



## Agenda Item No. 13.

### Staff Report

**Date:** September 10, 2020

**To:** Mayor McMillan and Councilmembers

**From:** Richard Simonitch, Public Works Director  
Patrick Streeter, Planning & Building Director

**Subject:** Corte Madera Creek Flood Risk Management Project Environmental Scoping Comment Letter

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#### Recommendation

Town Council discuss and authorize the Town Manager to sign the attached draft comment letter regarding locally managed Corte Madera Creek Flood Risk Management Project, Phase 1 (the Project) CEQA scoping period.

#### Background and Discussion

The primary goal of the Project is to reduce the frequency and severity of flooding and to protect human life and property in the communities of Ross and Kentfield by enhancing and improving Corte Madera Creek. Under local leadership and management, the District plans to use public input, additional evaluation of the "Phase 1" components, and the completed U.S. Army Corps of Engineers (USACE) 2018 Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to develop a redefined project concept that is reflective of local community priorities. The USACE published the Draft EIS/EIR for the Project in 2018. As of December 31, 2019, the Marin County Flood Control and Water Conservation District (MCFCD) and the USACE have mutually agreed to terminate their agreement and the Project has now transitioned to a locally managed project. As a result, the USACE Draft EIS/EIR has been shelved and a new draft EIR is to be prepared and circulated.

The MCFCD staff and environmental consultants held public workshops on June 25 and June 30, 2020. These initial workshops were designed to assist MCFCD with developing a project description for the Environmental Review process and provide attendees with the opportunity to view and comment on the Draft Project design and concepts. The Project design will integrate multiple benefits including flood risk mitigation, ecosystem restoration, improved fish passage, and recreational enhancements. On July 9<sup>th</sup>, 2020, the Project was presented to the Town Council and an opportunity was presented for initial comments from the Council and the public to be received by the Project team.

The Town of Ross has a key role in the Project which includes participating in the development of the project description for the Draft EIR of the proposed modifications to Frederick Allen Park, Advisory Design Review of Frederick Allen Park final concept designs, and the review, approval, and issuance of grading and building permits for all construction within Town Property.

A required component of the new draft EIR's preparation is a public scoping period whereby questions and comments related to potential environmental impacts can be gathered by the project team and responded to in the draft EIR. The public scoping period for the Project concludes on September 21, 2020 at 5:00 pm. A public scoping meeting was held on August 27, 2020, by the MCFCD and environmental consultants. The purpose of this evening's item is to formally present the comments of the Ross Town Council to the project team prior to the conclusion of the scoping period.

**Alternative actions**

Council can modify the proposed draft letter to the MCFCD.

**Environmental review (if applicable)**

A project EIR is being prepared and the public scoping period has commenced. The public scoping period will conclude at 5:00 pm on September 21, 2020. The Town of Ross is a responsible agency in the preparation of the Project EIR.

**Attachments**

- Draft Letter: CORTE MADERA CREEK FLOOD RISK MANAGEMENT PROJECT PHASE 1: COMMENTS ON THE AUGUST 27, 2020 SCOPING MEETING FOR THE PROPOSED DRAFT ENVIRONMENTAL IMPACT REPORT

September 17, 2020

Marin County Flood Control and Water Conservation District  
c/o Joanna Dixon, P.E.  
3501 Civic Center Drive, Suite 304  
San Rafael, CA 94903

RE: CORTE MADERA CREEK FLOOD RISK MANAGEMENT PROJECT PHASE 1: COMMENTS ON THE  
AUGUST 27, 2020 SCOPING MEETING FOR THE PROPOSED DRAFT ENVIRONMENTAL IMPACT  
REPORT

Dear Ms. Dixon:

Thank you for the opportunity to provide comments regarding the Corte Madera Creek Flood Risk Management Project (the Project) Environmental Impact Report (EIR) scoping meeting. The Town of Ross appreciates the outreach efforts of the Marin County Flood Control District staff and will continue to support any planning efforts which facilitate flood risk reduction measures in the Ross Valley basin. The Town of Ross, as a major stakeholder, a responsible agency, and as a partner, wants to ensure that the level of information and analysis provided by the EIR is sufficient to adequately evaluate the potential project impacts that are likely to occur within the Town.

With respect to these concerns and for your consideration, the Town provides the following comments on the scope of the Project EIR:

- The EIR should analyze an alternative that proposes removal of the fish ladder with a nominal transition back to the existing concrete channel and minimal impact to the existing Frederick Allen Park.
- The Town is concerned with the environmental impacts associated with the proposed reconfiguration of Frederick Allen Park (the Park) into a floodplain park. The EIR must provide adequate and detailed information and mitigation measures related to the extent of grading, tree removal and replacement, landscaping, and continued pedestrian and bicycle access. The existing Park has established mature vegetation and provides tree covered pedestrian and bicycle access from Kentfield to the Town of Ross along the creek corridor and the resultant project will result in a more open corridor that has limited vegetation and relief from sun exposure for people and fish. The EIR should identify all the potential CEQA impacts related to replacing the existing Park with the proposed floodplain park including the following information:
  - Earth disturbance and quantity of cubic yards of off-haul.
  - A detailed list of the type, number, and size of trees to be removed within the Park and within the overall Riparian Corridor.
  - Number of trees and species to be replanted in Frederick Allen Park and within the overall Riparian Corridor.
  - The location and amount of pedestrian and multi-purpose paths.

- A project diagram showing the specific locations of the walls within the Frederick Allen Park Corridor and the proposed creek streambed that meanders through the Corridor should be provided.
  - A fencing plan and where construction staging, and storage of materials will be located.
  - Mechanisms and procedures to keep the public safe during high water events.
- The EIR should illustrate the comparison of the 25-year flood risk reduction benefits under both existing and proposed project conditions for all alternatives.
- The EIR should recognize the Town of Ross as both an integrated regulatory agency in the review process for design and construction activities, and as a landowner pertaining to Fredrick Allen Park and that the Town of Ross Planning, Building, and Public Works Departments are included in the appropriate sections as having regulatory jurisdiction within the Town limits and public rights of way.

Thank you in advance for considering the Town of Ross' comments and incorporating them into the Corte Madera Creek Flood Risk Management Project Phase 1 EIR.

Sincerely,

Joe Chinn  
Town Manager

cc: Mayor Julie McMillan and Council Members