

## Linda Lopez

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**From:** Joe Chinn - Town Manager  
**Sent:** Thursday, September 10, 2020 10:37 AM  
**To:** Linda Lopez  
**Cc:** Richard Simonitch; Patrick Streeter  
**Subject:** FW: Council meeting

Begin forwarded message:

**From:** Charlie Goodman <[charlie@charlesgoodman.com](mailto:charlie@charlesgoodman.com)>  
**Subject:** Council meeting  
**Date:** September 6, 2020 at 2:55:14 PM PDT  
**To:** "'[elizabethb@brekhus.com](mailto:elizabethb@brekhus.com)"' <[elizabethb@brekhus.com](mailto:elizabethb@brekhus.com)>  
**Cc:** Elizabeth Robbins <[eliz.robbsins@gmail.com](mailto:eliz.robbsins@gmail.com)>

July 9,2020 Council Meeting

Hi Elizabeth, thank you for putting flood control back on the agenda.

At the meeting you asked about removing just the fish ladder. Liz was adamant that NOAA would not allow the removal of just the fish ladder without a Flood Plane Transition, and sited the EIR. I have looked through the EIR and cannot find their letter that stated this condition for a removal of the fish ladder. Could you request a copy before the meeting.

At approximately 1:01:47 Beach says: "is your target to provide 25year protection?"

Liz Lewis, "yea, were looking at anywhere from a range of um a 10year event to what we would like to have 25year flow event." (we currently have 100year level protection through this area) You might want to ask for clarification.

Thank you in advance

Charles Goodman

**From:** Charlie Goodman <[charlie@charlesgoodman.com](mailto:charlie@charlesgoodman.com)>

**Subject:** Water Boards

**Date:** September 6, 2020 at 3:43:38 PM PDT

**To:** "[elizabethb@brekhus.com](mailto:elizabethb@brekhus.com)" <[elizabethb@brekhus.com](mailto:elizabethb@brekhus.com)>

Hi, You may want to file this. It appears on page two. We do not need a permit as removing fish ladder and a transition would be less than an acre. That is, if there is no sediment basin.

Charlie



**San Francisco Bay Regional Water Quality Control Board**

*Sent via electronic mail: No hard copy to follow*

March 1, 2016

U.S. Army Corps of Engineers  
1455 Market Street, 17<sup>th</sup> Floor  
San Francisco, CA 94103  
Attn: Stephen Willis  
[stephen.m.willis@usace.army.mil](mailto:stephen.m.willis@usace.army.mil)

**Subject: Comments on Notice of Preparation of a Joint Environmental Impact Statement/Environmental Impact Report for the Corte Madera Creek Flood Control Project**

Dear Mr. Willis:

The San Francisco Bay Regional Water Quality Control Board (Water Board) appreciates the opportunity to comment on the Notice of Preparation (NOP) for the joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Corte Madera Creek Flood Control Project (Project). The Project has so far identified a suite of conceptual measures to reduce flooding within Units 2, 3, and 4 of the Creek, including channel widening and deepening, offset floodwalls, floodwalls at top of bank, and raising homes and related infrastructure. We look forward to engaging the Corps and other stakeholders early and often as these conceptual measures are refined into feasible design alternatives and shepherded into the regulatory compliance processes.

Based on the information provided in the NOP, we offer the following comments. These comments are intended to advise the Corps of State and Regional Water Board policies and requirements, so they may be incorporated into the planning and design processes at an early date.

**Beneficial Uses**

The conceptual measures described in the NOP could result in impacts to Corte Madera Creek, which is listed in the Water Board's San Francisco Bay Basin Water Quality Control Plan (Basin Plan) as supporting the following beneficial uses: cold freshwater habitat, fish migration, fish spawning, warm freshwater habitat, wildlife habitat, water contact recreation, non-contact water recreation, navigation, and commercial and sport fishing. The Project must protect these beneficial uses, and the EIS/EIR should consider how short-term implementation and long-term operation and maintenance of the Project could impact beneficial uses.

- o The ability of the channel to sustain appropriate complexity (e.g. riffles, shallow pools, deeper scour pools, floodplain terraces, off-channel ponds, etc.) to support a broad range of aquatic and riparian species.
- Ecological conditions and processes, including:
  - o Riparian communities, including the creek's ability to recruit and sustain new riparian communities in impacted areas;
  - o Vegetative shading of the channel, to maintain appropriate water temperatures for steelhead and other aquatic life;
  - o Channel-floodplain connectivity, especially as it relates to support of the aquatic and riparian food webs;
  - o The extent and distribution of steelhead spawning habitat within the channel; and
  - o The distribution of large woody debris in the channel.

*narrowing habitat*

#### Construction Activities

The NOP does not disclose the estimated area of land that will be disturbed nor the amount of excavation spoils that will be generated. Projects that disturb over an acre of land must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit). This can be accomplished by filing a Notice of Intent (NOI) with the State Water Resources Control Board (State Board). The General Construction Permit is available at [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml). The General Construction Permit also requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to prevent impacts from stormwater runoff. The Corps should allow the Water Board 30 days to review and comment on the adequacy of the SWPPP.

#### Closing

Again, we appreciate the opportunity to comment on the NOP, and look forward to working with the Corps during the Project's planning, design, and regulatory phases. Please contact Christina Toms at 5110-622-2506 or [christina.toms@waterboards.ca.gov](mailto:christina.toms@waterboards.ca.gov) with any questions or comments.

Mr. Stephen Willis

- 4 -

Comments on NOP of a Joint EIS/EIR  
for the Corte Madera Flood Control Project

Sincerely,



Digitally signed  
by Bill Hurley  
Date: 2016.03.01  
17:34:26 -08'00'

William B. Hurley  
Senior Engineer, Leader  
North Bay Watershed Section

Cc: State Clearinghouse  
Corps, SF Regulatory Branch:  
Roberta Morganstern, [roberta.a.morganstern@usace.army.mil](mailto:roberta.a.morganstern@usace.army.mil)  
Holly Costa, [holly.n.costa@usace.army.mil](mailto:holly.n.costa@usace.army.mil)  
CDFW, Timothy Dodson, [timothy.dodson@wildlife.ca.gov](mailto:timothy.dodson@wildlife.ca.gov)  
USFWS, Joseph Terry, [joseph\\_terry@fws.gov](mailto:joseph_terry@fws.gov)  
NMFS, Dan Logan, [dan.logan@noaa.gov](mailto:dan.logan@noaa.gov)  
Marin County DPW, Hugh Davis, [hdavis@marincounty.org](mailto:hdavis@marincounty.org)

## Linda Lopez

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**From:** Joe Chinn - Town Manager  
**Sent:** Monday, September 7, 2020 2:46 PM  
**To:** Richard Simonitch; Patrick Streeter; Linda Lopez  
**Subject:** Fw: Corte Madera Creek Project, Town of Ross draft letter  
**Attachments:** Sep 2020 flood letter to Ross.pdf

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**From:** Julie McMillan <juliemcmillan@comcast.net>  
**Sent:** Sunday, September 6, 2020 7:37 AM  
**To:** Joe Chinn - Town Manager <jchinn@townofross.org>  
**Subject:** Fwd: Corte Madera Creek Project, Town of Ross draft letter

Please excuse typos --  
Sent from my iPhone

Begin forwarded message:

**From:** Leslie O'Connell <laoconnell@sbcglobal.net>  
**Date:** September 5, 2020 at 5:51:48 PM PDT  
**To:** Julie McMillan <juliemcmillan@comcast.net>, Elizabeth Robbins <eliz.robbins@gmail.com>, Elizabeth Brekhus <elizabethb@brekhus.com>, Beach Kuhl <beachkuhl35@gmail.com>, Bill Kircher <cwkmisc@gmail.com>  
**Cc:** Brad O'Connell <jboc@fdap.org>  
**Subject:** Corte Madera Creek Project, Town of Ross draft letter

Dear Mayor McMillan and Council Members Robbins, Brekhus, Kircher, and Kuhl,

Attached is our letter regarding the Corte Madera Creek Project.

Thank you for your time and consideration,  
Leslie and J. Bradley O'Connell

5 September 2020

Dear Ross Council Members,

I appreciate that you are asking the EIR to analyze an alternative that does not involve removing the concrete channel and reconfiguration of Frederick Allen Park.

The purpose of the EIR is to assess environmental impact. Yet, in our view, the removal of the concrete channel, which has functioned well, will expose some homes on Sir Francis Drake to the prospect of greater flooding. For those of us who will be adversely affected by the removal of the channel, it is important to know who will be responsible. I have asked MCFCD about this more than once, and they do not respond. Will the Town of Ross be responsible for any damages resulting from flooding along Sir Francis Drake that retention of the concrete channel could have prevented or abated?

There are also safety risks presented by increased access via FAP to rushing water, even if danger signs are posted. In addition to threats during periods of high water, there are year-round concerns for those of us whose homes will become more visible and vulnerable. In particular, as we have noted in previous comments, in addition to eliminating habitat, the removal of the foliage between the creek and the homes on Sir Francis Drake will result in a grievous diminution of our privacy.

The suggested plan replaces a section of the concrete channel – which functioned properly during our 100-year storms – with an untested widened Frederick Allen Park. I have little confidence in the County's models as to the reduction in flooding. I note that the County has changed its models in the past in the course of its advocacy of this project – for example, in connection with the impact of the San Anselmo phase on its residents. And the model does nothing to address the flooding caused by overland water, which several of us have written to the town about in the past.

While the project ostensibly is intended to help protect fish, the County's plan will strip out mature trees providing not only shade (which the project offers to remedy through structures), but also moisture, affecting the greater ecosystem necessary for the fish. This plan might help in a 25-year event, but would introduce the possibility of more harm during floods, more harm to fish and trees, and the certainty of greater risk throughout the year for those of us whose families and homes become more vulnerable.

This is not a matter of ignoring the environmental realities of climate change, including the need to take steps to address rising sea levels and more frequent 100-year storms. However, the removal of the concrete channel and widening of FAP does nothing to help, and can only cause harm. Many professions require a commitment to do no harm, and as stewards of this town, I trust that you are guided by the same sense of responsibility.

Respectfully,

Leslie and J. Bradley O'Connell

## Linda Lopez

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**From:** Joe Chinn - Town Manager  
**Sent:** Monday, September 7, 2020 3:01 PM  
**To:** Richard Simonitch; Patrick Streeter; Linda Lopez  
**Subject:** Fw: CMCreek draft letter, Agenda #13

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**From:** Julie McMillan <juliemcmillan@comcast.net>  
**Sent:** Friday, September 4, 2020 5:02 PM  
**To:** Joe Chinn - Town Manager <jchinn@townofross.org>  
**Subject:** Fwd: CMCreek draft letter, Agenda #13

Please excuse typos --  
Sent from my iPhone

Begin forwarded message:

**From:** Garril Page <obility@comcast.net>  
**Date:** September 4, 2020 at 4:55:06 PM PDT  
**To:** Julie McMillan <juliemcmillan@comcast.net>  
**Subject:** CMCreek draft letter, Agenda #13

Ross Council Members,

I am appalled and disappointed by Item 13, appropriate number for the proposed response to the County. The staff-engineered draft gives mere lip service to Ross' request for an alternative while devoting the body of the draft to the county plan. Why allow this? While Ross is the Cash Cow for this 'local' project, county processes intend to keep your council out to pasture.

The council should be *demanding* the county release information for the alternative that removes the fish ladder and transitions between the Lagunitas bridge and the concrete channel. This alternative has been available since publication of the **2006 Unit 4 Design Alternatives** and at the December 14, 2017, Ross council meeting, it is clearly identified as being equal in flood benefit to larger projects. Listen to the **Audio** or read the **Minutes**: removing the fish ladder is "the meat" of the projects. The project proposed for FAP is window dressing to get the DWR grant funds.

If removing the fish ladder is the alternative that does least harm with most benefit for Ross, please, take a stand now because clearly, the county and staffs have other goals in mind.

This a legacy project for Supervisor Rice, earning political favor with areas outside Ross: you may recall the council meeting that included her impassioned plea for Ross to help downstream neighbors? (Made an IJ headline.) The point of that speech was to cloak county use of the grant money, funds originally scheduled for improvements to *Phoenix Lake*, for projects in San

Anselmo and the unincorporated, downstream portions of the Corps project. The Corps was not willing to pay for those projects but the current local project includes soaking up the extra flows generated by the SAFRR as well as Granton Park's wall, pump station, access ramp, COM walls and channel reconfiguring. If you doubt this, look at the Panorama comments at the August 27 scoping session. Clearly identified in the six **Project Elements** are numbers 3,4,5,6— none of which are in Ross.

Ross gets minimal flood risk benefit, sacrifices the urban forest of FAP, loses a supercritical section of the channel to a sediment basin, and increases public creek access that will diminish privacy and increase liability to the Town.

The County has spent \$936,493.03 for yet-another consultant to ram their 'selected' project forward, bypassing you, the Ross Council. They could have saved those flood fees, worked with the Town and neighbors, but no, their focus is on the legacy and the DWR money — each of which is a profligate, time-wasting gamble.

Garril

## Linda Lopez

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**From:** Joe Chinn - Town Manager  
**Sent:** Thursday, September 10, 2020 11:11 AM  
**To:** Linda Lopez  
**Subject:** FW: Water Board re Ross trees & 15' root clearance  
**Attachments:** PastedGraphic-1.tiff; ATT00001.htm

Begin forwarded message:

**From:** Garril Page <[obility@comcast.net](mailto:obility@comcast.net)>  
**Date:** September 7, 2020 at 4:29:55 PM PDT  
**To:** Julie McMillan <[juliemcmillan@comcast.net](mailto:juliemcmillan@comcast.net)>, Elizabeth Robbins <[eliz.robbins@gmail.com](mailto:eliz.robbins@gmail.com)>  
**Subject:** Fwd: Water Board re Ross trees & 15' root clearance

From Water Board with Fish & Wildlife (CCFW) and State Water Resources Control Board:

Note the continuing environmental violation by the Corps *which the county plan embraces and continues.*

Begin forwarded message:

**From:** Garril Page <[obility@comcast.net](mailto:obility@comcast.net)>  
**Subject: Re: Ross Flood Control Status**  
**Date:** November 8, 2018 at 1:22:47 PM PST  
**To:** Bill Conrow <[bill@speakersseries.org](mailto:bill@speakersseries.org)>  
**Cc:** Gary Scales <[garrettscales@comcast.net](mailto:garrettscales@comcast.net)>, Laura Conrow <[laura@speakersseries.org](mailto:laura@speakersseries.org)>, Sally Shekou <[sally.shekou@gmail.com](mailto:sally.shekou@gmail.com)>, Bob Herbst <[rherbst@jhsproperties.net](mailto:rherbst@jhsproperties.net)>, Charles Goodman <[charlie@charlesgoodman.com](mailto:charlie@charlesgoodman.com)>

Bill,

I used to live in Ross, and as President of Ross Historical Society, was very involved in this project's threat to Ross' character. If you are here for the Board of Supervisors meeting on Tuesday, Nov 13, I urge you to speak. I think other people on SFD are equally alarmed, but there does not seem to be much communication or organized comment.

Please, let the Ross Council know of your concerns, and get your neighbors to do the same. When the Corps and County say there will be a Variance for saving trees, consider that since 2014, the Corps has ignored both Congress and permitting agencies. Please, read the letter below, a page from the Dep't of Water Resources re Corps vegetation practices. Feel free to share this information; the letter was written about an earlier version of the Corps project downstream of Ross, but the facts remain as you heard at Huffman's meeting. The entire letter and other similar letters are on file at the Town of Ross.

Thanks,  
Garril Page

### Vegetation Removal near Floodwalls

Corps staff indicated that internal regulations mandate the removal of all vegetation (with the apparent exception of grasses and similar short herbaceous plants) within 15 feet of each side of a floodwall. Each of the four alternatives presented by the Corps during the December meeting includes hundreds of feet of floodwalls along Units 2 through 4. Removal of a 30-foot-wide swath of vegetation along these floodwalls would decimate the already limited riparian cover<sup>3</sup> along much of Units 2 through 4 and result in significant impacts to the creek's beneficial uses. It is unlikely that Project alternatives that include removal of vegetation near floodwalls (beyond what might be necessary to construct the floodwalls) would be permissible by the Water Board.

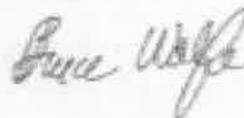
We remind the Corps that the Water Board, the California Department of Fish and Wildlife (CDFW), and the State Water Resources Control Board informed the Corps in writing in 2009 that the levee and floodwall vegetation policies violate State wildlife and water quality protection laws and that the policies as stated would not allow projects implementing the policies to be permitted in California. The Water Board, the California Department of Water Resources, and CDFW collaborated with other stakeholders to add a provision to the 2014 Water Resources Development Act requiring the Corps to reassess and revise the vegetation policy. The fact that the Corps has not responded as Congress directed to revise the policy by 2016 does not change the fact that the existing policy violates State environmental regulations. As a result, the County may be forced to apply for a variance to the Corps' rules. This does not change our position on the regulatory issue.

If large existing trees are lost as a result of the development of a comprehensive, re-envisioned restoration/naturalization plan for the stream corridor, the Water Board will evaluate the loss of individual trees against gains in riparian vegetation that provide improved ecological functions, such as vegetation added along the channel margins.

### Conclusion

Again, we appreciate the opportunity to comment on this latest design update, and look forward to future collaboration with the Corps on this important project. Please contact Christina Toms at 510-622-2506 or [christina.toms@waterboards.ca.gov](mailto:christina.toms@waterboards.ca.gov) with any questions or comments.

Sincerely,



Digitally signed  
by Bruce H. Wolfe  
Date: 2017.01.05  
14:38:29 -08'00'

Bruce H. Wolfe  
Executive Officer

<sup>3</sup> Note that "riparian" in this case refers to all vegetation that provides riparian functions (shading, allochthonous carbon inputs, etc.) to the creek channel; it is not limited to willows, alders, and associated species that are traditionally considered "riparian" species.

## Linda Lopez

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**From:** Joe Chinn - Town Manager  
**Sent:** Thursday, September 10, 2020 11:11 AM  
**To:** Linda Lopez  
**Subject:** FW: Waterboard Permit Review letters  
**Attachments:** RWQCB Flood Control.pdf

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**From:** Julie McMillan <juliemcmillan@comcast.net>  
**Sent:** Monday, September 07, 2020 4:41 PM  
**To:** Joe Chinn - Town Manager <jchinn@townofross.org>  
**Subject:** Fwd: Waterboard Permit Review letters

Please excuse typos --  
Sent from my iPhone

Begin forwarded message:

**From:** Garril Page <[obility@comcast.net](mailto:obility@comcast.net)>  
**Date:** September 7, 2020 at 4:33:23 PM PDT  
**To:** Julie McMillan <[juliemcmillan@comcast.net](mailto:juliemcmillan@comcast.net)>, Elizabeth Robbins  
<[eliz.robbins@gmail.com](mailto:eliz.robbins@gmail.com)>  
**Subject:** **Fwd: Waterboard Permit Review letters**

Dates of the Water Board letters

T

Begin forwarded message:

**From:** Garril Page <[obility@comcast.net](mailto:obility@comcast.net)>  
**Subject:** **Water Board Permit Review**  
**Date:** March 14, 2018 at 2:19:25 PM PDT  
**To:** [bwolfe@waterboards.ca.gov](mailto:bwolfe@waterboards.ca.gov)  
**Cc:** [christina.toms@waterboards.ca.gov](mailto:christina.toms@waterboards.ca.gov)

Mr. Bruce H. Wolfe, Executive Officer  
San Francisco Bay Regional Water Quality Control Board  
March 14, 2018

Dear Mr. Wolfe,

I write concerning the Corte Madera Creek Flood Risk Management Project, Units 4,3, 2, & 1. For your information, I have attached your letters of June 10, 2016, and January 5, 2017, regarding the project.

The County of Marin, MCDPW, has issued an RFP hoping to obtain permits for certain aspects of the project, a process that has become more complex as Marin County assumes design control for areas previously entirely within the USACE purview. This results in multiple, parallel EIR/EIS publications, a process confusing to the general public. The Frederick S. Allen Park in Ross' Unit 4 and 3, is called Phase I; the modifications proposed for the downstream channel at the College of Marin also are called Phase 1, II, and III. When added to the defective 2016 NOP/NOI, this is procedural dysfunction.

Whereas the current proposals include some laudable measures such as discontinuous adjustments and naturalization to the existing concrete channel, the overall effect of the project is questionable in provision of riparian, floodplain and in-stream aquatic habitat. For example:

- Reforestation appears to be dependent on willows, an inadequate substitute for the existing stately oaks that offer shade and enrichment of habitat.
- The required 15' vegetation setback from concrete structures is a cause of real concern.
- The 'gravel beds' are likely to be obliterated by heavy loads of coarse sediment carried in bedload from upstream areas of the watershed. If the sediment transport and deposition is substantial enough, dredging may be required. When questioned about sediment deposition as a result of slowed flow velocity, the Project developer and design consultant has acknowledged that "excess can be removed".
- Due to utility relocations, including new sewer lines, the amount of existing vegetation and canopy to be removed appears far more consequential than originally described.
- Whereas the incompatibility of supercritical flow conveyed in the existing concrete channel may be incompatible with channel naturalization and reason to consider removal, large sections of that existing concrete channel are to remain, with a flow velocity continuing to challenge fish (projected 8.0ft./sec versus current flow velocity 14.5ft./sec @10 year flow).
- That the bottom of the existing concrete channel may remain a subterranean feature as "buried bank erosion protection" is an ominous indicator for future function.

These and other concerns are widely shared. Please, could you advise how most effectively to present comment and supporting exhibits to the Water Board and to other permitting agencies such as NMFS and USFWS? I know how important the RWQCB has been in protecting our environment and am deeply grateful for the past interventions by this agency.

Thank you for your attention to this letter, I look forward to your guidance.

Sincerely,

Garril Page  
70 Fawn Drive  
San Anselmo CA

## Linda Lopez

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**From:** John Crane <johncranefilms@gmail.com>  
**Sent:** Thursday, September 10, 2020 11:48 AM  
**To:** Linda Lopez; Julie McMillan; Beach Kuhl; Elizabeth Brekhus; Elizabeth Robbins; CouncilAll; Bill Kircher  
**Subject:** Re: Agenda Item #13 Corte Madera Creek Flood Risk Management Project Environmental Impact Report scoping meeting.  
**Attachments:** Mayor & Town Council September 10, 2020.pdf

September 10, 2020

Mayor and Town Council  
Town of Ross

### **Re: Agenda Item #13 Corte Madera Creek Flood Risk Management Project Environmental Impact Report (Project) scoping meeting.**

The biggest problem with this proposed EIR is that the Town of Ross will receive limited flood benefit from this Project as well as the County's overall flood plans. The question before the Town Council is whether or not the Town of Ross and residents should be expected to fund County projects while taking on maintenance costs as well as liabilities - with no indemnification from the County.

The Frederick Allen Park makeover provides very little flood benefit to Ross, yet it comes at a very high price. Despite the fact that it is largely comprised of a DPW grant, the County has not clarified the percentage of overall budget vs. flood risk reduction benefit, but it is clear it uses a disproportionate amount of resources to achieve very little.

Ironically, the USACE **benefit-cost analysis** has been the most important criterion in Corps planning studies including the 2018 EIS-EIR for Corte Madera Creek. The metrics are Net Benefits = Benefits minus Costs. But as we all know the County terminated the USACE, and now the **benefit-cost analysis** is no longer being calculated.

Aesthetically I find the proposed designs for Frederick Allen Park to be out of step with the character and natural beauty of Ross. I don't think it is environmentally sound to cut down 200 mature trees only to replace them with much smaller trees and manmade umbrellas to restore the shade that already exists. And what does "enhance the recreational experience and quality" really look like in a park where people already enjoy biking, walking, and more?

By contrast, the removal of the Fish Ladder appears to provide a high degree of flood benefit to the Town of Ross and, by comparison, at a relatively modest price. I support Mayor McMillian's determination to demand the County look at a Fish Ladder Only Alternative.

This is an opportunity for the Town Council to be the voice of reason and protect its residents from the County's flawed flood plans, out of control spending, harmful actions and ineffective leadership. The County needs to understand what the Town of Ross wants and needs.

Supervisor Rice has decided to let staffers and high-priced consultants try to make sense of the mess she's set in motion. She now does not respond to questions – verbal or written – instead, she hands off or directs key questions to others. And she skips public meetings such as the "scoping" meeting on August 27, 2020.

This "scoping" meeting was largely conducted by a single high-priced consultant, Susanne Heim from Panorama, with only Liz Lewis from the County in attendance. Liz, however, immediately signed off after making her introductory remarks. The rest of the flood meeting did not include any elected officials from the County, County engineers or County staff. Supervisor Rice should be listening and addressing our concerns especially since she created this boondoggle.

It is noteworthy that the County hired Panorama Environmental, Inc. for \$936,493 to speak and show up for them. For perspective, the combined annual pay and benefits for all five Marin County supervisors is approximately \$900,000.

Needless to say, high-priced consultants and County staffers do not represent the best interests of the Town of Ross residents; they represent their own vested interest by perpetuating County projects that give them a paycheck. They are, as the saying goes, "hired guns."

During the scoping meeting, Susanne Heim of Panorama Environmental, Inc. stated that the new EIR was basically the USACE's Alt. J from the previous Corte Madera Creek Project EIR - except with no bypass tunnel. The County has chosen to spend close to \$1 million dollars for a rehash of the USACE EIR, which was rejected in 2018. The County is showing a complete disregard for taxpayers by wasting yet another \$1 million dollars.

I would like the Town Council to consider that spending taxpayer money on nonessential projects during a time of crisis is reckless and misguided. Public safety should be the priority especially when we are facing budgetary shortfalls and escalating disasters such as: **pandemic, fires, record heat, drought, and PG&E outages.**

It is time to hit the reset button. We need a project that works from the bottom up instead of the other way around. I put the Town of Ross on notice that homeowners, such as myself, need the Town Council to advocate for flood controls that benefit Ross residents – not harm them. The Town Council also needs to hold the County to its promise, which is to: *"implement mitigation measures to reduce or avoid the possibility of increasing downstream flooding."*

That is the standard that the County set for itself, and they should be held accountable and responsible for mitigation measures that actually achieve that. Shifting floodwaters from one town to another is not a solution. Flooding homes that were previously not flooded is not a solution.

The goal is to solve existing problems, not create new ones.

Thank you for your consideration.

John Crane

86 Sir Francis Drake Boulevard  
Ross, CA

Mailing address:

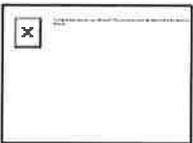
86 Sir Francis Drake Boulevard  
San Anselmo, CA 94960

**John Crane Films**

415.847.5054

website: [www.johncranefilms.com](http://www.johncranefilms.com)

email: [johncranefilms@gmail.com](mailto:johncranefilms@gmail.com)



## Linda Lopez

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**From:** Kristen Cadden Swann <kcadz@aol.com>  
**Sent:** Thursday, September 10, 2020 12:01 PM  
**To:** Linda Lopez  
**Subject:** Meeting Comments

Dear Town of Ross,

We are writing regarding the Flood District's most recent EIR proposal. We reside at 3 Sir Francis Drake Blvd, Ross, and along with our neighbors, are the most directly impacted properties. We are incorporating by reference and want to join in the comments set forth in our neighbor's (Leslie and Brad O'Connell) letter of September 5, 2020 to the Town Council.

Thank you for your thoughtful consideration.

Sincerely,  
Kristen and Ben Swann

## Linda Lopez

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**From:** Joe Chinn - Town Manager  
**Sent:** Thursday, September 10, 2020 12:54 PM  
**To:** Linda Lopez; Richard Simonitch; Patrick Streater  
**Subject:** FW: Agenda Item #13 Corte Madera Creek Flood Risk Management Project Environmental Impact Report scoping meeting.

Begin forwarded message:

**From:** John Crane <[johncranefilms@gmail.com](mailto:johncranefilms@gmail.com)>  
**Date:** September 10, 2020 at 11:48:03 AM PDT  
**To:** Linda Lopez <[llopez@townofross.org](mailto:llopez@townofross.org)>, Julie McMillan <[juliemcmillan@comcast.net](mailto:juliemcmillan@comcast.net)>, Beach Kuhl <[beachkuhl35@gmail.com](mailto:beachkuhl35@gmail.com)>, "Elizabeth Brekhus, Esq." <[elizabethb@brekhus.com](mailto:elizabethb@brekhus.com)>, Elizabeth Robbins <[eliz.robbins@gmail.com](mailto:eliz.robbins@gmail.com)>, [towncouncil@townofross.org](mailto:towncouncil@townofross.org), "Bill Kircher Jr." <[cwkmisc@gmail.com](mailto:cwkmisc@gmail.com)>  
**Subject: Re: Agenda Item #13 Corte Madera Creek Flood Risk Management Project Environmental Impact Report scoping meeting.**

the scoping meeting, Susanne Heim of Panorama Environmental, Inc. stated that the new EIR was basically the USACE's Alt. J from the previous Corte Madera Creek Project EIR - except with no bypass tunnel. The County has chosen to spend close to \$1 million dollars for a rehash of the USACE EIR, which was rejected in 2018. The County is showing a complete disregard for taxpayers by wasting yet another \$1 million dollars.

I would like the

## Linda Lopez

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**From:** Hobart, Samantha <Samantha.Hobart@morganstanley.com>  
**Sent:** Thursday, September 10, 2020 1:29 PM  
**To:** Linda Lopez  
**Cc:** John Crane; Doug Ryan; jrosemota@gmail.com  
**Subject:** Agenda Item #13

Hi Linda,

Hope you are having a great week. Can you please forward my message to the council member. As always, much appreciated!

Dear Council Members,

I would like to request that the Town Council require the Flood District/County provide a complete alternative to remove the fish ladder only prior to any decisions or voting on the Corte Madera Creek Flood Risk Management Project. I am asking that the Town Council please protect and support the residents first before making any decisions that only benefit the Flood District. It would be remiss for the Town Council to make any decisions prior to understanding the costs/benefits of an alternative.

Thank you for your consideration, time, and support.

Samantha Hobart  
78 Sir Francis Drake, Ross

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**September 11, 2020**

**To: Mayor McMillan and Council Members**

**From: Hugh J. Cadden, Ben Swann and Kristen Cadden Swann**

**Re: Administrative Agenda. 13. Town Council discussion and consideration of draft comment letter regarding the August 27, 2020 Corte Madera Creek Flood Risk Management Project Environmental Impact Report scoping meeting.**

Dear Mayor and Council Members:

We are writing to you to request that the Council modify the proposed MCFCD draft comment letter to make the Fish Ladder Removal Alternative inclusion in the Scope of the Project EIR mandatory: "The EIR [**must**] 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 reasons for this modification are compelling.

Having been active participants in the last EIR project, we think it is fair to say that the Town's interests, the interests of the impacted property owners and the interest of Ross residents in general were clearly subordinate to the Flood District's interest in developing Frederick Allen Park into a riparian park. In fact, as we all saw when the EIR was finally published, it was clear that large amounts of material information were either inadvertently or intentionally withheld by the District during the process and that the preferred alternative was so unrealistic and ill conceived as to be dead on arrival. Unfortunately, this was after the Town in good faith expended a significant amount of staff time and resources and the impacted property owners spent tens of thousands of dollars in professional fees.

What was made crystal clear in the last EIR project was that the District had no interest in a Fish Ladder Removal alternative and resisted and/or ignored the proposal at every turn because the District would not be eligible for the targeted funding unless its preferred alternative included a recreation element. So notwithstanding repeated requests by Ross residents and others at public meetings and in writing to include such an alternative the District steadfastly ignored it. What is remarkable is that the District succeeded in sidetracking the Fish Ladder Removal alternative in the face of almost unanimous community support for removing the Fish Ladder. And it will continue to do so going forward because of the funding issue unless the Town tells the District that the scope **must** include the Fish Ladder Alternative, plain and simple. In short, while the Town and the District have parallel interests in flood protection, it is apparent from the last EIR experience that they seriously diverge when it comes to the Fish Ladder Removal alternative.

The Staff Report and the draft letter correctly point out that “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.” Why would the Town which plays such a key role not require the District to include a Fish Ladder Removal alternative. It is perfectly within its authority; in the best interests of its residents; and consistent with sound government. It may be that the Fish Ladder Removal alternative analysis shows that it offers the most effective and cost efficient flood protection outcome. If the Town does not require this alternative analysis as part of its participation, we will never know; and it is probable that we will be right back where we started except that the Town and the impacted property owners will have spent more resources and money. Finally, there is no hardship on the District to include this alternative analysis as it conducts the other alternative analyses.

We respectfully request that the Council modify the proposed draft MCFCD comment letter to make the Fish Ladder Removal Alternative inclusion in the Scope of the Project EIR mandatory. Thank you for consideration.