traveled way. No lane closures should be necessary during the duration of the construction, which should last no longer than 1-2 weeks. Since this is in a rural part of the county, no significant impacts will occur to traffic.

AIR QUALITY

The project will add short-term emissions from construction related activities for a 6-month period. The primary air pollutant source will be fugitive dust. In addition, there will be certain pollutants from construction equipment usage and vehicular emissions from commuting workers, equipment, and supplies. The construction phase project emissions will include PM-10, Reactive Organic Gas (ROG), CO, NO2, and SO2 from structure foundation excavation, structure delivery and setup, wire installation, cleanup, landscaping, and fugitive dust. Mitigation measures will be implemented for PM-10 emissions including:

- Watering or applying soil stabilizers to all construction areas.
- Covering all truck beds that are hauling soils or other loose material.
- Using paved roads whenever possible.
- Limiting vehicle speeds on unpaved construction areas.
- Covering stockpiles of soil.

Once in operation, the unmanned Substation will not create any air emissions. During the operational phase the only sources of emissions will be vehicular emissions from maintenance and monitoring activities. The increase of 5 vehicle trips per month for monitoring and maintenance work will not result in a significant increase in operational phase air pollutant emissions that require mitigation measures. However, PG&E will employ its standard practices during operations such as minimizing vehicle trips and keeping vehicles and equipment well maintained.

PUBLIC SERVICES AND UTILITIES

Utilities

The Substation and upgraded distribution and transmission circuits will have a beneficial effect on local energy supplies and system capacities. The operation of the facility will have a positive impact on peak and base period demands for electrical power in the area. By increasing the amount of energy available during peak period demand in the area, the project will make the existing systems more efficient while reducing the possibility of power shortages.

PG&E will install, own, maintain, and operate fiber optic communications for protection of the Substation and power lines. A phone line will be installed, but will not burden the public telecommunication services.

Water, Sewer, and Solid Waste Service

As an unmanned facility, **no sewer lines** will be required for the Substation. **Water** for landscaping purposes will be provided by the City / local water district until the landscaping is established. Waste that is generated by the construction will be disposed of at **a county dump or similar facility that accepts this type of material.**

ALTERNATIVES

In addition to considering a No Project Alternative, PG&E evaluated several potential substation sites within the proposed vicinity based on pertinent criteria. The criteria for choosing a substation site include:

- Proximity to electric Load Center
- Adjacent or within close proximity to existing transmission lines

- Minimum three acre area
- Ability to serve the operational requirements of the electric distribution system
- Compatibility with existing and adjacent uses
- Ability to meet electrical demand from uses approved or planned for development by local agencies.
- Potential for environmental impacts associated with developing the site such as creek corridors, wetlands, floodplains, threatened and endangered species habitats, earthquake faults, and steep terrain.
- Cost of improvements

Given the available information, the proposed substation site is most appropriate to meet future electrical demand from Dixon Downs as well as from Dixon Specific Plan area. The new Substation will also serve some electrical load now served by the existing Vaca-Dixon, Dixon and Davis Substations.

- The proposed site is located within the electric load demand for existing, pending, and projected future development for the Dixon Specific Plan area.
- The proposed site is adjacent to the existing 60 kV power lines, eliminating the need for a transmission line extension, and in a location that can serve the electric distribution system.

No Project Alternative

Under the No Project Alternative, the Pedrick Substation will not be built in the area and distribution facilities will not be upgraded. If no new facilities are in place by the time Dixon Downs project and other proposed developments are fully constructed, the electric distribution system will not be able to reliably serve the project area. Interruption of electric service to customers may be necessary to relieve equipment overload in peak demand periods. The system will not be able to serve any new electric customers or additional electric demands of existing customers in the area, even with all power system facilities in service during peak periods. Consequently, if the substation were not developed, indirect impacts to human health and safety could potentially occur as a result of prolonged power outages.

GROWTH-INDUCING IMPACTS

An EIR must include a discussion of the ways in which a proposed project could directly or indirectly foster economic development or population growth, and how that growth would, in turn, affect the surrounding environment. Growth can be induced in a number of ways, including the elimination of obstacles to growth, or through the stimulation of economic activity within the region. Under CEQA, induced growth is not considered necessarily detrimental or beneficial. Induced growth is considered a significant impact only if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth, in some other way, could significantly affect the environment.

New Employment

The proposed Substation and related facilities will provide short-term construction employment and no additional permanent workers. The construction of the Substation and related facilities will require an average of 20 workers per month. The "local" labor pool will be drawn from PG&E's existing workforce. Non-local labor will be used only for specialized skills not readily available locally. The construction duration for the project will take approximately six months. It is not anticipated that the limited, temporary construction employment would result in long-term growth in the area.

Extended Access or Public Services

The proposed Substation and related facilities are located adjacent to existing streets and utilities within Solano County. The Substation will not extend access to previously inaccessible areas or require the extension of other public services to previously unserved areas.

Existing Community Services

The proposed Substation and related facilities will not tax existing community services. The need for city and county-provided services, such as road improvements, law enforcement and fire protection, will be very infrequent, if ever.

New Development

Safe and reliable electric service is necessary to accommodate existing and planned growth in Solano County. The availability of electrical capacity by itself does not normally ensure or encourage growth within a particular area. Other factors such as economic conditions, land availability, population trends, and local planning policies have more of an effect on growth than the availability of services. The availability of electric supply for this project is growth-accommodating rather than growth-inducing, since the electrical facilities are necessary to provide power to the Dixon Downs project. Therefore, the growth-inducing impact of the proposed substation is less than significant.

CUMULATIVE IMPACTS

CEQA defines cumulative impacts as the change in the environment resulting from the incremental impact of the proposed project when added to other closely related past, present and future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

The Dixon Downs DEIR will examine the potential cumulative impacts of the project development in relation to other existing and future projects. There is not likely to be any change in the environment resulting from the incremental impact of the Pedrick

Substation and related facilities when added to such other development for the following reasons:

the location of the proposed Substation is contiguous to an existing utility line, in an existing utility corridor,
the construction schedule is short (approximately 6 months), and
the Substation, with incorporation of proposed mitigation measures, would not have a significant adverse impact on the environment.

Consequently, the electrical facilities portion of the Dixon Downs Project is not expected to result in or contribute to cumulative impacts.

GAS FACILITIES

DISTRIBUTION FACILITIES

PG&E has existing gas distribution mains in the following roads.

- Vaughn Rd, gas main exists for the entire south border of this project area (6" west of "Dixon Downs Parkway" and 4" to the east)
- E. Dorset Drive has an existing 4" gas main from N. First to the existing drainage canal (north of Wal-Mart).
- Pedrick Rd has an existing 4" main that runs from Vaughn Rd approximately 3000' north to Campbell's Soup.
- Sparling Rd has an existing 4" main that comes from the northwest and ends near Pedrick Rd.

In order to serve this project a new 8" gas distribution main will be required in Dixon Downs Parkway from Vaughn to Pedrick. Other new mains may range from 2" to 6", depending on proposed loads and locations.

TRANSMISSION FACILITIES

In Addition, gas transmission and regulation facilities will be required to support the distribution system:

- Phase 1 will require the need to install a district regulator station at the intersection of Vaughn & Dixon Downs Parkway. This will also require PG&E to convert a former distribution feeder main (DFM) line that is currently operating at distribution pressure back to DFM status.

- Phase 2 of this project may trigger the need to reinforce the existing transmission line in Vaughn Rd starting just west of Runge Rd moving westward (install a new 6" line parallel to the existing 4" line). The length of reinforcement that will be required is unknown at this time and dependant on total load of the development at build-out

The proposed gas pipelines will be constructed within existing and proposed streets and roads or within 15 foot wide public utility easements adjacent to each side of the streets or roads.

LETTER 22: Pacific Gas and Electric Company, Michael Gunby, Senior Land Project Analyst

Response to Comment 22-1:

The Pedrick Substation to be constructed by PG&E is located south of I-80 east of Pedrick Road, outside of the project site as well as the NQSP area. Information provided in the letter is included in the Project Description for informational purposes.

The following information is added to the Draft EIR in Chapter 3, Project Description, at the bottom of page 3-47:

> To meet the increased electrical demand that would be created by the Proposed Project, Pacific Gas and Electric Company (PG&E) is proposing to build and operate an off-site electrical substation located south of I-80 and east of Pedrick Road adjacent to the Campbell's facility and the UPRR tracks. The site is next to PG&E's transmission lines, eliminating the need to extend the existing transmission line for this project. The substation would be located outside of the Dixon Downs project site as well as outside of the NQSP area.
>
> The 115/12kV distribution substation, to be known as Pedrick Substation, would be installed on an approximately 4-acre site. It would be a remote-controlled, low profile facility that would require only periodic maintenance. The existing transmission line that traverses the area along the UPRR tracks is currently a 60kV line but would be upgraded to an 115kV transmission line to meet growth demand, as well as provide operational flexibility and service reliability to the growing Dixon community. The Pedrick Substation would also include a perimeter fence, interior lighting, and telecommunications equipment for protection of the substation and power lines in the event of a downed line. The fenced portion of the substation would include three transformers, switch-gear, dead-end structures, bus structures, steel take-down structures, and Spill Prevention Control Countermeasures designed for transformer oil containment in the event of equipment failure. The substation would be set back approximately 120 feet from Pedrick Road and the landscaping would be in the County; therefore, County landscaping standards would apply.

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November 30, 2005

7896-00

Mr. Warren Salmons
City Manager
City of Dixon
600 East A Street
Dixon, CA 95620

Re: Comments to Draft Environmental Impact Report (DEIR)
Dixon Downs Horse Racetrack and Entertainment Center Project

Dear Warren:

I am writing to formally comment on the above referenced DEIR. We have reviewed the following documents:

- DEIR.
- DEIR Appendices I & II.
- Technical Appendix to the Transportation and Circulation Chapter for the Dixon Downs EIR.

We have performed a preliminary review of the following affiliated documents and will also provide some preliminary comments on these documents at this time:

- Proposed Northeast Quadrant Specific Plan Amendments (Review in Progress).
- Proposed Development & Design Guidelines for Dixon Downs (Review in Progress).

Based on our review we offer the following comments on the DEIR and appendices for your consideration:

1. DEIR Chapter 3 – Project Description: Figure 3-14 (NQSP Proposed Zoning) shows the proposed Vaughn-Pedrick Connector. It is unclear, however, whether the Vaughn-Pedrick Connector is a part of the proposed project. Please clarify whether this roadway is required to serve the proposed project or whether it is required to serve the full build-out of the Specific Plan area. 23-1

2. DEIR Chapter 3 – Project Description: Figure 3-16 (Tentative Parcel Map) is inconsistent with the other figures in this Chapter as it relates to the proposed circulation system within the Specific Plan. In particular, the alignment of Dixon Downs Parkway as shown on the Proposed Tentative Map does not turn easterly along the northern boundary of the Project Site as shown on the other figures in 23-2

the DEIR. Please correct this inconsistency by providing a new tentative parcel map reflecting the correct alignment of Dixon Downs Parkway. 23-2 (con't.)

3. DEIR Chapter 4.6 – Hydrology, Drainage and Water Quality: Figure 4.6-2 (Conceptual Drainage Plan) does not show a solution to, nor does the text discuss, the drainage problems in the existing drainage system east of Pedrick Road to UPRR and beyond to the Tremont 3 system. The Dixon Downs Stand Alone Project (DDSAP) as discussed on Page 4.6-23 through 27 relies upon the drainage system east of Pedrick Road to convey the runoff from the project site. This existing drainage system, however, is privately owned and poorly maintained resulting in flooding of Pedrick Road during even light to moderate rainfall events. This existing system cannot be relied upon to adequately and reliably serve the proposed project in its current state. This existing system needs to be upgraded to provide adequate conveyance capacity and needs to be dedicated in a public easement for long-term operation and maintenance by the City. 23-3

4. DEIR Chapter 4.6 – Hydrology, Drainage and Water Quality: This section of the DEIR addresses, among other items, the storm water quality features of the proposed project. It is unclear, however, whether the proposed storm water quality and detention volumes in the Stable area are sufficient to adequately handle the volumes of runoff from the 25-year, 24-hour design event. 23-4

5. DEIR Chapter 4.10 – Transportation and Circulation: Figure 4.10-10 indicates that portions of Dorset Drive need to be a six-lane arterial at build-out of the Specific Plan area. Figure 4.10-13, however, indicates these reaches of Dorset Drive need to be a four-lane arterial to meet the needs of the proposed project. The existing street section is four-lanes with the Wal-Mart site on the north side of the street and proposed new developments along the south side of the street. The City needs to take the necessary steps to preserve the right-of-way for a six-lane arterial along these reaches of Dorset Drive, as well as along the northern reach of Dixon Downs Parkway, during the entitlement process for the proposed project, as well for the other pending development applications along Dorset Drive and/or Dixon Downs Parkway. 23-5

We offer the following preliminary comments on the Proposed Northeast Quadrant Specific Plan Amendments and the Proposed Development & Design Guidelines for Dixon Downs:

1. Proposed Northeast Quadrant Specific Plan Amendments:

   a. Section Four (Circulation Element): Figure 4-2 (Circulation Master Plan) indicates the Vaughn-Pedrick Connector as "Planned Improvements" as distinguished from the identification of other proposed streets as "Proposed Roadways". The Vaughn-Pedrick Connector should be the same class and character as any of the other proposed arterials within the Specific Plan – they are all required to serve the full build-out of the Specific Plan area. 23-6

b. Section Four (Circulation Element): Figure 4-3 (Typical Arterial) shows a traveled way 32' in width (a Face-of-Curb to Face-of-Curb measurement) while Figure 4.10-10 of the DEIR Chapter 4.10 (Transportation and Circulation) indicates that portions of Dorset Drive and Dixon Downs Parkway need to be a six-lane arterial at build-out of the Specific Plan area. Figure 4-3 needs to be revised to be consistent with Figure 4.10-10, or a new s-x-land arterial exhibit needs to be included in the Proposed Northeast Quadrant Specific Plan Amendments document. 23-7

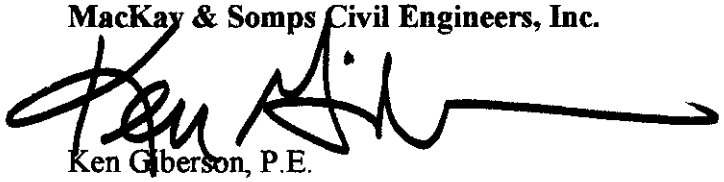
c. Additional comments on the Proposed Northeast Quadrant Specific Plan Amendments will be forthcoming in the next few days.

2. Proposed Development & Design Guidelines for Dixon Downs:

   a. Additional comments on the Proposed Development & Design Guidelines for Dixon Downs will be forthcoming in the next few days.

Please call if you have any questions regarding our comments on the proposed project.

Best Regards,
MacKay & Somps Civil Engineers, Inc.



Ken Giberson, P.E.

LETTER 23: MacKay & Somps, Ken Giberson, P.E.

Response to Comment 23-1:

Please see Master Response TRAFF-3 regarding the project's responsibility for the Vaughn Road-Pedrick Road connector.

Response to Comment 23-2:

The applicant has provided the city with an updated tentative parcel map that reflects the proposed location of Dixon Downs Parkway.

Response to Comment 23-3:

Please see Response to Comment 11-4.

Response to Comment 23-4:

As noted in the Storm Water Quality Management Plan (see page 5) and Draft EIR Impact 4.6-6, all wash water and up to the 25-year 24-hour stormwater runoff from uncovered areas within the Stable Area would be detained in an underground pipe system and pumped to the sanitary sewer system and treated prior to any discharge. Included in the Storm Water Quality Management Plan (see Appendix F of Volume II) are the calculations of required storage for up to and including the 25-year 24-hour storm. This amount would be about 2.69 acre-feet of storage capacity to contain the amount of runoff from the 9.42 acre contributing area with a 25-year 24-hour storm amount of 3.89 inches. Figure 4 of the Storm Water Quality Management Plan shows details of the stormwater storage system.

Response to Comment 23-5:

Figure 4.10-13 in the Draft EIR indicates that Dorset Drive would be extended to Dixon Downs Parkway as a four-lane arterial. This roadway cross-section is adequate to accommodate "existing plus project (Phases 1&2)" conditions. Figure 4.10-10 also indicates that the following segments of Dorset Drive are required to be six lanes at buildout of the NQSP including the Proposed Project:

- Dorset Drive – from North First Street to beyond Kids Way; and
- Dorset Drive – for several hundred feet west of Dixon Downs Parkway.

Since the segment of Dorset Drive directly west of Dixon Downs Parkway is not yet constructed, there are no physical impediments to its construction as a six-lane roadway. However, the City would need to be certain that adequate right-of-way is reserved on this segment to provide six lanes. The segment of Dorset Drive east of North First Street has development on its north side, which precludes widening to the north. Since no development exists on the south side of the street, a third eastbound lane is possible. The City will consider the need for this improvement in its upcoming CIP update and/or when a development application is submitted for the adjacent parcel to the south.

Response to Comment 23-6:

The Vaughn-Pedrick Connector (labeled as "Planned Improvements" on Figure 4-2, Circulation Master Plan in the NQSP) would be designed consistent with all of the other arterials within the NQSP. As indicated in Figure 4-5, Four Lane Arterial Streets, this re-aligned roadway is identified as a four-lane arterial. Furthermore, the amended Specific Plan requires that all arterial streets be constructed consistent with the City's engineering design standards for roadway improvements.

Response to Comment 23-7:

To address the inconsistency between the roadway information in the Draft EIR and the roadway design standards in the amended NQSP, minor text revisions were incorporated into the NQSP. Section 4.3.1, Arterial Streets, was amended to clarify that portions of Dixon Downs Parkway and Dorset Drive may ultimately be constructed as 6-lane roadways to serve the Proposed Project. In addition, the footnote on Figure 4-3, Typical Arterial, was amended to include the text, "On some roadways, a 6-lane arterial may be needed." The NQSP requires that all roadways be constructed consistent with the City's adopted engineering design standards.

Response to Comment 23-8:

At this time no additional comments on either the NQSP or the Design Guidelines have been received.

Letter 24

Mr. Marshall Drack
Economic Development Director
City of Dixon
600 East A Street
Dixon, CA 95620

September 24, 2005

Dear Mr. Drack,

This is a comment letter regarding the DEIR for Dixon Downs.

We are in general support for the project but would like to see the following mitigations considered for identified environmental impacts.

1) Light fixtures shall minimize light projected skyward. This mitigation, in addition to those listed that reduce reflectivity, will reduce waste light that degrades the night sky affecting the aesthetics for residents and visitors. 24-1
2) Shade trees shall be planted and maintained as per the Dixon shade tree ordinance immediately upon opening of the facility and not wait for phase II, which is speculative. Trees appropriately selected to maximize shade and minimize pollutants (i.e. no males to produce pollen) are critical to mitigate dust, reduce sunlight caused emissions from cars, and reduce the urban heat effect of paving and buildings. 24-2
3) We suggest that with the development of phase II, the applicant contribute at least 50% to the cost of a parking structure at the multi-modal transportation facility. This will mitigate air pollution by providing an offset by allowing commuters to park there and use public transportation to and from work, and encourage the use of the downtown area. Shuttles to and from the station to the Downs would provide overflow parking for events and mitigate traffic impacts. 24-3
4) Finally, we would like it specified that auto and motorcycle racing be forbidden due to the negative noise impacts to the nearby residential community. 24-4

Sincerely,

Timothy and Michelle Robards
1505 Hannah Ct.
Dixon, CA 95620

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LETTER 24: Timothy and Michelle Robards

Response to Comment 24-1:
The Dixon Downs Development and Design Guidelines include a goal that states "[P]lacement of lights shall limit glare, obtrusive light, light trespass and upward directed, wasted light". Another goal stipulates that "security lighting shall not project above the fascia or roofline of a building". In addition, stadium lights are proposed around the perimeter of the racetrack using 80 140-foot-tall poles for nighttime events. These lights, when used for nighttime events, would be turned off by approximately 11 p.m. The goal is to minimize nightglow and any spillover light.

Response to Comment 24-2:

As part of Phase 1, the project applicant shall plant trees in accordance with the City of Dixon shade tree ordinance. Trees selected shall meet the City's requirements. It is not clear if the comment is requesting shade trees be provided in the temporary surface parking lots as part of Phase 1 development. As discussed on page 3-40 of the Project Description, "Phase 1 parking areas would function as temporary facilities until permanent parking replaces them as part of the Phase 2 development program. For this reason, the Phase 1 parking lot landscaping would also be temporary in character and would serve principally to define the edges of the parking areas. The tree plantings necessary to meet the City's 15-year/50 percent shade requirement would be deferred until the Phase 2 Site Plan is prepared and approved and the permanent parking lots are constructed."

Response to Comment 24-3:

The Proposed Project is required to provide transit improvements on the project site, and to provide improvements to the local transit system to meet demands created by the project. Payment of 50% of the cost of a parking structure at the City's multi-modal transit station would not serve to mitigate impacts of the Proposed Project, and would exceed the standards for nexus and rough proportionality required of mitigation measures in Section 15126.4 of the State CEQA Guidelines.

Response to Comment 24-4:

Automobile and motorcycle racing would not be an allowable use in the proposed zoning for the project site. The Development Agreement would specifically forbid these types of activities.