
**ALTAMONT WATER TREATMENT PLANT
RESPONSE TO COMMENTS ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT**

Prepared For:

Zone 7 of Alameda County
Flood Control and
Water Conservation District

State Clearinghouse Number
SCH # 2000032009

Prepared By:

EIP Associates

May 4, 2001

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5997 Parkside Drive
Pleasanton, CA 94588

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1. INTRODUCTION

1.1 BACKGROUND

A Draft Environmental Impact Report (EIR) was prepared for Zone 7 of Alameda County Flood Control and Water Conservation District (also known as Zone 7 Water Agency), to disclose potential environmental effects of the proposed Altamont Water Treatment Plant Project. The Draft EIR included examination of environmental effects, the recommendation of procedures to mitigate adverse environmental effects (should the project be approved), and consideration of alternatives to the project as proposed which could reduce the environmental effects. In accordance with the California Environmental Quality Act (CEQA), the Draft EIR was distributed for public review and comments.

The public review period for the Draft EIR began January 22, 2001 and ended March 8, 2001. During this time, the document was reviewed by various state and local agencies, as well as by interested organizations and individuals. A public information meeting was held during the review period, on February 7, 2001, in addition to a public hearing before the Board of Directors for the Zone 7 Water Agency (Zone 7 Board) on February 28, 2001. The purpose of the public hearing was to provide the public with an opportunity to present their concerns and impressions about the Draft EIR. Written comments were received from Terry Roberts, State Clearinghouse; Jan C. Knight, United States Fish and Wildlife Service; Harry Yahata, California Department of Transportation; Joan M. Duffield, Bay Area Rapid Transit; Brad Olson, East Bay Regional Park District; Richard P. Thompson, Waste Management, Inc.; Ingrid Rademaker, City of Livermore; Kenneth Craig, Livermore Area Recreation & Park District; Darryl, Susan and Vivian Mueller, Altamont Landowners Against Rural Mismanagement; Bob Cooper, resident of Dyer Road; Virginia Miner, resident of Dyer Road; and Erik Vink, California Department of Conservation, Division of Land Resource Protection. Oral comments were offered by Hugh Walker, Adrian Lyells, Jim Robinson, Patricia Robinson, Virginia Miner, Darryl Mueller, Branden Alchorn, and Jim Hunter at the public hearing.

This Response to Comments document contains revisions intended to correct and clarify information in the Draft EIR and address comments on the Draft EIR raised during the public review period. The information provided in the responses to those comments substantiates and confirms the analyses contained in the Draft EIR. No new substantial environmental impact, no increase in the severity of an earlier identified impact, and no new feasible mitigation measure that previously had been rejected by the project sponsor (Zone 7 Water Agency) have

been introduced as a result of the responses in this document. Comments were received on numerous EIR issues, but three areas of concern should be noted here.

- ▶ The discussions of proposed pipeline alignments included in the project, and future pipeline corridors associated with the project, have been expanded to clarify the issues related to alternative routes. Two pipeline segments suggested in the comments have been added to the EIR. Please refer to Responses 5.6, 7.1, 7.2, and 7.10, as well as on pages 4-1 through 4-3, Section 4 of this Response to Comments document.
- ▶ The discussion of visual quality has been expanded to elaborate on mitigation of the distant views from Brushy Peak and the near views from adjacent properties. Please refer to Responses 5.7 through 5.9 and 11.4, as well as on pages 4-4 through 4-8, Section 4 of this Response to Comments document.
- ▶ The discussion and mitigation measures for Traffic and Circulation Impacts 3.1.5-1, -2, and -3 have been expanded to provide examples of Traffic Management Plan elements that would ease congestion during the construction and operational phases of the project. Please refer to Responses 5.10 and 5.11, as well as on pages 4-8 through 4-11, Section 4 of this Response to Comments document.

Together, the Draft EIR and this Response to Comments document constitute the Final Environmental Impact Report (Final EIR) for the Altamont Water Treatment Plant Project. The Zone 7 Board must certify the Final EIR before action can be taken on the project. Certification requires a Zone 7 Board resolution stating that the Final EIR complies with CEQA and state guidelines. A Mitigation Monitoring and Reporting Plan, based on the Final EIR, must be adopted by the Zone 7 Board upon approval of the project. Any individual, organization, or agency wishing to be kept informed of project developments following certification of the Final EIR, or to be involved in public discussion of project-specific issues, is encouraged to leave contact information with Zone 7 staff, which is maintaining a mailing list for the proposed Altamont Water Treatment Plant Project.

1.2 HOW TO USE THIS REPORT

This document addresses substantive comments received during the public review period and consists of the following four sections: 1) Introduction; 2) Summary; 3) Comments and Responses; and 4) Text Changes to the Draft EIR.

- ▶ Section 1, Introduction, presents the background, brief content outline, and use of this Response to Comments document.

- ▶ Section 2, EIR Summary Table, provides the summary table from the Draft EIR, as modified by the responses to comments and staff changes and clarification (see discussion of Section 4, below). The Traffic and Circulation Mitigation Measures, beginning on page 2-6 of the Summary Table have been expanded.
- ▶ Section 3 contains the comment letters and minutes of the oral testimony, and presents responses to those comments. For the most part, the responses provide explanation or additional discussion of issues in the Draft EIR. In some instances, the response supersedes or supplements the text of the Draft EIR for accuracy or clarification (see discussion of Section 4, below). In general, when a topic is first introduced by a comment, a comprehensive response is provided to encompass several aspects of the issues involved. Where those issues are raised in subsequent comments, the reader is referred to the previous response dealing with the particular aspects in question. Thus, the initial response serves as a master response for an entire topic, whereas subsequent responses may deal with a few details and then refer to the master response.
- ▶ Section 4 contains changes and additions to the text and graphics of the EIR made in response to comments on the Draft EIR. The changes embody additional explanation of specific topics discussed in the Draft EIR, the new text superseding the original text of the Draft EIR. New text in the summary and body of the report that has been added to the Draft EIR is indicated with underlining. Text that has been deleted is indicated with ~~overstriking~~. Text changes have been made to eight Sections of the Draft EIR:
 - ▶ S Summary
 - ▶ 2 Project Description
 - ▶ 3 Environmental Setting, Impacts and Mitigation Measures
 - ▶ 3.1.1 Land Use
 - ▶ 3.1.2 Visual Quality
 - ▶ 3.1.5 Traffic and Circulation
 - ▶ 3.2.3 Hydrology
 - ▶ 5 Unavoidable Significant Adverse Impacts.

Changes to the Summary Section appear in Section 2, EIR Summary Table, of this Response to Comments document. Changes to all other Sections appear in Section 4, Text Changes to the Draft EIR, of this Response to Comments document. The Draft EIR will not be republished. Therefore, both the original Draft EIR and this Response to Comments document are needed for the reader to have the complete text of the Final EIR.

1. Introduction

2. EIR SUMMARY TABLE

The following table contains the summary of identified impacts and proposed mitigation measures from the Draft EIR, as modified by the responses to public comments and staff-initiated suggestions. New text that has been added to the Summary Table of the EIR is indicated with underlining. Text that has been deleted is indicated with ~~overstriking~~.

Section 3.1.5, Traffic and Circulation, is the only portion of the Summary Table that contains changes. It has been modified with expanded Mitigation Measures for Impacts 3.1.5-1, -2, and -3, beginning on page 2-6 of the Summary Table.

- ▶ A Traffic Management Plan has been added to Mitigation Measure 3.1.5-1 to ease traffic congestion and promote vehicle/pedestrian safety during the construction phase of the project.
- ▶ Mitigation Measure 3.1.5-2 has been strengthened to keep parking and staging areas within the construction site.
- ▶ Mitigation Measure 3.1.5-3 has been expanded to promote vehicle/pedestrian safety and to ease traffic congestion during the operational phase of the project.

Changes and additions to all other Sections of the Draft EIR appear in Section 4, Text Changes to the Draft EIR, of this Response to Comments document. New text is underlined and deleted text ~~overstruck~~.

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
3.1 SOCIAL/CULTURAL ISSUES		
3.1.1 Land Use		
<u>Impact 3.1.1-1 (PS)</u> Development of the Altamont WTP on Laughlin Road Site #3 may encounter land use restrictions because the western portion of the site is located in an Alquist-Priolo Earthquake Fault Zone.	3.1.1-1 Configure the Altamont WTP on this site specifically to avoid locating facilities within the Alquist-Priolo Earthquake Fault Zone. Show the boundary of the fault zone on construction drawings and specifications. Follow required building design guidelines for seismic safety (see Impacts and Mitigation Measures 3.2.2-1 and 3.2.2-2 in Section 3.2.2, Soils, Geology, and Seismicity).	(I)
<u>Impact 3.1.1-2 (PS)</u> Development of the Altamont WTP on the Dyer Road Site #1 may encounter restrictions because of wetlands/vernal ponds on the site, and because the site has been previously identified as mitigation acreage for San Joaquin kit fox in a prior certified EIR regarding landfill expansion.	3.1.1-2 Identify and dedicate a similar site acceptable to the U.S. Fish and Wildlife Service to replace the use of Dyer Road Site #1 as a mitigation site for the landfill project. Alternatively, Zone 7 would contribute in lieu fees to the U.S. Fish and Wildlife Service Mitigation Bank for development projects in the Livermore-Amador Valley.	(I)
<u>Impact 3.1.1-3 (PS)</u> Development of the Altamont WTP on Laughlin Road Site #3 would not conflict with existing nearby use at the BFI landfill, but may conflict with nearby future planned residential development in the North Livermore area.	3.1.1-3 Grading should be sensitive to the visual characteristics of the area to complement or enhance the natural contours of the surrounding landscape and to preserve or enhance existing vegetation as much as possible. Vegetation may also be added to screen or soften the effects of grading. Features such as drainage improvement on cut and fill slopes should be designed to be as invisible as possible. Grading for access roads to proposed structures (necessary for Laughlin Road Site #3) is necessary because of steep slopes, and is also necessary for grading of the chosen site for the structure itself.	(I)
<u>Impact 3.1.1-4 (I)</u> Development of the Altamont WTP on any one of the three sites would be compatible with existing large parcel agriculture land use designation and Williamson Act contracts.	3.1.1-4 None required.	(I)
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
3.1.2 Visual Quality		
<u>3.1.2-1 (PS)</u> Placement of the proposed Altamont WTP at any of the proposed sites would create visual impacts on the long-range viewshed of Brushy Peak Regional Preserve.	<u>3.1.2-1</u> • Preserve existing vegetation to minimize the visual impact of new development. Add new landscaping to enhance the appearance of the new facilities or to screen negative visual elements. Choose landscaping that blends with the surrounding natural or historic vegetation. Although fast-growing plants often are selected for screening because they will camouflage a view in a short period of time, slower-growing native vegetation is preferred because it will be more compatible with the surrounding area over the long term. Selection of plant materials also will need to be considered in terms of fire hazards, biological resources and erosion control. • Design new Altamont WTP facilities to blend with the rural nature of the surrounding area to the full extent possible. The buildings could incorporate architectural features such as compatible colors or surface textures to resemble barns or other similar rural structures in the area. • Grading of the water treatment plant site should be sensitive to the visual characteristics of the area to complement or enhance the natural contours of the surrounding landscape and to preserve existing vegetation as much as possible. Vegetation or berming may be added to screen or soften the effects of grading. Features such as drainage improvements on cut and fill slopes should be designed to be as invisible as possible. Grading for the access road to Laughlin Road Site #3 and to proposed structures within each site also should be sensitive to the visual characteristics and natural contours of the surrounding landscape.	(I)
<u>Impact 3.1.2-2 (PS)</u> Placement of the Altamont WTP on Laughlin Road Site #3 would place the facility within ridgeline views of the Altamont Hills.	<u>3.1.2-2</u> Implement Mitigation Measure 3.1.2-1.	(I)

Legend: (S) Significant Adverse Impact (PS) Potentially Significant Adverse Impact (I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
3.1.3 Recreational Resources		
<u>Impact 3.1.3-1</u> (PS) Placement of the proposed Altamont WTP at any of the proposed sites would create visual impacts on the long-range viewshed of Brushy Peak Regional Preserve.	3.1.3-1 Implement Mitigation Measure 3.1.2-1 in Section 3.1.2, Visual Quality, and continue discussions with the East Bay Regional Park District, the Livermore Area Recreation and Parks District, the City of Livermore, and Alameda County to develop and implement appropriate measures to make the Altamont WTP more compatible with its surroundings.	(I)
3.1.4 Cultural Resources		
<u>Impact 3.1.4-1</u> (PS) The proposed and future conveyance/transmission alignment crosses environments likely to contain archaeological deposits, specifically along Laughlin Road. There is a high potential for Native American sites at Laughlin Road Site #3 and Dyer Road Site #5.	3.1.4-1 • Prior to commencement of earth-moving activities, Zone 7 would retain a qualified archaeologist (i.e., listed on the Registry of Professional Archaeologists) to conduct a Phase I survey of the unsurveyed portion of the selected site to determine the presence of cultural resources on or near the ground surface. A report of the investigation would be submitted to the Northwest Information Center at Sonoma State University and to Zone 7 within two weeks of its completion. • If the Phase I survey indicates the presence of cultural resources, Zone 7 would retain a qualified archaeologist to conduct a Phase II subsurface testing program for the cultural resources discovered on the project site. This may be accomplished through the mechanical excavation of a number of auger holes as well as 1x1-meter, hand-excavated units for stratigraphic control. The Phase II report would include a discussion of significance (depth, nature, condition, and extent of resources), final mitigation recommendations, and cost estimates, and would be submitted to Zone 7 for review and approval. The report would be submitted to Zone 7, the State Office of Historic Preservation (SHPO), and the Northwest Information Center at Sonoma State University; within two weeks of its completion. • If Phase II subsurface testing is necessary, Zone 7 would retain a qualified archaeologist to prepare a Cultural Resources Management Plan based on Phase II	(I)
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Cultural Resources (continued)	subsurface test results. The plan would outline options for cultural resource avoidance and/or protection. A full data recovery program would be designed, if avoidance were feasible through design. Possible recovery plans include, but are not limited to, preservation, salvage, partial salvage, or no mitigation necessary. Preparation of the cultural resources management plan would be coordinated with SHPO, the Native American Heritage Commission, and Native American and historic preservation groups. The plan would be reviewed and approved by Zone 7 and by SHPO. - Zone 7 would retain a qualified archaeologist to perform spot-checks (at a frequency predetermined by the archaeologist and Zone 7) of the selected project site during ground-disturbing activities. The archaeologist would have the authority to halt construction activities in the affected area for a period of time necessary to conduct an appropriate assessment of any suspected archaeological resources that may be uncovered. If any archaeological deposits or features are encountered in the absence of the archaeologist, work would cease in the affected area, and the archaeologist would be consulted. If significant archaeological resources are found and cannot practicably be avoided, scientific data recovery, analysis, and documentation would be conducted, at the discretion of the archaeologist. A report of any studies conducted would be prepared and submitted to Zone 7, SHPO, and the NWIC at Sonoma State University within two weeks of the study's completion. If burials are discovered, no further excavation or disturbance of the site or reasonably suspect nearby area would occur until: - The County Coroner is contacted to determine that no investigation of the cause of death is required. - The Coroner determines whether the remains are Native American, in which case the Native American Heritage Commission would be notified within 24 hours, in order to identify a Most Likely Descendant, and the requirements outlined in CEQA Guidelines Sections 15064.5 (e)(1)(B) and 15064.5(e)(2), and Public Resources Code Section 5097.98, have been satisfied.	
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Cultural Resources (continued)		
<u>Impact 3.1.4-2 (PS)</u> Although there are no recorded historic structures on any of the possible water treatment plant sites, or in any of the proposed or future alignments, there are buildings and structures near the sites and alignments that are at least 45 years old which may be considered of historical value by the Office of Historic Preservation and could be damaged by vibration during the construction phase of the project.	3.1.4-2 Zone 7 would route heavily loaded trucks away from identified historic resources and operate earth moving equipment as far from fragile sites as possible.	(I)
3.1.5 Traffic and Circulation		
<u>Impact 3.1.5-1 (PS)</u> Construction of the proposed Altamont WTP pipelines would cause temporary construction-phase congestion impacts on local roads for a period of approximately six months, and may cause permanent damage to elements of the transportation system such as road pavement.	3.1.5-1 • Zone 7 would provide adequate off-road parking at construction sites for all construction-related vehicles throughout the construction period to relieve potential congestion of local roads. If adequate parking cannot be provided on the construction sites, a satellite parking area should be designated, and a shuttle bus should be operated to transfer construction workers to the job sites. • Zone 7 would repair any structural damage to public roadways, returning any damaged sections to original structural condition. Zone 7 should survey the condition of the public roadways along truck routes providing access to the project site before construction, and should again survey after construction is complete. A before-and-after survey report should be completed and submitted to Alameda County for review, including the location and extent of any construction-related damage. • <u>A Traffic Management Plan for the construction period of the project would be prepared by Zone 7 in consultation with the Alameda County Traffic Engineering Department. The purpose of the Plan would be to reduce the inconvenience of</u>	(I)
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Traffic and Circulation (continued)	<u>construction along county roads and the disruption to local traffic from the passage of construction related vehicles. The detailed contents of the Plan would worked out between Zone 7 and the County, but the types of measures could include, but would not necessarily be limited to those listed below.</u> - <u>Arrival of construction workers at the water treatment plant site would be scheduled for off-peak periods.</u> - <u>Trenching and construction in all roads would be scheduled for off-peak periods.</u> - <u>The length of open trench would be kept to the minimum necessary to complete the current phase of construction. Any portion of the trench not in use would be covered with traffic plates or backfilled.</u> - <u>Equipment and materials would not be stockpiled on the road.</u> - <u>Flaggers would be stationed at a designated distance from either end of the trench and at nearby intersections to direct traffic, including facilitating left turns off Altamont Pass Road and entrance to Altamont Pass Road. All flaggers would be in touch with each other and with the on-site construction manager by radio-phone to ensure traffic delays were kept to a minimum.</u> - <u>Changeable message signs providing updated detour and congestion information would be used, as well as standard construction zone signage, to alert drivers on county roads and on I-580 to delays along Altamont Pass Road.</u> - <u>All construction personnel would be instructed in emergency vehicle access procedures. The travel lane would be cleared immediately upon the approach of an emergency vehicle on call.</u>	
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Traffic and Circulation (continued)	- <u>All construction personnel, especially equipment operators, would be instructed in pedestrian safety procedures. Construction related vehicles would be operated at low speeds in the vicinity of the construction site to enhance pedestrian safety. The construction site would be divided from pedestrian areas by temporary exclusion fencing.</u>	
<u>Impact 3.1.5-2 (PS)</u> Construction of the proposed Altamont WTP would cause temporary construction-phase congestion impacts on local roads for a period of approximately two years.	3.1.5-2 Zone 7 should <u>would</u> provide adequate off-road parking <u>and staging areas</u> at construction sites for all construction-related vehicles throughout the construction period to relieve potential congestion of local roads. If adequate parking cannot be provided on the construction sites, a satellite parking area should be designated, and a shuttle bus should be operated to transfer construction workers to the job sites. <u>Equipment and materials would not be stockpiled on the road to the water treatment plant construction site.</u>	(I)
<u>Impact 3.1.5-3 (I)</u> Operational phase truck traffic could adversely impact local traffic and circulation in the vicinity of the selected Altamont WTP site.	3.1.5-3 None required. <u>(I) To reduce traffic congestion, deliveries to the water treatment plant would be made during off-peak periods, to the extent feasible. Zone 7 would require suppliers to instruct vehicle operators in pedestrian safety procedures, and to operate vehicles at low speeds in the vicinity of the water treatment plant to enhance pedestrian safety. Zone 7 would consider offset shifts to reduce peak period traffic volumes in the vicinity of the water treatment plant.</u>	(I)

Legend: (S) Significant
Adverse Impact

(PS) Potentially Significant
Adverse Impact

(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
3.2 PHYSICAL/BIOLOGICAL ISSUES		
3.2.1 Biological Resources		
<u>Impact 3.2.1-1 (S)</u> Construction of the Altamont WTP and associated infrastructure on any of the possible sites would remove grassland foraging habitat of the State and federally Endangered San Joaquin kit fox.	3.2.1-1 Loss of foraging habitat would be replaced by preservation of similar grassland habitat in the vicinity. The USFWS probably would require replacement of lost San Joaquin kit fox foraging habitat at a ratio of at least 3:1, or to be funded through in lieu fees, paid by Zone 7 to the USFWS to purchase land for foraging habitat.	(I)
<u>Impact 3.2.1-2 (PS)</u> Site grading and construction on Dyer Road Site #1 could result in the direct loss of California red-legged frogs, their eggs, or larvae through filling of the vernal ponds, or indirect loss resulting from degradation of their aquatic breeding habitat and upland estivation habitat.	3.2.1-2 Project design should avoid direct impacts to the vernal ponds on Dyer Road Site #1, and should not site any part of the water treatment plant or associated infrastructure within 300 feet of a pond unless siting the facility closer to vernal ponds is approved by the USFWS and the CDFG. If Dyer Road Site #1 is chosen as the Altamont WTP site, further discussion between Zone 7 and the USFWS and CDFG would determine whether any portions of the facility could be sited within 300 feet of a vernal pond. Project design should avoid changes in the hydrologic regime, and should avoid siltation or pollution of the ponds during construction or operation of the facility. Where loss of wetlands cannot be avoided completely, Zone 7 should provide mitigation such as the creation of new wetlands to ensure there is no net loss of wetland acreage or habitat value. All modifications to wetlands (including the filling of seasonal wetlands) is required to be coordinated with the USFWS, CDFG, the Corps, and the Regional Water Quality Control Board by State and federal law to ensure that all mitigation requirements and design modifications are incorporated into the project. The wetland replacement ratio would depend upon the habitat value of the vernal ponds. If surveys find that fairy shrimp are present in the ponds, mitigation for loss of fairy shrimp habitat will be a combination of preserving occupied and potentially occupied habitat at a 2:1 ratio and creating additional habitat at a 1:1 ratio, meeting CDFG's requirements of an approved mitigation "bank." If surveys find that fairy shrimp are not present in the ponds, a 1:1 replacement ratio would be required at a minimum. The amount of seasonal wetland actually created would be determined in consultation with the CDFG	(I)
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Biological Resources (continued)	Surveys to establish presence or absence of the California red-legged frog conducted according to the February 18, 1997 <i>Guidance on Site Assessment and Field Surveys for California Red-legged Frogs</i> would be required by the USFWS. If California red-legged frog and its critical habitat elements are found to be absent, no further mitigation would be required. An Endangered Species Action Section 7 consultation would be required for impacts to California red-legged frog and its critical habitat elements, if found, and mitigation would be required. A California red-legged frog management plan and monitoring program would be required as part of the mitigation, if the species is present. Accordingly, California red-legged frog management practices contained in Section 2.0 of the <i>North Livermore Specific Plan Resource Conservation Program - Management Practices Handbook</i> would be implemented on the selected project site.	(I)
<u>Impact 3.2.1-3 (PS)</u> Implementation of the Altamont Water Treatment Plant project could result in direct or indirect impacts to California tiger salamanders, their eggs, larvae, and suitable aquatic and upland habitat, should the species occur on the selected site.	3.2.1-3 Project design should avoid direct impacts to the vernal ponds on Dyer Road Site #1, should not site any portion of the facility or associated infrastructure within 300 feet of a pond without consultation with the USFWS and the CDFG, should avoid changes in the hydrologic regime, and should avoid siltation or pollution of the ponds during construction or operation of the facility. One year of surveys for adult California tiger salamander (nocturnal surveys) and a second year of larval surveys must be completed according to CDFG protocol before it can be concluded that the California tiger salamander is not present on the selected site. If an absence finding is determined and accepted by the USFWS, no further mitigation for California tiger salamander would be required. If the species is found on the selected site during the surveys, the mitigation outlined below should be implemented to offset impacts to a level that would be considered insignificant pursuant to the California Environmental Quality Act. Following CDFG's requirements, all impacts to California tiger salamander estivation and breeding habitat on the selected site should be replaced or preserved at a 1:1 ratio. Specifically, for each acre of estivation habitat impacted, 1 acre of extant estivation habitat would be preserved. For each acre of breeding habitat impacted, 1 acre of extant	(I)
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Biological Resources (continued)	breeding habitat would be preserved and/or created in extant California tiger salamander estivation habitat. All preservation would be in perpetuity via a conservation easement. Barriers to guide salamanders searching for estivation habitat away from development should be constructed under direction of a qualified biologist in accordance with the <i>North Livermore Specific Plan Resource Conservation Program - Management Practices Handbook</i>.	
<u>Impact 3.2.1-4 (PS)</u> The Altamont Water Treatment Plant project could result in direct or indirect impacts to burrowing owls (Federal Species of Concern, California Species of Concern) which are known to occur in the project region (but not observed on any of the proposed project sites), if they occupy the project sites prior to construction.	3.2.1-4 Burrowing owl management practices applicable to the selected site are contained in Section 4.0 of the <i>North Livermore Specific Plan Resource Conservation Program - Management Practices Handbook</i>. Zone 7 would be responsible for conducting Phase II burrow surveys by qualified biologists in accordance with methods detailed in the <i>Burrowing Owl Survey Protocol and Mitigation Guidelines</i> prepared by the California Burrowing Owl Consortium and the CDFG <i>Staff Report on Burrowing Owls</i>. The surveys would be conducted within the project impact area and a 150-foot-wide buffer no more than 30 days prior to ground disturbance. If suitable burrows were found, Zone 7 would be responsible for conducting Phase III burrowing owl surveys, census, and mapping using qualified biologists, in accordance with the survey protocol. If burrowing owls are not found in the impact area, or buffer zone during those surveys, there would be no impact and no further action would be required. If owls were found to occupy the site or buffer zone, the following measures would be required in consultation with CDFG. Implementation of these measures would reduce impacts to burrowing owls to an insignificant level.	(I)
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Biological Resources (continued)	• Occupied burrows would not be disturbed during the nesting season (from February 1 through August 31) unless the CDFG verifies that the owls have not yet begun egg-laying and incubation or that the juveniles are foraging independently and are capable of independent survival. • A minimum of 6.5 acres of foraging habitat contiguous with burrows occupied within the last 3 years would be maintained under a conservation easement per pair of burrowing owls (or unpaired resident single bird) found on the site or within the buffer zone. • In addition to maintaining foraging habitat, occupied burrows in the impact area or buffer should be avoided by not allowing disturbance within 160 feet during the non-breeding season (September 1 through January 31) or within 250 feet during the breeding season (February 1 through August 31). • If it is not feasible to avoid the burrows and they must be destroyed for project development, disturbance should occur only outside of the nesting season and after owls have been relocated (preferably passively) to an adjacent or nearby burrow enhancement area in close coordination with the CDFG. In burrow enhancement areas, natural burrows should be enhanced by enlarging or clearing of debris, or artificial burrows shall be created in suitable burrowing owl habitat, both at a ratio of 1:1. A 5-year monitoring program should be implemented to document successful attainment of the performance criteria. • Performance criteria for success should include measures to ensure that no owls are killed or injured, no nests nor eggs are destroyed, taken, nor possessed, nor that any disturbance occurs which results in nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young). Any of these circumstances are defined as illegal "take" under both federal and State migratory bird treaty laws.	
Legend:	(S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact
		(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Biological Resources (continued)		
<u>Impact 3.2.1-5 (PS)</u> The Altamont Water Treatment Plant project could result in the direct or indirect loss of breeding habitat for sensitive bird species, including the white-tailed kite, California horned lark, and loggerhead shrike.	3.2.1-5 If work on the selected site would occur during the months of April through July, Zone 7 would conduct a preconstruction survey for nesting California horned larks in the 30-day period prior to construction. If nesting California horned larks were found on the project site, a 500-foot buffer would be established around the nest site(s), and no grading or construction activity would occur within the buffer zone until it is determined by a qualified ornithologist that the young have fledged, typically by July.	(I)
<u>Impact 3.2.1-6 (PS)</u> Site preparation, construction, and operation of the proposed project could have direct and indirect effects on vernal pool crustaceans, including the longhorn fairy shrimp, vernal pool fairy shrimp, California linderiella, and the vernal pool tadpole shrimp, should any of these species occur in the vernal ponds on Dyer Road Site #1 or seasonal roadside ditches within the transmission pipelines corridors.	3.2.1-6 Project design should avoid filling of vernal ponds or ditches. A 300-foot buffer from the ordinary high water marks of the ponds should be observed. Grading for buildings and roads should avoid alteration to the hydrologic regime. Best Management Practices during construction would avoid contamination of the ponds with silt or toxins. Preventive measures should be practiced during operation of the water treatment plant to avoid potential discharge of contaminants into the ponds. Monitoring of the ponds should be conducted during construction and for the first 5 years of operation to ensure that no silt or toxins are present.	(I)
<u>Impact 3.2.1-7 (PS)</u> Construction of the proposed project could have direct and indirect effects upon the hydrology and aquatic habitat quality of the vernal ponds on Dyer Road Site #1, two drainages on Dyer Road Site #5, and roadside ditches within the transmission pipelines corridors.	3.2.1-7 Siting of the proposed facility should avoid fill of wetlands on Dyer Road Sites #1 and the seasonal drainage on Dyer Road Site #5 and the potential fill of wetlands within the transmission pipelines corridors. Implement Mitigation Measures 3.2.3-1 (Hydrology) and 3.2.4-1 (Water Quality) together with the development of a monitoring program (Mitigation Measure 3.2.1-6).	(I)

Legend: (S) Significant Adverse Impact (PS) Potentially Significant Adverse Impact (I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Biological Resources (continued)		
<u>Impact 3.2.1-8 (I)</u> Noise and human activity resulting from construction or operation of the Altamont Water Treatment Plant project would not be expected to have long-term adverse effects on wildlife species occurring on the selected site.	3.2.1-8 None required.	(I)
<u>Impact 3.2.1-9 (PS)</u> Grading activities during project construction and the establishment of project landscaping could result in the introduction of undesirable invasive non-native plant species to the project site and adjacent areas.	3.2.1-9 The potential establishment and expansion of exotic plant species into newly-graded areas should be minimized by seeding disturbed areas with a native grassland mix applied in conjunction with mulch and tackifier as soon as grading activities are completed. Landscaping on the site should contain as much native California species of trees, shrubs, and groundcovers appropriate to Alameda County and the project vicinity as possible. This would provide foraging opportunities for native wildlife. Appropriate native species include trees such as coast live oaks; shrubs such as blue elderberry, toyon, coffeeberry, and coyote brush; and native grasses, such as purple and foothill needlegrass.	(I)
3.2.2 Soils, Geology and Seismicity		
<u>Impact 3.2.2-1 (PS)</u> Laughlin Road Site #3 could be subject to the damaging effects of surface rupture along the Greenville fault zone.	3.2.1-1 All structures are required to be built to seismic standards of the most recent edition of the CBC, as mentioned in the <i>State Policies and Regulations</i> section of this EIR. As part of the risk reduction measures, all construction should incorporate gas cutoff valves, anchoring of heavy equipment to prevent movement, and other appropriate groundshaking risk reduction techniques deemed feasible during the design review phase of the project.	(I)
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Soils, Geology and Seismicity (continued)		
<u>Impact 3.2.2-2 (PS)</u> The entire project area will be subject to potentially damaging seismically induced groundshaking during major earthquakes on nearby active faults.	3.2.1-2 Prior to final plan approval, all development proposed within areas of older alluvial deposits would be subject to site-specific geologic and geotechnical investigations that address the potential for groundshaking, liquefaction and densification of subsurface soils. - Investigations must be performed under direction of a Registered Geotechnical Engineer (RGE) and/or a Certified Engineering Geologist (CEG) registered in the State of California. - Development should be approved only after a demonstration that liquefaction/ densification are unlikely to occur, or that appropriate structural measures have been incorporated into the project design to resist them. Prior to construction, geotechnical investigations would be performed for all areas proposed to be paved (foundations, access roads, etc.) to identify potential areas of expansive soils. If such soils are found, the report would present site-specific recommendations for design and construction that would limit the effect of expansive soils. Such recommendations may include: increased thickness of road base; greater foundation widths or depths; pre-saturation of fill soils and placement above optimum moisture content; placing non-expansive imported soil in the upper portion of building pads; spread footings, pad foundations, or footing wall foundations; or a combination of these and other appropriate methods.	(I)

Legend: (S) Significant Adverse Impact (PS) Potentially Significant Adverse Impact (I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Soils, Geology and Seismicity (continued)		
<u>Impact 3.2.2-3</u> (PS) Grading, excavation and construction activities have the potential to increase erosion of soil from the site, and subsequent deposition of soil particles in area creeks, the wetland areas on Dyer Road Site #1, and larger water bodies downstream of the sites.	3.2.2-3 Implement Mitigation Measure 3.2.3-1 in Section 3.2.3, Hydrology.	(I)
3.2.3 Hydrology		
<u>Impact 3.2.3-1</u> (PS) Construction activities for proposed facilities and associated infrastructure could result in short- or long-term increases in erosion.	3.2.3-1 ● Because it is not feasible to limit the project construction schedule to the dry season (April through September), Zone 7 will prepare a Storm Water Pollution Prevention Plan (SWPPP) that utilizes on-site measures to reduce erosion during the construction period. The SWPPP is a document consisting of a narrative and a separate sheet within the construction document set, usually in the Civil Engineering or Landscape series, that outlines both a plan to control stormwater pollution during construction (temporary controls) and after construction is completed (permanent elements). For example, detention/retention basins can be designed to function as sediment traps/basins during the construction phase. Following completion, sediment is removed and the outlet structures are modified to function as stormwater detention/retention basins. ● Submit the SWPPP's soil erosion and sedimentation control plan to the County prior to grading. The erosion and sedimentation control plan should be designed by an erosion control professional, or landscape architect or civil engineer specializing in erosion control. This plan would include, but is not limited to, the following erosion control methods: – The erosion and sedimentation control plan would be reviewed, implemented and inspected as part of the approval process for the final grading plans for the project.	(I)
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Hydrology (continued)	- Concepts similar to those formulated by the Alameda Countywide Clean Water Program and the Association of Bay Area Governments would be used, based on the specific erosion and sediment transport control needs of each area in which grading, excavation, and construction is to occur. These concepts include applications that could be implemented on all sites, and some that would be appropriate only for specific sites. The possible methods are not necessarily limited to the following items: ■ Confine grading and activities related to grading (demolition, excavation, construction, preparation and use of equipment and material storage areas [staging areas], preparation of access roads) to the dry season, whenever possible. ■ Locate staging areas outside major streams and drainage-ways. ■ Keep the lengths and gradients of constructed slopes (cut or fill) as low as possible. ■ Discharge grading and construction runoff into small drainages at frequent intervals to avoid build-up of large, potentially erosive flows. ■ Prevent runoff from flowing over unprotected slopes. ■ Keep disturbed areas (areas of grading and related activities) to the minimum necessary for demolition or construction of the project. ■ Keep runoff away from disturbed areas during grading and related activities. ■ Stabilize disturbed areas as quickly as possible, either by vegetative or mechanical methods. ■ Direct runoff over vegetated areas before discharge into public storm drainage systems, whenever possible. ■ Trap sediment before it leaves the site with such techniques as check dams, sediment ponds, or siltation fences. ■ Use interceptor ditches, drainage swales, or temporary detention basins to prevent storm runoff from transporting sediment into drainage-ways and to prevent sediment-laden runoff from leaving the disturbed area.	
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Hydrology (continued)	■ Install silt fences to prevent sedimentation in adjacent areas and down gradients into drainages. ■ Require the contractor to remove and dispose of all project-related sedimentation in off-site retention ponds. ■ Use landscaping and grading methods that lower the potential for downstream sedimentation. Modified drainage patterns, longer flow paths, encouraging infiltration into the ground, and slower storm-water conveyance velocities are examples of effective methods. ■ Control landscaping activities carefully with regard to the application of fertilizers, herbicides, pesticides or other hazardous substances. Provide proper instruction to all landscaping personnel on the construction team. - The erosion control professional would be on the site during the installation of the erosion and sediment transport control facilities, to supervise the implementation of the designs. The maintenance of the facilities during the grading and construction period also would be monitored by the erosion control professional. The erosion control professional should prepare an "as-built" erosion and sediment control facility map, to be filed with Zone 7, showing details of the permanent elements of the plan and providing an operating and maintenance schedule throughout the operational period of the project. - The proposed water supply and transmission pipeline corridor to be constructed in conjunction with the plant facilities would be placed under existing roadways. During construction of the pipeline, temporary erosion control measures would be installed to alleviate potential construction-related impacts. During construction, all major wetland and riparian habitats adjacent to the pipeline alignment should be protected and avoided.	

Legend:

(S) Significant
Adverse Impact(PS) Potentially Significant
Adverse Impact

(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Hydrology (continued)		
<u>Impact 3.2.3-2 (PS)</u> Construction of water treatment plant facilities and paved access roads and parking areas would result in an increase in impervious areas and higher levels of surface runoff, potentially increasing erosion and flooding in downstream drainage-ways.	3.2.3-2 - Design a stormwater management system to offset the effects of impervious surfaces at the project site. Post-construction runoff leaving the site should not exceed existing (pre-construction) peak flows for the 100-year storm. The design should be reviewed by Zone 7 Flood Control Engineering Section to ensure appropriate management of stormwater flows in the surrounding vicinity. - Storm drainage systems designed to control site runoff to levels equal to or less than existing conditions are recommended by the Alameda Public Works Agency to reduce the potential for cumulative impacts. Because the anticipated drainage improvements have not yet been built, it is recommended that the overall project design respond to the existing flooding problems and mitigate for the minor increase in runoff that has been projected. - Ideally, the overall mitigation strategy should include a site-specific design focused on the development and inclusion of explicit elements to reduce the amount of impervious surfaces on a project site, and to allow improved management of stormwater flows within the surrounding vicinity so that runoff leaving the site would not exceed existing levels. - Traditional designs for managing runoff emphasize maintaining the efficiency of conduits (i.e., pipes and channels) that transport stormwater to downstream locations where the water is released and/or stored. On-site strategies such as permeable surfaces, infiltration trenches or detention basins that reduce runoff at the project site are important components of an overall stormwater management system. Small collection and infiltration strategies, located at the point where runoff initially meets the ground, repeated consistently over a project area, will yield the greatest runoff control for the least cost. The procedures and practices listed below have been adopted by the Alameda Countywide Stormwater Management Plan.	(I)

Legend: (S) Significant
Adverse Impact

(PS) Potentially Significant
Adverse Impact

(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Hydrology (continued)	- Incorporate measures into overall drainage design that maximize infiltration/permeability and trap sediment and pollutants in stormwater runoff. ■ To the extent possible, locate impervious surfaces to avoid identified natural recharge areas. ■ Wherever feasible, use the Bay Area Stormwater Management Agencies Design Guidance Manual to modify roadway, landscaping and channel improvement projects to incorporate recommended design elements such as: sediment traps, gravel strips and/or trenches, concave planting areas, permeable substrate, and infiltration basins at the end of downspouts. The construction of near-source detention facilities (as described in the Alameda County Stormwater Management Plan) is recommended by the EIR consultant as an effective flood control strategy. Proper implementation would necessitate construction on or near the project site to ensure that peak runoff from the site under developed conditions would not exceed that of runoff under pre-development (existing) conditions. If adequate detention facilities were provided for collection and detention of increased runoff, and such runoff were detained for a sufficient period of time to enable the peak flood flow wave in Arroyo Las Positas to pass before such runoff was allowed to enter into the Arroyo, downstream peak flood flows would not increase. Stormwater infiltration trenches or basins could be included in the project design as an integrated measure to reduce flooding impacts and to improve downstream water quality. The locations of improvements could coincide with the drainage conduits and flow paths identified on the selected site or at other locations deemed suitable by Zone 7.	
3.2.4 Water Quality		
<u>Impact 3.2.4-1 (PS)</u> Increased stormwater runoff from additional impervious surfaces at the proposed Altamont WTP, and releases to storm drains from spills or other accidents, could lower	3.2.4-1a ● Zone 7 would prepare a SWPPP covering all activities at the proposed water treatment plant in accordance with the industrial discharger guidelines of the Alameda Countywide Clean Water Program and the <i>California Storm Water Best</i>	(I)

Legend: (S) Significant
Adverse Impact

(PS) Potentially Significant
Adverse Impact

(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Water Quality (continued)		
the quality of runoff and increase pollutant levels in local streams.	<i>Management Practice Handbook—Industrial/Commercial</i> (including the Bay Area preamble).¹ Prior to initiating water treatment activities at the Altamont WTP, Zone 7 would submit the SWPPP to the San Francisco Bay RWQCB for review and approval. If written approval were not received within 90 days of the initiation of operations at the treatment plant, Zone 7 would contract with a Registered Environmental Assessor or a Professional Engineer with expertise in stormwater pollution prevention planning to conduct a peer review of the plan and ensure that the plan would reduce pollutant discharges to the maximum extent practicable.	
	3.2.4-1b	
	Implement Mitigation Measure 3.2.3-2 in Section 3.2.3, Hydrology.	(I)
3.2.5 Hazardous Materials and Public Safety		
<u>Impact 3.2.5-1 (PS)</u>	3.2.5-1	
The proposed Altamont WTP project would involve storage and handling of hazardous materials such as liquid ammonia, sodium hydroxide, and sulfuric acid, thereby resulting in new risks of human and environmental exposure.	The design of the chemical storage and handling systems at the Altamont WTP would incorporate the types of features listed below. The designs would not be limited to these examples but could incorporate similar features, which would accommodate safe storage, and handling of hazardous materials and would reduce the potential for accidental spills. - Design chemical diffusers to provide uniform chemical distribution into process flow without clogging. - Use construction materials that are compatible with the chemicals to be fed. - Use chemical piping that is double walled or contained within a trench designed to prevent leaks if a pipe break occurs. - Store chemicals in an independent storage area that is easily accessible by chemical delivery trucks. - Provide a secondary containment wall with a height sufficient to contain the volume of the largest storage tank in the event of a leak.	(I)
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Hazardous Materials and Public Safety (continued)	• Use chemical storage tanks that are specially designed with concrete containment pads. • Equip storage areas with monitoring devices that conform to OSHA and Uniform Fire Code requirements for the detection of chemical concentrations in ambient air in case leaks occur. • Provide a chemical washdown holding tank to divert chemical spills or rainfall run-off from chemical delivery and storage areas.	
<u>Impact 3.2.5-2 (PS)</u> The proposed Altamont WTP project would result in transportation of hazardous materials to the site, which could create new risks of human and environmental exposure.	3.2.5-2 The design of the on-site access and service roads to the Altamont WTP would incorporate the types of features listed below to minimize transportation hazards. The designs would not be limited to these features, but could incorporate similar features which would reduce the probability of accidents. • The on-site access road would be designed with a minimum width of 24 feet. Other service roads would be designed with a minimum width of 16 feet. • The site plan would be designed such that all transport vehicles would have looped access and not have to back up at any point during delivery of chemicals. A minimum 60-foot turning radius would be allowed for truck deliveries. • Roadways within the site would provide service access to all sides of the Altamont WTP facilities. Delivery of chemicals would be away from the center of general operations and visitors. • Truck traffic would be separated from visitor traffic to the maximum extent possible.	(I)
<u>Impact 3.2.5-3 (PS)</u> Excavation of the potential sites for construction of the foundations of the various units of the treatment plant, and excavation for some of the units like the sludge drying bed, could expose construction personnel and members of the public to existing soil and groundwater contamination, if any exists.	3.2.5-3 • Zone 7 would prepare a Phase I Environmental Site Assessment for areas of the preferred project site where earth-moving activities could occur. The investigation would list current and past uses of the lot, review environmental agency databases and records, report site reconnaissance observations, and summarize potential contamination issues, including any that warrant further investigation. The Phase I Environmental Site Assessment would be completed by a Registered Environmental	(I)
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Hazardous Materials and Public Safety (continued)	Assessor or a similarly qualified professional prior to initiating earth-moving activities at the site. • If determined to be necessary as a result of the Phase I investigation, Zone 7 would prepare a Phase II Environmental Site Assessment. Soil and groundwater samples would be collected as directed by the site assessment consultant. Sampling would extend at least to depths proposed for excavation. The samples would be analyzed to identify and quantify any contamination. The Phase II Environmental Site Assessment would be completed by a Registered Environmental Assessor or a similarly qualified professional prior to initiating earth-moving activities at the site. Site work would be performed in consultation with the Alameda County Department of Environmental Health and other agencies, as appropriate. • If soil or groundwater conditions warrant the preparation of a Site Safety and Health Plan (a California Division of Occupational Safety and Health requirement for work at hazardous waste sites), in addition to measures that protect on-site workers, the plan would include measures to minimize public exposure to contaminated soils. Such measures would include dust control, appropriate site security, restriction of public access, and posting of warning signs, and would apply from the time of surface disruption through the completion of earthwork construction.	
<u>Impact 3.2.5-4 (I)</u> The project would result in relatively little hazardous waste generation.	3.2.5-4 None required.	(I)

Legend: (S) Significant Adverse Impact (PS) Potentially Significant Adverse Impact (I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Hazardous Materials and Public Safety (continued)		
<u>Impact 3.2.5-5 (I)</u> Project-related hazardous materials use could contribute to cumulative human and environmental health and safety issues, including hazardous materials transportation, hazardous waste generation and disposal, and demands for emergency response capabilities. However, the cumulative effect would not be sufficient to cause an adverse impact.	3.2.5-5 None required.	(I)
3.2.6 Air Quality		
<u>Impact 3.2.6-1 (PS)</u> Short-term construction-related activities such as grading could result in fugitive dust and equipment exhaust emissions that would cause a nuisance. Unless reduced by implementation of feasible control measures, impacts caused by construction emissions would be potentially significant. Grading would be required to develop each of the sites.	3.2.6-1 To reduce fugitive dust and equipment exhaust, Zone 7 and its contractor should implement the following control measures based on BAAQMD guidelines: • Cover all trucks hauling construction debris from the site; • Water all exposed or disturbed soil surfaces at least twice daily; • Temporarily pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved parking areas and staging areas; • Sweep daily (with water sweepers) all paved parking areas and staging areas; Provide daily clean-up of mud and dirt carried onto paved streets from the site;	(I)

Legend: (S) Significant Adverse Impact (PS) Potentially Significant Adverse Impact (I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Air Quality (continued)	• Install wheel washers for all existing trucks, or wash the tires or tracks of trucks and equipment leaving the site; • Install wind breaks, or plant trees/vegetative wind breaks at windward sides of construction areas; • Suspend dust-producing activities during periods when instantaneous gusts exceed 25 mph when dust control measures are unable to avoid visible dust plumes; • Limit the area subject to excavation, grading and other construction or demolition activity at any one time; • Water with ½ gallon/yd² twice daily or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind; • Apply soil stabilizers to previously-graded portions of the site inactive for more than ten days or cover or seed these areas; • Limit traffic speeds on unpaved areas to 15 miles per hour; • Replant vegetation in disturbed areas as quickly as possible.	
<u>Impact 3.2.6-2 (I)</u> Regional air emissions caused by project operation would not exceed the BAAQMD's significance thresholds of 80 pounds per day for ROG, NOx, and PM ₁₀ emissions.	3.2.6-2 None required.	(I)
<u>Impact 3.2.6-3 (I)</u> The proposed project would not expose the public to toxic air contaminants (TAC) or objectionable odors, because only minor new stationary sources or TAC- or odor-emitting activities are proposed.	3.2.6-3 None required.	(I)
<u>Impact 3.2.6-4 (I)</u> The localized carbon monoxide concentrations caused by project traffic would not have the potential to cause localized violations of ambient air quality standards.	3.2.6-4 None required.	(I)

Legend: (S) Significant Adverse Impact (PS) Potentially Significant Adverse Impact (I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Air Quality (continued)		
<u>Impact 3.2.6-5 (I)</u> Because the proposed project would not significantly increase contributions to regional air emissions and the project would not conflict with applicable region-wide air quality plans, the project's effects would not be cumulatively considerable, and, therefore, would not be significant.	3.2.6-5 None required.	(I)
3.2.7 Noise		
<u>Impact 3.2.7-1 (PS)</u> Short-term construction-related activities may intermittently generate noise levels above the standards in Alameda County General Ordinance.	3.2.7-1 To reduce construction noise effects, Zone 7 would require construction contractors to adhere to the noise abatement procedures and techniques listed below. • To the extent possible, limit construction work to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturday. • Muffle equipment used on the site and maintain it in good operating condition. Internal combustion engine-driven equipment shall be fitted with intake and exhaust mufflers that are in good condition. • Limit idling of powered construction equipment when not in use. • When possible, shield noise-generating construction equipment from nearby existing residences (with, for example, a structure or possibly a truck) or locate equipment as far as possible from residences. • Schedule noisy operations so as to minimize their duration at any given location.	(I)
<u>Impact 3.2.7-2 (PS)</u> Operation of the water treatment plant may expose adjacent residents to increased noise levels.	3.2.7-2 After site selection and prior to final design, an acoustical study shall be prepared to determine potential Altamont WTP noise levels at the site property line. The Altamont WTP shall be designed so noise generated by the plant would not cause noise levels at	(I)
Legend: (S) Significant Adverse Impact	(PS) Potentially Significant Adverse Impact	(I) Insignificant Impact

TABLE S-1
ZONE 7 ALTAMONT WATER TREATMENT PLANT SITE SELECTION
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (continued)

Impacts (Significance Without Mitigation)	Mitigation Measures	Impact Significance With Mitigation
Noise (continued)	the property line to exceed the standards of the Alameda County General Ordinance (Section 6.60.040, Exterior Noise Level Standards). Final design could include measures such as housing and/or muffling significant noise sources, installing sound walls at the facility, grading the site to provide earthen berms, or locating facilities with increased setbacks from site boundaries.	
<u>Impact 3.2.7-3</u> (I) Project-related operational traffic would increase ambient noise conditions along roads accessing the site but not sufficiently to affect nearby existing residents adversely.	3.2.7-3 None required.	(I)
<u>Impact 3.2.7-4</u> (I) Noise from project operation would not substantially contribute to cumulative noise levels near the project site.	3.2.7-4 None required.	(I)

Legend: (S) Significant Adverse Impact (PS) Potentially Significant Adverse Impact (I) Insignificant Impact

3. COMMENTS AND RESPONSES

Written Comment 1



Gray Davis
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research State Clearinghouse



Steve Nissen
DIRECTOR

March 8, 2001

RECEIVED
MAR 9 2001

Jack Fong
Alameda County Flood Control and Conservation Agency
5997 Parkside Drive
Pleasanton, CA 94588-5127

Subject: Altamont Water Treatment Plant Project
SCH#: 1998041040

Dear Jack Fong:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on March 7, 2001, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

1.1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Document Details Report State Clearinghouse Data Base

SCH# 1998041040
Project Title Altamont Water Treatment Plant Project
Lead Agency Alameda County Flood Control and Water Conservation District

Type EIR Draft EIR

Description As one of the ten active zones of the Alameda County Water Conservation and Flood Control District, Zone 7 has served eastern Alameda County and the Livermore-Amador Valley since 1957. The studies embodied in Zone 7's Water Supply Planning Program identified the potential need for a new water treatment plant in the Altamont Pass area north of Interstate Highway 580 and west of the South Bay Aqueduct. As one component of Zone 7's Water Supply Planning Program for the next 5 years, a new water treatment plant in this area was recommended to move Zone 7 toward a three-plant configuration that would provide up to 96 million gallons per day total for municipal and industrial needs through the year 2020.

Lead Agency Contact

Name Jack Fong
Agency Alameda County Flood Control and Conservation Agency
Phone 925 484-2600 X245 **Fax**
email
Address 5997 Parkside Drive
City Pleasanton **State** CA **Zip** 94588-5127

Project Location

County Alameda
City Livermore
Region
Cross Streets Altamont Pass Road/Dyer Road or I-580/Vasco Road
Parcel No. 99B-6062-3/99B-6100-3-12/99B-4901-6-5, 2-3, 2-1/99B-5475-5-2, 4-2, 3-2
Township 2S **Range** 3E/2E **Section** 17/18/ **Base** MDB&M

Proximity to:

Highways 580
Airports
Railways SPRR
Waterways South Bay Aqueduct
Schools
Land Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Office of Emergency Services; Caltrans, District 4; Department of Health Services; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

Date Received 01/22/2001 **Start of Review** 01/22/2001 **End of Review** 03/07/2001

1. Terry Roberts, State Clearinghouse

- 1.1 This comment notes that as of March 7, 2001, the close of the review period, no state agencies had submitted comments regarding the Altamont Water Treatment Plant Project Draft EIR. Zone 7 of the Alameda County Flood Control and Water Conservation District (also known as Zone 7 Water Agency) received and accepted comments from some agencies that had been preparing written comments during the review period and submitted letters several days after the official close of the review period. Responses to those comments are included in this document.

This comment also acknowledges that Zone 7 Water Agency has complied with the State Clearinghouse review requirements for environmental documents, pursuant to CEQA.



IN REPLY REFER TO
1-1-01-TA-1369

United States Department of the Interior Fish and Wildlife Service

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

RECEIVED
MAR 15 2001
ZONE 7, ACFC&WCF

March 13, 2001

Mr. Jack Fong
Zone 7 Water Agency
5997 Parkside Drive
Pleasanton, California 94588-5127

MAR 20 2001

Subject: Comments on the Draft Environmental Impact Report for the Altamont Water Treatment Plant, Alameda County, California

Dear Mr. Fong:

This letter responds to your Draft Environmental Impact Report (DEIR) for the Altamont Water Treatment Plant, Alameda County, California. Your documents were received January 25, 2001. The comments provided in this letter have been made pursuant to the Endangered Species Act of 1973, as amended (Act). On March 8, 2001, you provided Don Hankins of my staff with a verbal extension of the March 8, 2001 deadline for comments.

The U.S. Fish and Wildlife Service (Service) has reviewed your DEIR and believes the proposed alternatives all will result in take of Federally listed species. Specifically, the Service believes the project will result in direct and indirect effects to the following species, including but not limited to, California red-legged frog (*Rana aurora draytonii*), Alameda whipsnake (*Masticophis lateralis euryxanthus*), and San Joaquin kit fox (*Vulpes macrotis mutica*).

2.1

As stated on page 1-12 of the DEIR, the Altamont Water Treatment Plant is needed to provide sufficient domestic water to support a level of growth that is consistent with the amount of growth planned and approved by the planning agencies within Zone 7's Service Area (Dublin, Pleasanton, and Livermore) through the year 2020. Based on your planning documents, including the general plans for the cities and county as well as the purpose stated in the DEIR for the pipeline, we believe development of residential and commercial facilities and the infrastructure associated with the proposed facility is "reasonably certain to occur" and is likely to result in the loss of extensive areas of habitat occupied by Federally listed species.

2.2

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of the project, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the

2.3

Mr. Jack Fong

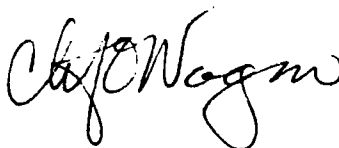
2

Act is required. Such consultation would result in a biological opinion addressing the anticipated effects of the project to the listed species and may authorize a limited level of incidental take. If a Federal agency is not involved in the project, and federally listed species may be taken as part of the project, then an incidental take permit pursuant to section 10(a)(1)(b) of the Act would need to be obtained. The Service may issue such a permit upon completion of a satisfactory conservation plan for the listed species that would be affected by the project.

2.3

The Service looks forward to working with your agency to resolve issues regarding effects of your project on federally listed species. If you have questions regarding this letter, please contact Don Hankins or Sheila Larsen at (916) 414-6625.

Sincerely,



Jan C. Knight
Chief, Endangered Species Division

cc:

Cathie Brown, City of Livermore, Livermore, CA
City of Dublin, Dublin, CA
Kay Ayala, City of Pleasanton, Pleasanton, CA
E. Wiley, ACOE-SF District, San Francisco, CA

2. Jan C. Knight, United States Fish and Wildlife Service

- 2.1 The comment states that planned residential and commercial development within the Zone 7 service area, along with infrastructure associated with the proposed Altamont Water Treatment Plant, would result in the loss of habitat areas occupied by Federally listed species. Please refer to Section 4, Growth Inducement, of the Draft EIR, which discusses direct and secondary effects of growth associated with Zone 7's mandate to secure, treat and distribute water in the Livermore-Amador Valley. The discussion of planned growth approved by existing General Plans in the Zone 7 Service Area includes residential and commercial development that would cause loss of habitat. That loss is discussed in the General Plan EIRs for those communities: effects, agency jurisdiction, and mitigation programs are summarized in Table 4-1 on page 4-6 of the Draft EIR.
- 2.2 The comment states that planned residential and commercial development within the Zone 7 service area, along with infrastructure associated with the proposed Altamont Water Treatment Plant, would result in the loss of habitat areas occupied by Federally listed species. Please refer to Section 4, Growth Inducement, of the Draft EIR, which discusses direct and secondary effects of growth associated with Zone 7's mandate to secure, treat and distribute water in the Livermore-Amador Valley. The discussion of planned growth approved by existing General Plans in the Zone 7 Service Area includes residential and commercial development that would cause loss of habitat. That loss is discussed in the General Plan EIRs for those communities: effects, agency jurisdiction, and mitigation programs are summarized in Table 4-1 on page 4-6 of the Draft EIR.
- 2.3 This comment describes procedures to address the potential take issues noted above in Comments 2.1 and 2.2, and explains that there is a difference depending on whether a federal agency or funding is involved with the project. As described in Mitigation Measures 3.2.1-1, 3.2.1-2, and 3.2.3-3 beginning on page 3.2.1-16 of the Draft EIR, consultations between the appropriate agencies (including the USFWS and the California Department of Fish and Game) and Zone 7 Water Agency would be required to address anticipated impacts on listed species. The mitigation measures specifically address consultation under Section 7 of the Endangered Species Act of 1973, however, if federal agencies or funding were not involved, consultation would be governed by Section 10 of the Act. The appropriate permits for all activities would be obtained by Zone 7 according to the procedures outlined in this comment.

DEPARTMENT OF TRANSPORTATION

P. O. BOX 23660
OAKLAND, CA 94623-0660
(510) 286-4444
TDD (510) 286-4454



RECEIVED
MAR 9 2001

March 6, 2001

ALA-580-0.00
File #ALA580685
SCH#1998041040

Mr. Jack Fong, P.E.
Zone 7 Alameda County Flood Control & Conservation District
5997 Parkside Drive
Pleasanton, CA 94588-5127

Dear Mr. Fong:

Altamont Water Treatment Plant – Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. We have reviewed the Draft Environmental Impact Report for the new water treatment plant, and have the following comments to offer.

The future North Livermore Pipeline, as stated on Page 2-22, Section 2.5, would “be in existing roads or the rights-of-way for future roads.” Figure 1-1 also shows the alignment of this pipeline to be in the right-of-way of the planned future Isabel Avenue Extension and Interchange at Interstate 580 (I-580), currently under preliminary engineering and environmental study. Caltrans is overseeing this project which is sponsored by the City of Livermore. This road will be classified as an Expressway, and will become State Route 84.

Caltrans policy is to exclude utilities, including water facilities from within the right-of-way of Expressways. Please refer to Caltrans Project Development Procedure Manual, Chapter 17, Article 2 – Utility Encroachment Policy. We suggest that the Zone 7 Alameda County Flood Control and Water Conservation District plan for the future North Livermore Pipeline to be located outside of the roadway’s future right-of-way. Some existing utility lines have already been relocated to outside the future right-of-way for the Isabel Avenue roadway construction. Other utilities are expected to be relocated in the future.

3.1

Should you require further information or have any questions regarding this letter, please call Paul Svedersky of my staff at (510) 622-1639.

Sincerely,

HARRY Y. YAHATA
District Director

By *Jean C. R. Finney*

JEAN C. R. FINNEY
District Branch Chief
IGR/CEQA

c: Katie Shulte Joung, State Clearinghouse

3. Harry Yahata, California Department of Transportation

- 3.1 This comment indicates concern that construction of the future North Livermore Pipeline (NLP) would occur in the right-of-way of the planned future Isabel Avenue Extension and Interchange at Interstate 580. As stated in the Project Description of the Draft EIR on page 2-21, North Livermore Pipeline, the alignment of the future NLP presented in Figures 1-1 and 2-2 of the Draft EIR is a representative corridor, is not the only possible corridor, and is typical of the routes that will be studied in a future project-level EIR on the NLP. The ultimate configuration and alignment of this planned pipeline have not been finalized. Zone 7 and its engineering design firm for the future NLP project will consult with agencies such as the Department of Transportation during the selection of the NLP alignment to ensure that the NLP is appropriately sited with respect to the planned Isabel Avenue Extension. Right-of-entry and encroachment permits would be required by the Department of Transportation, BART, or any other agency whose land was traversed by the pipeline.



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
800 Madison Street - Lake Merritt Station
P.O. Box 12688
Oakland, CA 94604-2688
Telephone (510) 464-6000

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MAR 9 2001

VIA FAX and MAIL



March 7, 2001
SD-01-079
File No.: 13.7.2

WILLIE B. KENNEDY
PRESIDENT

JOEL KELLER
VICE-PRESIDENT

THOMAS E. MARGRO
GENERAL MANAGER

Mr. Jack Fong
Zone 7 Water Agency
Alameda County Flood Control and Water Conservation District
5997 Parkside Drive
Pleasanton, CA 94588-5127

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WILLIE B. KENNEDY
7TH DISTRICT

JAMES FANG
8TH DISTRICT

TOM RADULOVICH
9TH DISTRICT

Subject: Comments on the DEIR Altamont Water Treatment Plant

Dear Mr. Fong:

BART would like to thank Alameda County Zone 7 of the Flood Control and Water Conservation District for this opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Altamont Water Treatment Plant. BART offers the following comments for your consideration.

As stated in Section 2.6 *Required Approvals*, Zone 7 would need to acquire Right-of-Way Encroachment Permits by each agency having jurisdiction over properties affected by the construction and/or operation of the proposed Altamont Treatment Plant and Pipeline. The DEIR failed to identify BART as having jurisdiction over a portion of land crossed by the Altamont Pass Road (APR) 2 alignment. In order for Zone 7 to access and construct on this property, a right-of-entry and easement would be required from BART.

BART owns approximately 116 acres of land transversed by "APR2" (APN# 99B-5500-001-10 & 002-05). The subject parcel is located between Altamont Pass Road and Laughlin Road, north of Interstate 580 in Livermore. If this alignment is selected as the preferred alternative, the proper permits must be secured from BART, along with payment of fees associated with the acquisition of an easement of said permits on BART property, prior to project initiation. The grant of an easement for the pipeline is at the discretion of our Board of Directors.

Also, if this alignment was selected, we would recommend that the alignment be relocated to run along the northern property line of APN# 99B-5500-001-10 & 002-05, between Laughlin Road and extending easterly to the current alignment. This change would: 1) eliminate crossing the existing creek on BART's parcel; 2) reduce the pipeline length from 7000 feet to 6300 feet (a 10% reduction); and 3) also eliminate the bifurcation of our 116 acre parcel by

4.1

4.2

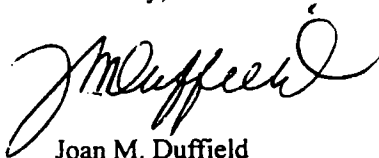
the required pipeline easement. Please see the attached markup of Figure 2-2 for the location of this recommend realignment. You may contact BART's District Surveyor, Mr. Les Frelich, at (510) 464-6161 if you have any questions regarding this suggested relocation.

Additionally, BART owns three parcels located just south of I-580, between Kitty Hawk Road and East Airway Blvd. The APN #s are: 099-1331-012, 904-0004-004, and 904-0005-003-29. It appears that these three parcels are directly adjacent to the future proposed pipeline for the North Livermore Pipeline Corridor. Although this proposed pipeline would be in the Isabel Parkway right-of-way, any encroachment onto the above mentioned parcels would require a right-of-entry and easement from BART.

4.3

Thank you for considering these comments. If you have any questions, comments, or need additional information from our files, please don't hesitate to contact me at (510) 464-6191.

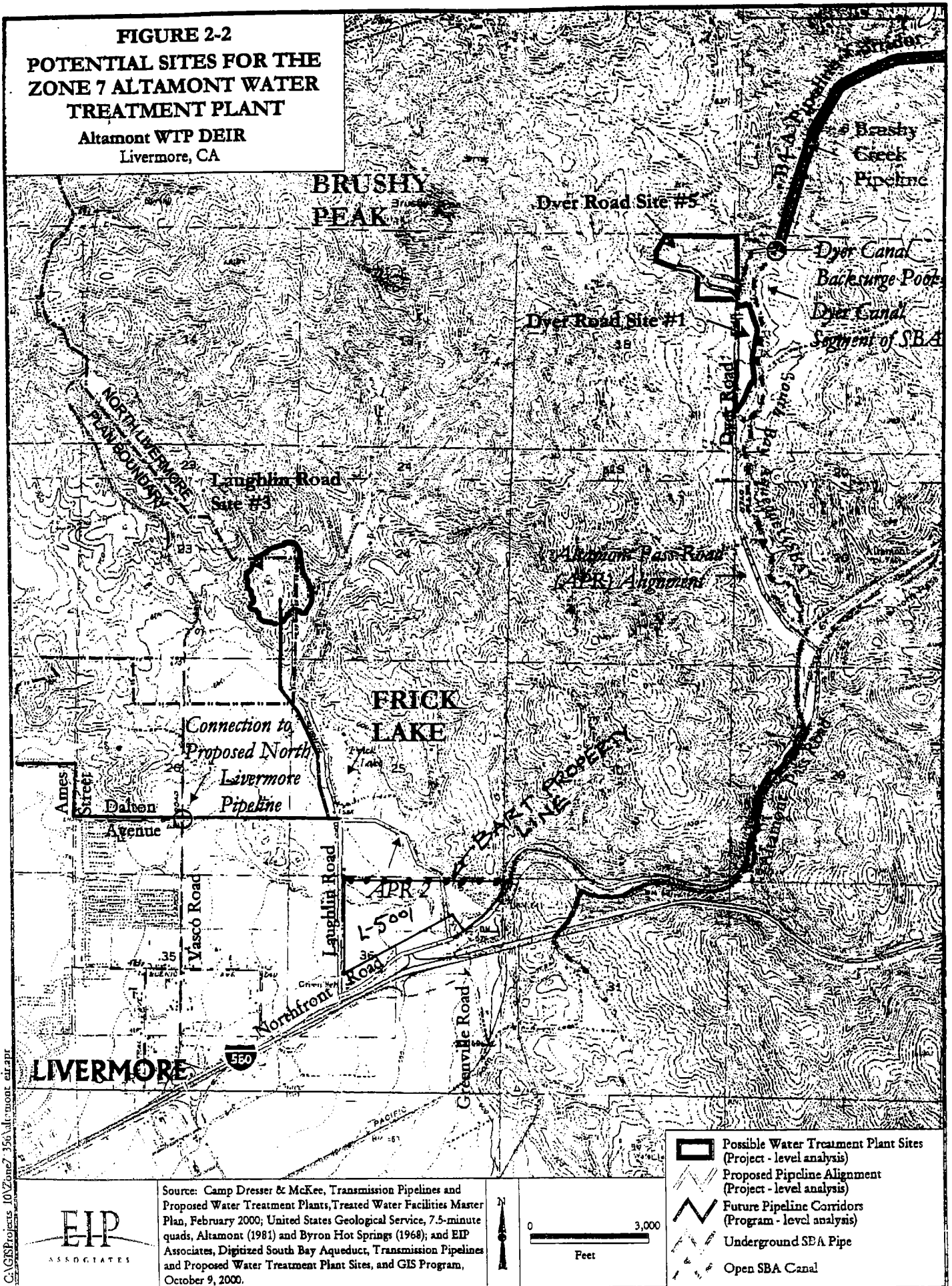
Sincerely,



Joan M. Duffield
Senior Environmental Compliance Specialist
Environmental Compliance Division

cc: J. Layton, BART
P. Albert, BART
M. Payne, BART
J. Ordway, BART
V. Menotti, BART
G. Anderson, BART
T. Dunscombe, BART
D. Stark, BART
R. Wenzel, BART
D. Hill, BART

FIGURE 2-2
POTENTIAL SITES FOR THE
ZONE 7 ALTAMONT WATER
TREATMENT PLANT
 Altamont WTP DEIR
 Livermore, CA



--- BART SUGGESTED "APR 2"

4. Joan M. Duffield, Bay Area Rapid Transit

- 4.1 The comment states that Section 2.6, Required Approvals, of the Draft EIR fails to identify BART as having jurisdiction over a portion of the Altamont Pass Road 2 alternative pipeline alignment. The text of the second paragraph, Right-of-Way Encroachment Permits, on page 2-24 of the Draft EIR has been modified to correct this omission. Please see page 4-2, Section 4 of this Response to Comments document for the full text of the changes.
- 4.2 This comment proposes a new alternative alignment that would not bifurcate the buildable area of BART's parcel bounded by Altamont Pass, Northfront, and Laughlin Roads. The alignment suggested would parallel the BART parcel's northern boundary (also the north boundary of Section 36, Township 2 South, Range 2 East) to Altamont Pass Road. Discussions with Mr. Les Freligh, BART's District Surveyor, confirmed that the ridge at the eastern end of that alignment would be too steep to accommodate the needed construction equipment and maintenance road for the pipe. Consequently, an alignment around the base of the ridge would be considered by BART. The modified alignment appears on revised Figures 1-1 and 2-2, in Section 4 of this Response to Comments document, and is designated as "APR-3." No new environmental mitigation measures are necessary to include the APR-3 alternative alignment in this EIR because the issues involved are similar to those of the nearby APR-2 alternative alignment. The potential impacts of this alignment are the same in type and severity as other off-road portions of the project, as described throughout the Draft EIR, and would be subject to the same mitigation measures. APR-3 has the benefit of being farther from Frick Lake than APR-2 and does not appear to cross Altamont Creek, thereby avoiding the water quality issues associated with those water bodies (see Response 7.3). Please refer to pages 4-1 through 4-4, Section 4 of this Response to Comments document for the full text of changes made to the EIR to address this comment. Some of the text appeared in the Draft EIR in other parts of the Project Description, but has been inserted here for continuity.
- 4.3 This comment expresses concern that BART property could be crossed by the future North Livermore Pipeline near the planned future Isabel Avenue Extension, in which case right-of-entry and encroachment permits would be required. Please refer to Response 3.1 for further discussion of the use of the Isabel Avenue Extension and adjacent lands for a future pipeline corridor.

EAST BAY REGIONAL



PARK DISTRICT

RECEIVED
MAR 9 2001

March 5, 2001

Mr. Jack Fong
Zone 7 Water Agency
5997 Parkside Drive
Pleasanton, CA 94588-5127

Subject: Comments on Draft EIR for Altamont Water Treatment Plant
Brushy Peak Regional Preserve

BOARD OF DIRECTORS

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Carol Severin
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Jean Siri
Ward 1

Pat O'Brien
General Manager

Dear Mr. Fong:

Thank you for providing the East Bay Regional Park District ("District") with a copy of the Draft Environmental Impact Report for Zone 7's Altamont Water Treatment Plant. We have reviewed the subject documents and herewith providing the following comments.

Overview of Project Impacts to Brushy Peak Regional Preserve

The District previously provided Zone 7 with extensive written scoping comments on this project which contained factual information about Brushy Peak Regional Preserve and the potential impacts of this project on this important reserve and its sensitive natural and cultural resources. We are concerned that much of the information contained in our scoping letter was not adequately considered in this EIR, and as a result, this EIR understates the significance of potential impacts to Brushy Peak Regional Preserve. Therefore, I have enclosed a copy of our scoping letter as part of the District's comments on the draft EIR.

5.1

We believe that the EIR incorrectly concludes in many cases that potentially significant impacts to Brushy Peak Regional Preserve can be mitigated to a less than significant level by implementation of proposed mitigation measures. Impacts from the construction of the Laughlin Road Site #3 would result in significant, unmitigatable impacts to Brushy Peak Regional Preserve. In particular, the footprint and visual impacts to this preserve would not be adequately mitigated by the proposed mitigation measures contained in the draft EIR.

5.2

The description of the Laughlin Road Site #3 alternative on page 2-10 of the EIR describes potential use of ½ acre of District owned lands in order to construct this alternative. Figure 2-3 shows a ½ acre area within the footprint of this alternative site.



As noted in our scoping comments, the District would not allow such use of its property because construction of the water treatment plant on District land is inconsistent with the purposes for which this parkland was acquired. The District acquired these lands to preserve public open space, to manage and protect the natural and cultural resources contained therein, and to provide for appropriate public access following completion of a land use plan and environmental document. Construction and operation of a major water treatment plant at Brushy Peak Regional Preserve, or adjacent to Brushy Peak, is incompatible with these purposes.

5.3

Project Objectives and Alternatives

The basic project objectives are described on page 2-6. They are to 1.) acquire land for the treatment plant, 2.) construct the plant and appurtenant facilities, and 3.) to phase plant capacity to meet increasing demand. These are very broad objectives and allow for considerable flexibility in how these objectives are met. Unfortunately, only three alternatives were carried forward for analysis in the EIR, despite the fact that numerous others were identified in earlier studies.

5.4

Reliance by Zone 7 upon potential use of District land in order to construct the Laughlin Road Site #3 alternative underscores the fact that an insufficient number of alternatives were considered in this EIR. At the outset of this planning process, the District cautioned that District lands would not be available for construction of a water treatment plant. We also cautioned that the District was actively acquiring lands in the area of Zone 7's proposed project. Since that time, the District acquired the Dyer property on which Zone 7's Dyer Road Site #1 alternative had been proposed. This alternative site was subsequently withdrawn by Zone 7 and an alternative site was instead proposed along Dyer Road. It does not appear that Zone 7 sent out a revised Notice of Preparation (NOP) for such a major change in the project alternatives. While the District supported elimination of the Dyer Road Site #1 alternative, we continue to believe that another alternative near the South Bay Aqueduct should have been considered in the EIR.

5.5

Finally, the District was not aware of the proposed Alternative Pipeline Route #2, which appears to run through the BART, Farber and Ahmed properties, and does not appear to have been contained in the original NOP. We are concerned how such an alternative may adversely affect the hydrology of Frick Lake and aestivation habitat for California tiger salamander. Construction of this pipeline or the alternative alignment along Laughlin Road may also require an encroachment permit from the District.

5.6

Visual Impacts

The visual analysis for the visual impacts from Brushy Peak of the Laughlin Road Site #3 rely upon a poorly reproduced 3" x 5" photograph on Figure 3.3.2-2B of the EIR. This photograph is very grainy and hazy, and is not suitable for the reader to make any kind assessment of the visual impacts. This District granted permission to Zone 7 so that such an analysis could be adequately performed. Unfortunately, this photograph is useless in

5.7

documenting either the existing conditions or the with-project conditions. We request additional information at a suitable scale and clarity before we can make any determination about visual impacts to Brushy Peak Regional Preserve.

The visual analysis also fails to address other key vantage points where this alternative site may be highly visible to park users. In particular, park users (i.e. pedestrians, equestrians, bicyclists and motorists) would be exposed to visually disrupted views from Laughlin Road at the proposed water treatment plant and road cut on the ridgeline. These impacts should also be evaluated in this EIR. We anticipate that such an analysis would show that the water treatment plant on the ridgeline would significantly disrupt the rural character of the area and would be inconsistent with the scattered barns and homes in this area. Furthermore, planting clusters of non-native trees into an annual grassland to screen views creates an unnatural feature on the landscape. Historically, this has been an open grassland, devoid of trees (native or non-native). What trees were in the area were native oaks on Brushy Peak, riparian trees in the drainages and small clusters of non-native trees at the homestead sites; all some distance from the Laughlin Road Site #3.

5.8

5.9

Traffic and Circulation

Page 3.1.5-3 mentions that one lane of Laughlin Road would remain open during construction of a trench in the road. The upper portions of Laughlin Road near Laughlin Road Site #3 are on average 15 feet wide; in other words, slightly more than one lane width. How then could this road remain open during construction? The EIR needs to address potential closure of this road for portions or all of the anticipated two year construction and the resultant impacts to Brushy Peak. In particular, how will emergency vehicles safely negotiate past such a closure? How will park users access Brushy Peak if the entrance road is closed for up to two years? These are potentially significant impacts not addressed in the EIR.

5.10

It is also likely that if this location were selected, Laughlin Road would need to be widened and a new road cut up a steep slope to provide sufficient access to this site for large vehicles and equipment to construct and operate the water treatment plant. There does not appear to be any discussion of potential impacts to Brushy Creek and associated special-status species (namely red-legged frog) and riparian wetlands.

5.11

Biological Resources

California tiger salamanders and California red-legged frog are currently known from Brushy Peak and at several locations in the project area. Virtually all grassland areas within a one mile vicinity of known breeding populations of tiger salamander may provide aestivation habitat. This would appear to include the three alternative project sites described in the EIR. In addition, Brushy Creek, adjacent to Laughlin Road Site #3, is known to contain a large breeding population of red-legged frog. Frogs are known to disperse along this corridor. Construction at the Laughlin Road site may adversely affect red-legged frog, including potential widening of Laughlin Road, construction of a new

5.12

access road, and grading for construction of the treatment plant may all contribute significant amounts of sediment, oil, grease, and other pollutants into Brushy Creek. Operation of this plant also has the potential for release of water purification chemicals into Brushy Creek. These potential impacts should also be evaluated in the water quality section of this EIR.

San Joaquin kit fox have been documented on the Dyer property in 1988, along the east side of Dyer Road in the early 1990's and near Morgan Territory in the late 1990's. The Dyer and Bosley/Weaver properties were acquired by the District in 2000 specifically to protect these important biological resources. Project impacts to these biological resources not only degrade these resources in the impacted area, they also degrade the habitat values for these species on the adjacent District-owned parklands.

5.13

The District has recently documented populations of Valley spearscale both on the Bosley/Weaver and Dyer properties. We have also documented a population of stink bells (*Fritillaria agrestis*) on the Bosley/Weaver property. Both of these plants inhabit annual grasslands which are abundant on the Laughlin Road and Dyer Road locations.

5.14

Cultural Resources

There is a considerable body of new and existing information about cultural resources in the project area that does not appear to have been included in the draft EIR. This includes investigations conducted for the Republic Services Landfill, Brushy Peak Regional Preserve (both by the District and the Livermore Area Recreation and Park District), and by Pacific Gas and Electric Company (for the Tri-Valley Project). This new information should be evaluated and potential project impacts to these resources addressed in this EIR.

5.15

Please contact me should you have any questions regarding this letter or if you would like to arrange a meeting to discuss our comments in more detail. I can be reached at (510) 544-2622.

Sincerely,



Brad Olson
Environmental Specialist

Enclosures (1)

cc. Board of Directors
Pat O'Brien, General Manager
Robert E. Doyle, Assistant General Manager

Ken Craig, LARPD
Marc Roberts, City of Livermore
Bruce Jensen, Alameda County Planning

EAST BAY REGIONAL



PARK DISTRICT

March 16, 2000

Mr. Jack Fong
 Zone 7 Water Agency
 5997 Parkside Drive
 Pleasanton, CA 94588-5127

Subject: Scoping Comments for Altamont Water Treatment Plant Site acquisition Project
 Brushy Peak Regional Preserve

Dear Mr. Fong:

The East Bay Regional Park District ("District") received the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the Altamont Water Treatment Plant Site Acquisition Project via FAX from your consultants (EIP Associates) on March 2, 2000. The notice was originally mailed to Jocelyn Combs, a former District Director, who forwarded the notice to my attention. Please send all such future notices and environmental documents to my attention.

It appears that Zone 7 has already conducted alternative site investigations, however only three of these sites are proposed for evaluation in the subject EIR. We were disappointed to learn that Zone 7's proposed Laughlin Road Site 3 is partially contained within Brushy Peak Regional Preserve (owned by the District) and would be significantly impacted by such a proposed use. It appears that Zone 7 may have been unaware of the current property ownership in this area. Such ownership information should have been obtained prior to the release of the NOP to confirm that the sites in question are available for the proposed use. Furthermore, the two other alternative sites are also of concern because their development could result in significant adverse effects to Brushy Peak (Altamont Pass Road Site 1), including visual and trail impacts, or have the potential to significantly disrupt the completion of a key regional trail, the Brushy Peak to Del Valle Trail, which is depicted in our 1997 Master Plan (Dyer Road Site 1). Enclosed are our specific comments on these alternatives sites and a map of our holdings.

CEQA Statute and Guidelines provide the procedural requirements for disclosure of environmental impacts, formulation of feasible alternatives and mitigation measures, and the need for early intergovernmental coordination. The subject NOP fails to meet these basic objectives because it 1.) contains at least one project alternatives site which will not be available for use by Zone 7, 2.) it fails to identify an acceptable range of alternatives that can avoid other potentially significant effects to special-status species, public open space and regional trails, and 3.) It appears that early coordination with the District and other potentially affected agencies did not take place. Therefore, we request that Zone 7 recirculate a revised Notice of Preparation that identifies a range of suitable alternatives that can accomplish the project objectives and avoid significant effects to District interests. We would be happy to discuss other alternatives with you and answer any questions you might have about our concerns. Please call me at (510) 544-2622.

Sincerely,

Brad Olson
 Environmental Specialist

cc. ✓ Jerry Ingledue, LARPD
 ✓ Ed Cummings, Zone 7 Water Agency

✓ Marc Roberts, City of Livermore
 ✓ Steven Buckley, County of Alameda

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5.16

5.17



Alameda County Zone 7
Altamont Water Treatment Plant
Alternatives

Laughlin Road Site 3:

It appears that this alternative site would be located on a ridge top partially on and adjacent to Brushy Peak Regional Preserve. This site appears to include properties owned by the District, Rasmussen, Frick and Ralph. The NOP does not identify the specific parcels where this alternative site is located. District property would not be available for use by Zone 7 for development of a water treatment plant. Furthermore, development of a water treatment plant at this location would result in several significant impacts to Brushy Peak Preserve. Therefore, we request that Zone 7 abandon any further consideration of this site and identify other locations that would not result in significant impacts to Brushy Peak.

5.18

Our specific concerns about this alternative site are outlined below:

Visual Quality: This site is visually prominent from Brushy Peak, from the surrounding foothills and from Laughlin and Vasco Roads. Grading for development of a water treatment plant, storage reservoir and access roads would require extensive cuts and fills, substantially altering the natural topography of this area. Such disturbance would significantly affect park users who will be coming to Brushy Peak Preserve to find a natural, visually intact setting. This grading and the structures installed would be visible for long stretches along Laughlin Road, our park entrance, and they would be visible from our primary staging area, from trails running to and from the park, and from Brushy Peak itself. These are significant impacts that can only be mitigated by selecting another alternative site.

5.19

The District has worked to maintain the visual integrity of Brushy Peak Preserve by working with the Vasco Road Landfill to forgo its expansion plants towards the preserve, by preventing the installation of electrical transmission towers across the property, and by working with Alameda County to remove or relocate existing wind turbines from the ridge. Alameda County recently provided \$1,150,000 to the District to purchase a portion of Brushy Peak Preserve and to protect its important resources, including visual amenities. We have also been working with the City of Livermore to protect Brushy Peak and the Altamont Creek Watershed. The District and the City consider Brushy Peak to be a significant visual landmark in the north Livermore area.

5.20

Natural Resources: The District and Livermore Area Park and Recreation District (LARPD) have conducted numerous environmental studies on Brushy Peak Preserve to identify and map the important natural resources. We have identified a variety of significant natural resources and special-status species that are abundant at Brushy Peak and adjacent properties.

This Preserve contains a portion of the Altamont Creek Watershed which drains into the fragile and unique Springtown Alkali Sink and Frick Lake in Livermore. It also protects a migratory and dispersal corridor connecting with Brushy Peak Preserve and the Los Vaqueros watershed for special-status species, including the California red legged, California tiger salamander and San Joaquin kit fox.

The most abundant community on the Preserve is *Mediterranean grassland*. Approximately 80 percent of the Preserve, mostly on lower ridge tops and flatter slopes is dominated by this community. Interspersed within this community are several *hillsides seeps* which provide important cover and breeding habitat for amphibians.

5.21

The Federally-endangered and State-threatened San Joaquin kit fox is known to use grassland habitats at Los Vaqueros Watershed to the north, Altamont Landfill and Bethany Reservoir to the east, Cayetano Creek to the west and the western Altamont Hills to the south. Western burrowing owls, a California species of special concern has also been found at scattered locations in the Altamont Hills. California ground squirrels, the primary food source of the kit fox (in its northern range) and the primary

burrow-donor for burrowing owls are abundant on the Preserve. Preliminary field surveys indicate it is highly likely that both kit fox and burrowing owls make use grassland habitats within the Preserve.

One of the four major tributaries of Altamont Creek starts within the boundaries of this Preserve, draining towards Livermore. The grasslands and seeps on the Preserve drain into these tributaries, forming a series of *alkali wetlands* and *mixed riparian* areas. These two communities blend together forming a mosaic of diverse micro-habitats along the drainages. The Department of Fish and Game considers all alkali wetland and riparian communities to be significant natural communities.

Several stock ponds were identified along the drainages described above. Some of these ponds provide habitat for the federally-threatened California red-legged frog and California tiger salamander, a California species of special concern. Red-legged frogs were observed on site during previous visits in 1998 and 1999 at three separate locations. Red-legged frog tadpoles were abundant at two locations in 1999 surveys. They have also been documented at Road Landfill to the west. It is likely that red-legged frogs also make use of natural pools, seasonal wetlands, hillside seeps and Mediterranean grasslands that are abundant and widespread throughout the Preserve.

Tiger salamanders are known to occur in the Altamont Creek drainage (downstream) at Frick Lake and at Springtown alkali sink to the south and west. Adult tiger salamanders were observed on site at upland locations during field surveys in February of 2000. They have also been documented at Brushy Peak to the north and the Vasco Road Landfill to the west. Salamanders have also been documented along Dyer Road and Altamont Pass Road to the east. Breeding populations of tiger salamanders were not documented during 1999 or 2000, but will likely be encountered on this Preserve during years with normal precipitation and temperature conditions.

The federally-threatened longhorn fairy shrimp is also be present in seasonally ponded sandstone basins that are present on the Preserve. Similar rock outcrops at Vasco Caves Preserve to the north contain fairy shrimp, and they are also likely present on rock outcroppings along Dyer Road to the east.

5.21

The grassland and/or wetland areas may also provide potential habitat for several special-status plant species, including alkali milk vetch (*Astragalus tener* var. *tener*), heartscale (*Atriplex cordulata*), San Joaquin saltbush (*Atriplex joaquiniana*), big tarweed (*Blepharizonia plumosa* ssp. *plumosa*), hispid bird's-beak (*Cordylanthus mollis* ssp. *hispidus*), palmate-bracted bird's-beak (*Cordylanthus palmatus*), diamond petaled poppy (*Eschscholzia rhombipetala*), stinkbells (*Fritillaria agrestis*), little mousetail (*Myosurus minimus* ssp. *apus*), hairless popcorn flower (*Plagiobothrys glaber*) and caper-fruited tropidocarpum (*Tropidocarpum capparideum*). San Joaquin saltbush was recently identified at several locations on the Preserve and other special-status plant species are likely present.

The second most abundant plant community, measuring approximately 10 percent of the Preserve, is *coast live oak/buckeye savanna*, which occurs on the steeper slopes of Brushy Peak at the northern end of the Preserve. It is dominated by an open canopy of coast live oak, with scattered clusters of buckeye. Understory vegetation is usually sparse and consists of annual grasses and herbs. These savanna areas contain suitable nesting habitat for many raptors, including red-tailed hawk, kestrels, western screech owl, common barn owl, great horned owl and white tailed kite. Golden eagles and prairie falcons are known to nest at Brushy Peak Preserve and Vasco Caves Regional Preserve.

Small patches of *California sage scrub* occur on southfacing slopes on the flanks of Brushy Peak. This community type is dominated by California sage, but also includes coyote brush and other native shrubs and trees. This community occurs adjacent to coast live oak/buckeye savannah and riparian areas, making it suitable habitat for the federally- and State-threatened Alameda whipsnake, and for whiptail lizards and other unusual reptiles.

We have not had access to the other properties that would be affected by this alternative, however it is highly likely that these other properties provide habitat for many of the significant natural resources and special-status species that are present at Brushy Peak Preserve. Potential impacts, both direct and

5.22

indirect, should be addressed in the subject EIR.

Erosion and Water Quality: Due to the steepness of the alternative site and the significant amount of grading that would take place to construct this project, it is highly likely that increased soil erosion and slope failures would greatly contribute to increased sedimentation rates in Altamont Creek. Some of this runoff could drain through Brushy Peak Preserve, adversely affecting sensitive resources present, however the bulk of this runoff would eventually drain into Frick Lake or Springtown alkali sink. As previously noted, Frick Lake contains tiger salamander, fairy shrimp and other special-status species. Springtown also contains numerous special-status species that are sensitive to increased sedimentation. The EIR should address both the individual and cumulative effects of increase runoff and sedimentation on these sensitive resources.

5.23

The Altamont Landfill is adjacent to the proposed alternative site. What is the potential for air, water or soil-borne pathogens from the landfill to contaminate treated drinking water at this location? Gulls and other birds frequent the landfill during its operation and then often loaf at Frick Lake and other standing water bodies. Would these birds and other pathogen sources have access to exposed drinking water at this location? How would such access affect public drinking water safety?

5.24

Road and Trail Access: The northern end of Laughlin Road is currently a narrow County road with an average width of about 15 feet. The anticipated increased usage of this road to accommodate such a large facility would likely result in decreased levels of service and increased safety risks on Laughlin Road. The District currently uses this road for its primary access to Brushy Peak Preserve. It is also used by the Frick and Rasmussen families for access to their properties. In general, the road cannot accommodate regular two way traffic, especially for trucks and other large vehicles accessing the water treatment plant. If Laughlin Road were widened to accommodate such usage, it would require significant cut slopes and/or fill into Altamont Creek. Such actions could result in significant impacts to water quality, visual quality, wetlands and special-status species that should be evaluated in the EIR. The EIR should also evaluate other access routes, including Vasco Road.

5.25

The District and LARPD have identified a proposed route for the Altamont Creek to Brushy Peak Trail along Laughlin Road. The EIR should evaluate how road access to this alternative site might impact this trail. Is their sufficient room to accommodate the trail and road access to the alternative site? How would trail user safety be affected by increase vehicle traffic, especially large trucks on a narrow road?

5.26

Altamont Pass Road Site 1:

It is unclear if this alternative site is located on the ridge top, entirely on the Dyer Property or in the adjacent depression on the Dyer and Khoury properties. The description in the text is not consistent with the mapping of this site. If located in a depression, this site might not be visually prominent from other open space areas. If located on the ridge top, it would disturb a visually prominent ridge which is highly visible from Brushy Peak Regional Preserve to the north. The northern end of this alternative site would be approximately ½ mile from the southern edge of Brushy Peak. This ridge line is at approximately 940 feet elevation at this location, whereas Brushy Peak's summit is at 1702 feet, at least 762 higher than the alternative site. Construction of this alternative site would likely require extensive grading, disturbing 20 to 25 acres of grasslands that would be visually prominent from Brushy Peak. It would be difficult if not impossible to mitigate for this impact when viewed from the high vantage point of Brushy Peak. This is potentially a significant, unmitigatable impact.

The NOP does not provide a discussion of how this property would be accessed. There presently in no good road connection from Altamont Pass Road which would not involve poor sight distances, excessive slopes or an at-grade railroad crossing. Goecken Road to the east terminates considerably north of this project site and would require about a ½ mile extension to reach this site and at-grade railroad crossing. Access from the west from Laughlin Road would require about 1 mile of new roadway, with extensive grading resulting in visual impacts to Brushy Peak. Increased soil erosion and water quality degradation would also appear to be potentially significant impacts.

5.27

The District, in cooperation with the LARPD and the City of Livermore have identified a series of proposed alignments for trails which would connect LARPD's Altamont Creek Trail with Brushy Peak. One of these alignments would run through the alternative site area along the ridge line and could be directly affected by this alternative. The EIR should address potential impacts to this trail.

As with the previous site, this property could contain habitat for several special-status species, including red-legged frog, tiger salamander, kit fox, burrowing owls and fairy shrimp. This ridgeline area provides significant habitat for foraging golden eagles and other protected raptor species which frequent this area. There also appear to be a seasonal streambed and ponds on the lower slopes of this property that could be affected if the project is constructed in the drainage.

Dyer Road Site 1:

This site is bounded by Dyer Road on the west and the South Bay Aqueduct (SBA) on the east. The site consists primarily of annual grasslands with scattered seasonal wetlands. There is also a perennial stock pond just to the south. The Altamont Landfill properties are due east of this alternative site. During the studies for the landfill expansion, this area was identified as having important habitat and known occurrences for red-legged frog, tiger salamander, kit fox, burrowing owls and one or more types of fairy shrimp. All of these species may be present on the subject alternative site.

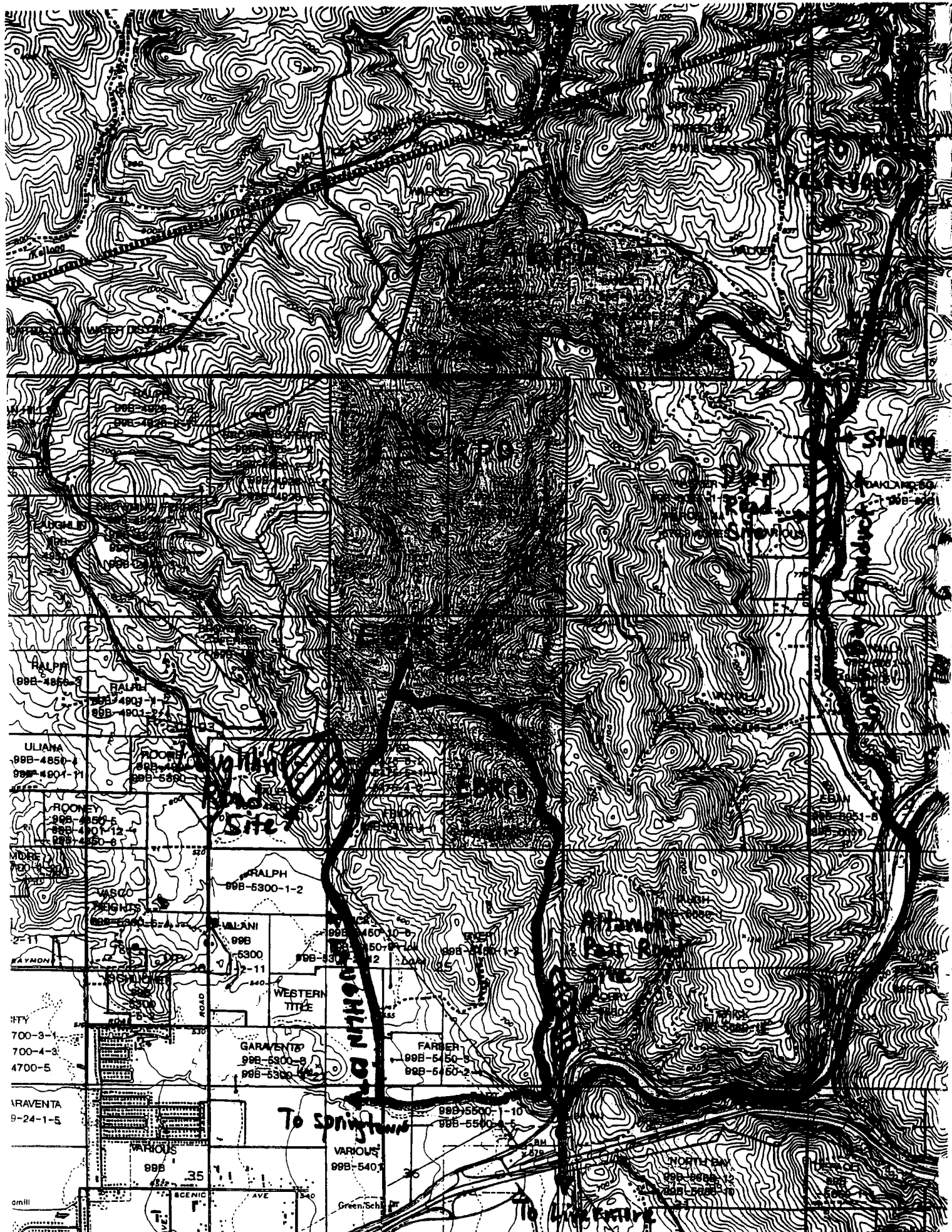
5.28

Th segment of the SBA abutting the alternative site was identified in the District's 1997 Master Plan as the proposed route of the Brushy Peak to Del Valle Reservoir Regional Trail. It is unclear if Zone 7's proposal contemplates use of the existing gravel service road which parallels the SBA on its' west side. This road is also proposed for use as the trail alignment. The EIR should address any potential conflicts between these different types of uses, including the potential for closure, detours, realignment and issues relating to public safety and ease of access. The EIR should also consider construction of a trail staging area on part of this property as a mitigation measure for impacts to trail access along the aqueduct roadway.

5.29

At the northern end of the alternative site, on the west side of Dyer Road is the entrance to Brushy Peak Preserve. Currently the preserve holds an easement over this access road and the property is closed to public access. The District has initiated a Land Use Plan (LUP) process for development of the necessary park infrastructure, including public access, emergency vehicle access for fire fighting and public safety, and park management access. The EIR should address any potential impacts to this existing park access.

5.30



5. Brad Olson, Environmental Specialist, East Bay Regional Park District

- 5.1 The comment states a concern that written comments contained in the East Bay Regional Park District (EBRPD) response to Zone 7's Notice of Preparation, regarding the proposed Altamont WTP, were not adequately addressed in the Draft EIR. An additional copy of this March 16, 2000 letter is enclosed as part of EBRPD's March 5, 2001 comments on the Draft EIR. Responses to all comments contained in both letters appear below.
- 5.2 The comment asserts that potentially significant impacts to Brushy Peak Regional Preserve, identified in the Draft EIR in Section 3.1.2, Visual Quality, cannot be mitigated to less than significant levels, and states a particular concern regarding the potential for visual impacts to Brushy Peak Regional Preserve if construction of the Altamont WTP were to take place on Laughlin Road Site #3. Responses 5.7 through 5.9 of this document address concerns regarding visual impacts to Brushy Peak Regional Preserve. Based on those responses, text has been added to pages 4-4 through 4-8, Section 4 of this Response to Comments document. This supplementary information does not represent new analysis, but offers further explanation of the approach to the analysis. This documentation does not alter the conclusion that visual impacts can be mitigated to a less-than-significant level.
- 5.3 The comment expresses concern over a portion of EBRPD-owned land that is within the Laughlin Road Site #3 boundary. The EBRPD-owned land comprises one-half acre in the northeastern-most portion of Laughlin Road Site #3. Laughlin Road Site #3, as shown in Figure 2-3, on page 2-11 of the Draft EIR, covers approximately 50 acres. The site plan shown in Figure 2-6 on page 2-25 of the Draft EIR depicts a conceptual site layout of the minimum of 20 acres necessary for construction of the Altamont WTP, but does not impinge on EBRPD-owned land. The EBRPD portion of this project site alternative is not essential for the proposed facility. If Laughlin Road Site #3 is chosen as the preferred site for the Altamont WTP, the EBRPD land would be excluded from the proposed boundary of the project site.
- 5.4 The comment states a concern that an insufficient number of alternatives were examined in the Draft EIR. As required by CEQA, Section 6 of the Draft EIR describes the rationale used for selecting the alternatives to be discussed and identifies alternatives that were considered, but rejected or withdrawn as infeasible during the scoping process or the environmental analysis. Section 6 of the Draft EIR outlines the selection

criteria (geographic area, available site area, and site topography) that initially were used to select ten sites for further consideration. These ten sites, plus another alternative added during the environmental investigation, were then screened further according to engineering and operations concerns, geotechnical concerns, and environmental concerns. Table 6-2 on page 6-6 of the Draft EIR summarizes various site characteristics for each of the eleven sites, and notes whether the site was eliminated from further consideration during the second screening process mentioned above. Please refer in particular to Section 6.1, beginning on page 6-2 of the Draft EIR, for detailed text and tables explaining the initial selection process, the secondary screening process, and ultimate selection of the three sites chosen for environmental analysis in the Draft EIR.

- 5.5 This comment reiterates a concern that an insufficient number of alternatives were considered in the EIR. Please refer to Response 5.4 for a discussion of alternatives to the proposed project.

The comment notes that one of the three alternative sites for the proposed project was eliminated from consideration, after EBRPD purchased the Marion Dyer property, which encompasses the site, and that another alternative site, located near the South Bay Aqueduct (SBA), should have been considered in the EIR. The project site removed from consideration was Altamont Pass Road Site #1 (not Dyer Road Site #1, which is at the north end of Dyer Road), which is about four tenths of a mile from the SBA. Along with Dyer Road Site #1, which is adjacent to Department of Water Resources property and less than 100 feet from the SBA, the addition of Dyer Road Site #5, about 500 feet from the SBA, prior to the elimination of Altamont Pass Road Site #1 did, in fact, add a second site near the SBA for consideration in the Draft EIR. The EIR as envisioned in the Notice of Preparation (NOP) would have addressed only one site (Dyer Road Site #1) near the SBA. Please refer to Figure 2-2 on page 2-5 of the Draft EIR for the locations of the three sites that were analyzed and their relative proximity to the SBA.

As discussed in the Introduction of the EIR on page 1-8, the added site near the SBA (Dyer Road Site #5) had been part of a larger property eliminated from consideration earlier because it contained a residence. There is no CEQA requirement to re-circulate the NOP when additional alternatives become available for consideration prior to public circulation of the Draft EIR (see Response 5.6, below).

- 5.6 This comment expresses concern that the Altamont Pass Road Two (APR-2) alignment did not appear in the NOP, that it may affect the hydrology of Frick Lake and the estivation habitat of the tiger salamander, and that the construction of the APR alignment along Laughlin Road or the APR-2 overland alignment may require encroachment permits from EBRPD.

There is no CEQA requirement to issue a revised NOP when additional alternatives become available for consideration.¹ Recirculation of an environmental review document would be required if new information, such as new alternatives when compared to existing alternatives, (1) would have substantially different significant adverse impacts, (2) would have substantially more severe significant adverse impacts, or (3) clearly would reduce significant adverse impacts of the project and had been rejected previously by the project sponsor.² This is not the case because the APR-2 alignment would have the same potential impacts as other off-road portions of the project, as described throughout the Draft EIR, and would be subject to the same mitigation measures.

The APR-2 alignment would be in a relatively flat-lying area, would involve one crossing of Altamont Creek on the BART parcel north of Altamont Pass Road, and would enter Laughlin Road about 300 feet south of Frick Lake. The potential impacts of this alignment are the same in type and severity as other off-road portions of the project, as described throughout the Draft EIR, and would be subject to the same mitigation measures. Zone 7 was alerted to this alternative alignment by Montgomery Watson, the engineering consultant for this EIR, as a possible way to reduce the length of the APR alignment and eliminate some of the construction in Altamont Pass and Laughlin Roads. The alignment remains under consideration by Zone 7, and text has been added to the EIR (see pages 4- 1, -2 and -3, Section 4, Text Changes to the Draft EIR, of this Response to Comments document) describing this alternative alignment.

Two other alternative segments to the Altamont Pass Road alignment are being considered in response to comments received from Joan Duffield of BART (see Comment 4.2) and Virginia Miner, a resident of Dyer Road (see Comment 16.4).

-
1. *2001 California Environmental Quality Act, CEQA Guidelines, CCR Title 14 Section 15082, Consulting Engineers and Land Surveyors of California, revised January 2001.*
 2. *2001 California Environmental Quality Act, CEQA Guidelines, CCR Title 14 Section 15088.5, Consulting Engineers and Land Surveyors of California, revised January 2001.*

These alternative alignments are identified in revised Figures 1-1 and 2-2 as Altamont Pass Road Three (APR-3) and Altamont Pass Road Four (APR-4) and are described on page 4-2, Text Changes to the Draft EIR, of this Response to Comments document. Additional information appears in Responses 4.2 and 16.4. The potential impacts of these alignments are the same in type and severity as other off-road portions of the project, as described throughout the Draft EIR, and would be subject to the same mitigation measures.

As discussed on pages 3.2.3-8 and -9 (Hydrology) of the Draft EIR, the three alternative sites (including the appropriate pipeline corridors) are mainly in the Altamont Sub-Basin, which drains to the Springtown Alkali Sink. The soils contain substantial amounts of clay with medium to low infiltration rates (0.05-0.2 inches per hour) and high shrink-swell potential. The groundwater is of poor quality (for domestic supply) because of high sodium chloride, nitrate, boron and other salts content. However, it is these qualities that make ephemeral water bodies like Frick Lake acceptable habitat for the various sensitive species occurring in the vicinity of the proposed project and throughout the Altamont Sub-Basin. Consequently, the following mitigation measures appear in the Draft EIR to protect that habitat, whether it is in Frick Lake, in vernal ponds or small drainages on the proposed sites, in wetlands along the roads and rights-of-way that would accommodate proposed pipelines, or in creeks and small drainages that the pipelines would cross. Additionally, these mitigation measures would apply programmatically to future pipeline corridors as a basis to reduce, eliminate or avoid similar types of effects (see Response 7.1 regarding programmatic treatment of future pipelines). Through the implementation of these mitigation measures, any potential threat to the water quality of Frick Lake, and the biological communities that depend upon it, would be reduced to a less-than-significant level.

- Biological Resources, page 3.2.1-18 of the Draft EIR

Mitigation Measure 3.2.3-3

Project design should avoid direct impacts to the vernal ponds on Dyer Road Site #1, should not site any portion of the facility or associated infrastructure within 300 feet of a pond without consultation with the USFWS and the CDFG, should avoid changes in the hydrologic regime, and should avoid siltation or pollution of the ponds during construction or operation of the facility.

One year of surveys for adult California tiger salamander (nocturnal surveys) and a second year of larval surveys must be completed

according to CDFG protocol before it can be concluded that the California tiger salamander is not present on the selected site. If an absence finding is determined and accepted by the USFWS, no further mitigation for California tiger salamander would be required. If the species is found on the selected site during the surveys, the mitigation outlined below should be implemented to offset impacts to a level that would be considered insignificant pursuant to the California Environmental Quality Act.

Following CDFG's requirements, all impacts to California tiger salamander estivation and breeding habitat on the selected site should be replaced or preserved at a 1:1 ratio. Specifically, for each acre of estivation habitat impacted, 1 acre of existing estivation habitat would be preserved. For each acre of breeding habitat impacted, 1 acre of extant breeding habitat would be preserved and/or created in extant California tiger salamander estivation habitat. All preservation would be in perpetuity via a conservation easement. Barriers to guide salamanders searching for estivation habitat away from development should be constructed under direction of a qualified biologist in accordance with the *North Livermore Specific Plan Resource Conservation Program - Management Practices Handbook*.

- Biological Resources, page 3.2.1-22 of the Draft EIR

Mitigation Measure 3.2.1-6

Project design should avoid filling of vernal ponds or ditches. A 300-foot buffer from the ordinary high water marks of the ponds should be observed. Grading for buildings and roads should avoid alteration to the hydrologic regime. Best Management Practices during construction would avoid contamination of the ponds with silt or toxins. Preventive measures should be practiced during operation of the water treatment plant to avoid potential discharge of contaminants into the ponds. Monitoring of the ponds should be conducted during construction and for the first 5 years of operation to ensure that no silt or toxins are present.

- Biological Resources, page 3.2.1-23 and -24 of the Draft EIR

Mitigation Measure 3.2.1-7

- Siting of the proposed facility should avoid fill of wetlands on Dyer Road Sites #1 and the seasonal drainage on Dyer Road Site #5, and the potential fill of wetlands within the transmission

pipelines corridors.

- ▶ Implement Mitigation Measures 3.2.3-1 (Hydrology) and 3.2.4-1 (Water Quality) together with the development of a monitoring program (Mitigation Measure 3.2.1-6).
- Hydrology, page 3.2.3-18 through -20 of the Draft EIR

Mitigation Measure 3.2.3-1

- ▶ Because it is not feasible to limit the project construction schedule to the dry season (April through September), Zone 7 will prepare a Storm Water Pollution Prevention Plan (SWPPP) that utilizes on-site measures to reduce erosion during the construction period. The SWPPP is a document consisting of a narrative and a separate sheet within the construction document set, usually in the Civil Engineering or Landscape series, that outlines both a plan to control stormwater pollution during construction (temporary controls) and after construction is completed (permanent elements). For example, detention or retention basins can be designed to function as sediment traps/basins during the construction phase. Following completion, sediment is removed and the outlet structures are modified to function as stormwater detention/retention basins.
- ▶ Submit the SWPPP's soil erosion and sedimentation control plan to the County prior to grading. The erosion and sedimentation control plan should be designed by an erosion control professional, or landscape architect or civil engineer specializing in erosion control.

This plan would include, but is not limited to, the following erosion control methods:

- ▶ The erosion and sedimentation control plan would be reviewed, implemented and inspected as part of the approval process for the final grading plans for the project.
- ▶ Concepts similar to those formulated by the Alameda Countywide Clean Water Program and the Association of Bay Area Governments would be used, based on the specific erosion and sediment transport control needs of each area in which grading, excavation, and construction is to occur. These concepts include applications that could be implemented on all sites, and some that would be appropriate only for specific sites. The possible methods are not necessarily limited to the following items:

- Confine grading and activities related to grading (demolition, excavation, construction, preparation and use of equipment and material storage areas [staging areas], preparation of access roads) to the dry season, whenever possible.
- Locate staging areas outside major streams and drainage ways.
- Keep the lengths and gradients of constructed slopes (cut or fill) as low as possible.
- Discharge grading and construction runoff into small drainages at frequent intervals to avoid build-up of large, potentially erosive flows.
- Prevent runoff from flowing over unprotected slopes.
- Keep disturbed areas (areas of grading and related activities) to the minimum necessary for demolition or construction of the project.
- Keep runoff away from disturbed areas during grading and related activities.
- Stabilize disturbed areas as quickly as possible, either by vegetative or mechanical methods.
- Direct runoff over vegetated areas before discharge into public storm drainage systems, whenever possible.
- Trap sediment before it leaves the site with such techniques as check dams, sediment ponds, or siltation fences.
- Use interceptor ditches, drainage swales, or temporary detention basins to prevent storm runoff from transporting sediment into drainage ways and to prevent sediment-laden runoff from leaving the disturbed area.
- Install silt fences to prevent sedimentation in adjacent areas and down gradients into drainages.
- Require the contractor to remove and dispose of all project-related sedimentation in off-site retention ponds.
- Use landscaping and grading methods that lower the potential for down-stream sedimentation. Modified drainage patterns, longer flow paths,

encouraging infiltration into the ground, and slower storm-water conveyance velocities are examples of effective methods.

- Control landscaping activities carefully with regard to the application of fertilizers, herbicides, pesticides or other hazardous substances. Provide proper instruction to all landscaping personnel on the construction team.
 - The erosion control professional would be on the site during the installation of the erosion and sediment transport control facilities, to supervise the implementation of the designs. The maintenance of the facilities during the grading and construction period also would be monitored by the erosion control professional. The erosion control professional should prepare an "as-built" erosion and sediment control facility map, to be filed with Zone 7, showing details of the permanent elements of the plan and providing an operating and maintenance schedule throughout the operational period of the project.
 - The proposed water supply and transmission pipeline corridor to be constructed in conjunction with the plant facilities would be placed under existing roadways wherever possible. During construction of the pipeline, temporary erosion control measures would be installed to alleviate potential construction-related impacts. During construction, all major wetland and riparian habitats adjacent to the pipeline alignment should be protected and avoided.
 - Water Quality, please refer to page 3.2.4-12 of the Draft EIR
- Mitigation Measure 3.2.4-1(a)
- Zone 7 would prepare a SWPPP covering all operational activities at the proposed water treatment plant in accordance with the industrial discharger guidelines of the Alameda Countywide Clean Water Program and the *California Storm Water Best Management Practice Handbook—Industrial/Commercial* (including the Bay Area preamble).³ Prior to initiating water

3. The most up-to-date version of the Manual should be used (Camp, Dresser and McKee, Inc., Larry Walker Associates, Uribe and Associates, and Resource Planning Associates, California Storm Water Best Management Practice Handbook -- Industrial/Commercial, California State Water Resources Control Board, Sacramento, CA, March 1993). The California Storm Water Quality Task Force is preparing corrections for this manual and anticipates revising the manual.

treatment activities at the Altamont WTP, Zone 7 would submit the SWPPP to the San Francisco Bay RWQCB for review and approval. If written approval were not received within 90 days of the initiation of operations at the treatment plant, Zone 7 would contract with a Registered Environmental Assessor or a Professional Engineer with expertise in stormwater pollution prevention planning to conduct a peer review of the plan and ensure that the plan would reduce pollutant discharges to the maximum extent practicable.

Aside from the mitigation measures that would be established for any off-road construction associated with the project, APR-2 is not considered a significant threat to the hydrology of Frick Lake for two other reasons. The pipeline would be at least 300 feet from the lake and constructed in soils with very slow percolation rates, affording substantial natural protection for the lake, as well as ample time for remediation in the event any potentially harmful constituents were released to the groundwater during construction or operation of the pipeline. If a pipeline route through these soils were selected, it would be necessary for the trench design to address issues of percolation rate and direction, and ensure that pre-project rates and directions were maintained by components of the project. Surface water protection would be provided by the legally required SWPPP, designed in accordance with the above-listed mitigation measure.

No encroachment permits from EBRPD would be needed for the construction of the APR alignment along Laughlin Road or the APR-2, -3, or -4 overland alignments. The on-road portion of the APR alignment in this vicinity would be in the Laughlin Road right-of-way, which is under the jurisdiction of Alameda County. According to Assessor's Map 99B, the off-road portion would be on private land held by Ralph Properties, Inc., and/or members of the Frick and Rasmussen families. According to Assessor's Map 99B, the APR-2, -3, or -4 overland alignments would be west of the Lewis Survey line through Section 25, Township 2 South, Range 2 East, and therefore not on EBRPD land. Consequently, no encroachment permits would be needed from EBRPD for any of the four alignments being considered.

- 5.7 The comment notes the poor reproduction quality of Figure 3.3.2-2B in the Draft EIR. A better reproduction of the mitigated constructed view of Laughlin Road Site #3 from Brushy Peak is presented in Section 4, Text Changes to the Draft EIR, of this Response to Comments document. Additionally, photographs of the existing condition and constructed view of Laughlin Road Site #3 from Brushy Peak that were not presented in the Draft EIR, appear in Section 4 of this document for further explanation and

clarification of the proposed mitigation measures. A similar set of views for Dyer Road Sites #5 and #1 also are presented. Text has been added to pages 4-4 through 4-8, Section 4 of this Response to Comments document, describing the existing, constructed, and mitigated constructed views of each site. This supplementary information does not represent new analysis of the views, but offers further explanation of the approach to the analysis. This documentation does not alter the conclusion that visual impacts can be mitigated to a less-than-significant level.

- 5.8 The comment states concern than other key vantage points of Laughlin Road Site #3 were not presented in the EIR, and that the facilities would disrupt the rural character of the scattered barns and homes in the area.

The views of Laughlin Road Site #3 presented in Figures 3.1.2-2A and -2B of the Visual Quality section of the Draft EIR, and in Figures 3.1.2-2C and -2D of Section 4, Text Changes to the Draft EIR, of this Response to Comments document, are the most prominent, or "worst case," views of the conceptual facilities layout for the area. As stated on page 3.1.2-7 of the Draft EIR, the view of the conceptual facilities layout from Vasco Road is the closest that may be obtained from a public road. No closer view can be obtained from the lower portion of Laughlin Road because the ridge on which the site is located rises sharply to 160 feet above the road, completely blocking closer views of the facilities.

As can be seen from a US Geological Survey topographic map of the area, view blockage also is the case along the upper portion of Laughlin Road all the way to the EBRPD barricade about 0.6 mile north of Laughlin Road Site #3. If the future EBRPD trail to Brushy Peak extends along the tributary to Altamont Creek in this area, or along the face of the west side of the valley, the view of the water treatment facilities would remain blocked by intervening topography for about another 0.8 mile. If the future trail extends up the end of one of the ridges that form either side of the valley, the view of the facilities would be blocked by intervening topography for about 0.1 mile beyond the barricade. Thus, water treatment facilities at Laughlin Road Site #3 would not be visible to trail users for at least 0.7 mile north of the Site because ridges between the facilities and the trail users would screen the Site from view.

The viewing distance to Laughlin Road Site #3 from Vasco Road in Figures 3.1.2-2A and -2B of the Draft EIR is about 0.6 mile, so the apparent size of the facility is only slightly larger than it would appear from about 0.7 mile. As stated on page 3.1.2-6 of

the Draft EIR, all the images were made through a normal lens, approximating the image seen by the unaided human eye. Therefore, the facilities would not be more prominent to the unaided human eye than is portrayed in these images. In the mitigated constructed view, the facilities are barely discernible from the surrounding landscape because of their color and tree screens. A view from a similar or closer distance along Laughlin Road would be blocked by intervening topography: the facilities could not be seen. In views from greater distances along Laughlin Road, Vasco Road, or a future trail to Brushy Peak beyond the EBRPD barricade, the facilities would appear even smaller and less distinguishable than in the views presented in the EIR. Consequently, further visual analysis of these lesser impacts is not deemed necessary.

The view from a vantage point near the summit of Brushy Peak presented in Figure 3.1.2-2B of the Draft EIR, and 3.1.2-2C and -2D of Section 4 of this Response to Comments document, was selected because EBRPD indicated in its discussions with Zone 7 that EBRPD intended to establish an outlook in that vicinity. An outlook located directly on the summit of Brushy Peak would not afford a view of any of the three potential water treatment plant sites because the summit is in a dense stand of oak trees, which block all views to the east, south, and west. The location near the summit from which the photographs were taken was considered to have the most prominent view of the conceptual facilities layout of Laughlin Road Site #3, in that the viewer would be looking down on the site and would see it in relation to the surrounding rural, suburban, and urban areas. Consideration was given to presenting views from other vantage points, but this idea was not carried forward because the prominence of the image from Brushy Peak was considered sufficient by Zone 7 to establish the context of views toward the site from EBRPD and Livermore Area Recreation & Park District (LARPD) lands, and to demonstrate the conceptual mitigation landscaping. Views from other points along any of several possible trails would be variations on the selected view, from greater or lesser distances, but none would be near views because those would be blocked by intervening topography.

The second paragraph of Visual Quality Mitigation Measure 3.1.2-1 on page 3.1.2-14 of the Draft EIR reads as follows (*emphasis added*).

- Design new Altamont WTP facilities to *blend with the rural nature* of the surrounding area to the full extent possible. The buildings could incorporate architectural features such as compatible colors or surface textures to *resemble barns* or other similar rural structures in the area.

This mitigation measure indicates clearly that the designers of the water treatment plant would endeavor to make the facilities visually compatible with the area in which they were constructed. It is premature to consider the facilities visually disruptive, given that the design is still conceptual and that Zone 7 is committed to making the facilities compatible with the surrounding area to the extent feasible. Zone 7 encourages the continued review and input of the public at meetings that will be held to discuss design elements. As a public agency, Zone 7 will notify any interested party of upcoming public meetings regarding the design phase of the Altamont WTP.

- 5.9 This comment expresses concern regarding screening with non-native trees, the compatibility of tree clusters with annual grasslands [also non-native], and the proximity of such clusters to Laughlin Road Site #3.

The first paragraph of Visual Quality Mitigation Measure 3.1.2-1 on page 3.1.2-14 of the Draft EIR reads as follows (*emphasis added*).

- Preserve existing vegetation to minimize the visual impact of new development. Add new landscaping to enhance the appearance of the new facilities or to screen negative visual elements. *Choose landscaping that blends with the surrounding natural or historic vegetation.* Although fast-growing plants often are selected for screening because they will camouflage a view in a short period of time, *slower-growing native vegetation is preferred because it will be more compatible with the surrounding area over the long term.* Selection of plant materials also will need to be considered in terms of fire hazards, biological resources and erosion control.

This mitigation measure indicates clearly that the use of native trees and shrubs for screening is preferred for long term compatibility. It also indicates that compatibility extends to historic non-native vegetation: although such trees and shrubs are not considered native plants, they would be acceptable to the extent that they were non-invasive and controlled within the landscaping of the Laughlin Road Site #3.

Clusters of native and historical trees are not common in the Livermore-Amador Valley as a whole, but they are more common on the slopes surrounding Brushy Peak. A glance at any aerial photograph of the vicinity of Laughlin Road Site #3 reveals numerous tree clusters within 0.5 mile of the Site. A cluster can be seen south of the Site in the existing view shown in Figure 3.1.2-2A of the Draft EIR. The

recommended screening would mimic the existing tree clusters in the area and, consequently, would render the landscaping of the water treatment facilities less conspicuous.

- 5.10 This comment expresses concern that the upper portions of Laughlin Road near Laughlin Road Site #3 are too narrow (approximately 15 feet wide) to accommodate construction of the project and local traffic at the same time, and that the road would need to be closed for up to two years, possibly preventing emergency access and access to Brushy Peak.

As shown in Figure 2-2 on page 2-5 of the Draft EIR, the raw water pipeline would leave Laughlin Road at the boundary line between Sections 25 and 26 of Township 2 South, Range 2 East, and extend north along the boundary line between Sections 23 and 24 of T 2 S, R 2 E to the water treatment plant. The treated water pipeline would follow the same route south from the water treatment plant (it is shown separated from the raw water pipeline in Figure 2-2 so the two may be distinguished, but they would be constructed in the same easement). This section line route avoids the narrowest portions of Laughlin Road, so there would be no trenching along Laughlin Road beyond this point.

As shown in the conceptual aerial view of Laughlin Road Site #3 (Figure 2-6 on page 2-25 of the Draft EIR), the access road to the site would extend northwest from a narrow portion of Laughlin Road. Construction of the access road would, necessarily, begin with the building of a staging area in the access road easement to avoid using Laughlin Road as a staging area. Construction of the access road would proceed *toward* Laughlin Road Site #3 and *away* from Laughlin Road, so no further construction would occur on Laughlin Road. There would be no need to close this portion of Laughlin Road, although delays would be experienced by the users of this dead-end public road during the early weeks of access road construction. A Traffic Management Plan to deal with delays would be required by Alameda County for all of the proposed construction in county roads. The Traffic Management Plan would be prepared by Zone 7 in consultation with the County Traffic Engineering Department. The purpose of the Plan would be to reduce the inconvenience of construction along county roads and the disruption to local traffic from the passage of construction related vehicles. The detailed contents of the Plan would be worked out between Zone 7 and the County, but a few examples of the types of measures to be included are listed below. A more extensive list is presented on page 4-9, Section 4, Text Changes to the Draft EIR,

of this Response to Comments document.

- The length of open trench would be kept to the minimum necessary to complete the current phase of construction. Any portion of the trench not in use would be covered with traffic plates or backfilled.
- Flaggers would be stationed at a designated distance from either end of the trench and at nearby intersections to direct traffic.
- All construction personnel would be instructed in emergency vehicle access procedures. The travel lane would be cleared immediately upon the approach of an emergency vehicle on call.

Text has been added to the EIR (see pages 4-8 through 4-11, Section 4, Text Changes to the Draft EIR, of this Response to Comments document) expanding the Traffic and Circulation Mitigation Measures to explain the elements of the Traffic Management Plan.

Laughlin Road would not be closed for two years or any significant portion thereof, and emergency vehicle access would be maintained. Please refer to page 4-9, Text Changes to the Draft EIR, of this Response to Comments document for information in the Traffic Management Plan dealing with access.

Access to Brushy Peak currently is restricted by EBRPD and LARPD. People wishing access must apply to EBRPD or LARPD for an access permit, and then, usually, are taken to the preserve by shuttle bus. If this system still is in effect at the time of any Zone 7 construction along Laughlin Road, access for the buses, as well as access for residents and other visitors vehicles, around the construction area would be facilitated through the use of signs and flaggers or other provisions of the Traffic Management Plan described on page 4-9, Section 4, Text Changes to the Draft EIR, of this Response to Comments document. If a trail head were established beyond any Zone 7 construction along Laughlin Road, at which preserve users would park their vehicles, access for those vehicles around the construction area also would be facilitated through the same provisions of the Traffic Management Plan.

- 5.11 This comment expresses concerns that Laughlin Road would need to be widened, a new access road would need to be constructed to Laughlin Road Site #3, and there is discussion of potential impacts to the wetlands in the tributary of Altamont Creek along Laughlin Road (identified in the comment as Brushy Creek) and associated special-status species.

There is no expectation that Laughlin Road would need to be widened to accommodate the construction or operation of water treatment facilities associated with Laughlin Road Site #3. Throughout most of its length, Laughlin Road contains two full-width travel lanes, which is wide enough to accommodate standard construction equipment and allow a bypass lane for all other traffic. As stated in Response 5.10, the narrowest portions of Laughlin Road are beyond the point where pipeline construction would occur, in the event Laughlin Road Site #3 were selected for the water treatment plant. Please refer to Response 5.10, above, and page 4-9, Section 4, Text Changes to the Draft EIR, of this Response to Comments document for clarification of how the Traffic Management Plan would deal with access issues.

If Laughlin Road Site #3 were selected for the Altamont WTP project, an access road to the project site would be needed, as discussed in Response 5.10 above. Please refer to Response 5.6, above, for clarification regarding water quality and, consequently, aquatic habitat protection for all drainages, streams, wetland areas, and associated special-status species, adjacent to or downstream from project construction. Such protection would apply to whichever pipeline route were selected, and therefore would apply to the tributary mis-identified as Brushy Creek. That tributary crosses the lower (and wider) portion of Laughlin Road about 1-3/8 miles north of I-580. An agreement under Section 1601-03 of the California Fish and Game Code would be needed to ensure restoration of the stream crossing along the pipeline route. Along the upper (and narrower) portion of Laughlin Road, beyond the area where there would be any pipeline construction, the tributary is on the opposite side of the road from the water treatment plant site and from the access road, so no further crossings would occur. The mitigation measures reiterated in Response 5.6 would be implemented for the tributary's protection during access road construction.

- 5.12 This comment expresses a concern regarding biological resources in the project area, particularly California tiger salamanders and California red-legged frogs, and states concerns regarding potential water quality impacts. Potential impacts to these biological resources on the proposed project sites are addressed in Impact 3.2.1-2 and Impact 3.2.1-3, beginning on page 3.2.1-17 of the Biological Resources section of the Draft EIR. Mitigation measures are included that would reduce potential impacts to these animals to an insignificant level. Potential impacts to water quality are discussed in Impact 3.2.4-1 of the Water Quality section of the Draft EIR, which notes that releases to storm drains from spills or other accidents could lower the quality of runoff

- and increase pollutant levels in local streams. Please refer to Mitigation Measures 3.2.4-1(a) and (b), beginning on page 3.2.4-12 of the Draft EIR, which reduce potential impacts to water quality to an insignificant level.
- 5.13 This comment states a concern regarding potential impacts to San Joaquin kit fox and its habitat. This concern is addressed in Impact and Mitigation Measure 3.2.1-1 of the Draft EIR. Please refer to page 3.2.1-16 in the Biological Resources section for a discussion of this concern.
- 5.14 This comment notes the presence of two plant species observed by EBRPD on land in the project vicinity. Sensitive plant species are discussed beginning on page 3.2.1-8 of the Biological Resources section of the Draft EIR. Refer also to page E-4 of Appendix E in the Draft EIR, which notes that suitable habitat for Valley spearscale, a federally listed plant species of concern, does not occur on the proposed project sites and none were observed during field surveys. The other plant species noted in the comment, stink bells (*Fritillaria agrestis*) was not observed on any of the proposed project sites (refer to Table E-1 on page E-11 of the Draft EIR) and does not appear on the list of those species that the California Department of Fish and Game requested be searched for during the evaluation of biological resources (see Table E-3 beginning on page E-15 of the Draft EIR).
- 5.15 The comment notes the existence of recent and earlier information about cultural resources in the larger vicinity near the proposed project sites and pipeline corridor. The Cultural Resources analysis contained in Section 3.1.4 of the Draft EIR is based on existing information filed with the Northwest Information Center (see Appendix C of the Draft EIR). It addresses the potential for impacts to cultural resources likely to be caused by physical disturbance (excavation) directly resulting from the construction of the proposed Altamont WTP facilities on portions of two of three potential sites (Laughlin Road Site #3 and Dyer Road Site #5), and the specific land areas that would be required for associated water transmission and conveyance pipelines. Mitigation measures are provided to ensure authorized examination of any cultural resources found during excavation and construction. The existence of newer cultural resources surveys in the vicinity of the project does not change the concluding that mitigation is needed to protect known or anticipated cultural resource finds.
- 5.16 This comment restates the concern that land owned by EBRPD is contained within Laughlin Road Site #3. Please see Response 5.3, above, for a discussion of the issues

related to this one-half acre of land. Responses 5.7 through 5.9 discuss impacts to the Brushy Peak and mitigation measures to reduce them to a less than significant level.

- 5.17 This comment states a concern regarding the adequacy of the NOP because it contains an alternative not available to Zone 7, lacks of an acceptable range of alternatives, and lacks early consultation. The project described in the NOP included one alternative location (Laughlin Road Site #3) which contained one-half acre of land owned by EBRPD in the extreme northeast corner of a 55-acre site. Because of EBRPD refusal to allow any Zone 7 use of District land, this one-half acre of land would not be included in the project if Laughlin Road Site #3 were selected. See Response 5.3 above. Ten alternative locations were screened prior to issuing the NOP. See Section 6, Alternatives to the Proposed Project, of the Draft EIR. The early consultation with the public (including public agencies) stipulated in CEQA Guideline Section 15083 applies to the EIR, not to the NOP. Rather, issuance of the NOP constitutes early consultation. Thus the NOP is adequate and will not be reissued.
- 5.18 This comment restates the concern that land owned by EBRPD is contained within one of the three potential sites examined in the Draft EIR. Please see Response 5.3, above.
- 5.19 This comment restates concerns regarding potential visual quality impacts if Laughlin Road Site #3 were chosen as the preferred site for the Altamont WTP. Please see Responses 5.7 and 5.8, and explanatory text on pages 4-4 through 4-8, Section 4 that includes additional photographs of the sites from Brushy Peak.
- 5.20 This comment details EBRPD efforts to establish and maintain Brushy Creek Regional Preserve and notes the Preserve's importance as a significant visual landmark in the north Livermore area. Zone 7 acknowledges this comment, but, because the comment does not address any issues of adequacy of the EIR, offers no further response.
- 5.21 This comment identifies prior studies of sensitive biological resources in and near Brushy Peak Regional Preserve, and provides extensive background information on significant special-status species occurring in the area. The comment does not address any issues of adequacy of the EIR. On pages 3.2.1-1 through -15 in Section 3.2.1, Biological Resources, of the Draft EIR, all habitats and state and federal special-status species occurring in the project vicinity are identified and discussed. Appendix E of the Draft EIR expands the discussion of each of the 31 special-status species known to occur in the search area, contains a checklist of the 50 plant species and 14 animal

species observed on the sites, and provides a reference file of over 300 entries for all state and federal special-status species that needed to be considered because the project area is in parts of Alameda County, the Altamont Quadrangle and the Byron Hot Springs Quadrangle. Zone 7 appreciates the information provided by this comment, however, it does not change any regulation affecting the project, alter any impact of the project, or modify any mitigation measure proposed for the project.

- 5.22 This comment asserts that the information provided in Comment 5.21 above may be applicable to the three potential Altamont WTP sites, and that potential impacts to biological resources on the sites should be addressed in the Draft EIR. Please refer to Section 3.2.1, Biological Resources, in the Draft EIR for detailed analysis regarding potential impacts to biological resources at all three potential sites. Please refer to page 3.2.1-5, Biological Resources, for a discussion of the natural resources that occur on the sites. Pages 3.2.1-6 through -14 of the Draft EIR describe the state and federally listed rare, endangered, threatened, or special status species which occur in the area, including the vernal pond habitat on Dyer Road Site #1, three species of shrimp, as well as the California Red-legged Frog, the San Joaquin Kit Fox, the California Tiger Salamander, the California Linderiella, and the Western Burrowing owl, all of which could occur or have been reported by residents in the vicinity of these sites.
- 5.23 This comment notes concerns related to erosion and water and potential effects on special-status species near Laughlin Road Site #3. This comment restates concerns listed in Comments 5.6 and 5.11. Please refer to Responses 5.6 and 5.11.
- 5.24 This comment notes the presence of the Altamont Landfill near Laughlin Road Site #3, and asks about the potential for contamination of treated drinking water at this location. Treated drinking water is stored in lined, covered tanks (clearwells) and would not be exposed to air-, water-, or soil-borne pathogens.
- 5.25 This comment restates a concern regarding potential traffic impacts along Laughlin Road if Laughlin Road Site #3 is selected for the proposed Altamont WTP. Please see Responses 5.10 and 5.11 for discussion of traffic mitigation in this area.
- 5.26 This comment expresses a concern regarding the safety of trail users on a proposed route for EBRPD's Altamont Creek to Brushy Peak Trail along Laughlin Road because of large trucks on a narrow road. To the extent that the proposed trail, when established, actually would be on Laughlin Road (rather than beside it), trail users



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March 7, 2001

Mr. Jack Fong
Zone 7 Water Agency
5997 Parkside Drive
Pleasanton, CA 94588-5127

Re: Draft Project EIR
Altamont Water Treatment Plant

Dear Mr. Fong:

On behalf of the Altamont Landfill and Resource Recovery Facility (ALRRF) and Waste Management, Inc., we would like to thank you for this opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the Altamont Water Treatment Plant. We are particularly interested in this project as one of your selected site alternatives, Dyer Road Site #1, is located on property owned and operated by Waste Management of Alameda County (WMAC).

On the whole, the Draft EIR addresses environmental impacts of the region in much the same fashion as the recent EIR prepared for the Altamont Landfill Expansion (Alameda County Conditional Use Permit C-5512, approved March 9, 2000). The discussion of social/cultural issues is consistent with our knowledge of the area. The review of physical/biological issues is also consistent with the Altamont EIR including the impact to projects located along the Greenville fault (Laughlin Road Site #3) and the identification of specific biological resources (San Joaquin Kit Fox, California Tiger Salamander, and California Red Legged Frog).

6.1

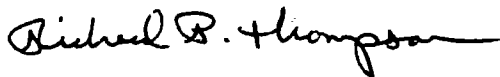
One issue identified in the Draft EIR discusses the use of WMAC property in Section 17, which contains Dyer Road Site #1, as biological mitigation property for the Altamont Landfill expansion. The development of the 250-acre expansion of the Altamont Landfill will not begin until the current fill area is completed in approximately 2006. At the proper time, Waste Management will meet with the U.S. Fish and Wildlife Service, California Fish and Game, and the Army Corps of Engineers to determine the appropriate mitigation requirements and the location of mitigation property.

6.2

Mr. Jack Fong
March 7, 2001
Page 2

Thank you again for accepting our comments. Please contact me if you have any further questions.

Sincerely,



Richard P. Thompson
Waste Management
Area Environmental Compliance Manager

cc: Ken Lewis, Altamont Landfill

would need to exercise the same caution they do when walking on any county road, recognizing that they are pedestrians sharing a vehicular corridor. As noted in Comment 5.10, the upper portions of Laughlin Road are narrow. Consequently, vehicular traffic would be moving more slowly than on a full-width two lane suburban or rural road. Even under these circumstances, trail users would need to exercise caution. District employees and service providers would be cautioned regarding pedestrian safety on the portions of any roads they would be sharing with hikers. Please refer to page 4-9, Section 4, Text Changes to the Draft EIR, of this Response to Comments document for information about how the Traffic Management Plan would deal with pedestrian safety issues.

- 5.27 As stated on page 1-9 of the Draft EIR, EBRPD purchased a 408-acre parcel which included Altamont Pass Road Site #1 about five months prior to the publication of the Draft EIR. Deed restrictions and a conservation easement were established for the entire parcel to have it remain as open space in perpetuity. Because the use of Altamont Pass Road Site #1 for a water treatment plant was precluded, the site was withdrawn from consideration and evaluation of the site was discontinued. Consequently, further analysis of this site would serve no CEQA purpose, and no additional discussion is presented in the Final EIR.
- 5.28 This comment states potential concerns related to sensitive habitat and wildlife species located on Dyer Road Site #1. Please refer to page 3.2.1-5, Biological Resources, of the Draft EIR, for a brief summary of the land and water features on Dyer Road Site #1. The following pages, 3.2.1-6 through -14 of the Draft EIR, describe the state and federally listed rare, endangered, threatened, or special status species which occur in the area, specifically discussing the vernal pond habitat on Dyer Road Site #1, three species of shrimp that may occur on Dyer Road Site #1, as well as the California Red-legged Frog, the San Joaquin Kit Fox, the California Tiger Salamander, the California Linderiella, and the Western Burrowing owl, all of which could occur on Dyer Road Site #1 or which have been reported by residents in the vicinity of the site.
- 5.29 The comment states concerns regarding potential impacts to a gravel service road adjacent to the South Bay Aqueduct (SBA), which is proposed for use as part of the route for the EBRPD's Brushy Peak to Del Valle Reservoir Regional Trail. This service road is adjacent to Dyer Road Site #1 to the east. If Dyer Road Site #1 is chosen as the preferred site for the Altamont WTP, the site would be accessed from Dyer Road, adjacent to the west of Dyer Road Site #1. No impacts would occur to the

gravel service road east of Dyer Road Site #1.

- 5.30 The comment states a concern regarding potential impacts to EBRPD's entrance to Brushy Peak Preserve, which is located north and west of potential Altamont WTP sites along Dyer Road. Selection of either Dyer Road Site #1 or Dyer Road Site #5 would not impede existing park access along the park access road, because no water treatment or pipeline facilities would be constructed on or near the EBRPD entrance road. Access to the entrance would be maintained during the construction period as described in the Traffic Management Plan text added to the EIR on page 4-9, Section 4, Text Changes to the Draft EIR, of this Response to Comments document.

6. Richard P. Thompson, Waste Management

- 6.1 The comment acknowledges the consistency between the Altamont WTP Draft EIR and the recent EIR prepared for the Altamont Landfill Expansion. The comment points out that the social/cultural and physical/biological issues and impacts addressed in the Altamont WTP Draft EIR are consistent with the issues and impacts addressed in the Altamont Landfill EIR.
- 6.2 The comment discusses the planned use of Waste Management, Inc. property as a potential biological mitigation and buffer area for the approved Altamont Landfill expansion. The 50-acre parcel containing Dyer Road Site #1 is among the parcels being considered in a 750- to 831-acre habitat replacement plan cited in Alameda County Conditional Use Permit C-5512, which requires the establishment of a biological habitat mitigation and buffer area. However, the development of the 250-acre landfill expansion, approximately 2 miles east of Dyer Road, for which the mitigation is required, is not scheduled to begin until approximately 2006: the exact size and location of the biological mitigation and buffer area has not been designated at this time. As noted on page 3.2.1-16 of the Draft EIR, the United States Fish and Wildlife Service (USFWS) commonly requires replacement of lost habitat at a ratio of 3:1, or funding through in lieu fees for the purchase of land to be set aside in perpetuity as a wildlife mitigation area. The comment notes that no consultation among Waste Management, Inc., U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the U.S. Army Corps of Engineers has yet taken place. No agreements have been codified regarding the use of the parcel containing Dyer Road Site #1, and no purchase or exchange of lands for the establishment of the buffer area has occurred. Therefore, Dyer Road Site #1 currently is available for consideration as a potential site for the Altamont WTP. Whichever site is selected for the water treatment plant would be subject to similar consultations and lost habitat replacement requirements.

3. Comments and Responses

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909 Clubhouse Drive
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March 7, 2001

ZONE 7 WATER AGENCY

Attn: Jack Fong
5997 Parkside Drive
Pleasanton, CA 94588-5127

RE: Comments on Altamont Water Treatment Plant DEIR

Dear Mr. Fong:

The City of Livermore appreciates the opportunity to comment on Zone 7's Draft Environmental Impact Report for the proposed Altamont Water Treatment Plant. Overall, the major issues of concern to the City regarding the Draft EIR are:

- Segmenting of the Project;
- Inadequate Analysis of Potentially Significant Environmental Affects of the Conveyance Facilities;
- Inconsistency with the Pending Vasco-Laughlin Specific Plan;
- Impacts on Sensitive Habitat and Protected Species; and
- Inadequate Analysis of Pipeline Corridor Analysis;
- Treatment of Potentially Significant and Unavoidable Impacts on Biological Resources.

Attached please find detailed comments on these issues as well as additional minor comments. If you have any questions regarding these comments, please do not hesitate to contact either myself or Will Kettler at (925) 373-5200.

Sincerely,

Ingrid Rademaker,
Associate Planner

cc: Marc Roberts, Community Development Director
David Petrovich, Planning Manager
Susan Frost, Senior Planner
Stephen Riley, Senior Planner
Will Kettler, Associate Planner
Steve Stewart, Associate Planner
Scott Gregory, Lamphier & Associates
Ellen Garber, Shute, Mihaly & Weinberger

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1. Segmenting of Project

The City of Livermore recognizes that the proposed Altamont Water Treatment Plant project is part of a larger system that includes water supply, treatment and delivery, and supports Zone 7's efforts in providing this needed infrastructure to serve our community. The City also recognizes that the intended focus of this EIR is on the acquisition of a site on which to build a water treatment plant and the construction of a water treatment facility. However, as stated on page 2-4 of the Draft EIR; "Conveyance facilities to transport raw water and transmission facilities to transport treated water are components of Zone 7's system for moving water related to the Altamont WTP Project." While the DEIR states that it includes an analysis of the pipeline routes at a programmatic level, in fact, analysis of the environmental impacts of the pipelines needed to complete the project, in particular the treated water delivery system, is almost entirely lacking.

The deferral of environmental review of a reasonably foreseeable portion of a project is segmenting, and renders the environmental analysis inadequate under CEQA (see *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal.3d 376 [1988]).

7.1

The lack of analysis of the environmental impacts of the proposed pipelines is particularly puzzling because, although the DEIR states that the pipeline routes have not been selected and must await future environmental review, only one pipeline route per WTP site, with one minor variant, is presented in the DEIR. It is not clear to the City whether a decision to build a water treatment plant at any one of the three identified sites would necessitate construction of either the Altamont Pass Road Pipeline or the North Livermore Pipeline. If either or both of these pipelines are a necessary component of Zone 7's water system, then the full environmental review associated with these pipelines should be conducted now. The City is particularly concerned that making any decision on a preferred treatment facility site at this time may either necessitate a particular conveyance pipeline alignment or preclude a potentially less environmentally damaging alignment.

2. Failure to Analyze the Potentially Significant Affects on the Environment of the Conveyance Facilities

Had the Draft EIR performed an analysis of the potential environmental effects associated with the pipeline routes as shown in the DEIR, it would have disclosed that the assumed alignment of the North Livermore Pipeline (which is common to all three alternative WTP sites) would likely result in significant and probably unavoidable impacts. These impacts include inconsistency with the land use planning efforts of the City of Livermore intended to reduce and/or avoid potential environmental impacts, and the potentially direct adverse effects on sensitive habitats and species.

7.2

3. Inconsistency with the Pending Vasco-Laughlin Specific Plan.

The City of Livermore has been working for some time now on the preparation of a Specific Plan for the area generally described as Area "A" of the City General Plan, focusing on the portion of this planning area that is generally northerly of the existing Springtown neighborhood. This area is bordered by the Altamont hills to the east, the North Livermore planning area to the west, the extension of May School Road to the north, and existing development in Springtown to the south. This Specific Plan, known as the Vasco-Laughlin

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Specific Plan, is intended to provide a framework for comprehensive open space planning and the conservation of the area's ecologically significant resources, while allowing for appropriate new development.

As part of the environmental baseline information developed for this Specific Plan, the City has developed a comprehensive and detailed database of sensitive and environmentally significant resources in this area. These resources include alkali grasslands and valley sink scrub, both of which are considered by the California Department of Fish and Game to be sensitive habitats. Both of these habitat types support populations of several rare plant species, including brittlescale, San Joaquin spearscale, hispid birds-beak, palmate-bracted birds-beak, and Livermore Valley tarweed. In addition, several special-status wildlife species are known or suspected to use these alkali grassland and valley sink scrub habitats; including San Joaquin kit fox, western burrowing owl, California red-legged frog, and California tiger salamander.

7.3

Alkali Sink Reserve. To provide for the permanent protection of these resources, the City anticipates establishing a permanent open space reserve within the existing alkali-saline habitat, known as the Springtown Alkali Sink. The Springtown Alkali Sink Reserve would provide permanent protection and enhancement of habitat for the rare and endangered plant species palmate bracted bird's beak, as well as California tiger salamander, California red-legged frog, vernal pool fairy shrimp and other sensitive species. A total Springtown Alkali Sink Reserve area of approximately 485 acres is proposed as part of the Vasco-Laughlin Specific Plan, and this reserve could potentially be further expanded into the adjacent North Livermore GPA planning area.

Frick Wetlands Reserve. The City also anticipates establishing a second open space reserve in the area surrounding Frick Lake. Frick Lake provides habitat for a number of sensitive species including California tiger salamander, California red-legged frog, and vernal pool fairy shrimp. Frick Lake is also linked with numerous wetlands and riparian corridors that provide important wildlife habitat and are also regulated by regional, state and federal agencies. These wetlands, riparian habitats and Frick Lake itself are anticipated to be preserved within a second environmental reserve known as the Frick Wetlands Reserve.

Between Vasco Road and Laughlin Road, the City anticipates eventual protection and restoration of more than 260 acres of seasonal alkali wetlands, alkali swales, vernal pools and grasslands as part of this Reserve.

The construction of the North Livermore Pipeline Corridor, as well as the alignment of the Altamont Pass Road 2 alternative pipeline alignment through these open space reserves would directly conflict with the land use policy anticipated to be established for this area through the Vasco-Laughlin Specific Plan.

7.4

4. Direct Impacts on Sensitive Habitats and Protected Species.

Based on the alignment shown on Figure 1-1 of the *Altamont WTP Draft EIR* the identified alignment for the North Livermore Pipeline Corridor, as well as the alignment of the APR2 pipeline would likely have significant and unavoidable effects on sensitive natural resources and habitat areas. These potentially significant environmental impacts are not discussed or disclosed in the Draft EIR.

7.5

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Potential Impacts to Alkali Soil Habitat Types. Construction of the North Livermore Pipeline along the alignment shown in the Draft EIR would likely adversely affect existing alkali soils in the proposed Springtown Alkali Sink Reserve. These soils support areas of rare alkali grassland and valley sink scrub habitat. Disturbance or removal of alkali grassland, particularly in the vicinity of Raymond Road is of particular concern. This area supports the larger of only two populations of Livermore Valley tarweed known to exist in the world, located near the corner of Raymond Road and Ames Street. Construction of the North Livermore pipeline alignment could disturb/remove a substantial portion of this population. Construction of this pipeline could also adversely affect the small drainage where another large portion of the Livermore Valley tarweed population occurs. This impact would be significant and unmitigable because of the importance of the population, the intensity of the impact, and the extreme rarity of the species. Both the North Livermore Pipeline and the Altamont Pass Road Pipeline alignments may also result in removal of some of this unique soil type within the proposed Frick Wetlands Reserves, and from along the margins of Frick Lake.

7.6

Potential Impacts on Saline-Alkaline Hydrologic System. Under existing conditions, surface and near-surface waters flowing from the north provide a critical supply of dissolved salts to the Springtown Alkali Sink. These salts are critical to the long-term maintenance and preservation of this sensitive habitat area. The existing Raymond Road already blocks some of these flows. As part of the Vasco-Laughlin Specific Plan, the City anticipates the eventual removal of Raymond Road to restore historic surface and sub-surface flow paths to the extensive, high-quality wetlands areas to the south. Construction of a large sub-surface water transmission line across this area would further impede sub-surface saline flows to the Springtown Alkali Sink and could substantially jeopardize the success of the City's anticipated wetlands restoration efforts within the Alkali Sink Reserve by increasing the barrier to water flow and drainage connectivity.

7.7

Potential Impacts on Wetlands and Associated Special-Status Species. Both the Frick Wetlands Reserve and the Springtown Alkali Sink Reserve areas contain extensive amounts of wetlands. These wetlands also provide habitat for associated special status species. Construction of a water transmission pipeline across these areas would likely significantly affect these wetland habitats. East of Vasco Road is a substantial area of vernal pools and seasonal alkali wetlands. Filling or disturbing these wetlands to construct the pipeline would likely result in the take of several threatened or endangered species, including California red-legged frog, vernal pool fairy shrimp, and longhorn fairy shrimp. Additionally, the proposed alignment for APR2 would cross at least 4 drainages, small creeks, and swales including the Brushy Peak Tributary, and thus would substantially reduce hydrologic connectivity in the proposed Reserve. Construction of both the north Livermore Pipeline and the APR pipeline may also have additional impacts along the eastern margin of Frick Lake because the upland habitat in this area is likely used by the California tiger salamander for estivation.

7.8

If either the North Livermore Pipeline Corridor or the Altamont Pass Road Pipeline Corridor (as shown on Figures 1-1 and 1-2 of the Draft EIR) are necessary, future components associated with a new water treatment plant in this area, then these significant and potentially unmitigable impacts should be addressed at this time.

7.9

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5. Lack of Analysis of Pipeline Corridor Alternatives

As noted in the Draft EIR, "The analysis of alternatives is an important element of an EIR and is necessary to ensure that a reasonable range of options is examined, thus providing a complete understanding of the effects of full project implementation, partial project implementation, or no project (underline added)." However, as also noted in the Draft EIR (page 6-1), "Alternative conveyance routes have been reduced to one per site through the environmental examination of possible corridors (see below)." City of Livermore reviewers of this Draft EIR were unable to find any such environmental examination of possible corridors. Since only one conveyance route has been identified, the Draft EIR fails to identify alternatives that could avoid or substantially lessen the significant environmental effects as described above. The City, therefore, requests that the EIR analyze a distribution pipeline route alternative (or alternatives) that could avoid significant impacts on the proposed Springtown Alkali Sink Reserve and the Frick Wetlands Reserve entirely. Possible alternatives may include:

- following the alignment of I-580 to the connection with the Zone 7 distribution system at Kitty Hawk Road and Airway Avenue (probably necessitating an encroachment permit from Caltrans),
- paralleling the existing Zone 7 distribution system through the City,
- or expanding the pipe size of the existing distribution system to accommodate greater capacity.

7.10

It may also be possible that alternative sites for a water treatment plant not identified in this Draft EIR may offer an opportunity to avoid potential impacts associated with the proposed pipelines.

7.11

The City further requests that the pipeline portion of the proposed project (and potential pipeline alternative routes) be better described and the significant effects on the environment of the proposed pipelines fully analyzed to the degree possible.

7.12

6. Treatment of Potentially Significant and Unavoidable Impacts on Biological Resources.

The DEIR states that there are no significant unavoidable effects on the environment of the proposed project. However, a confusing discussion in Chapter 5 indicates that Impact 3.2.1-1: Removal of Grassland Foraging Habitat for the San Joaquin Kit Fox might be significant and unavoidable. ("However, there is one unavoidable significant impact on Biological Resources that is mitigable to an insignificant level identified for this project and discussed below"). While this sentence could be seen as a typographical error, upon a closer reading of Chapter 3.2 Physical/ Biological Issues, it appears that there may be other significant effects of the project that have not been fully mitigated.

7.13

For example, Mitigation Measures 3.2.1-2, 3.2.1(3?)-3 and 3.2.1-4 rely on management practices contained within North Livermore resource conservation planning documents. These documents were never finalized or adopted by the City of Livermore nor Alameda County, and are therefore not part of any official mitigation program. Mitigation measures

7.14

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that can be adopted and implemented by Zone 7 are required before Zone 7 can find that the biological resource impacts are mitigated to a less-than-significant level.

7. Other Minor Comments:

P. 3.1.3-6: The litigation regarding the adequacy of the EIR for the Altamont Landfill Expansion Project was settled. The County issued a new Conditional Use Permit for the landfill on March 9, 2000 and the litigation was dismissed shortly thereafter. Conditions 16-27 of the CUP contain the requirements regarding habitat mitigation for the landfill.

7.15

Ch. 3.1.5 (Traffic and Circulation): This chapter still lacks any description of the setting, from a traffic standpoint, although the impacts of the project (at least operationally) probably would be less than significant.

7.16

Ch. 8 (Cumulative Impact Assessment): Does the DEIR use the proper Livermore general plan buildout figures?

7.17

P. 8-2: Cumulative visual impacts are described as mitigated to a less-than-significant level even though additional Mitigation Measure 8-1 only requires Zone 7 to develop and implement unspecified future mitigation measures that are not keyed to any performance standard for reduction of visual impacts (see *Sacramento Old City Ass'n v. City of Sacramento*, 229 Cal.App.3d 1011 [1991]).

7.18

Appendix, pp. F-5 to F-7: This section is an analysis of whether the project, in combination with cumulative development in the area, will exceed the capacity of the two WTPs and the LAVMA pipeline. As such it should appear in the EIR analysis of impacts. Moreover, it would appear from the discussion that the project will contribute to an excess of capacity, and no mitigation measures are identified for adoption.

7.19

7. Ingrid Rademaker, City of Livermore

- 7.1 The comment raises issues related to lack of project-level evaluation of environmental impacts along proposed pipeline routes, programmatic evaluation of environmental impacts along future pipeline corridors, and states that these deficiencies make the existing analysis in the Draft EIR inadequate because of segmenting of environmental review. The comment raises the specific concerns that such segmenting ignores necessary components of the proposed project and may eliminate a future environmentally superior alternative pipeline-route.

Project-level and program-level evaluation are contained in the Draft EIR in each topic discussion (Biological Resources, Hydrology, etc.) of Section 3, Environmental Setting, Impacts and Mitigation Measures. As stated in Section 1, Introduction, of the Draft EIR, the future pipeline projects will be needed to provide sufficient water-carrying capacity for the Zone 7 Service Area, irrespective of the location of the proposed water treatment plant, and are subject to independent project-level environmental review. Therefore, they are not analyzed as part of the present project. As stated in the Project Description, Section 2.5, Conveyance Alternatives, of the Draft EIR, the end points of the future pipelines are known, but the location of the alignments are not. Therefore, in theory, there is no limitation on selection of an environmentally superior alignment between the end points. For practical reasons, the number of feasible alignments is limited (see below). To avoid confusion, further discussion of these issues appears below. The supplemental information is added to Section 3, Environmental Setting, Impacts and Mitigation Measures of the EIR (see page 4-3, Section 4, Text Changes to the Draft EIR, of this Response to Comments document).

Concerns related to evaluation of environmental impacts of *proposed pipeline routes*, and mitigation measures established to reduce those impacts to less-than-significant levels, are detailed in Response 5.6, particularly with respect to the possible alternative routes of a raw water supply pipeline to Laughlin Road Site #3. The potential impacts of those alternative alignments are the same in type and severity as any other off-road portion of the project, as described throughout the Draft EIR, and would be subject to the same mitigation measures. Biologic, hydrologic, and water quality measures established to protect biological communities in the vicinity of Frick Lake are reiterated in Response 5.6 as representative of the measures to be implemented along the entire length of the selected pipeline alignment. As described throughout the Draft EIR, these are the same measures that would be implemented during construction at the selected site of the water treatment plant. Consequently, the impacts of the project at the

proposed alternative water treatment plant sites and along the proposed alternative pipeline routes are evaluated in the EIR, and the proposed mitigation measures discussed throughout the Draft EIR would be implemented at all construction locations (see pages 4-1 through 4-4, Section 4, Text Changes to the Draft EIR, of this Response to Comments document).

The anticipated environmental impacts of *future pipeline corridors*, and typical mitigation measures established to reduce those impacts to less-than-significant levels, are not called out explicitly in the EIR, but are encompassed in each topic discussion (Biological Resources, Hydrology, etc.) of Section 3, Environmental Setting, Impacts and Mitigation Measures. The potential impacts of any combination of proposed pipeline alignments and future pipeline corridors are the same in type and severity as other off-road portion of the project, as described throughout the Draft EIR, and would be subject to the same mitigation measures. The future pipeline corridors would be analyzed in project-level environmental review documents, and thus are to be considered only at a programmatic level in the present EIR. As stated in Section 2.5, Conveyance Alternatives, of the Draft EIR, future pipeline corridors are conceptual only. As stated in the Project Description of the Draft EIR on page 2-21, North Livermore Pipeline (NLP), the alignment of the future NLP presented in Figures 1-1 and 2-2 of the Draft EIR is a representative corridor, is not the only possible corridor, and is typical of the routes that would be studied for a future project-level EIR on the NLP. Thus, it is not looked upon as the proposed pipeline route to deliver treated water from the Altamont WTP, but as an example of the type of route a future pipeline would follow. Zone 7 and its engineering design firm for the future NLP project would consult with agencies such as the City of Livermore, the California Department of Transportation, the US Fish and Wildlife Service, etc., during the selection of possible NLP alignments to ensure that the NLP would be sited appropriately with respect to environmental concerns and other existing or planned facilities.

Concerns related to **segmenting of environmental review** always are present when dealing with a large system such as a water supply, treatment and distribution operation. It is, of course, not possible to perform a project-level review of the entire system at one time. As discussed on pages 1-4 and 1-5 in the Introduction of the Draft EIR, Zone 7's *Water Supply Planning Program, Program EIR* (SCH #98041040) looked at the entire system at a programmatic level. Thus, the present project-level EIR expands on the information provided in the previous program-level EIR, as will the project-level EIRs on other components of the entire system. As discussed in the Future Related Projects subsection of the Introduction, on pages 1-5 through 1-7 of the

Draft EIR, the Water Supply System Five-Year Capital Improvement Program identifies the proposed Altamont WTP as one of seventeen projects in the Water Treatment Facilities Program, among nearly forty capital improvement projects throughout Zone 7's system that would be under way by 2006. Each of those projects, or groups of closely related projects, which require CEQA review, will be examined in a project-specific environmental review document. Additionally, the supply and delivery improvements would be needed to provide water for the population growth approved by existing General Plans in the Zone 7 service area, even if the Altamont WTP were not built. Thus, they are independent of the Altamont WTP Project and are given the appropriate programmatic consideration in present EIR, as modified by page 4-3, Section 4, Text Changes to the Draft EIR, of this Response to Comments document.

The possibility that the selection of a site for the Altamont Water Treatment Plant might **preclude selection of an environmentally superior pipeline alignment** is eliminated by several physical and legal factors which define the location of possible sites and pipeline alignments. First, the South Bay Aqueduct (SBA) provides the major part of Zone 7's water. New surface water supply facilities must necessarily connect to, and be compatible with, the existing SBA configuration. Second, certain criteria needed to be met by the original ten alternative sites assessed in the Treated Water Facilities Master Plan (see Section 6, Alternatives to the Proposed Project, pages 6-2 through 6-7 of the Draft EIR for figures and tables defining the sites and the screening criteria). Site elevation and site availability were two of the important criteria. The elevation is important to make efficient use of gravity to deliver water. Availability of sites is important because Zone 7 prefers to deal with willing property sellers. The location of the existing water supply, adequate site elevation, and available property converged in the Altamont Hills north of I-580 and east of Vasco Road to produce the possible alternative locations for the water treatment plant.

Even if the water treatment plant were to be located somewhere else in the northeast corner of Alameda County, it still would be necessary to construct a raw water conveyance pipeline from the SBA to the water treatment plant, and a treated water pipeline to deliver water from the water treatment plant, through the Altamont Hills, to the water retailers. The raw water pipeline must start at the SBA: there is no viable alternative. At some point, the raw or treated water pipeline must leave the Altamont Hills. Because of land use restrictions imposed by EBRPD and LARPD, there is no viable corridor for a Zone 7 pipeline north of Altamont Pass Road for any of the possible three alternative or ten original water treatment plant sites. South of Altamont

Pass Road, land use restrictions imposed by Caltrans eliminate the possibility of a Zone 7 pipeline being placed along the I-580 Corridor. Planned land use flexibility needed by Alameda County eliminates the County Transportation Corridor, south of Altamont Pass Road. Thus, there is only one viable pipeline corridor through the Altamont Hills for any water treatment plant in Northeast Alameda County: Altamont Pass Road. A greater or lesser length of Altamont Pass Road would be used, depending on the alignment selected (see Response 5.6).

Once through the Altamont hills, there is the possibility of selecting alternative pipeline routes either to a water treatment plant at Laughlin Road Site #3 or to a connection at Vasco Road to the future North Livermore Pipeline (see Response 5.6). Please refer to revised Figures 1-1 and 2-2, and accompanying text, on pages 4-2 and -3, Section 4, Text Changes to the Draft EIR, of this Response to Comments document, for descriptions of the alternative pipeline segments.

As stated on page 2-21 of the Draft EIR, the future North Livermore Pipeline (NLP) corridor west of Vasco Road is only representative of the type of corridor that would be investigated in a project-level EIR on the treated water delivery pipeline. The Altamont WTP Project in no way precludes other future NLP pipeline alignments from being considered or selected. As stated above, Zone 7 and its engineering design firm for the future NLP project would consult with local, regional, state, and federal agencies to ensure that the NLP would be sited appropriately with respect to environmental concerns and other existing or planned facilities. Thus, where alternative routes for the pipeline proposed as part of the Altamont WTP Project are available, they have been considered in the EIR. For the future NLP, no alternatives have been eliminated from consideration in a future EIR on that project: the environmentally superior pipeline alignment has yet to be determined.

- 7.2 This comment raises concerns regarding the evaluation of impacts of the future North Livermore Pipeline and states that the NLP would be inconsistent with City of Livermore land use plans to reduce and/or avoid environmental impacts to sensitive habitats and species. Please refer to Response 7.1 for clarification of the programmatic evaluation of future pipeline corridors which are not part of the present project. Please refer to Response 5.6 for a reiteration of the mitigation measures that would apply to all proposed pipelines as part of the present project. These measures are considered program-level types of mitigation that Zone 7 would consider for the future NLP, which is not part of the present project. Text changes are presented on page 4-3, Section 4, Text Changes to the Draft EIR, of this Response to Comments document.

As stated above, the NLP is only in the conceptual stage. It is premature to consider the NLP inconsistent with City of Livermore plans, given that no routes have been discussed or evaluated for environmental effects. Zone 7 and its engineering design firm for the future NLP project would consult with the City of Livermore during the selection of possible NLP alignments to ensure that the NLP would be sited appropriately with respect to environmental concerns and other City of Livermore plans.

- 7.3 The comment states that the proposed project would be inconsistent with the pending Vasco-Laughlin Specific Plan, which focuses on the area generally described as Area A of the City of Livermore General Plan, and potential impacts of the project on specific resources that are discussed in the Specific Plan, including the Springtown Alkali Sink area and the Frick Wetlands area (reserves are proposed in the Specific Plan for both areas). Because the Specific Plan is unpublished, subject to modification, and has not been released for public review, it would be premature to evaluate the Altamont WTP Project for consistency with it as part of the present EIR. However, issues related to the protection of Frick Lake and the Alkali Sink have not been ignored. They are addressed in Response 5.6. Zone 7 is aware of the environmental sensitivity of these resources and would not design or construct pipelines through them without consultation with the City of Livermore and the state and federal resource agencies.
- 7.4 This comment restates the concern raised in the first portion of the previous comment, that proposed pipelines in the area generally described as Area A of the City of Livermore General Plan would be inconsistent with anticipated land use policies contained within the pending Vasco-Laughlin Specific Plan. Please refer to Responses 7.3 and 5.6, above.
- 7.5 This comment reiterates concerns regarding the evaluation of pipeline route impacts on sensitive biological resources and habitat areas. Please refer to Responses 7.1 and 5.6, which address impacts and identify mitigation measures for all proposed pipelines, as well as supplemental information related to this issue. As shown in these responses, mitigation is available for all significant and potentially significant impacts related to the alternative pipeline routes.
- 7.6 This comment reiterates concerns regarding the evaluation of pipeline route impacts on alkali soil habitats. Please refer to Responses 7.1 and 5.6, which address impacts and identify mitigation measures for all proposed pipelines, as well as providing

supplemental information related to this issue.

- 7.7 This comment reiterates concerns regarding the evaluation of pipeline route impacts on the saline-alkaline hydrologic system of the Springtown Alkali. Please refer to Responses 7.1 and 5.6, which address impacts and identify mitigation measures for all proposed pipelines, as well as providing supplemental information related to this issue.
- 7.8 This comment reiterates concerns regarding the evaluation of pipeline route impacts on wetlands and associated special-status species. Please refer to Responses 7.1 and 5.6, which address impacts and identify mitigation measures for all proposed pipelines, as well as providing supplemental information related to this issue.
- 7.9 This comment reiterates concerns regarding the evaluation of pipeline route impacts. Please refer to Responses 7.1 and 5.6, which address impacts and identify mitigation measures for all proposed pipelines, as well as providing supplemental information related to the issue of future pipelines to be analyzed in their own project-level EIRs, which are addressed at a programmatic level in the present EIR.
- 7.10 This comment states concerns regarding the evaluation of alternative pipeline routes, and lists some possible alternatives. Please refer to Response 7.1 for clarification of the alternative pipelines proposed as part of the project. As stated above, the North Livermore Pipeline (NLP) is only in the conceptual stage. It is premature to consider alternative alignments, given that no routes have been discussed or evaluated for environmental effects. With regard to the suggested alternatives, no alternatives have been eliminated from consideration in a future EIR on that project. However, as stated above, Caltrans would not grant an encroachment permit for a Zone 7 pipeline along the I-580 corridor. Paralleling the existing system through the City of Livermore is a possible route, and enhancing the capacity of the existing system also is possible. Zone 7 and its engineering design firm for the future NLP project would consult with the City of Livermore during the selection of possible NLP alignments and alternatives to ensure that the NLP would be sited appropriately with respect to environmental concerns.
- 7.11 This comment suggests that additional unspecified site alternatives not identified in the Draft EIR could provide ways to avoid potential impacts associated with the proposed pipelines. Please refer to Response 5.4 for a discussion of the alternatives selection process. See also Section 6 of the Draft EIR, Alternatives to the Proposed Project,

wherein eleven alternatives that passed the initial screening were evaluated, eight of which were eliminated eventually for various environmental, engineering, or geotechnical reasons.

- 7.12 This comment requests description of pipeline route and impacts. Please refer to Response 5.6 and 7.1, above, for discussion of impacts and mitigation measures, and supplemental text on page 4-2 and -3, Section 4, Text Changes to the Draft EIR, of this Response to Comments document, wherein the routes are added to the Project Description.
- 7.13 This comment states that the Draft EIR states there are no significant unavoidable effects on the environment of the proposed project, and refers to a confusing discussion in Chapter 5 of the Draft EIR. Revised text clarifying the confusion in Section 5, Unavoidable Significant Adverse Impacts, on page 5-1 of the Draft EIR appears on page 4-12, Section 4, Text Changes to the Draft EIR, of this Response to Comments document. Text is added to Section 7, Irreversible Environmental Changes That Would Occur from Implementation of the Proposed Project, page 7-1 of the Draft EIR, to properly address the loss of habitat on the selected water treatment plant site, and appears on page 4-13, Section 4, Text Changes to the Draft EIR, of this Response to Comments document.
- 7.14 This comment states a concern that mitigation measures contained in the Draft EIR rely on North Livermore resource conservation planning documents that have not been adopted by the City of Livermore or Alameda County. The Draft EIR acknowledges that mitigation language contained in the Draft EIR is adapted from a variety of planning documents, including the North Livermore Specific Plan Draft EIR, and the adopted East County Area Plan and Water Supply Planning Program EIRs. As noted on page 1-12 of the Draft EIR, although the programs discussed in these documents will be updated or modified as part of the normal planning process, the set of mitigation concepts expressed in them remain a valid basis for formulating mitigation language in the vicinity of the proposed project. Zone 7 need not rely solely on language from documents that are finalized or officially adopted by City of Livermore or Alameda County in order to find that its mitigation monitoring plan would reduce biological impacts to a less-than-significant level.
- 7.15 This comment provides information clarifying the status of litigation regarding the adequacy of the EIR for the Altamont Landfill Expansion Project. The comment notes

that Alameda County issued a new Conditional Use Permit for the landfill expansion on March 9, 2000, and that the litigation was dismissed shortly thereafter. This comment is acknowledged, and further discussion of the requirements regarding habitat mitigation for the landfill is provided in Response 6.2.

- 7.16 This comment request a more detailed setting for the Traffic and Circulation section of the EIR. Issues regarding traffic and circulation are addressed in Response 5.10, and text has been added to the Draft EIR (see page 4-8 through -11, Section 4, Text Changes to the Draft EIR, of this Response to Comments document) expanding the Traffic and Circulation Setting, Impacts, and Mitigation Measures. The elements of the Traffic Management Plan for the construction period are explained therein. There also are proposed mitigation measures for the operational period, but, as this comment states, the impacts are less than significant.
- 7.17 The comment asks whether the proper buildout figures are used for the Cumulative Impact discussion presented in Section 8 of the Draft EIR. Section 8, Cumulative Impact Assessment, cites the North Livermore Specific Plan Draft EIR, which in turn refers to the currently adopted City of Livermore General Plan for its presentation of buildout numbers. These are the same numbers that are presented in the Draft EIR. Further discussion related to the future of growth in the Livermore area is presented in Response 9.4.
- 7.18 This comment states that Mitigation Measure 8-1 does not require specific mitigation measures for the reduction of visual impacts. Mitigation Measure 8-1 directs Zone 7 to implement Visual Quality Mitigation Measure 3.1.2-1, presented on page 3.1.2-14 of the Draft EIR. This mitigation measure includes specific elements designed to reduce visual impacts to an insignificant level, and would be part of the CEQA-required mitigation monitoring and reporting program, a part of the project approval process that ensures that mitigation measures are implemented.
- 7.19 This comment requests further analysis of wastewater treatment capacity. As noted on page F-5 of Appendix F in the Draft EIR, Zone 7's contractual responsibilities include meeting maximum daily demand and providing sufficient water supply to local retailers so that they can meet peak demand and provide fire protection. Page 4-8 of the Draft EIR also notes that Zone 7 does not have the authority or jurisdiction to implement mitigation measures necessary to address secondary effects of planned growth, in this case adequate wastewater treatment capacity.



Livermore Area
Recreation & Park District

An independent special district

71 Trevarno Road, Livermore, CA 94550-2277
(925) 373-5700, Fax (925) 447-2754, www.larpd.dst.ca.us

General Manager
Douglas A. Bell

March 13, 2001

Mr. Jack Fong
Zone 7 Water Agency
5997 Parkside Drive
Pleasanton, CA 94588-5127

Subject: Comments on Draft EIR for Altamont Water Treatment Plant

Dear Mr. Fong:

Thank you for forwarding a copy of the Draft EIR and the opportunity to comment on the proposed Altamont Water Treatment Plant. Per my discussions with George Burwasser of EIP Associates, these comments are being provided late (after the comment period of March 8, 2001). Thank you for allowing us the continued opportunity to comment on this important project.

We have reviewed the comments of both the City of Livermore and the East Bay Regional Park District. Generally, we concur with and support the comments that they have provided to you. Additionally, please accept the following comments on the DEIR:

1. As you know, the Livermore Area Recreation and Park District (LARPD) jurisdictional boundaries appear to include all project elements, including future water conveyance and transmission systems not fully analyzed and evaluated in the DEIR. (Because the maps in the DEIR did not include the Alameda County/San Joaquin County boundary running north and south, it is not absolutely clear whether part of the Brushy Peak Pipeline and Pumping Plant are in Alameda County, thus, within our jurisdiction). Nevertheless, we are greatly concerned with all aspects of this project and it's potential to affect both existing park facilities (i.e. Brushy Peak) as well as future park sites both within the future City of Livermore boundaries and areas outside the City Limits in LARPD's Planning Area. We recommend that Figure 1-1 be expanded to include the Alameda County/San Joaquin County boundary in order that we can ascertain the potential impacts on our planning area.

8.1

8.2

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We are greatly concerned with the lack of analysis of the environmental impacts of the proposed pipelines and the DEIR position that pipeline routes have not been determined, thus must await future environmental analysis. We do not believe that "although specific details of the future projects have not been established, it is possible to predict the types of issues that will be encountered." Instead, we believe that making a decision on a preferred treatment facility site without looking at the impacts of pipeline alignment and alternatives may result in choosing a particular conveyance pipeline alignment, which may not be the least damaging environmentally.

8.3

3. We are concerned with the process used to establish the three sites chosen for environmental evaluation and the process that lead to the elimination of the other alternatives noted in Figure 6-1 as a part of a past Facilities Master Plan Study and EIR. We are greatly concerned that the evaluation and screening criteria was skewed toward cost constraints associated with engineering, operational and geotechnical concerns as opposed to environmental concerns. Since the Treated Water Facilities Master Plan apparently did not undertake a detailed environmental evaluation of each potential WTP site nor treated water pipelines from these sites, it would not be possible for the screening criteria to properly balance engineering/operational and geotechnical constraints and issues with environmental ones. Without balanced analysis of these criteria, the least environmental sensitive sites could not be properly determined. Furthermore, it could lead to an improper determination of the appropriate route of the B4-A Pipeline Corridor. Thus the possible improper determination of the B4-A corridor leads to a limitation on the choices of least environmentally destructive locations for the WTP and conveyance facilities. It appears as though segmenting of the projects (prohibited by CEQA) has lead to this situation.

8.4

3. The City's March 7, 2001 letter commenting on this DEIR clearly outlines the potential impacts to the myriad of sensitive habitats that the Laughlin Road Site #3 and the proposed and future pipelines would have in the Vasco/Laughlin Road and North Livermore Planning Areas. As potential recipients of all or part of the Alkali Sink and Wetland Reserves as Open Space and Special Use Parks (see LARPD Master Plan, pages 27,34, and 39) we are particularly concerned with the lack of analysis of the potential impacts that the proposed and future pipelines would have on these unique and rare habitats. The impacts of the pipeline facilities are not even discussed in the DEIR.

8.5

4. We are disappointed that the DEIR did not take into consideration LARPD's interest as landowner of the 507 acres of Brushy Peak. As noted in Section 3.1.2, Visual Quality, only the City of Livermore and County's General and Specific Plans were used in the evaluation. Apparently no consideration was given to LARPD's Master Plan or EBRPD's Master Plan. As owners of approximately 2,000 acres of adjacent open space park land, the WTP sites will have significant

8.6

Jack Fong
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impacts on the experiences that users of this park site will have. We only have to look to the upper reaches of Sycamore Grove Park to see a first hand experience of what detrimental and unmitigatable impact such facilities will have on park users. Equally important, the sites will have significant impacts on the viability and desirability of future expansion of these park facilities. None of these issues were addressed in the DEIR.

The purpose and intent of our acquisition of Brushy Peak Regional Park was to preserve the 360-degree panoramic view from the peak. The simulated photographs showing purported reductions in impact resulting from mitigation measures clearly show that these facilities will still be visible and will significantly disturb the views from Brushy Peak. Any proposal to screen the facilities with non-native vegetation would only exacerbate the impact by creating a larger area of non-native vegetation that would clearly stand out. Native vegetation would take decades to produce but have similar inadequate results. Creating compatible building design is helpful but does not address the impacts of the outdoor activities and facilities that tend to be the most offensive and difficult to address. This wasn't even discussed in proposed mitigation measures of Section 3.1.2.1

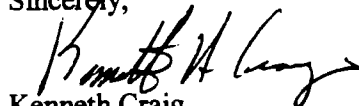
8.7

The proposed mitigations do not render the impacts insignificant as concluded because they do not and cannot properly address all aspects of the operation of the proposed Altamont Water Treatment Plant.

8.8

Thank you again for the opportunity to comment on this project. If you have any questions, please contact me at (925) 373-5729.

Sincerely,



Kenneth Craig
Superintendent of Planning and Parks

KC/sk

Cc: George Burwasser, Project Manager – EIP Associates ✓
Marc Roberts, City of Livermore
Brad Olson, EBRPD
Bruce Jensen, Alameda County Planning

Kc/sk/letters/Zone7WTP.deir.lt1.doc

8. Kenneth Craig, Livermore Area Recreation and Park District

- 8.1 The comment states the Livermore Area Recreation & Park District's (LARPD) general agreement with comments on the Draft EIR provided by the East Bay Regional Park District (EBRPD) and the City of Livermore. Zone 7 acknowledges this comment, but, because the comment does not address any issues of adequacy of the EIR, offers no further response. Please see Responses to Letters 5 and 7 for issues raised by EBRPD and the City of Livermore.
- 8.2 This comment states a concern that it is unclear from Figure 1-1 in the Draft EIR whether the Brushy Creek Pipeline and Pumping Plant are within Alameda County, and therefore within LARPD's jurisdiction. These project elements are entirely within Alameda County. The South Bay Pumping Plant is located approximately 3.5 miles west of the north-south border between Alameda and San Joaquin Counties.
- 8.3 The comment states that potential environmental impacts of the proposed pipeline routes should be addressed in the Draft EIR to ensure the least environmentally damaging route is identified.

The impacts of the project along the *proposed* alternative pipeline routes (i.e., those that are part of the Altamont WTP Project) are evaluated in the EIR, and mitigation measures would be implemented at all construction locations (see page 4-3, Section 4, Text Changes to the Draft EIR, of this Response to Comments document). The potential impacts of these alternative alignments are the same in type and severity as other off-road portion of the project, as described throughout the Draft EIR, and would be subject to the same mitigation measures. Mitigation measures established to reduce those impacts to less-than-significant levels, are detailed in Response 5.6, particularly with respect to the possible alternative routes of a raw water supply pipeline to Laughlin Road Site #3.

As stated in Section 1, Introduction, of the Draft EIR, *future* pipeline projects will be needed to provide sufficient water-carrying capacity for the Zone 7 Service Area, irrespective of the location of the proposed water treatment plant, and are subject to independent project-level environmental review. Therefore, they are not analyzed at a project-level as part of the Altamont WTP Project. The anticipated environmental impacts of future pipeline corridors, and typical mitigation measures established to reduce those impacts to less-than-significant levels, are not called out explicitly in the

EIR, but are encompassed in each topic discussion (Biological Resources, Hydrology, etc.) of Section 3, Environmental Setting, Impacts and Mitigation Measures. The potential impacts of any combination of proposed pipeline alignments and future pipeline corridors are the same in type and severity as other off-road portion of the project, as described throughout the Draft EIR, and would be subject to the same mitigation measures. The future pipeline corridors would be analyzed in project-level environmental review documents, and thus are to be considered only at a programmatic level in the present EIR.

As stated in the Project Description, Section 2.5, Conveyance Alternatives, of the Draft EIR, the end points of the future pipelines are known, even though the location of the alignments are not. Therefore, in theory, there is no limitation on selection of an environmentally superior alignment between the end points. For practical reasons, the number of feasible alignments leaving the Altamont Hills is limited to Altamont Pass Road, as discussed in Response 7.1. Once out of the Altamont Hills, there is the possibility of selecting alternative pipeline routes either to a water treatment plant at Laughlin Road Site #3 or to a connection at Vasco Road to the future North Livermore Pipeline, as discussed in Response 5.6.

As stated on page 2-21 of the Draft EIR, the *future* North Livermore Pipeline (NLP) corridor west of Vasco Road is only representative of the type of corridor that would be investigated in a project-level EIR on the treated water delivery pipeline. The Altamont WTP Project in no way precludes other future NLP pipeline alignments from being considered or selected. Zone 7 and its engineering design firm for the future NLP project would consult with local, regional, state, and federal agencies to ensure that the NLP would be sited appropriately with respect to environmental concerns and other existing or planned facilities.

Thus, where alternative routes for the pipeline proposed as part of the Altamont WTP Project are available, they have been considered in the EIR. For the future NLP, no alternatives have been eliminated from consideration in a future EIR on that project: the environmentally superior pipeline alignment has yet to be determined.

To avoid confusion, further discussion of these issues appears Response 7.1. The supplemental information is added to Section 3, Environmental Setting, Impacts and Mitigation Measures of the EIR (see page 4-3, Section 4, Text Changes to the Draft EIR, of this Response to Comments document).

- 8.4 The comment states a concern that engineering, operational and geotechnical issues were used in the initial evaluation of the alternative sites. This is correct. Engineering, operational and geotechnical concerns are part of the environment in which the Altamont WTP Project, and every other project, exists. Projects that cannot be constructed for any of these reasons are not viable alternatives and never should be presented as such. Please refer to Response 5.4.

The comment also raises the issue of whether segmenting of the project as defined under CEQA has occurred. Please see Response 7.1 for a discussion of this issue.

- 8.5 The comment restates concerns raised in Comments 5.6 and 7.3, regarding potential impacts to the Springtown Alkali Sink and Frick Wetlands areas. Please refer to Response 5.6 for further discussion of potential impacts to these resources.
- 8.6 This comment requests that LARPD and EBRPD be acknowledged as major landowners in the vicinity of the proposed project and states the importance of EBRPD and LARPD Master Plan language regarding potential impacts to Brushy Peak Regional Preserve.

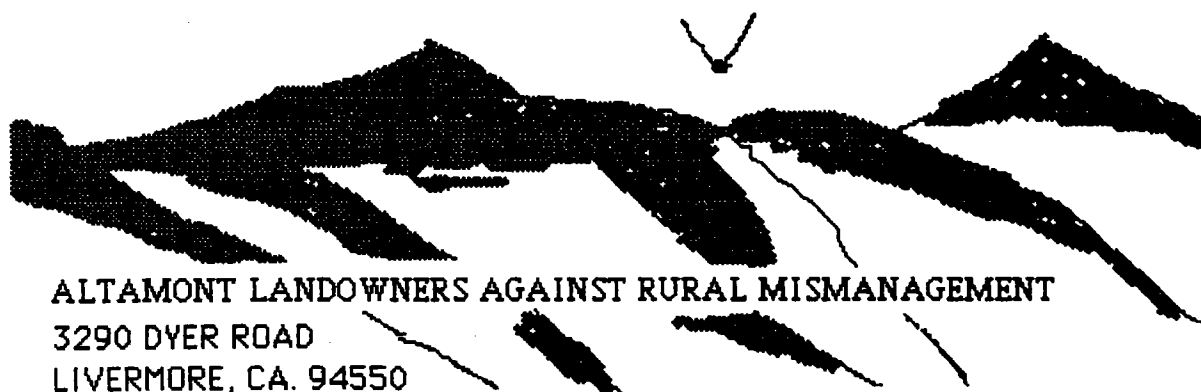
Page 14 of the 1995 LARPD Master Plan cites LARPD's existing operational responsibility for Brushy Peak Regional Preserve, and notes that LARPD and EBRPD will work together on a joint development plan for Brushy Peak. Because the two Districts work so closely with each other, the EIR tends to address issues raised by them as though they were from a single entity. This is understandable, in that EBRPD owns or assists in the management of nearly 20,000 acres in eastern Alameda County (page 3.1.1-3 of the Draft EIR), including the 507 acres of Brushy Peak.

The EBRPD and LARPD Master Plans were given consideration by Zone 7 and the environmental consultant, although there are relatively few citations to them in the Draft EIR. The Draft EIR addresses the more generalized policies of the East County Area Plan with respect to all parkland as encompassing concerns related to land administered by either LARPD or EBRPD that might be used by Zone 7 for the Altamont WTP Project. A previously considered overland pipeline route that would have crossed EBRPD land was withdrawn partly because of EBRPD opposition to any Zone 7 use. One half acre of land owned by EBRPD in the northeast corner of Laughlin Road Site #3 would not be available for the same reason. No LARPD-owned

land would be used by Zone 7 for the Altamont WTP Project.

With the exception of the actual site on which the water treatment plant and access road would be constructed, the implementation of the Altamont WTP Project does not have the authority to place physical restrictions on the expansion of LARPD or EBRPD. Zone 7 is committed to making the water treatment facilities compatible with the surrounding area to the extent feasible. Zone 7 encourages the continued review and input of the public and public agencies at meetings that will be held to discuss design elements. As a public agency, Zone 7 will notify any interested party of upcoming public meetings regarding the design phase of the Altamont WTP. Please refer to Responses 5.7, 5.8 and 11.4 for discussion regarding mitigation to potential visual impacts to Brushy Peak Regional Preserve.

- 8.7 This comment reiterates concerns regarding visual impacts. Please refer to Response 5.7, which provides discussion regarding this issue.
- 8.8 This comment asserts that mitigation measures cited in the Draft EIR are not sufficient to reduce impacts to insignificant levels, because all aspects of operation of the proposed Altamont WTP were not addressed. Please refer to Response 7.1 addressing the question of segmentation. Concerns related to evaluation of environmental impacts of pipeline routes are addressed in Response 5.6: text changes are presented on page 4-3, Section 4, Text Changes to the Draft EIR, of this Response to Comments document.



449-0655

Mr. Jack Fong
Zone 7 Water Agency
5997 Parkside Drive
Pleasanton, Ca 9458-5127
925-484-2600 ex 245

Draft EIR Comments

March 6, 2001

Dear Mr. Fong I have been considering the scope of your water treatment project over the past year and will now reply with written comment.

As a resident of Dyer Rd., I belong to the only group that is directly concerned with maintaining a quality of environment and way of life that Dyer Rd. and the Altamont Pass now has to offer to our families that live here. That group is ALARM.

Since the late 80's we have voiced concerns over, The large numbers of protected species that have been killed at the Altamont Pass. Raptor mortality by windmills placed in raptor habitat, Waste Management and the buffer zone between the dump and Dyer Rd., Realignment of Altamont Pass Rd., at Carrol Rd. Expansions of Waste Management Altamont Hills, Contra Costa County imports, Water quality, health, property values and land fill traffic.

ALARM members are trying to preserve our way of life and the environment. The Altamont Pass. Altamont Pass has a very small population due to large parcel zoning of Alameda County.

Comments about Zone 7 Water Treatment Plant and pipeline.

- | | |
|---|-----|
| Dyer Rd. sites should not be considered. Laughlin Rd. could be used or no project alternative. | 9.1 |
| 1. The construction and operation of a water treatment plant would not be compatible with our current agricultural environment. | 9.2 |
| a. Increased traffic by Zone 7 staff and transport of hazardous chemicals. | 9.3 |
| b. Industrial operation in a rural agriculture setting. | 9.4 |
| c. Concentration of hazardous chemicals stored on site that are used in water treatment process could be released at Dyer Rd. | 9.5 |
| d. Air born concentrations of chemicals in our small valley could cause hazardous levels of air to breath or noxious smells. | 9.6 |

- | | |
|---|------|
| e. Hazardous chemicals that would be transported every other day during the summer on Dyer Rd. and stored and used at the site include, sodium hypochlorite, pressurized ammonia gas, sodium hydroxide, alum, ferric chloride, polymers, removed sludge and other toxic substances. | 9.7 |
| f. Dyer Rd. site 1 & 5 also will be visible. Dyer Rd. site 5 will have a deep cut and land slide potential. | 9.8 |
| 2. The ideal location for the Water Treatment plant would conform and blend in with the industrial sites at Greenville Rd. and Altamont Pass Rd. | 9.9 |
| a. The Laughlin Rd. site has no real obstacles. | 9.10 |
| b. The Greenville Fault has been raised as a concern. This should be of little concern since there is no landslide potential, THE GREENVILLE FAULT DOES NOT RUN THROUGH THE LAUGHLIN SITE and engineering would handle any concerns. | 9.11 |
| 3. The preferred route for pipeline along Dyer Rd. and Altamont Pass Rd. has several problems would be created. Altamont Pass road is a heavily traveled road. The plan is totally wrong to put the pipeline under or along the traveled road. The proposed pipeline should be built so construction would not interfere with traffic. This needs to be addressed within the EIR. And road closure cannot be an option. | 9.12 |
| a. Since Altamont Pass Rd. is the road used when 580 is closed, this would create a major problem commuter traffic delay should the freeway have emergency closing. | |
| b. Trucks going to Altamont landfill will be delayed during construction. | |
| c. Commuter traffic on Altamont Pass Rd. would be delayed during construction. | |
| d. This would be could be avoided by going back to the original plan and pumping raw water over the hill to Laughlin Rd. Treatment plant. | 9.13 |
| e. The Dyer Rd. pipeline route seems to go through the one lane railroad underpass. This approach is wrong and would require closing Dyer Rd. during construction. An alternative would be to boring under the railroad and construction of pipeline under the railroad with, a sleeve or chase left in place to ease maintenance would be a better choice that is a common construction practice. | 9.14 |
| f. Pipeline could parallel the South Bay Aqueduct and be constructed in the current South Bay access road. This would have several advantages but not limited to, cost and elimination of Dyer Rd. traffic congestion during the construction phase. | 9.15 |

YOURS TRULY,

DARRYL, SUSAN and VIVIAN MUELLER

Darryl Mueller

Susan Mueller

Vivian Mueller

9. Darryl, Susan and Vivian Mueller, Altamont Landowners Against Rural Mismanagement

- 9.1 The comment states that the proposed Dyer Road site locations should not be considered and speaks in favor of the Laughlin Road or no project alternative. Zone 7 acknowledges this comment as an opinion about the project, but, because the comment does not address any issues of adequacy of the EIR, offers no further response.
- 9.2 The comment states that the proposed project would not be compatible with the current surrounding agricultural environment. This concern is restated in Comment 9.4; please refer to Response 9.4. Further information regarding the Williamson Act and how it relates to land use of the proposed project is contained in Response 21.1.
- 9.3 The comment states concerns over increased traffic by Zone 7 staff and transport of hazardous chemicals along Dyer Road. As stated in the Draft EIR in Impact 3.1.5-3 on page 3.1.5-6, although the amount of traffic (five to ten round trips per day), would represent an increase over existing traffic conditions, it would not change the service levels on any local roads. Nor is it expected to cause substantial adverse effects on circulation after the construction of the Altamont WTP because it represents such a small percentage of traffic volume in the area. Additions have been made to the Traffic and Circulation mitigation measures on pages 4-8 through -11, Section 4, Text Changes to the Draft EIR, of this Response to Comments document that address the issues of staff trips and deliveries to the water treatment plant during the operational period.

Impact 3.2.5-2, beginning on page 3.2.5-20 of the Draft EIR, discusses the transportation of hazardous materials. As noted on page 3.2.5-21 of the Draft EIR, all hazardous materials would be packaged in accordance with Department of Transportation (DOT) requirements that limit the potential for packages to fail on impact. Mitigation Measure 3.2.5-2 discusses additional measures related to access road and site plan design that would reduce this impact to an insignificant level.

- 9.4 The comment states concerns about the industrial operation of the project located within a rural agricultural setting. As stated in the Draft EIR in Impact 3.1.1-4 on page 3.1.1-11, the Williamson Act has specific provisions for acquisition of contracted lands, such as Laughlin Road Site #3 and Dyer Road Site #1, for public improvements. Section 51238 (a) (1) of the Williamson Act, states explicitly that construction of water facilities is considered a compatible use within any agricultural preserve. For further

explanation of the Williamson Act in relation to this project, please refer to Response 21.1.

- 9.5 The comment states concerns regarding the storage and use of hazardous chemicals and the possibility of accidental releases at Dyer Road. The mitigation measures outlined in Section 3.2.5, Hazardous Materials and Public Safety, of the Draft EIR, would be implemented to ensure the safety of the public and the environment. Impact 3.2.5-1, beginning on page 3.2.5-12 of the Draft EIR, discusses the storage and handling of materials that are potentially hazardous to humans and the environment. As stated on page 3.2.5-18 of that discussion, Zone 7 is required by law to ensure the health and safety of the community and the environment. Mitigation Measures 3.2.5-1 and 3.2.5-2 on pages 3.2.5-19 through 3.2.5-22 of the Draft EIR to further reduce the possibility of risks to human or environmental health and safety through ensuring proper design of transportation, storage and handling facilities. This concern is also addressed in Impact 3.2.5-5 on page 3.2.5-25 of the Draft EIR.
- 9.6 The comment states concerns regarding airborne concentrations of chemicals emitted into the atmosphere that could result in hazardous levels or noxious smells. As stated in the Draft EIR, on page 3.2.6-9 of Section 3.2.6, Air Quality, regional air emissions caused by the project operation would not exceed the BAAQMD's significant thresholds of 80 pound per day for ROG, No_x , and PM_{10} emissions. In addition, Mitigation Measure 3.2.6-1 (see pages 3.2.6-8 and 3.2.6-9 of the Draft EIR) would be implemented during the construction phase of the project to reduce the impact of fugitive dust and equipment exhaust emissions that would cause a nuisance. Impact 3.2.6-3, beginning on page 3.2.6-10 of the Draft EIR, notes that the proposed project would not expose the public to objectionable odors; please refer to the discussion on pages 3.2.6-10 and 3.2.6-11 regarding this issue.
- 9.7 The comment states concerns regarding the transportation, storage, and use of hazardous chemicals such as sodium hypochlorite, pressurized ammonia gas, sodium hydroxide, alum, ferric chloride, polymers, removed sludge and other toxic substances. Please refer to Responses 9.3, 9.4, and 9.5 regarding these concerns.
- 9.8 The comment states that Dyer Road Sites #1 and #5 will be visible to residents of Dyer Road, and that Dyer Road Site #5 will have a deep cut and may result in a landslide potential.

Regarding the visual concern, CEQA requires that substantial, demonstrable, negative changes be noted and discussed when assessing the significance of potential visual impacts. Visibility alone is not considered to constitute a significant effect. As noted on pages 3.1.2-12 and 3.1.2-13 of the Draft EIR, most jurisdictions designate as significant broad panoramas that are accessible and visible from public locations. Private views from or into privately owned lands generally are not found to be significant for visual impact assessment by most jurisdictions. Placement of the Altamont WTP on either of the Dyer Road sites would cause changes in the visual environment compared with the existing conditions, but these changes are not considered significant under CEQA because the project would not have a substantial adverse effect on a designated scenic vista and would not substantially degrade the existing visual character of the site. Through the use of site design, land forming, landscaping, and building design and surface treatment, Zone 7 would further reduce the visibility of its facilities on the selected site. Please see further discussion regarding this issue in Response 11.4.

Regarding the potential for landslide at Dyer Site #5, Mitigation Measure 3.2.2-2 on page 3.2.2-13 of the Draft EIR provides for development proposed within areas of older alluvial deposits to be subject to site-specific geologic and geotechnical investigations. Investigations would be performed under the direction of a Registered Geotechnical Engineer (RGE) and /or a Certified Engineering Geologist (CEG) registered in the State of California, and, if necessary, appropriate structural measures would be incorporated into the project design to address potential landslide concerns.

- 9.9 The comment states a preference for a water treatment plant site location near Greenville and Altamont Pass Roads. Zone 7 acknowledges this comment as a opinion about the project, but, because the comment does not address any issues of adequacy of the EIR, offers no further response. Please refer to Response 5.4, which details the process by which potential water treatment plant sites were evaluated and chosen for analysis in the Draft EIR.
- 9.10 The comment states that Laughlin Road Site #3 has no real obstacles. As noted in Section 3.2.1, Biological Resources, of the Draft EIR, construction of the Altamont WTP on any of the three potential sites would result in loss of foraging habitat of the State and federally endangered San Joaquin kit fox (see Impact 3.2.1-1 on page 3.2.1-16), could result in direct or indirect impacts to burrowing owls (see Impact 3.2.1-4 beginning on page 3.2.1-19), could result in the direct or indirect loss of breeding

habitat for sensitive bird species (see Impact 3.2.1-5 on page 3.2.1-21), and could result in the introduction of undesirable invasive non-native plant species to the selected project site and adjacent areas (see Impact 3.2.1-9 on page 3.2.1-24). These potential impacts are of equal concern at all three sites; and all impacts would be reduced to levels of insignificance through implementation of the suggested mitigation measures described in the Draft EIR.

- 9.11 The comment states that potential seismic impacts at Laughlin Road Site #3 are of little concern, and could be dealt with through proper engineering techniques. The existence of an Alquist-Priolo Earthquake Fault Zone on part of the site indicates that there is a potential for ground surface rupture by faulting at Laughlin Road Site #3 that does not occur at the Dyer Road sites. It also implies that Laughlin Road Site #3 would experience more severe groundshaking effects than the Dyer Road sites from an earthquake on the Greenville fault because of its proximity to that fault. These issues are addressed by testing requirements in the Alquist-Priolo Earthquake Fault Zone Act and by specific provisions for seismic resistance in near-source situations in the California Building Code. As stated on page 3.2.2-9 (Applicable Policies and Regulations) of the Draft EIR, the design of any site in this vicinity would be required to meet the most stringent California Building Code standards.
- 9.12 The comment expresses concern that construction of the proposed pipeline on Dyer and Altamont Pass Roads would interfere with commuter traffic, Altamont landfill traffic, and Highway 580 emergency detour traffic, and that this issue needs to be addressed in the EIR. The lack of alternative pipeline routes through the Altamont Hills is discussed in Response 7.1. The EIR acknowledges that traffic disruption will occur during the construction period. Details of the Traffic Management Plan required by the County to reduce this disruption to the lowest possible level are provided on pages 4-8 through -11, Section 4, Text changes to the Draft EIR, of this Response to Comments document.
- 9.13 The comment states that the proposed raw water pipeline should go over the hill to Laughlin Road Site #3. Such an alignment was considered and withdrawn early in the technical and environmental examination process. It is described on page 2-20 of the Draft EIR as the Brushy Peak Alignment, extending from the Dyer Canal Backsurge Pool through lands controlled by East Bay Regional Park District and Livermore Area Recreation & Park District to Laughlin Road Site #3. As stated in that discussion, the route is severely constrained hydraulically and environmentally by steep ridges and

contiguous wildlife habitat. Additionally, the EBRPD stated unequivocally, in its March 5, 2001 letter of comment, that it would not allow such use of its property. There is no overland route between the Dyer Canal Backsurge Pool and Laughlin Road Site #3 that would not cross property controlled by EBRPD and/or LARPD. Consequently, no further CEQA purpose can be served by reexamining this route.

- 9.14 This comment offers the suggestion of trenchless construction under the railroad trestle that crosses Dyer Road. This is a type of construction that can be used in some circumstances to avoid the surface disruption caused by trenching. The possibility that it could be used along this alignment has not been eliminated, and would be considered by Zone 7 during the design stage of the project.
- 9.15 This comment offers the suggestion of a pipeline alignment along the access road for the South Bay Aqueduct (SBA). Such an alignment was considered early in the technical and environmental screening process. Zone 7 normally requests an exclusive 25-foot wide easement to construct and maintain a pipeline such as those associated with water treatment plants. The Department of Water Resources (DWR), which has jurisdiction over the SBA corridor, is unwilling to grant such easements because that action would reduce or eliminate DWR's capability to expand the SBA to meet future water demand. Consequently, no further analysis of this route appears in the EIR.

Zone 7 Water Agency

Lead/Sponsor Agency
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ALTAMONT WATER TREATMENT PLANT
DRAFT ENVIRONMENTAL IMPACT REPORT
COMMENT SHEET
(Side 1)

Name: Bob Cooper
Address: 4000 Dyer Rd
LIVERMORT, CA
Phone: (925) 447-7912(h) 925-422-4653(w)

Comment(s): BURROWING OWLS ARE IN THE AREA OF THE
DYER #1 SITE. SPECIFICALLY, I REGULARLY SITE BURROWING
OWLS LATE AT NITE ON THE GRAVEL ROAD THAT LEADS
FROM DYER RD TO MY HOUSE. LAST SITING WAS
NOV, 2000, SITING GO BACK TO WHEN I MOVED IN IN
1986. THEY HAVE AT TIMES BEEN ALMOST WEEKLY.
RIGHT NOW, I SEE THEM EVERY MONTH OR TWO.

10.1

IN WINTER, THERE ARE FREQUENT, STRONG NORTH WINDS
WHICH WOULD BLOW ANY LOOSE MATERIAL ONTO THE
NEIGHBORING RESIDENCES. A WINDBREAK WILL BE NEEDED.

10.2

10. Bob Cooper

- 10.1 The comment notes that burrowing owls have been sighted near Dyer Road Site #1. No owls or active burrows were observed on any of the potential Altamont WTP sites at the time biological surveys were conducted for the Draft EIR analysis, but the EIR agrees with the comment that this species is known to occur within the project vicinity and could occupy any of the sites (see page 3.2.1-20 of the Draft EIR, paragraph 1 of the discussion of Impact 3.2.1-4). Destruction of active owl burrows or disturbance of owls would be considered a significant impact. Please refer to Impact and Mitigation Measure 3.2.1-4, Biological Resources, in the Draft EIR, beginning on page 3.2.1-19, which discusses the potential for this species to occupy any of the proposed sites prior to construction and how this impact would be mitigated to an insignificant level.
- 10.2 The comment states a concern that loose material from construction sites could blow onto neighboring residences during windy periods, especially in winter. Please refer to Impact and Mitigation Measure 3.2.6-1 (Air Quality), beginning on page 3.2.6-7 of the Draft EIR, for a discussion of techniques commonly used to control fugitive dust recommended by the Bay Area Air Quality Management District. Similar measures would be adopted by Zone 7 to control fugitive dust during the construction period of the project. In particular, please note that the first bullet on page 3.2.6-9 of the Draft EIR calls for the installation of wind breaks, or planting of trees/vegetative wind breaks at windward sides of construction areas.

RECEIVED

MAR 8 2001

ZONE 7, ACFC&WCF

4008 Dyer Rd.
Livermore, CA 94550
March 6, 2001

Jack Fong
Zone 7 Water Agency
5997 Parkside Dr.
Pleasanton, CA 94588

Re: Altamont Water Treatment Plant Draft Environmental Impact Report

The EIR states that no evidence of burrowing owls was found on either Dyer Rd. site. I have seen occupied burrows on both sites within the last year.

11.1

Dyer Rd. site 1 is part of wildlife mitigation acreage established as a condition of the Altamont Landfill expansion, as specified in Conditional Use Permit C-5512. The Permit directs that 831 acres, including Dyer Rd. site 1, comprising a buffer zone around the landfill be deeded *in perpetuity* as wildlife mitigation. This prior commitment renders Dyer Rd site 1 unavailable for the proposed treatment plant. This is the very same situation that led to removing Altamont Pass Rd Site 1 from consideration for the treatment plant.

11.2

The EIR states that designation of alternate acreage to replace the lost habitat would reduce this impact to an insignificant level. We disagree strongly. The landfill CUP designates the 831 acres, including Dyer Rd site 1, as buffer area between the landfill and Dyer Rd. No alternate off-site mitigation acreage, even at the proposed 3:1 ratio, can function as a buffer zone.

11.3

Both proposed Dyer Rd. sites are adjacent to my home. A significant part of our property's value, measured both by our enjoyment of it and its actual financial value, derives from its remote and peaceful rural setting. The processing plant will irreparably damage that environment. The computer simulations shown in the EIR do not adequately convey the visual impact the plant will have on adjacent property owners. The plan will operate 24 hrs/day, and we are told it will be lighted all night, a significant disruption of the solitude we consider so precious. The simulated pictures do not show the lights or the chain link fence we are told will surround the plant. We have been told that the proposed buildings will be 22 feet tall. That is a 2-story building, substantially taller than any outbuildings in the vicinity. It will not be possible to plant sufficient shrubbery to conceal these features, or to disguise the nature of the facility so as to resemble adjacent property, as claimed in the EIR.

11.4

We are also concerned with the effects of construction, such as noise, dust from excavation, traffic and road work, which will have a substantial impact on adjacent property owners. Construction is projected to last for 2 years, which does not meet my definition of a short-term impact.

11.5

Zoning laws exist expressly to preserve the unique character of areas such as Dyer Rd. No private organization would be permitted to build such a processing plant here. Government agencies place themselves above the laws that apply to the citizens they represent, but the decision to exercise that power should not be taken lightly.

11.6

We urge Zone 7 to reject both Dyer Rd. sites.

11.7

Sincerely,



Virginia W. Miner

11. Virginia W. Miner

- 11.1 The comment states that burrowing owls were seen on Dyer Road Sites #1 and #5 within the past year. Please refer to Response 10.1, which addresses a similar comment concerning the presence of burrowing owls.
- 11.2 The comment asserts that Dyer Road Site #1 is unavailable as a potential site for the proposed Altamont WTP, because it is part of an 831-acre area cited in Alameda County Conditional Use Permit C-5512, which requires the establishment of a biological habitat mitigation and buffer area for the approved Altamont Landfill expansion. This is not the case as understood by the present owner (Waste Management, Inc.), Alameda County, the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers. Please refer to Response 6.2 for further discussion regarding the availability of the parcel.

The comment further states that the same set of circumstances resulted in the removal of Altamont Pass Road Site #1 from further consideration as a potential Altamont WTP site. As stated on page 1-9 (Introduction) of the Draft EIR, the removal of Altamont Pass Road Site #1 from consideration was a result of the purchase of the land encompassing that site by the East Bay Regional Park District: the purchase included establishing deed restrictions and a conservation easement for the entire parcel in order that it remain as open space in perpetuity. No such purchase, deed restriction, or establishment of a conservation easement has occurred for the parcel containing Dyer Road Site #1. Please refer to Response 6.2 for further discussion regarding the availability of the parcel.

- 11.3 The comment asserts that off-site replacement acreage is not appropriate mitigation for the loss of habitat on Dyer Road Site #1, and that the 831 acres cited in Conditional Use Permit C-5512 for the landfill expansion project is the buffer area between the landfill and Dyer Road.

As stated page 3.2.1-16 of the Draft EIR, the current practice of the US Fish and Wildlife Service is to require replacement of lost habitat at a ratio of at least 3 to 1, or to require in lieu fees for the purchase of such acreage. This is a standard requirement that has been in place for years and is considered by USFWS and CEQA to be appropriate mitigation.

Although Alameda County and Waste Management, Inc. plan to use the 50-acre parcel west of the Dyer Canal reach of the South Bay Aqueduct and the 550-acre parcel east of the Dyer Canal as part of the habitat mitigation area for the future landfill expansion approximately two miles east of Dyer Road, no agreements have been codified regarding the use of the parcels, and no purchase or exchange of lands for the establishment of a habitat replacement area has occurred. Consequently, it is incorrect to assume that Dyer Road Site #1 (about half of the parcel west of Dyer Canal) is designated irrevocably as part of the replacement habitat for the landfill expansion. Responses 11.2 and 6.2 provide further explanation of the availability of the parcel containing Dyer Road Site #1.

- 11.4 The comment states a concern regarding property values adjacent to proposed sites on Dyer Road if the Altamont WTP is constructed on either of these sites. The comment outlines concerns related to the visual impact of the proposed Altamont WTP, including lighting, fencing, and the height of proposed buildings.

The California Environmental Quality Act (CEQA) is the basis for the analysis presented in the Draft EIR. Regarding economic effects, 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." The focus of CEQA analysis is to be on the physical changes to the environment. An EIR may trace a chain of events, caused by a project, through anticipated social or economic changes to physical environmental changes. Because no such chain of events is anticipated for the proposed project, no analysis of land values in the vicinity of the three alternatives sites is included in the EIR.

Regarding visual concerns, CEQA requires that substantial, demonstrable, negative changes be noted and discussed when assessing the significance of potential visual impacts. Visibility alone is not considered to constitute a significant effect. As noted on pages 3.1.2-12 and 3.1.2-13 of the Draft EIR, most jurisdictions designate as significant broad panoramas that are accessible and visible from public locations. Private views from or into privately owned lands generally are not found to be significant for visual impact assessment by most jurisdictions. Placement of the Altamont WTP on either of the potential Dyer Road sites would cause changes in the visual environment compared with the existing conditions, but these changes are not considered significant under CEQA because the project would not have a substantial adverse effect on a designated scenic vista and would not substantially degrade the

existing visual character of the site.

Through the use of site design, land forming, landscaping, and building design and surface treatment, Zone 7 would further reduce the visibility of its facilities on the selected site. New lighting on the project site would include area security lighting for the water treatment plant. The overall objective would be to establish area lighting that would be adequate for safety and surveillance, but reduce the potential effects on nighttime views from locations around and within the project area. Night lighting at the project site would be focused downward and/or shielded to avoid glare and point sources of light interfering with the vision from the interior of nearby residences. Lighting elements should be recessed within their fixtures to prevent glare. A specialist in lighting design will be consulted to determine light source locations, light intensities, and type of light source as designs for the buildings are finalized.

Fencing used for the Altamont WTP would be designed to resemble rural rather than urban enclosures. Zone 7 estimates that the tallest building for the Altamont WTP, the control building, would range from 22 to 25 feet, depending on the pitch of the roof; however, building design and other design elements such as fencing, lighting and screening have not been finalized. Zone 7 encourages the continued review and input of the public at meetings that will be held to discuss these design elements, so that the Altamont WTP will blend to the extent feasible with the surrounding environment of the chosen site. As a public agency, Zone 7 will notify any interested party of upcoming public meetings regarding the design phase of the Altamont WTP.

- 11.5 The comment cites concerns regarding construction effects of the proposed project, including noise, dust, traffic and road work.

Noise impacts are addressed in Section 3.2.7, Noise, of the Draft EIR. In particular, please refer to Impacts and Mitigation Measures 3.2.7-1 and 3.2.7-2 on pages 3.2.7-5 through 3.2.7-7 of the Draft EIR. Similarly, dust impacts are addressed in Section 3.2.6, Air Quality, of the Draft EIR. As stated on page 3.2.6-7 of the Draft EIR, construction-related activities such as grading could result in fugitive dust emissions that would cause a nuisance. Mitigation Measure 3.2.6-1, beginning on page 3.2.6-8 of the Draft EIR, outlines control measures based on Bay Area Air Quality Management District (BAAQMD) guidelines to reduce fugitive dust emissions to a level of insignificance.

Issues regarding traffic and circulation are addressed in Response 5.10. Text also has been added to the EIR (see pages 4-8 through -11, Section 4, Text Changes to the EIR, of this Response to Comments document) expanding the Traffic and Circulation Mitigation Measures to explain the elements of the Traffic Management Plan.

- 11.6 This comment asserts that the proposed Altamont WTP would be incompatible with the Dyer Road area. As stated on page 3.1.1-6 of the Draft EIR, the area is designated by Alameda County as a "large parcel agriculture area" and as a "wind resource area." As stated on page 3.1.1-2 of the Draft EIR, existing zoning regulations for agricultural areas allow, as a conditional use, additional dwellings for persons employed in the agricultural use of the subject property and their families, and/or living quarters for farm laborers. Other uses, which would include public utilities such as a water treatment plant, generally are considered compatible with the agricultural designation provided mitigation measures are in place to protect and/or replace sensitive habitat and to blend the facility with the surrounding area to the extent feasible. Please refer to Responses 5.7 through 5.9 and 11.4, as well as pages 4-4 through -8, Section 4, Text Changes to the Draft EIR, of this Response to Comments document, for discussion of blending the Altamont WTP Project into the landscape.
- 11.7 This comment urges Zone 7 to reject both Dyer Road Site #1 and #5. Zone 7 acknowledges this comment as an opinion about the project, but, because the comment does not address any issues of adequacy of the EIR, offers no further response.

12. Hugh Walker

MR. WALKER: My name is Hugh Walker, and my mailing address is P.O. Box 2999, in Livermore, 94551. And I own with my family -- what you call it, Dyer 5 -- Dyer Road site number 5.

And my question that I wanted to ask of the consultant -- and I don't know what the law is on EIRs and what you're required to do, but I heard the comment that the site would be shielded from the public. And I would think in the design process that if that is the chosen site, that you would certainly try to shield it from neighbors, as well.

And seeing the nod, I'm somewhat offended that I didn't see any trees on the back side of the lot where there is residences, and we happen to own the remaining property. And I think that everything, if that site is chosen, should be done to shield the site all the way around it, if that's possible.

If it is not possible, I'd just like to know why.

And that's the only comment that I have right now. Thanks.

12.1

13. Adrian Lyells

MS. LYELLS: Hi. My name is Adrian Lyells. I live at 4002 Dyer Road.

The DEIR states there will be no other projects following that may have an impact on the Altamont area -- or they state there will be other projects following that may have an impact on the Altamont area.

13.1

This report refers to a cumulative impact assessment, but without the other EIRs being addressed, how can the cumulative impact be assessed?

It states that if Dyer Road 1 or 5 is selected for the Altamont Water Treatment project, that a pipeline would be needed to carry treated water to a connection with Zone 7's future Livermore pipeline, it was not considered in this EIR and will be addressed later. What effect will that have on the residents of Dyer Road?

13.2

This report says that the water treatment plant will service the Zone 7 service area, which consists of the cities of Livermore, Dublin and Pleasanton. Dyer Road is not in one of these cities, and, therefore, should not have to burden the growth and the needs of areas of which we are not a part.

13.3

In addition, why build an infrastructure when the population of this area has indicated a desire to slow growth, most notably in the failure of Measure C to pass and the fact that Measure D did?

13.4

Dyer 1 falls under the Williamson Act, and, therefore, must be limited to agricultural and compatible use. We do not feel that a water treatment plant is compatible. The area around Dyer Road has shown that it can be used for agriculture purposes. For example, we are in our fourth year of growing grapes on our property, as well as numerous fruit trees and vegetable gardens. Trees are also thriving in this area.

13.5

Road construction would add significantly to the current traffic flow. Presently, merging onto Altamont Pass Road during commute hours requires a lot of patience. Cars traveling at speeds at around 50 miles an hour hitting the intersection of Dyer and Altamont Pass Roads make merging a challenge.

Within the past three months, I have seen six cars miss the curve and land in the ditch of this intersection. Add to that, huge 18-wheeler trucks carrying garbage, and the volume of increased traffic on the Altamont, construction could turn that road into congested traffic conditions.

13.6

The DEIR states that roads are rural in nature and have very low volumes of traffic. This used to be the situation. But with the growth of people moving to the valley, the use of Altamont Pass Road as an alternate to 580 has increased substantially, and, as such, needs to be addressed prior to adding more traffic and reducing the size and quantity of available lanes for a period of six months or more.

I would like to see a study showing the accident rates on Altamont Pass and Dyer Road for the

13.7

- 12.1 This comment states a concern about visual impacts, in particular regarding Dyer Road Site #5, and requests screening around the entire site, if chosen, to screen the Altamont WTP from all neighbors. As stated in Section 3.1.2, Visual Quality, of the Draft EIR, Zone 7 would landscape whichever site is selected. This would be accomplished through a landscape planner familiar with the Altamont Hills plant species and with large-lot designs. The selected site would be screened on all sides exposed to view by the public or neighbors. For example, Dyer Road Site #5 is shown in Figure 2.1.2-3B with clusters of trees north of the water treatment facilities to mimic the existing clusters in the vicinity.

Building design and other design elements such as fencing, lighting and landscaping or other screening have not been finalized. Zone 7 encourages the continued review and input of the public at meetings that will be held to discuss these design elements, so that the Altamont WTP will blend to the extent feasible with the surrounding environment of the chosen site. As a public agency, Zone 7 will notify any interested party of upcoming public meetings regarding the design phase of the Altamont WTP.

Why are we paying for the water facility costs? Costs and visual impacts should be borne by those who will benefit from its use.

13.17

Where is the data supporting the traffic analysis? I feel not enough research has been done to study the impact of this project on current traffic conditions. They have dramatically changed over the past couple of years and need to be looked at seriously.

13.18

Why are they going against Measure D intent? How will the loss of property values be addressed?

13.19

Who currently owns these parcels in question? And are there currently options on this land?

13.20

And, finally, why are we sacrificing environmental impacts for cost savings?

13.21

past five years.

The location of a Dyer Road site would submit the residents to a situation involving hazardous waste. Presently there are no trucks carrying hazardous waste to our roads.

13.8

Even one or two trucks weekly presents a potential hazard. We not only have fog, wind, cattle, other hazards, but the increase in accidents just over the past year has substantially increased the possibility of a situation involving hazardous waste.

What protection would the residents have, considering it now takes up to 40 minutes for emergency vehicles to even make it out to Dyer Road?

13.9

Vernal ponds that exist on Dyer 1 must be protected. Building around them would discourage the uses they currently are used. The areas surrounding these ponds are just as important to the ponds themselves, as the creatures need to be able to reach them. Crawling over asphalt or gravel defeats the purpose.

13.10

Tiger salamanders are prevalent in our area, especially on our property, and we are right across the street from Dyer 1.

13.11

We not only have them on videotape, but we just saw one last Sunday when we were out working in our yard.

The DEIR states the construction of plant facilities would result in increased surface runoff. We

already have problems with the roads flooding. The runoff could pick up hazardous or other types of chemicals or minerals that could be detrimental to our endangered species that exist here.

13.12

Increased releases of water into our area could affect our groundwater, as well as the habitat of the wildlife living there.

Various activities, such as water treatment, chemical handling, structural pest control and sludge handling and drying operations could affect our water. As we are all on wells, this is a major concern for the residents along Dyer Road.

13.13

I don't feel there is enough data to support the statement that no mitigation is required for the noise that would be generated by the plant and the construction of the plant.

13.14

Dyer Road is in a valley, and the noise levels in the summer due to windmills is already high. The sounds bounce off the hills. As the noise is cumulative, I feel that this would make the noise above acceptable levels. Also, as our home is one of the ones closer to the site, the levels would not be within acceptable ranges.

13.15

The fact that Laughlin Road 3 has a fault on its site does not seem to me to be any different than the Dyer Road sites being located near earthquake faults. An earthquake in that area would affect all the sites.

13.16

In conclusion, I have the following questions:

- 13.1 Because the first sentence of this comment, as recorded in the transcript of the public hearing, contradicts itself, this response assumes that the speaker was correcting herself mid-sentence and that the latter half of the remark is the intended comment, i.e., that the Draft EIR states that there will be other projects following the proposed project that may have an impact on the Altamont area. The comment then asks how the cumulative impact assessment in the Draft EIR can be achieved if other EIRs are not addressed.

As discussed in the Future Related Projects subsection on pages 1-5 through 1-7 of the Draft EIR, the Water Supply System Five-Year Capital Improvement Program identifies the proposed Altamont WTP as one of seventeen projects in the Water Treatment Facilities Program, with nearly forty capital improvement projects throughout Zone 7's system that would be under way by 2006. Each of those projects, or groups of closely related projects, which require CEQA review, will be examined in a project-specific environmental review document. Detailed assessment of each of those forty projects in the present EIR is not required by CEQA, because, although they are all under Zone 7's jurisdiction, only two areas of study are related to the Altamont Water Treatment Plant project. As stated on page 1-6 of the Draft EIR, pipeline alignment studies for raw water in the Line B4-A corridor and for treated water in the Altamont and North Livermore corridors (shown in Figure 1-1) would be necessary to establish the locations of pipelines to supply the Altamont WTP with raw water and distribute the treated water produced by the water treatment plant. Although these studies are related to the Altamont WTP project, the projects they would examine are independent of the Altamont WTP Project and would be needed even if this water treatment plant project were not constructed. These studies have not reached the EIR stage, yet, but they were examined programmatically in the Water Treatment Facilities Program EIR and are incorporated programmatically in the impact and mitigation measure discussions of the present EIR.

On page 8-1 of the Draft EIR, the second paragraph of Section 8, Cumulative Impact Assessment, describes the criteria used to determine significant cumulative long-term effects of the proposed Altamont WTP project on environmental factors. CEQA requires an assessment of cumulative impacts when a project's incremental effects are cumulatively considerable. The Draft EIR identifies eight technical sections of the document where cumulative impacts were identified, and presents these impacts in the remainder of the Cumulative Impact Assessment. Consequently, the Draft EIR has met the CEQA requirement for cumulative impact assessment. Please refer to Section 4 of the Draft EIR, Growth Inducement, for a summary of potential secondary effects of

growth that may be associated with cumulative development in the Livermore-Amador Valley. Refer also to Response 7.1, which addresses whether the project is segmented as defined by CEQA.

- 13.2 This comment request information about the effects on Dyer Road residents of constructing a treated water pipeline along Dyer Road. The effects of that construction would be the inconvenience caused by traffic disruption, as described on pages 3.1.5-4 through -6 of the Draft EIR. The mitigation measures for traffic congestion caused by construction are explained more fully on pages 4-8 through 4-11, Section 4, Text Changes to the Draft EIR, of this Response to Comments document.
- 13.3 This comment states that the Altamont WTP should not be located at either of the Dyer Road sites because Dyer Road is outside of the Zone 7 service area. Selection of potential sites for the Altamont WTP was based, in part, on the need for a minimum elevation at the plant site of 680 feet to provide elevation head and minimize the amount of pumping necessary to deliver treated water. Potential sites in the larger Livermore-Amador Valley area, not necessarily within the Zone 7 service area but at the desired minimum elevation, were therefore included in the screening and selection of the three potential sites considered in the Draft EIR.
- 13.4 This comment states that the recent passage of Measure D indicates that growth is slowing, which should eliminate the need for building infrastructure projects such as the Altamont WTP project.

County of Alameda Measure D calls for an ordinance amending the Alameda County General Plan to, among other things, revise the urban growth boundary in the East County to reserve less land for urban growth and more land for agriculture and open space. The passage of this measure in November 2000 does not constitute the ultimate state of affairs regarding growth in Alameda County, including the North Livermore area near the proposed Altamont WTP project area.

The City of Livermore discussed this issue in its December 11, 2000 City Council meeting, received numerous public comments at this meeting (refer to Section 3.2 of the document posted at the website http://www.ci.livermore.ca.us/minutes/12_11_00ccminutes.htm), and directed City of Livermore staff to prepare a request for proposals for a consultant to assist the City of Livermore with a city visioning process. Visioning process consultant interviews were scheduled to take place on April 3rd and 4th in the

City Council Chambers (http://www.ci.livermore.ca.us/minutes/03_26_01ccsummary.htm).

The Altamont WTP project is considered necessary to provide sufficient domestic water to support a level of growth that is consistent with the amount of growth planned and approved by the planning agencies within Zone 7's service area. The North Livermore General Plan is an existing approved plan within this area, but it is undetermined at this time what direction the City of Livermore will choose for development in the North Livermore area. Given the usual time frame needed to design and build water treatment facilities (5 to 7 years), it is necessary for Zone 7 to proceed under the assumptions contained in the existing, approved General Plans covering their service area. It is worth noting that the Altamont WTP project has always been considered a phased project (see page 2-6 of the Draft EIR, Section 2.2 Project Purpose and Objectives, paragraph 3) wherein a 24 million gallon per day (MGD) water treatment plant would be constructed with the ability to expand to 42 MGD, when that capacity was needed. If a slower population growth rate were approved by the cities and county, the size of the water treatment plant would reflect that water demand.

- 13.5 This comment states that Dyer Road Site #1 is under Williamson Act contract, and that a water treatment plant would not be a compatible use. This comment is similar to prior Comment 9.4; please refer to Response 9.4. Refer also to Response 21.1 which provides additional information and clarification regarding Williamson Act contracts.
- 13.6 Issues regarding traffic and circulation are addressed in Response 5.10. Text also has been added to the EIR (see page 4-8 through -11, Section 4, Text Changes to the EIR, of this Response to Comments document) expanding the Traffic and Circulation Mitigation Measures to explain the elements of the Traffic Management Plan.
- 13.7 Issues regarding traffic and circulation are addressed in Response 5.10. Text also has been added to the EIR (see page 4-8 through -11, Section 4, Text Changes to the EIR, of this Response to Comments document) expanding the Traffic and Circulation Mitigation Measures to explain the elements of the Traffic Management Plan.
- 13.8 This comment asks about protection of area residents from accidental releases of hazardous materials if the Altamont WTP is built on either of the Dyer Road sites. As noted beginning on page 3.2.5-12 in Impact 3.2.5-1 and Impact 3.2.5-2 in the Hazardous Materials and Public Safety section of the Draft EIR, human exposure to

hazardous materials could result from the transportation and operational use of such materials at the Altamont WTP. Please refer to the Mitigation Measures beginning on page 3.2.5-21 of the Draft EIR, for a discussion of how these impacts would be reduced to an insignificant level.

- 13.9 Issues regarding traffic and circulation are addressed in Response 5.10. Text also has been added to the EIR (see page 4-8 through -11, Section 4, Text Changes to the EIR, of this Response to Comments document) expanding the Traffic and Circulation Mitigation Measures to explain the elements of the Traffic Management Plan.
- 13.10 This comment notes that vernal ponds on Dyer Road Site #1 must be protected. This concern is acknowledged, and is addressed in the Draft EIR in Impact 3.2.1-2 (page 3.2.1-17), Impact 3.2.1-6 (page 3.2.1-22) and Impact 3.2.1-7 (page 3.2.1-23). Please refer to the discussions and Mitigation Measures for these impacts, which describe how potential impacts to the vernal ponds on Dyer Road Site #1 would be mitigated to an insignificant level. In particular, Mitigation Measure 3.2.1-6 on page 3.2.1-23 of the Draft EIR notes that a 300-foot buffer from the ordinary high water marks of the ponds should be observed.
- 13.11 This comment notes the observation of tiger salamanders on property adjacent to Dyer Road Site #1. This Draft EIR acknowledges these observations on page 3.2.1-18 of the Biological Resources section, in the discussion following Impact 3.2.1-3 regarding potential impacts to California tiger salamanders. Please refer to Mitigation Measure 3.2.3-3 for discussion describing the methods for reducing this impact to an insignificant level.
- 13.12 This comment states a concern regarding increased runoff and the potential for increased flooding and water quality problems resulting from the proposed Altamont WTP project. Section 3.2.3, Hydrology, on pages 3.2.3-1 through 3.2.3-25 of the Draft EIR, is devoted exclusively to these concerns. Please refer to Impact and Mitigation Measure 3.2.3-1, on pages 3.2.3-16 through 3.2.3-20 of the Draft EIR, for discussion regarding potential flooding and water quality concerns and how they would be mitigated to a less than significant level. Human and environmental exposure risk is noted in Impact 3.2.5-1, beginning on page 3.2.5-12 of the Hazardous Materials and Public Safety section of the Draft EIR. Mitigation Measure 3.2.5-1, on page 3.2.5-19 of the Draft EIR, contains specific measures proposed to reduce the potential for accidental spills that might enter stormwater runoff and may affect nearby residents or

sensitive species in the area.

- 13.13 This comment states a concern regarding the potential effect of WTP activities on groundwater in the Dyer Road area. This issue is addressed in the discussion of Impact 3.2.4-1 in the Water Quality section of the Draft EIR. As noted in the first paragraph on page 3.2.4-11 of this discussion, sediment or chemicals could be released from sludge into surface or groundwater if the sludge were not controlled carefully from the point of its generation through its final disposal. Mitigation Measure 3.2.4-1(a) reduces this potential impact to an insignificant level.
- 13.14 This comment disagrees with a statement that no mitigation is required for noise generated by the construction and operation of the Altamont WTP. The Draft EIR does not make this statement; rather, on pages 3.2.7-5 through 3.2.7-7 of the Noise section, noise impacts related to construction and operation of the Altamont WTP are described as potentially significant, and specific mitigation measures are proposed to reduce noise impacts so that the Exterior Noise Level Standards of the Alameda County General Ordinance would not be exceeded. The Draft EIR does state, on pages 3.2.7-8 and 3.2.7-9 of the Noise Section, that operation of the Altamont WTP would not substantially contribute to project-related traffic noise or to cumulative noise levels near the project site and that no mitigation would be required.
- 13.15 This comment restates and expands on concerns about noise along Dyer Road, citing existing noise from windmills in the area, and expresses concerns regarding cumulative noise impacts. This comment is acknowledged, and the Draft EIR notes on page 3.2.7-2 that windfarms and existing traffic are the primary sources of existing noise along Dyer Road. Please refer to Response 13.14 above for further discussion regarding mitigation of noise impacts.
- 13.16 This comment states that the earthquake fault near Laughlin Road Site #3 has the potential to affect all three sites, which means that the Dyer Road sites are not better or worse suited as a WTP site. As noted in Impact 3.2.2-2 on page 3.2.2-12 of the Draft EIR, the entire project area, which includes the water treatment plant sites studied in this EIR, will be subject to potentially damaging seismically induced groundshaking during major earthquakes on nearby active faults. Please refer to Mitigation Measure 3.2.2-2, beginning on page 3.2.2-13 of the Draft EIR, for discussion of how this impact would be reduced to a less than significant level. All three sites are subject to groundshaking, but as noted in Impact 3.2.2-1 on page 3.2.2-12 of the Draft EIR, only

Laughlin Road Site #3 is subject to possible surface rupture along the Greenville fault zone.

- 13.17 Comment that costs and visual impacts of the Altamont WTP should be borne by those who will benefit from its use.

The California Environmental Quality Act (CEQA) is the basis for the analysis presented in the Draft EIR. Regarding economic effects, 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...The focus of the analysis shall be on the physical changes." Consequently, no economic analysis was included in the Draft EIR.

Regarding visual impacts, CEQA requires that substantial, demonstrable, negative changes be noted and discussed when assessing the significance of potential visual impacts. Visibility alone is not considered to constitute a significant effect. As noted on pages 3.1.2-12 and 3.1.2-13 of the Draft EIR, most jurisdictions designate as significant broad panoramas that are accessible and visible from public locations. Private views from or into privately owned lands generally are not found to be significant for visual impact assessment by most jurisdictions. Placement of the Altamont WTP on any of the potential sites would cause changes in the visual environment compared with the existing conditions, but these changes are not considered significant under CEQA because the project would not have a substantial adverse effect on a designated scenic vista and would not substantially degrade the existing visual character of the site.. Through the use of site design, land forming, landscaping, and building design and surface treatment, Zone 7 would further reduce the visibility of its facilities on the selected site. Please see further discussion regarding visual impacts in Response 11.4.

- 13.18 Issues regarding traffic and circulation are addressed in Response 5.10. Text also has been added to the EIR (see pages 4-8 through -11, Section 4, Text Changes to the EIR, of this Response to Comments document) expanding the Traffic and Circulation Mitigation Measures to explain the elements of the Traffic Management Plan.
- 13.19 This comment restates concerns related to Measure D, and asks how loss of property values will be addressed. Regarding Measure D, please refer to Response 13.4. Regarding property values, see the first paragraph of Response 13.17 above.

- 13.20 This comment asks who owns the land parcels that comprise the three potential Altamont WTP sites, and if there currently are any options on these land parcels. Land comprising Dyer Road Site #1 is owned by Waste Management, Inc. of Alameda County. Land comprising Dyer Road Site #5 is owned by the Walker family. Land comprising Laughlin Road Site #3 is owned by several different landowners, including Ralph Properties, the Frick and Rasmussen families, and EBRPD. Zone 7 does not have any options to buy these land parcels because it has not yet selected a preferred site for the Altamont WTP, and is not aware of any other existing options to buy these land parcels.
- 13.21 This comment asks why environmental impacts are being sacrificed for cost savings. This comment is similar to Comments 13.17 and 13.19. Please see the first paragraph of Response 13.17 above. Further discussion of the merits of the project during the upcoming project approval phase will consider environmental, technical, cost, and political considerations.

14. Jim Robinson

MR. ROBINSON: Jim Robinson, resident of Dyer Road; 3326 Dyer Road for the last 20 years.

I've got a number of comments, but two of them that I would like to address is primarily the no-project alternative.

It seems like the answer to the no-project alternative is to put another site. There was no consideration in the EIR for how you could avoid needing a project, period.

And, so, I guess I would like to cite some work that's been done in New York City over the last ten years. They needed 90 million gallons per day of additional water supply. This was about two and a half times what your total capacity is. And their approach, rather than spending a billion dollars on a pumping plant for New York City, was to instead have a toilet rebate. And they purchased 1.3 million low-flush toilets, 1.6 gallons each, and estimated that they saved 70 to 90 million gallons per day city-wide.

14.1

I would like to know in Zone 7's area what percentage of the residents are presently at 1.6 gallons per flush, as opposed to the old 6 gallons.

14.2

I'd like to know what the leak rate within Zone 7's system is. For instance, Mexico City has a leak rate of around 30 percent, which is supposedly enough to supply water for the city of Rome.

14.3

So I would like to know at what percent the system is leaking. Because, again, that is something

that New York did to try to alleviate their water needs, was to concentrate on fixing available leaks.

I'd like to know what consideration there is for tertiary treatment of sewer water. I've heard this come up several times. I know the public is opposed to that. But I also know from work that I was involved in 35 years ago in Southern California, that you can tertiary treat sewage water to drinking water standards for about half the price of the water coming from Northern California to Southern California.

14.4

This was as of 35 years ago. So I think we can probably do better than that. So I would like to see what consideration there was to that.

I'd like to know what percent of the agricultural water is being used in Zone 7 as opposed to residential. Some work that was done shows that in California, 250 million gallons of water is sufficient for 100,000 high-tech jobs. But the same 250 million gallons of water is only sufficient for ten jobs in agricultural.

14.5

So since agricultural, I think, uses, at least in the State of California, 70 plus percent of our water, I'd like to know what is being done to -- what percent is agricultural uses, and what is being done in terms of drip watering versus flood irrigation.

The other aspect is the pipeline route. It seems very hard to believe that a pipeline down Dyer Road, which is asphalted, and down the Altamont Pass, which is asphalted, and then up Laughlin Road, is less expensive than taking a direct route over the hill to

the Laughlin Road site, none of which is paved, two-thirds at least of which already has access roads due to the wind generators, which would be used for the site.

So I would like to find out a little bit more why the supposed disruption of Dyer Road and Altamont Pass is less significant than going directly over the pass to the Laughlin site.

14.6

Also, I'm assuming that that would be environmentally less damaging, since there are wetlands, streams and other seepage areas all the way down Dyer Road and through the Altamont Pass.

So, I also question many of the studies that were done in this EIR, for instance, traffic.

The only traffic study that we've seen done looked like it occurred during Christmas vacation, which to me totally negates the impact that we are now seeing in the Altamont of commuters, both morning and night.

14.7

And Adrian referred to the people who are not making the turn at the end of the road and ending up in the ditch. There is six of those that I know of personally within the last two months. So, I think the traffic study is inadequate.

Thank you.

- 14.1 This comment states that the EIR did not consider how to avoid needing the project at all, and discusses water conservation measures employed in New York City to reduce water demand. Zone 7 is engaged in a number of water conservation activities, some of which are discussed below. Additional information on many other aspects of water conservation programs have been available for years at the Zone 7 Administrative Office, located at 5997 Parkside Drive, Pleasanton, California, tel. 925/484.2600. Water supply management issues, including the increased use of local groundwater, the use of recycled water, and expanded water conservation programs were analyzed in Zone 7's *Water Supply Planning Program EIR*. Although there is a place for each of these programs, even in combination they could not provide sufficient water for the planned growth approved in existing the General Plans of the communities that comprise Zone 7's service area.

As discussed in Section 4, Growth Inducement, of the Draft EIR, Zone 7 does not have the authority to make land use and development decisions that affect growth in its service area. Although it does not have approval authority over population growth, it is mandated to provide adequate water supply and service capacity to respond to the planned growth approved by the cities within its service area. Zone 7 does have the legal responsibility to mitigate the impacts of growth on water service by providing adequate supply and service capacity. It does not have the authority or jurisdiction to enforce water conservation measures, but is an active advocate of responsible water use and water conservation.

- 14.2 The comment requests information about what percentage of residents in the Zone 7 service area are using low-flush toilets. Zone 7 does not have this information. Zone 7 implemented an Ultra Low Flow Toilet Rebate Program in July 1994. The ten-year program offers a rebate for each retrofit in an existing home, commercial or industrial unit. The program does not apply to newly constructed units. Between July 1994 and February 2001, a total of 2649 rebates were given: on average about 380 rebates per year.
- 14.3 The comment asks what the leak rate of Zone 7's system is, and recommends fixing leaks to reduce water demand. Zone 7 estimates a leakage rate between 4 and 5 percent for the year 2000, during which about 12,100,000 million gallons of water was delivered through its treated water transmission lines. This percentage is considered

low in the water supply industry. Zone 7's distribution system of 12-inch to 48-inch pipelines is fairly new and well-maintained. There is an on-going maintenance program to detect and repair leaks throughout the transmission system.

- 14.4 The comments asks whether tertiary-treated wastewater has been considered as a water supply option. Recycled wastewater projects were included in the *Water Supply Planning Study Update*, prepared for Zone 7 in February 1999 by Camp Dresser McKee. That study analyzed water supply options to meet Zone 7's future water supply needs. According to the study, the use of recycled water to reduce the water demands of Zone 7's retailers has already been factored into future water demand requests.

Zone 7 is looking continually for opportunities to partner with other agencies on specific recycled water projects to meet portions of the Zone's projected future demands. Tertiary-treated wastewater currently is used by the City of Livermore and the Dublin San Ramon Services District for landscape, greenbelt, and agricultural irrigation. Both of these agencies have built reverse osmosis (RO) facilities for providing RO treatment of tertiary treated wastewater.

- 14.5 The comment asks for information about what percentage of Zone 7 water is used for agriculture versus residential use. Based on calender year 2000 deliveries, the annual untreated water demands for agricultural usage was approximately 1,970 million gallons. The annual treated water demand for municipal and industrial usage was 12,100 million gallons. Therefore, the agricultural usage represents 14 percent of the total treated and untreated water demands in 2000.

- 14.6 The comment requests further information regarding potential impacts of pipeline construction within Dyer Road and Altamont Pass Road, and why this was considered less significant than a prior option of an overland pipeline to deliver water to Laughlin Road Site #3.

Concerns related to evaluation of environmental impacts of pipeline routes are similar to the concerns raised in Comment 5.6. Please refer to Response 5.6, which addresses mitigation measures for all proposed pipelines, as well as additional information related to this issue that is presented on pages 4-1 through 4-3, Section 4 of this document.

An overland pipeline alignment to Laughlin Road Site #3 was considered and withdrawn early in the technical and environmental examination process. It is described on page 2-20 of the Draft EIR as the Brushy Peak Alignment, extending from the Dyer Canal Backsurge Pool through lands controlled by East Bay Regional Park District and Livermore Area Recreation & Park District to Laughlin Road Site #3. As stated in that discussion, the route is severely constrained hydraulically and environmentally by steep ridges and contiguous wildlife habitat. Additionally, the EBRPD stated unequivocally, in its March 5, 2001 letter of comment, that it would not allow such use of its property. There is no overland route between the Dyer Canal Backsurge Pool and Laughlin Road Site #3 that would not cross property controlled by EBRPD and/or LARPD. Consequently, this pipeline corridor is considered infeasible.

- 14.7 Issues regarding traffic and circulation are addressed in Response 5.10. Text also has been added to the EIR (see pages 4-8 through -11, Section 4, Text Changes to the EIR, of this Response to Comments document) expanding the Traffic and Circulation Mitigation Measures to explain the elements of the Traffic Management Plan.

15. Patricia Robinson

MS. ROBINSON: My name is Patricia Robinson and I live at 3326 Dyer Road.

Since moving to Dyer Road 20 years ago, we have been faced with six major projects that we as residents of this rural, dead-end road, have been forced to aggressively oppose. These include the U.S. Wind Power project, waste management landfill, the Los Varcaros Reservoir and the Vasco Road realignment they wanted to put down Dyer Road, the elevated power transmission lines, the Green Mountain Energy Wind Farm upgrade, and the Zone 7 Water Treatment Plant.

There seems to be the common belief held by the proponents of these projects that nobody lives in that quiet valley, and that it is a safe dumping ground for expansion projects involving both Contra Costa and Alameda Counties.

15.1

Well, we want to tell you there are over 50 residents that do live in that valley, 50 of us who have never benefitted one minute from any of the projects that propose to contaminate our rural way of life with the resulting traffic, visual pollution, noise, disruption in the quality of life, which is the reason we moved out there, and the lower property values.

We are tired of the time-worn excuse that it is cheaper and easier to have these projects built on Dyer Road.

We have shown repeatedly in the past, and will most assuredly show with regard to this project, that it will not be cheaper or easier to build on Dyer Road.

We add our united voice in saying: Not in our backyard. Put this water treatment plant in the backyard of those who will benefit from it.

We are really not concerned with the proposed people that might end up in North Livermore or along Laughlin Road. We're concerned with the residents that do live on Dyer Road.

It is time for the counties to stand behind their belief that if they need these expansion projects, that they will be willing to pay the proper price, which is both financially and socially, and build them in the backyards of those who they will be serving.

15.1

Stop looking for the easy way out and sacrifice us, the 50 residents who will not benefit from these projects, for the tens of thousands who will directly benefit.

We promise you, Dyer Road will not be the easy way out.

Thank you.

- 15.1 The comment speaks against the selection of Dyer Road sites for the proposed Altamont WTP. Zone 7 acknowledges this comment as an opinion about the project, and acknowledges that there have been other projects proposed for the Dyer Valley. Zone 7 has no control over other projects in the Altamont Pass area. Zone 7 assessed of multiple sites prior to the selection of the three sites analyzed in the Draft EIR, and these sites encompassed Dyer Road as well as other locations in the Altamont Pass area (see Section 6, Alternatives, of the Draft EIR). A site has not yet been selected for the proposed Altamont WTP, and will not be selected until after the EIR is certified. The purpose of the EIR is to point out consequences of site selection among the three potential sites. Consequences acknowledged in the EIR include changes in the visual setting, traffic and circulation impacts, and biological impacts, among others. All impacts noted in the EIR are either less than significant or can be mitigated, as described in Section 3 of the Draft EIR and as further expanded and discussed in Section 4 of the Final EIR, Text Changes to the EIR.

16. Virginia Miner

MS. MINER: Virginia Miner, 4008 Dyer Road.

It is my place that is basically between the two Dyer Road sites.

One item that was not mentioned in the presentation this evening is the fact that Dyer Road site 1 is part of some mitigation land that was a condition of the Altamont landfill expansion. It is in the conditional use permit.

It says that 831 acres and a buffer zone around the landfill will be deeded in perpetuity as wildlife mitigation land and as a buffer zone. And that was in part to placate Dyer Road residents, because the dump is just over the hill from us. Not the Vasco dump; the Altamont dump.

Basically that land is, if it hasn't been, is supposed to be deeded as biological mitigation area. That site is not available.

16.1

I should point out, Altamont Road Site 1, which was in consideration a year ago when we had this meeting, was removed from consideration for exactly the same reason. That land was purchased by a developer as mitigation for the development they were going to do, it was deeded to East Bay Parks. It is no longer available.

And it seems to me that Dyer Road site 1 is not available.

What we wanted to hear when we came here tonight was for Zone 7 to acknowledge that and to say that Dyer Road Site 1 is not in consideration any longer.

I take it you're not going to comment on that?

PRESIDENT MARCHAND: I'm not going to comment. I don't know that.

MS. MINER: That's fine. We were hoping to get an answer tonight.

PRESIDENT MARCHAND: You will certainly get an answer, however.

MS. MINER: Good.

In my remaining few minutes, among the other kinds of visual impacts things we mentioned, we were talking about the barn on my property, which is 40 by 60 feet. That barn is about 15 feet at its maximum, which means these buildings, I don't know how big they are that you're going to build for this thing, are 50 percent higher. And my barn is probably the biggest building anywhere in that part of the road. So they are going to have a hard time blending in to the neighboring buildings.

16.2

I appreciate -- I agree with Hugh's comments, if you're going to put it there, the land isn't flat, and it should be possible to put it out of sight. I certainly hope those considerations are taken very seriously.

Issues about traffic, about people not making the curve there. Earlier this week, there were two vehicles in the ditch, side by side at the same time, one of them is still there.

And tonight when I came through, it was basically bumper to bumper at about 65 miles an hour coming up the hill. That is an alternative to 580. 580 was impeded by an accident.

16.3

That area is fairly dangerous, because people pass at 70 miles an hour in a no-passing zone all through there. And six months of having Altamont Pass Road be only one lane is a little scary.

The other thing that occurred to me is you are talking about the Laughlin Road site, you are bringing water from here. And if you put the treatment plant here, then you have to run pipeline for the treated water that comes all the way down here.

But right now you have untreated water that's coming all the way here already. And so, you only have to go to here to get it to the Laughlin Road site.

16.4

This pipeline is there regardless. So in terms of the amount of pipeline you have to build, you've got very little extra pipeline to build for this site, compared to what it is going to take to build a pipeline for treated water all way down there. You've already got most of that in place.

One of the things that was not -- back to visual comments -- that wasn't shown on any of the

simulated drawings, is the fact we're told this site is going to be used 24 hours a day, therefore, lighted all night long. None of these simulated drawings show lights on all the time.

16.5

They also don't show the chain link fence that we're told will surround this property and which certainly does not blend in to the surrounding agricultural property.

I think that's about it.

- 16.1 This comment expresses concerns regarding the availability of Dyer Road Site #1 for consideration as a location for the Altamont WTP. Please refer to Responses 6.2 and 11.2 for further discussion regarding the availability of the parcel and its status as a potential mitigation site.
- 16.2 This comment raises concerns regarding visual impacts, specifically the height and bulk of proposed Altamont WTP buildings and whether they would blend in with neighboring buildings. This comment reiterates concerns raised in Comment 11.4. Please refer to Response 11.4, which discusses these visual impact issues.
- 16.3 Expanded Traffic and Circulation Mitigation Measures have been added to the EIR on pages 4-8 through -11, Section 4, Text Changes to the Draft EIR, of this Response to Comments document, explaining the elements of the Traffic Management Plan required by Alameda county to ease delays and enhance safety during the construction period.
- 16.4 This comment expresses concern that an alternative water supply pipeline alignment farther down the SBA from Dyer Road and closer to Laughlin Road Site #3 was not considered in the EIR. Consideration had been given to such an alignment previously, but it could not be carried forward because there was insufficient information available to determine whether or not the existing SBA pipeline had the capacity to supply Laughlin Road Site #3. Near the end of the public review period for the present EIR, Zone 7's *Raw Water Conveyance Study* was completed, indicating that the walls of the Dyer Canal segment of the SBA could be raised, existing pipeline segments of the SBA could be relined, and pumping capacity could be increased to provide water to Laughlin Road Site #3. Under these circumstances, such an alternative alignment can be considered, and is referred to as Altamont Pass Road Four (APR-4).

The segment of the APR-4 alternative alignment which is different from the other three alternative alignments is designated on revised Figures 1-1 and 2-2 in Section 4, Text Changes to the Draft EIR, of this Response to Comments document. It would leave the existing SBA pipeline approximately at the point where the SBA turns southwest toward Highway 580, and extend under Altamont Creek to Altamont Pass Road. There it would turn west to follow the same route as the APR alternative (in existing roads) or as the APR-2 or APR-3 alternatives (partly overland and partly in existing roads) to Laughlin Road Site #3.

Text has been added to the EIR, on page 4-3, Section 4, Text Changes to the Draft EIR, of this Response to Comments document, describing this alignment and explaining that the environmental impacts and associated mitigation measures are the same as for previously addressed pipeline segments and off-road construction (see Response 5.6 for information about water quality and biological resource protection along pipeline corridors).

- 16.5 This comment reiterates visual impact concerns, and provides detail regarding concerns about proposed lighting and fencing at the Altamont WTP. Please refer to Response 11.4 for further discussion of these issues.

17. Darryl Mueller

MR. MUELLER: Darryl Mueller, 3290 Dyer Road.

First, number one, I would like you to extend your comment period for an additional 30 days.

17.1

Number two, Dyer Road is not a mitigation property for Laughlin Road plan. It is also not the mitigation for a North Livermore plan for that development.

We have in place in C-5512, that's conditional use permit, a buffer zone that's noted in the EIR, your EIR.

17.2

We are also signers in that EIR, along with other environmental groups and governments.

Off-site mitigation will not be an option for Dyer Road properties.

North Livermore wants the treatment plant, North Livermore developers want the treatment plant so they can build additional housing there in North Livermore, along with Zone 7 will receive extra profits; Laughlin Road deserves that treatment plant.

Dyer Road residents ask to be left alone in this ag district of Altamont and that you pump the water over the hill to Laughlin Road.

Take the water from the area of Goecken Road and Altamont Pass, pipe and pump the water to Laughlin Road treatment site.

17.3

Altamont Pass is also a major artery. There has been a lot of construction there in the past. We've had -- most of that construction was to ease the flow of traffic.

I don't think the construction of a pipeline from Dyer Road, down Dyer Road, down Altamont Pass Road, is going to do anything but cause a real traffic hazard for probably nine months, or however long you figure it is going to take.

The cut for Altamont Pass Road, I don't know if you folks know this or not, it is laying right on bedrock. There is the old concrete highway underneath it.

17.4

When they did work out there before, they had a lot of problems just putting pipes down several feet in the ground, because it is right on sandstone. So this is not going to be a real easy project for you.

If you did take the slough cut down below, between the railroad tracks, I think that's where your South Bay Aqueduct pipeline is, it would be a lot easier route for you.

17.5

But taking it down the Altamont Pass Road I think is a real poor option. I don't know if you folks have really figured on that. Thank you.

- 17.1 The comment requests a 30 day extension of the comment period.

The California Environmental Quality Act (CEQA) requires a 45-day period for public comment on Draft EIRs. This requirement has been complied with; the Zone 7 Board did not choose to extend the comment period for the Draft EIR.

- 17.2 This comment asserts that Dyer Road Site #1 is unavailable as a potential site for the proposed Altamont WTP, because it is part of an 831-acre area cited in Alameda County Conditional Use Permit C-5512, which requires the establishment of a biological habitat mitigation and buffer area for the approved Altamont Landfill expansion. The site is available, as described in Responses 6.2 and 11.2 regarding the availability of the parcel containing Dyer Road Site #1.

- 17.3 The comment speaks in favor of Laughlin Road Site #3 and states concerns regarding traffic hazards during proposed construction of pipeline within the Altamont Pass Road corridor.

Regarding the comment in favor of Laughlin Road Site #3, Zone 7 acknowledges this comment as a opinion about the project, but, because the comment does not address any issues of adequacy of the EIR, offers no further response.

Issues regarding traffic and circulation are addressed in Response 5.10. Text also has been added to the EIR (see pages 4-8 through -11, Section 4, Text Changes to the EIR, of this Response to Comments document) expanding the Traffic and Circulation Mitigation Measures to explain the elements of the Traffic Management Plan.

- 17.4 The comment notes that construction of pipeline along Altamont Pass Road may be difficult because of bedrock and an existing layer of old concrete highway.

This comment is acknowledged; from a geotechnical and construction standpoint, the bedrock in the area is considered rip-able and old concrete highway would have to be sawed into sections and removed before placement of new pipeline.

- 17.5 The comment suggests that a pipeline route alternative to the proposed Altamont Pass Road route should be found. Previous consideration was given to an overland route through the Brushy Peak Preserve, but, as explained in Section 6, Alternatives, of the Draft EIR, that alignment was withdrawn for technical and environmental reasons.

Following the receipt of this comment, another possible alternative route along the County Transportation Corridor (the old Western Pacific Railroad right-of-way) was investigated. However, the County is unwilling to grant Zone 7 an easement for use of the old railroad bed because it wants to retain the option of reusing the bed for light rail transit. Therefore, Altamont Pass Road remains the only viable pipeline route through the Altamont Hills.

18. Branden Alchorn

MR. ALCHORN: Good evening. Branden Alchorn,
4006 Dyer Road.

I'm not going to sound like a broken record;
and hit some of the other areas. But one of the areas I
did want to talk about, I won't go into great detail, is
the traffic mitigation plan. It seems woefully
inadequate, as has been pointed out earlier, appears to
have been pointed out, if it was your study, done at a
very seriously flawed time. The Christmas monitoring
was done at the Christmas break point. And as soon as
the traffic patterns were returning to normal, the
counters were pulled. Looked rather interesting.

18.1

Some of the areas we've also already talked
about is the vernal wetlands on each of the sites, and
access to those vernal wetlands. Approaching those
wetlands across developed property is going to be very
difficult.

18.2

Some of the comments on burrowing owls, we do
see them in the area. Don't know why they were not seen
in the observations.

We get to see actually quite a bit of wildlife
across that whole route. You can come down the road
just after the freeway, or the railroad underpass, you
will tend to see owls roosting on the posts at night.
Unfortunately, you do have to be there at night to see
those.

18.3

As Gina has pointed out, we raised in previous issues an issue of light pollution. That was not addressed in any of this EIR, nor were parking lots shown in any depictions here on the sites, on any of the sites.

18.4

The one issue for Laughlin Road does show a serious cut, which I believe probably is where you guys are having some problems with gaining access to that. Obviously, on any of the Dyer Road sites, or either of the Dyer Road sites have much easier access.

18.5

The visual artist's conceptions here I almost found insulting reading the EIR. As we showed or talked about here earlier, the issue of mitigation with native species, and most likely an oak species, that won't be mitigated in our lifetime, let alone five years. Those will be cute little trees by the time I'm long in the ground.

18.6

Obviously, non-native species, the pines, the eucalyptus, do pose a potential, but I'd like to hear that addressed in the mitigation, and a serious addressing on it.

I also notice that it is interesting that we've got at whole bunch of people here that are talking about Dyer Road and the two sites on Dyer Road and opposing it.

I don't see anybody here or haven't heard anybody here yet oppose the Laughlin Road site. And I'm wondering why.

18.7

If the Laughlin Road folks don't want it -- quite frankly, I will be honest with you and say the rumor in our area is they've already been told that that decision is made.

So I find it insulting to come to these meetings and told no decision has been made, when, obviously, the word is around that Laughlin Road is out of consideration and being done to humor some folks.

I think that's about all I've got to say here.

- 18.1 Issues regarding traffic and circulation are addressed in Response 5.10. Text also has been added to the EIR (see pages 4-8 through -11, Section 4, Text Changes to the EIR, of this Response to Comments document) expanding the Traffic and Circulation Mitigation Measures to explain the elements of the Traffic Management Plan.
- 18.2 This comment reiterates a concern about potential impacts to wetlands. Please refer to Responses 5.6, 7.1, 7.2, and 7.10 for information about protection of wetlands.
- 18.3 This comment states that burrowing owls are seen in the Dyer Road area, and is similar to Comment 10.1. Please refer to Response 10.1.
- 18.4 This comment discusses the potential impact of lighting at WTP. This concern is similar to those raised in Comment 11.4. Please refer to Response 11.4.
- 18.5 This comment discusses the need for a substantial cut at Laughlin Road Site #3, and states that Dyer Road sites would have easier access. Zone 7 acknowledges that a cut for an access road to Laughlin Site #3 would be necessary, and that the Dyer Road sites have easier access, but, because the comment does not address any issues of adequacy of the Draft EIR, offers no further response.
- 18.6 This comment states that the visual simulations presented in 3.1.2, Visual Quality of the Draft EIR are not adequate and that suggested mitigation measures for vegetation are not appropriate.

Because a preferred site had not been selected from the three candidate sites, the visual simulations presented in the Draft EIR are conceptual and are not meant to represent the final possible appearance of the facilities. Once Zone 7 has selected a preferred site, they would work with architects and landscape designers to address specific features of the chosen site related to site design, land forming, landscaping, and building design and surface treatment, to further reduce the visual impact of its facilities on the selected site.

Regarding screening with non-native trees, the first paragraph of Visual Quality Mitigation Measure 3.1.2-1 on page 3.1.2-14 of the Draft EIR reads as follows (*emphasis added*).

- Preserve existing vegetation to minimize the visual impact of new development. Add new landscaping to enhance the appearance of the new facilities or to

screen negative visual elements. *Choose landscaping that blends with the surrounding natural or historic vegetation.* Although fast-growing plants often are selected for screening because they will camouflage a view in a short period of time, *slower-growing native vegetation is preferred because it will be more compatible with the surrounding area over the long term.* Selection of plant materials also will need to be considered in terms of fire hazards, biological resources and erosion control.

This mitigation measure indicates clearly that the use of native trees and shrubs for screening is preferred for long term compatibility. It also indicates that compatibility extends to historic non-native vegetation: although such trees and shrubs are not considered native plants, they would be acceptable to the extent that they were non-invasive and controlled within the landscaping of the Laughlin Road Site #3.

- 18.7 This comment states that no one at the public meeting has spoken against selection of Laughlin Road Site #3. This is correct, however written comments from EBRPD, City of Livermore, and LARPD recommended against the use of Laughlin Road Site #3. Please refer to the Comment Letters 5, 7 and 8, and the responses to comments therein for further discussion of this issue.

The comment further asserts that a decision has already been made to select one of the Dyer Road sites for the proposed Altamont WTP. The Zone 7 Board will not select a site for the proposed project until after the EIR is certified. Further discussion of the merits of the project during the upcoming project approval phase will consider environmental, technical, cost, and political considerations.

19. Jim Hunter

MR. HUNTER: Saved the worst nervous guy for last. Thanks.

My name is Jim Hunter. Address is 3932.

Branden stole my line. I have come to these meetings since you started. There has not been one voice yet to say that Laughlin Road was a lousy site. There has not been one person stand up and say that it was unsightly. And, yet, it has been pushed down our faces every time that Dyer Road is your number one site.

19.1

I did hear the same rumor just this week, that the Laughlin Road people had no worries, that it was in the bag, Dyer Road was going to get screwed. And I find that pretty appalling myself.

You know, I'm not an educated person, so I'm going to stand here and just speculate, but I think there is a 150-acre minimum to buy or build on our side of the road.

19.2

I couldn't no more buy 20 acres from Hugh Walker and put a barn up. You would throw a wrench in me so fast that I couldn't build nothing. And you're going to buy 30 acres and do whatever you want to and put it in our backyard to stare at the aesthetics that you don't want the people that are going to profit or benefit from the site that could be on Laughlin Road.

Like someone touched on, the Altamont site 1, I believe, in the very first meeting, the EIR, we talked about it being the number one site because of gravity.

19.3

It was so conveniently bought up and turned into a park, so the aesthetics couldn't be ruined on the ridgeline.

If you guys can hide things so easily, put it on the ridge and hide it with your trees. You said you could move enough dirt to hide such a building on Dyer Road 1. Move enough dirt to hide it wherever you put it, and put trees on top of that fake ridge.

It is, you know, it is just a no -- to me, it is just no way on Dyer Road. Like I said, I'm totally against it. I have not heard one voice say Laughlin Road was a bad site.

And the traffic, again, just park yourself out there one day from 5:00 to 9:00 in the morning and see how fast you can count one way. And then do the same thing from 3:00 p.m. to 7:00 to see if you can count. It is a back road to the traffic congestion, that people are moving to Modesto and Stockton and wherever else.

19.4

And like I said, that's, you know -- I think the young lady said possible fault line. There is fault lines all over those hills. You can't say one site is better than another because of the fault line.

19.5

And I definitely have to agree that running that pipe over the hills instead of down the road and through all the ponds, tearing up the roads and just basically causing grief and havoc is just unacceptable for all of us that live on Dyer Road.

19.6

- 19.1 This comment asserts that Laughlin Site #3 is not being seriously considered by Zone 7 and that a decision to choose a Dyer Road site has already been made. The Zone 7 Board will not select a site for the proposed project until after the EIR is certified. Further discussion of the merits of the project during the upcoming project approval phase will consider environmental, technical, cost, and political considerations.
- 19.2 The comment raises the issue that there may be a 150-acre minimum parcel size for land purchases on the west side of Dyer Road. Existing residential parcel size in the vicinity of the Dyer Road sites generally is less than 10 acres, however the minimum parcel size for rural residential uses is 1 acre, according the East County Area Plan. The larger parcel size applies to viable agricultural operations. Because Zone 7 is a public agency with the right of eminent domain, it can negotiate with other agencies and individuals for parcels of various size on which to place public facilities. The smallest parcel necessary to meet Zone 7's needs (about 25 acres) has been assumed throughout the planning process to reduce the loss of agricultural land.
- 19.3 The comment speaks in favor of selection of Laughlin Site #3 and against the selection of either of the Dyer Road sites. Zone 7 acknowledges this comment as an opinion about the project, but, because the comment does not address any issues of adequacy of the EIR, offers no further response.
- 19.4 Issues regarding traffic and circulation are addressed in Response 5.10. Text also has been added to the EIR (see pages 4-8 through -11, Section 4, Text Changes to the EIR, of this Response to Comments document) expanding the Traffic and Circulation Mitigation Measures to explain the elements of the Traffic Management Plan.
- 19.5 This comment restates concerns raised in Comment 13.16 regarding potential effect of earthquake faults on all potential WTP sites. Please refer to Response 13.16.
- 19.6 This comment states that impacts of pipeline construction along Dyer Road are unacceptable. Concerns related to evaluation of environmental impacts of pipeline routes are similar to the concerns raised in prior Comment 5.6. Please refer to Response 5.6, which addresses impacts and mitigation measures for all proposed pipelines, as well as additional information related to this issue that is presented on pages 4-2 through 4-2, Section 4 of this document.

20. Patricia Robinson

MS. ROBINSON: Patricia Robinson; 3326.

I am also appalled -- this will be real quick. The Dyer Road 1 site, you know, it is so far away, because it is so huge, humongous -- it is so humongous that he couldn't get it all in to show you what it looks like.

We live on a hill, and there is no way he can possibly mitigate what we are going to see. So I would like, please, you to come up on our hill and show us what that site would look like and how you could possibly mitigate it from us, when we will see the entire water treatment plant, if it is on Dyer Road site 1. There is just no way you can, but I would like to see you try.

20.1

PRESIDENT MARCHAND: Just for the record, what does the acronym ALARM stand for?

MS. ROBINSON: Altamont Landowners Against Rural Mismanagement.

PRESIDENT MARCHAND: Thank you very much.

- 20.1 This comment restates concerns regarding visual quality, in particular for Dyer Road Site #1, and requests visual simulations of this site from the residence's perspective. The California Environmental Quality Act (CEQA), which provides the basis for the analysis presented in the Draft EIR, requires that substantial, demonstrable, negative changes be noted and discussed when assessing the significance of potential visual impacts. Visibility alone is not considered to constitute a significant effect. As noted on pages 3.1.2-12 and 3.1.2-13 of the Draft EIR, most jurisdictions designate as significant broad panoramas that are accessible and visible from public locations. Private views from or into privately owned lands generally are not found to be significant for visual impact assessment by most jurisdictions. Placement of the Altamont WTP on either of the Dyer Road sites would cause changes in the visual environment compared with the existing conditions, but these changes are not considered significant under CEQA because the project would not have a substantial adverse effect on a designated scenic vista and would not substantially degrade the existing visual character of the site.

Through the use of site design, land forming, landscaping, and building design and surface treatment, Zone 7 would further reduce the visibility of its facilities on the selected site. Building design and other design elements such as fencing, lighting and screening have not been finalized. Zone 7 encourages the continued review and input of the public at meetings that will be held to discuss these design elements, so that the Altamont WTP will blend to the extent feasible with the surrounding environment of the chosen site. As a public agency, Zone 7 will notify any interested party of upcoming public meetings regarding the design phase of the Altamont WTP.



DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA

April 3, 2001

DIVISION OF
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GRAY DAVIS
GOVERNOR

Mr. George Burwasser, Project Manager
EIP Associates
601 Montgomery Street, Suite 500
San Francisco, CA 94111

Subject: Altamont Water Treatment Plant Draft Environmental Impact Report
(DEIR) and Potential Termination of a Williamson Act Contract

Dear Mr. Burwasser:

The Department of Conservation's Division of Land Resource Protection (Division) has reviewed the referenced DEIR. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act. We offer the following comments.

The project proposal is the development of a water treatment plant in Zone 7 of the Alameda County Flood Control and Water Conservation District (District). This is a project DEIR based on a prior Program EIR. Two of the three alternative sites involve land enforceably restricted by Williamson Act contract. All three sites are nonprime rangeland currently used for grazing.

On page 3.1.1-8, the DEIR appears to consider contract cancellation a pre-requisite for determination of compatible use: *"Proposed WTP facilities could be considered compatible, although this would require a request of non-renewal and early cancellation of the contract, and a determination of compatibility by the Alameda County Planning Commission."* Following this is a discussion of provisions for public acquisition of contracted lands. On page 3.1.1-11, Impact 3.1.1-4 states, "... any one of the three sites would be compatible with ... Williamson Act contracts," and finally, "... it is not anticipated that Williamson Act contracts at any of the three potential sites would prevent their selection as an Altamont WTP site."

It is not clear from these entries whether a particular course of action is planned regarding Williamson Act contract status, or whether the District understands that compatible uses, contract cancellation, and public acquisition involve separate and distinct provisions, advance notification to the Department in the case of cancellation or acquisition, and formal approval by the appropriate, local authority. The Division cautions against

21.1

Mr. George Burwasser
April 3, 2001
Page 2

presuming that the project would not be prevented by the Williamson Act contract status of a particular site.

The project may be considered a compatible use pursuant to Government Code §51238, which declares that unless the board or council after notice and hearing makes a finding to the contrary, various facilities, including water facilities, are considered to be compatible uses within any agricultural preserve. In addition, §51238 declares that no land occupied by such facilities shall be excluded from an agricultural preserve because of those uses. If the project were so determined to be a compatible use, the contract would not be terminated, but would remain in effect and continue to enforceably restrict the property according to the contract.

21.1

As a general rule, land can be withdrawn from Williamson Act contract only through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for "extraordinary", unforeseen situations (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). Cancellation must be initiated by the landowner and must be based on specific findings, made by the council or board, and supported by substantial evidence (§51281-51287). Legislation effective January 1, 2001, requires notification to the Director of the Department of Conservation (Department), and consideration of the Department's comments regarding the findings, prior to approval of tentative cancellation (The notice should be mailed to Darryl Young, Director, Department of Conservation, 801 K Street MS 24-01, Sacramento, CA 95814-3528).

Public acquisition of lands under Williamson Act contract for public improvements requires advance notice to the Department, at the address noted above, and specified findings (§51291-51292). The findings required for public acquisition are distinct from those required for cancellation.

The Division recommends that the Final EIR clarify the distinctions noted above for Williamson Act compatible uses and contract termination. If cancellation or public acquisition is considered, the board or council, in the case of cancellation, or the District, in the case of acquisition, shall notify the Department according to the above referenced provisions. For your information, please find enclosed the relevant Government Code sections. If you have any questions, please contact Bob Blanford, Research Analyst, at (916) 327-2145.

Sincerely,



Erik Vink
Assistant Director

cc: Jack Fong, P.E. Civil Engineer

Enclosures

M:\STAFF\10356-00\Response to Comments\3 Responses.wpd

21. Erik Vink, California Department of Conservation, Division of Land Resource Protection

- 21.1 This comment provides further information regarding the Williamson Act, which is discussed in Section 3.1.1, Land Use, of the Draft EIR. The letter is acknowledged and provides further detail related to the questions raised in Comments 9.4 and 13.5. Clarification is provided in Comment 21 about the separate and distinct provisions regarding compatible uses, contract cancellation, and public acquisition of land that is under Williamson Act contract. The Department of Conservation's findings required for public acquisition are distinct from those required for cancellation. Please refer in particular to the distinctions noted on page 2 of the letter (page 3-112 of Comment 21). Text is added to the EIR explaining these distinctions (see page 4-4, Section 4, Text Changes to the Draft EIR, of this Response to Comments Document). In summary, if a public agency with the power of eminent domain acquires a parcel that is under Williamson Act contract, the contract is cancelled upon completion of the acquisition process.

4. TEXT CHANGES TO THE DRAFT EIR

The following text changes to the Draft EIR have resulted from responding to comments on the Draft EIR for the proposed Altamont Water Treatment Plant Project. New text that has been added to the EIR is indicated with underlining. Text that has been deleted is indicated with ~~overstriking~~. Discussion of the issues which prompted the changes is in Section 3, Comments and Responses, of this Response to Comments document.

Page 2-19, paragraph 2 (Project Description, Raw Water Pipeline: Altamont Pass Road Alignment), is revised as follows:

The Altamont Pass Road Alignment (APR) for the raw water conveyance pipeline was conceived to follow the rights-of-way of existing roadways, where possible, between the Dyer Canal Backsurge Pool and Laughlin Road Site #3 (see revised Figures 1-1 and 2-2). The raw water pipeline to Laughlin Road Site #3 would extend from the Dyer Canal Backsurge Pool south about 1400 feet to Dyer Road, and would continue in the Dyer Road right-of-way to the intersection of Altamont Pass Road. Remaining in the right-of-way, it would extend west along Altamont Pass Road and Northfront Road to the intersection of Laughlin Road. Continuing north in the Laughlin Road right-of-way, it would connect to the proposed Altamont WTP inlet near the southeast corner of the site. About 37,500 feet of pipeline would be needed to connect the Backsurge Pool to the Altamont WTP at Laughlin Road Site #3.

Page 2-23, paragraph 3 (Project Description, California Department of Fish And Game/U.S. Army Corps of Engineers), is revised as follows:

Agreements with the California Department of Fish and Game would be required for any loss of endangered species habitat on the selected site. The U.S. Army Corps of Engineers would need to issue a Section 404 Permit under the Clean Water Act, and Section 10 Permit under the Rivers and Harbors Acts for any alterations to wetlands such as the vernal ponds on Dyer Road Site #1. These subjects are discussed further in Section 3.2.1, Biological Resources, of this EIR. An agreement under Section 1601-03 of the California Fish and Game Code would be needed to ensure restoration of stream crossings along the pipeline alignments. Such crossings could occur along alignments APR and APR-2, both of which intersect Altamont Creek along Altamont Pass Road and Laughlin Road.

Page 2-24, paragraph 2 (Project Description, Right-of-Way Encroachment Permits), is revised as follows, and the two following paragraphs are added:

Right-of-entry and encroachment permits would be required by each agency through whose jurisdiction Zone 7 would need construction access or through which the raw or treated water pipelines for the Altamont WTP would pass. These include (1) the California Department of Water Resources, which has jurisdiction over the SBA access roads, (2) Alameda County Public Works Agency, which has jurisdiction over county roads such as Dyer Road, Altamont Pass Road, and portions of Laughlin Road, and (3) the City of Livermore, which has jurisdiction over Northfront Road and portions of Laughlin Road, and (4) BART, which owns a parcel adjacent to Altamont Pass, Northfront, and Laughlin Roads that could be crossed by an alternative pipeline alignment.

One optional alignment, identified in revised Figures 1-1 and 2-2 as Altamont Pass Road Two (APR-2), for the proposed raw water line to Laughlin Road Site #3, could decrease the total length of the pipeline between the Dyer Canal Backsurge Pool and Laughlin Road Site #3 by about twelve percent. Approximately 4,000 feet of pipe could be saved by angling north from Altamont Pass Road at the intersection of Greenville Road, and extending the alignment across the open undeveloped area to Laughlin Road. The alignment would cross Altamont Creek north of the intersection of Altamont Pass and Greenville Roads, traverse open grazing land, and enter Laughlin Road about 300 feet south of Frick Lake.

Following BART's request for an alternative alignment which would not bifurcate the buildable area of their parcel (see Comment 4.2), bounded on the east, south, and west by Altamont Pass, Northfront, and Laughlin Roads, Altamont Pass Road Three (APR-3) was proposed (see revised Figures 1-1 and 2-2). Consideration was given initially to an alignment that would parallel the northern boundary of BART's parcel, coincident with the north section line of Section 36, Township 2 South, Range 2 East. Subsequent discussions with Mr. Les Freligh, BART's District Surveyor, confirmed that the ridge at the eastern end of that alignment is too steep to accommodate the needed construction equipment and maintenance road for the pipe. An alignment around the base of the ridge is considered a better approach, and would be acceptable to BART and to Zone 7. Consequently, APR-3 would follow the base of the ridge from Altamont Pass Road north to the Section 36 boundary and east to Laughlin Road about 2,300 feet south of Frick Lake. Approximately 5,400 feet of pipe could be saved by using this alignment.

Following a comment received from Ms. Virginia Miner at the Public Hearing on the Draft EIR (see Comment 16.4), Zone 7 reconsidered an alternative raw water pipeline alignment to

supply Laughlin Road Site #3 from the existing raw water pipeline (SBA) south of Altamont Pass Road. The segment of the alternative alignment which is different from the other three alternative alignments is designated as APR-4 (Altamont Pass Road Four) on revised Figures 1-1 and 2-2. It would leave the existing SBA pipeline approximately at the point where the SBA turns southwest toward Highway 580, and extend under Altamont Creek to Altamont Pass Road. There it would turn west to follow the same route as the APR alternative (in existing roads) or as the APR-2 or APR-3 alternatives (partly overland and partly in existing roads) to Laughlin Road Site #3. Approximately 21,000 feet of pipe could be saved by using this alignment to Laughlin Road Site #3.

Consideration had been given to the APR-4 alignment previously, but it could not be carried forward because there was insufficient information available to determine whether or not the existing SBA pipeline had the capacity to supply a water treatment plant on Laughlin Road Site #3. Near the end of the public review period for the present EIR, Zone 7's Raw Water Conveyance Study was completed, indicating that the walls of the Dyer Canal segment of the SBA could be raised, that the Brushy Creek Pipeline and Altamont Pipeline segments of the SBA could be relined, and that pumping capacity could be increased to provide water to a water treatment plant at Laughlin Road Site #3.

Environmental Setting, Impacts and Mitigation Measures, Format for Presentation of Impacts, on page 3-2, is revised to add the following information after the first paragraph:

The assessment of the impacts of pipelines and the mitigation measures that would be applied to reduce those impacts to a less-than-significant level are addressed as part of the construction impacts for each issue area (i.e., Biological Resources, Cultural Resources, Hydrology, etc.). Whether the construction occurs at the site of the proposed water treatment plant or along a proposed or future pipeline alignment, the class of impact and type of mitigation measure are similar. Consequently, the following discussions of impacts and mitigation measures apply at a project level to the proposed water treatment plant and the proposed pipelines. They also apply at a programmatic level to the conceptual future pipeline corridors of Line B-4A (Bethany Reservoir to the Dyer Canal Backsurge Pool) and the North Livermore Pipeline (Vasco Road to near the intersection of Kitty Hawk Road and Airway Boulevard) because similar types of impacts would be expected for the off-road portions of those future projects. As mentioned in the Introduction, (Section 1), each future pipeline project would be analyzed in a project-level EIR, independent of the water treatment plant project analyzed in this EIR. Because the actual location of those projects is unknown, conceptual corridors have been included in this EIR. These are not the only possible corridors, but are typical of the routes

that would be studied in future project-level EIRs. The ultimate configuration and alignment of these corridors would be decided by Zone 7 and its engineering design firm for each future pipeline project in consultation with agencies such as the City of Livermore, the Department of Transportation, the Department of Fish and Game, etc., to ensure that the project would be appropriately sited with respect to environmental concerns.

Land Use, Relevant Policies and Regulations, Williamson Act, on page 3.1.1-8, is revised to add the following information after the second paragraph:

There are separate and distinct provisions regarding contract cancellation, and public acquisition of land that is under Williamson Act contract. The Department of Conservation's findings required for public acquisition are distinct from those required for cancellation. If a public agency with the power of eminent domain, such as Zone 7, acquires a parcel that is under Williamson Act contract, the contract for that parcel is cancelled upon completion of the acquisition process. If the parcel is a severance, the remaining portion of the parcel remains under contract.

Visual Quality, Site-Specific Characteristics, Laughlin Road Site #3, on page 3.1.2-4, is revised to add the following information to the second paragraph:

The long range view of Laughlin Road Site #3 from Brushy Peak (about 1-3/4 miles) is relatively open, as can be seen in ~~Figure 3.1.2-2B, Mitigated-Constructed~~ Figure 3.1.2-2C, Existing View from Brushy Peak. The site is in the center of the photo. The northwestern corner of the site is slightly obstructed by an intervening ridge. Subdivisions north of I-580 are visible in the background, as is a fog bank over the City of Livermore. The staging area for the BFI landfill is visible to the right of the site, as is the berm of the landfill cell to the right of the staging area. These and other aspects of the views of this site are discussed in the Impacts and Mitigation Measures of this section under Site-Specific Visual Changes.

This photograph (and the long-range views of the other proposed sites) was made on a partially cloudy day less than 24 hours after a rainstorm, which accounts for the shadowy quality of the image. The view is from about 20 feet below the summit of Brushy Peak and about 75 feet out along the view line. The peak itself is completely surrounded by a dense grove of oaks which is impenetrable visually.

generated landscaping is shown in the form of clusters of trees along the northern edge of the site, near the western edge of the facilities area, and in the swale northwest of the facilities. These new clusters mimic other existing clusters in the vicinity, further blending the site into its surroundings and providing additional screening.

~~Figure 3.1.2-3B, Mitigated Constructed View from Brushy Peak, shows a computer-generated image of the Altamont WTP on Dyer Road Site #5 surrounded by evergreen trees, the same age as those in Figure 3.1.2-3B, Mitigated Constructed View. The site is in the center of the photo, and the layout is the same as that in Figure 2-7 in the Project Description (Section 2 of this EIR). Additional computer-generated landscaping is shown in the form of clusters of trees near the western edge of the facilities area and in the swale northwest of the facilities on the site. These new clusters mimic other existing clusters in the vicinity, further blending the site into its surroundings.~~

Visual Quality, Site-Specific Visual Changes, Dyer Road Site #1, on page 3.1.2-12, is revised to add the following information after the fourth paragraph:

Figure 3.1.2-4C, Constructed View from Brushy Peak, shows a computer-generated image of one of the possible configurations of the Altamont WTP on Dyer Road Site #1. The site is in the right central portion of the photo. The view contains numerous wind turbines and cuts for access roads in the middle ground between the site and Brushy Peak. The computer-generated image is scaled to fit the view as it would be seen with the unaided human eye. Most of the facilities are visible on the site, although the center of the site is partially obscured by an intervening ridge and a line of wind turbines. The grey buildings are visible against the background of brown grassland. In this view, the central portion of the site and about 50 percent of the facilities would be screened by a 1,040-foot-high ridge approximately 1.1 miles east of Brushy Peak. The relationship of the view from Brushy Peak and the intervening topography is shown in Figure 3.1.2-8, Dyer Road Site #1 Profile, which illustrates the line-of-sight.

~~Figure 3.1.2-4B, Mitigated Constructed View from Brushy Peak, shows a computer-generated image of the Altamont WTP on Dyer Road Site #1 fronted by evergreen trees, the same age as those in Figure 3.1.2-4B, Mitigated Constructed View. The site is in the right central portion of the photo. As mentioned previously, the photograph was made on a partially cloudy day less than 24 hours after a rainstorm, accounting for the shadowy quality of the image. The view is from about 20 feet below the summit of Brushy Peak and about 150 feet out along the view line, because the peak itself is completely surrounded by a dense oak grove. The view contains numerous wind turbines and cuts for access roads in the middle ground between the~~

~~site and Brushy Peak. In this view, the central portion of the site and about 50 percent of the facilities would be screened by a 1,040-foot-high ridge approximately 1.1 miles east of Brushy Peak. The relationship of the view from Brushy Peak and the intervening topography is shown in Figure 3.1.2-8, Dyer Road Site #1 Profile, which illustrates the line-of-sight.~~

Figure 3.1.2-4D, Mitigated Constructed View from Brushy Peak, shows the computer-generated image of the Altamont WTP on Dyer Road Site #1 fronted by evergreen trees, the same age as those in Figure 3.1.2-4B, Mitigated Constructed View. The site is in the right central portion of the photo. Although parts of the lagoons at the south end of the site and parts of the buildings at the north end of the site are visible through the tree screen, the lines of the water treatment plant facilities are broken by the screening and the existing windfarms. Here again, deep green tones for the structures would make them less visible at this stage of vegetation growth. Under these conditions, the Altamont WTP itself would be less visible from Brushy Peak than the windfarms.

Traffic and Circulation, Site-Specific Characteristics, on page 3.1.5-2, is revised to add the following information after the second paragraph:

Information about traffic volumes along Altamont Pass Road in the vicinity of the Altamont WTP project has been provided by the Alameda Public Works Agency, Department of Traffic Engineering. Traffic counts made March 28, 2000 and April 11, 2000 indicate 17,346 west-bound vehicles for the week of March 28-April 4, and 15,442 east-bound vehicles for the week of April 4-11. The highest traffic volumes were recorded during the west-bound weekday morning commute and the east-bound weekday evening commute periods. Morning weekday peak-hour volumes ranged from 621 vehicles per hour to 966 vehicles per hour, with the following hour having only slightly lower volumes. Morning weekday peak-hour counter commute volumes ranged from 106 to 114 vehicles per hour. Evening weekday peak-hour volumes ranged from 462 to 776 vehicles per hour, with the preceding or following hour having only slightly lower volumes. Evening weekday peak-hour counter commute volumes ranged from 92 to 181 vehicles per hour. Mid-day volumes (between the morning and evening peaks) were as low as 40 vehicles per hour west-bound and 55 vehicles per hour east-bound, although the averages were close to 150 vehicles per hour west-bound and 100 vehicles per hour east-bound.¹

¹ Data provided for 1990 through 2000 by Mr Obaid Khan, Alameda Public Works Agency, Department of Traffic Engineering, 11 April 2001.

Visual Quality, Site-Specific Characteristics, Dyer Road Site #5, on page 3.1.2-4, is revised to add the following information to the second paragraph:

The long range view of Dyer Road Site #5 from Brushy Peak (about 1-1/3 miles) is relatively clear, as can be seen in ~~Figure 3.1.2-3B, Mitigated Constructed~~ Figure 3.1.2-3C, Existing View from Brushy Peak. The site is in the center of the image behind a partially obscuring line of wind turbines. There are clusters of trees to the left and right of the site, and rolling hills in the background. The southern portion of the site is slightly obstructed by an intervening ridge. These and other aspects of the views of this site are discussed in the Impacts and Mitigation Measures of this section under Site-Specific Visual Changes.

Visual Quality, Site-Specific Characteristics, Dyer Road Site #1, on page 3.1.2-5, is revised to add the following information to the second paragraph:

The long range view of the northern and southern ends of Dyer Road Site #1 from Brushy Peak (about 1-1/2 miles) is clear, as can be seen in ~~Figure 3.1.2-4B, Mitigated Constructed~~ Figure 3.1.2-4C, Existing View from Brushy Peak. The site is in the right central portion of the photo and is partially obscured by a line of wind turbines. The central portion of the site is obstructed by an intervening ridge. These and other aspects of the views of this site are discussed in the Impacts and Mitigation Measures of this section under Site-Specific Visual Changes.

Visual Quality, Site-Specific Visual Changes, Laughlin Road Site #3, on page 3.1.2-8, is revised to add the following information after the third paragraph:

Figure 3.1.2-2C, Constructed View from Brushy Peak, shows a computer-generated image of one possible configuration of the Altamont WTP on Laughlin Road Site #3. The site is in the center of the photo. The facilities visible on the site include buildings to the right and lagoons to the left. In this view, the western edge of the site and less than 10 percent of the facilities on the north side of the site would be screened by an 800-foot-high ridge between the site and Brushy Peak. This relationship is shown in Figure 3.1.2-6, Laughlin Road Site #3 Profile, which illustrates the topography along the line-of-sight. The computer-generated image is scaled to fit the view as it would be seen with the unaided human eye. Thus the tallest building (about 22 feet at the peak of the roof) is visible against the ridge top, the grazing land to the south, and the subdivisions north of I-580. The berm of the landfill cell to the right of the BFI staging area is higher than the water treatment plant building.

~~Figure 3.1.2-2B, Mitigated Constructed View from Brushy Peak, shows a computer-generated~~

~~image of the Altamont WTP on Laughlin Road Site #3 surrounded by clusters of evergreen and oak trees, the same age as those in Figure 3.1.2-2B, Mitigated Constructed View. The site is in the center of the photo. This photograph (and the long-range views of the other proposed sites) was made on a partially cloudy day less than 24 hours after a rainstorm, which accounts for the shadowy quality of the image. The view is from about 20 feet below the summit of Brushy Peak and about 75 feet out along the view line. The peak itself is completely surrounded by a dense grove of oaks which is impenetrable visually. In this view, the western edge of the site and less than 10 percent of the facilities on the north side of the site would be screened by an 800-foot-high ridge between the site and Brushy Peak. This relationship is shown in Figure 3.1.2-6, Laughlin Road Site #3 Profile, which illustrates the topography along the line-of-sight.~~

Figure 3.1.2-2D, Mitigated Constructed View from Brushy Peak, shows the computer-generated image of the Altamont WTP on Laughlin Road Site #3 surrounded by clusters of evergreen and oak trees, the same age as those in Figure 3.1.2-2B, Mitigated Constructed View. About 50 percent of the facilities are visible through the tree screen on the north and west sides of the site. Here again, deep green tones for the structures would be less visible at this stage of vegetation growth. Because other large clusters of trees appear in the background, the clusters around the water treatment plant tend to blend with their surroundings. Under these conditions, the Altamont WTP itself would be less visible than the staging area for the BFI landfill (to the right of center of this photo) or the rows of residential and commercial structures in the background.

Visual Quality, Site-Specific Visual Changes, Dyer Road Site #5, on page 3.1.2-10, is revised to add the following information after the third paragraph:

Figure 3.1.2-3C, Constructed View from Brushy Peak, shows a computer-generated image of one possible configuration of the Altamont WTP on Dyer Road Site #5. The site is in the center of the photo, and the layout is the same as that in Figure 2-7 in the Project Description (Section 2 of this EIR). The computer-generated image is scaled to fit the view as it would be seen with the unaided human eye. All the facilities are visible on the site, although the center of the site is partially obscured by a line of wind turbines, and the southern (right) portion of the site is partially obscured by an intervening ridge. The grey buildings are visible against the background of brown grassland.

Figure 3.1.2-3D, Mitigated Constructed View from Brushy Peak, shows the computer-generated image of the Altamont WTP on Dyer Road Site #5 surrounded by evergreen trees, the same age as those in Figure 3.1.2-3B, Mitigated Constructed View. Additional computer-

Traffic and Circulation Impact 3.1.5-1 on page 3.1.5-4, is revised to add the following information to the first paragraph:

During a four-month peak of construction activities, approximately 10 to 30 project-related round trips per day may be ~~required~~ necessary for various construction activities. These trips are needed for construction vehicles, haul trucks providing construction materials, and service and construction employee vehicles. Using the data from March/April 2000 as a basis, this amount of project-related traffic would represent between less than 1 and a little over 4 percent of morning weekday peak-hour traffic volumes in the vicinity of the Altamont Water Treatment Plant project. Similarly, it would represent between a little over 1 and about 5-1/2 percent of evening weekday peak-hour traffic volumes in the vicinity. Although these percentages are small, they would slightly increase short term traffic congestion and delays. A similar situation would occur at the Altamont Pass Road/Laughlin Road intersection or the Altamont Pass Road/Dyer Road intersection during the construction of the water treatment plant. Small, short-term impacts to local traffic patterns would result and temporary minor traffic hazards would be created. The County would require a Traffic Management Plan from Zone 7 to reduce delays and hazards to the lowest feasible level.

Traffic and Circulation Mitigation Measure 3.1.5-1 on page 3.1.5-5, is revised to add the following measures after the second paragraph:

A Traffic Management Plan for the construction period of the project would be prepared by Zone 7 in consultation with the Alameda County Traffic Engineering Department. The purpose of the Plan would be to reduce the inconvenience of construction along county roads and the disruption to local traffic from the passage of construction related vehicles. The detailed contents of the Plan would be worked out between Zone 7 and the County, but the types of measures could include, but are not necessarily be limited to, those listed below.

- ▶ Arrival of construction workers at the water treatment plant site would be scheduled for off-peak periods.
- ▶ Trenching and construction in all roads would be scheduled for off-peak periods.
- ▶ The length of open trench would be kept to the minimum necessary to complete the current phase of construction. Any portion of the trench not in use would be covered with traffic plates or backfilled.
- ▶ Equipment and materials would not be stockpiled on the road.
- ▶ Flaggers would be stationed at a designated distance from either end of the

trench and at nearby intersections to direct traffic, including facilitating left turns off Altamont Pass Road and entrance to Altamont Pass Road. All flaggers would be in touch with each other and with the on-site construction manager by radio-phone to ensure traffic delays were kept to a minimum.

- ▶ Changeable message signs providing updated detour and congestion information would be used, as well as standard construction zone signage, to alert drivers on county roads and on I-580 to delays along Altamont Pass Road.
- ▶ All construction personnel would be instructed in emergency vehicle access procedures. The travel lane would be cleared immediately upon the approach of an emergency vehicle on call.
- ▶ All construction personnel, especially equipment operators, would be instructed in pedestrian safety procedures. Construction related vehicles would be operated at low speeds in the vicinity of the construction site to enhance pedestrian safety. The construction site would be divided from pedestrian areas by temporary exclusion fencing.

Traffic and Circulation Mitigation Measure 3.1.5-2 on page 3.1.5-6, is revised as follows:

Zone 7 ~~should~~ would provide adequate off-road parking and staging areas at construction sites for all construction-related vehicles throughout the construction period to relieve potential congestion of local roads. If adequate parking cannot be provided on the construction sites, a satellite parking area should be designated, and a shuttle bus should be operated to transfer construction workers to the job sites. Equipment and materials would not be stockpiled on the road to the water treatment plant construction site.

Traffic and Circulation Impact 3.1.5-3 on page 3.1.5-6, is revised to add the following information to the second paragraph:

Operation of the Altamont WTP will include permanent employee traffic and is expected to generate approximately five to ten round trips per day. Using the data from March/April 2000 as a basis, this amount of project-related traffic would represent between 0.4 and 1.4 percent of morning weekday peak-hour traffic volumes in the vicinity of the Altamont Water Treatment Plant project. Similarly, it would represent between 0.5 and 1.8 percent of evening weekday peak-hour traffic volumes in the vicinity. Although these percentages are small, and represent ~~This amount of traffic, while~~ an increase over existing traffic conditions, they ~~is~~ would not change service levels on any local roads and is ~~are~~ not expected to cause substantial adverse effects on circulation after the construction of the Altamont WTP is completed. The estimated

frequency of chemical deliveries and sludge disposal is not expected to vary among the three potential treatment sites.

Traffic and Circulation Mitigation Measure 3.1.5-3 on page 3.1.5-7, is revised as follows:

~~None required.~~ (f) To reduce traffic congestion, deliveries to the water treatment plant would be made during off-peak periods, to the extent feasible. Zone 7 would require suppliers to instruct vehicle operators in pedestrian safety procedures, and to operate vehicles at low speeds in the vicinity of the water treatment plant to enhance pedestrian safety. Zone 7 would consider offset shifts to reduce peak period traffic volumes in the vicinity of the water treatment plant.

Page 3.2.3-16, paragraph 4 (Hydrology, Impact 3.2.3-1), is revised as follows:

During the construction period, soils at each construction site and along the raw water conveyance pipeline alignments would be exposed to the erosive forces of wind and storm runoff to a potentially significant degree. When de-vegetated and excavated, they would be subject to gulying under the influence of moderate to heavy rains if preventive action were not taken. Grading activities during facility and conduit (pipeline) construction could adversely affect downstream water quality through erosion, the transport of sediments and dissolved constituents entering the natural receiving waters, and increased turbidity and contaminant load. Although the majority of the pipeline would be constructed in existing roads, the approach to Laughlin Road Site #3, APR-2, APR-3, and APR-4 would have off-road segments that would need to be treated in the same fashion as other new off-road construction site. Each alignment was examined for environmental effects that might need mitigation measures beyond those already proposed in the Draft EIR. It was concluded that all the impacts of the off-road segments could be addressed as a single set with respect to mitigation because they involved, essentially, the same concerns: slope and soil stability, erosion control, water quality protection, stream-crossing repair/rehabilitation, as well as habitat replacement/restoration. Additionally, APR-3 was compared with of the nearby APR-2. Although both alignments traverse relatively flat, open, grazing land, APR-3 has the benefit of being substantially farther from Frick Lake, thereby further avoiding possible water quality issues associated with that ephemeral pond. APR-3 also has the benefit of not necessarily crossing Altamont Creek, thereby avoiding disruption of the stream bed and attendant issues of siltation and riparian habitat disturbance.

Section 5, Unavoidable Significant Adverse Impacts, pages 5-1 and 5-2, is revised as follows:

5. UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

In accordance with Section 15126.2(b) of the California Environmental Quality Act (CEQA) Guidelines, a section must be included in the EIR setting forth those significant environmental impacts which cannot be mitigated to a level of insignificance that would result from construction of the Altamont Water Treatment Plant project. There are no significant or potentially significant impacts of the Altamont WTP Project which cannot be so mitigated. ~~However, there is one unavoidable significant impact on Biological Resources that is mitigable to an insignificant level identified for this project and is discussed below.~~ All other significant or potentially significant impacts identified for ~~other~~ subject areas examined in this EIR were determined to be mitigable to insignificant levels.

BIOLOGICAL RESOURCES

Impact 3.2.1-1

~~*Construction of the Altamont WTP and associated infrastructure on any of the possible sites would remove grassland foraging habitat of the State and federally Endangered San Joaquin kit fox. (S)*~~

~~The USFWS considers all proposed sites to be San Joaquin kit fox foraging areas because they are located on the western edge of the San Joaquin kit fox range. Dyer Road Site #1 was included in the biological analysis for Conditional Use Permit C-5512 Altamont Landfill and Resource Recovery Facility Class II Expansion and was identified as mitigation acreage for loss of San Joaquin kit fox habitat associated with that project. The dedication of the site as mitigation acreage has been established as an Alameda County Condition of Approval for the Altamont Landfill project. Additionally, preliminary U.S. Fish and Wildlife Section 7 consultation identified this site as mitigation acreage. This site would be available only if appropriate alternate mitigation could be identified by Zone 7 and if agreements with Waste Management, Inc., Alameda County, and the U.S. Fish and Wildlife are secured. In order to secure the agreements, it is likely that Zone 7 would have to demonstrate to USFWS and Alameda County that other available water treatment plant sites are not feasible, including expansion at existing treatment plant sites. The following mitigation measure, included as part of the proposed project, would reduce this impact to an insignificant level.~~

Mitigation Measure 3.2.1-1

~~Loss of foraging habitat would be replaced by preservation of similar grassland habitat in the vicinity. The USFWS probably would require replacement of lost San Joaquin kit fox foraging habitat at a ratio of at least 3:1, or to be funded through in lieu fees, paid by Zone 7 to the USFWS to purchase land for foraging habitat.~~

~~Mitigates: Impact 3.2.1-1 (I)~~

~~Implementation: Zone 7 will reach a habitat replacement agreement with the USFWS sometime before the end of the WTP design phase.~~

~~Responsibility: Zone 7 Capital Projects Group, in consultation with the California Department of Fish and Game and the U.S. Fish and Wildlife Service~~

~~Monitoring: A qualified wildlife biologist reporting to CDFG and/or USFWS~~

Section 7, Irreversible Environmental Changes that would occur from Implementation of the Proposed Project, page 7-1, is revised as follows:

7. IRREVERSIBLE ENVIRONMENTAL CHANGES THAT WOULD OCCUR FROM IMPLEMENTATION OF THE PROPOSED PROJECT

Construction of the proposed Altamont Water Treatment Plant Project would create changes in land use (~~conversion from agricultural to industrial use~~), visual character, habitat, traffic, and physical conditions of the project site as defined in Sections 3.1.1, Land Use, 3.1.2, Visual Quality, 3.1.2, Biological Resources, 3.1.5, Traffic and Circulation, and 3.2.2, Soils, Geology and Seismicity, of this EIR. These changes would be sufficiently long-termed to be considered irreversible.

Land use change would involve the conversion of the selected site from agricultural use to public facilities use. Land currently being grazed would contain the water treatment plant and would no longer be available as pasture. The change is consistent with the East County Area Plan agricultural policies, which recognize the necessity of approving limited infrastructure projects outside the Urban Growth Limit (ECAP Policy 58), and the necessity to phase development to minimize the premature loss of agricultural land (ECAP Policy 15).

Visual change on the project site and in the project area would be irreversible because of site grading (see Section 3.2.2, Soils, Geology and Seismicity), construction of a new access road (~~for if Laughlin Road Site #3 were selected~~), and the construction of the water treatment plant. Mitigation measures have been identified that would reduce the physical impacts related to

those changes to an insignificant level.

Another irreversible environmental change associated with the project would be slightly increased traffic volumes on local roadways to operate and maintain the water treatment facilities. There would be temporarily increased levels of traffic, and of noise and air emissions from project-related construction and construction traffic, which would be short-term, lasting during the construction period. However, mitigation measures have been identified to mitigate all direct impacts to levels of insignificance (see Section 5 for a description of Unavoidable Significant Adverse Impacts).

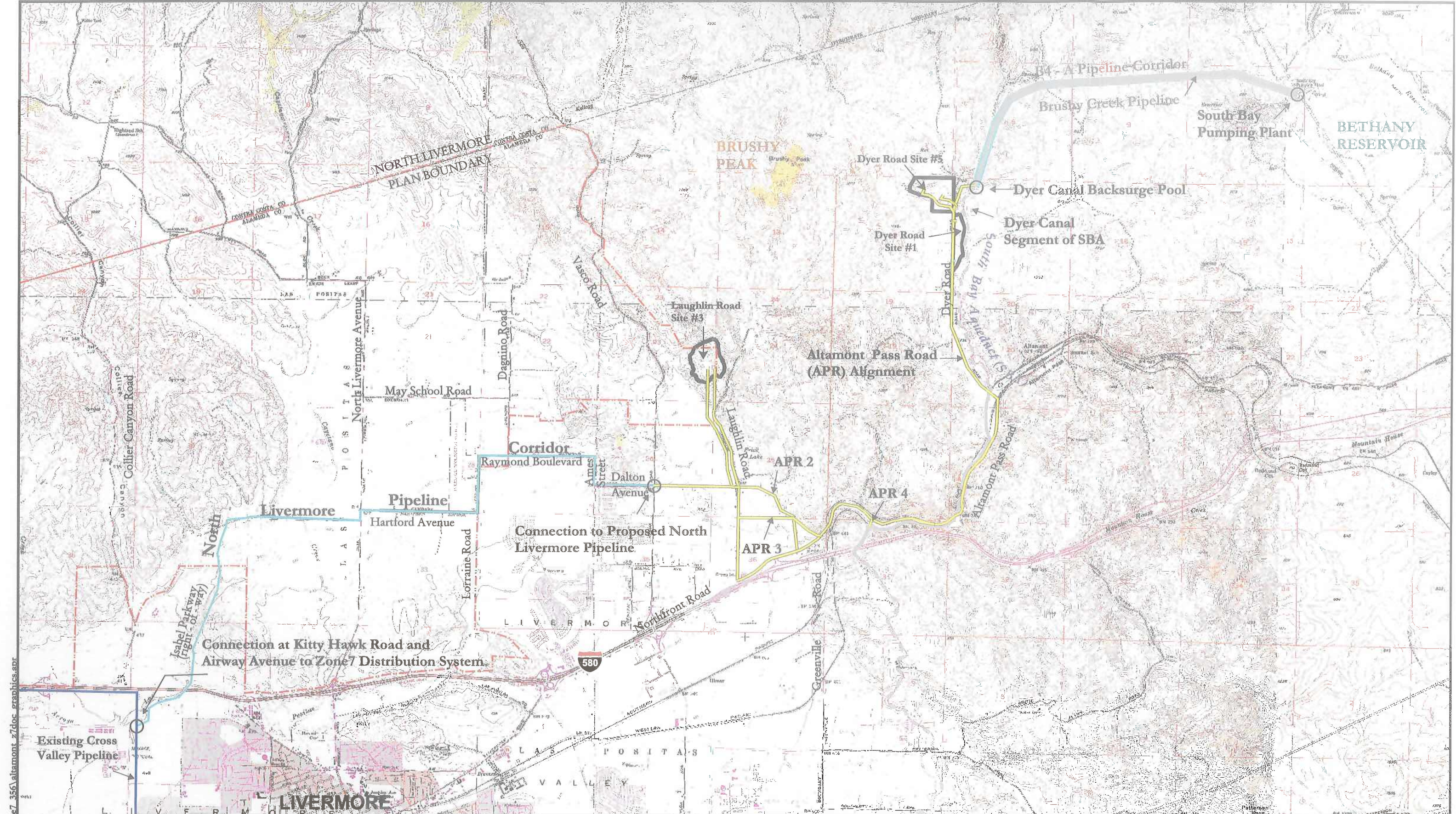
An irreversible change to Biological Resources is the conversion of San Joaquin kit fox foraging habitat to public facilities use. This significant impact would be mitigated to an insignificant level through replacement by preservation of similar grassland habitat in the vicinity. The US Fish and Wildlife Service probably would require replacement at a ratio of at least 3:1, or in lieu fees, paid by Zone 7 to the USFWS to purchase land for foraging habitat.

Project construction would involve the irretrievable commitment of existing and expanded infrastructure facilities needed to serve the Altamont WTP, such as gas and electricity, but not necessarily in a wasteful manner.

As previously discussed in other environmental review documents pertaining to the Livermore area,^{1,2} the project would support planned land development and population growth in the Livermore-Amador Valley. Irreversible environmental changes would occur because of that growth. Among these changes would be the alteration in the physical conditions (grading, construction), the conversion of pasture land to urban and suburban uses, the commitment of renewable and non-renewable energy resources, and material resources used for the construction and operation of homes and businesses in the Zone 7 service area.

NOTES - Irreversible Environmental Changes

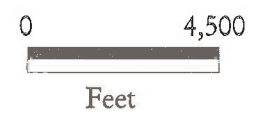
1. Environmental Science Associates, *Livermore-Amador Valley Water Management Agency Export Pipeline Facilities Project Draft Environmental Impact Report, Chapter 5, Growth-Inducement Potential and Secondary Effects of Growth*, SCH #97072090, January 26, 1998, Final EIR Certification Date June 25, 1998.
2. Lamphier & Associates and SWA Group, *North Livermore Specific Plan DEIR*, SCH #97102048, April 2000 (currently under separate environmental review).



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Source: Camp Dresser & McKee, Proposed Water Treatment Plant, Treated Water Facilities Master Plan, February 2000; Zone7 & Montgomery Watson, Proposed Pipelines Data, 2000, USGS, 7.5-minute quad, Alameda County; and EIP Associates, Digitized Proposed Water Treatment Plant, Proposed Pipelines and GIS Program, April 2, 2001

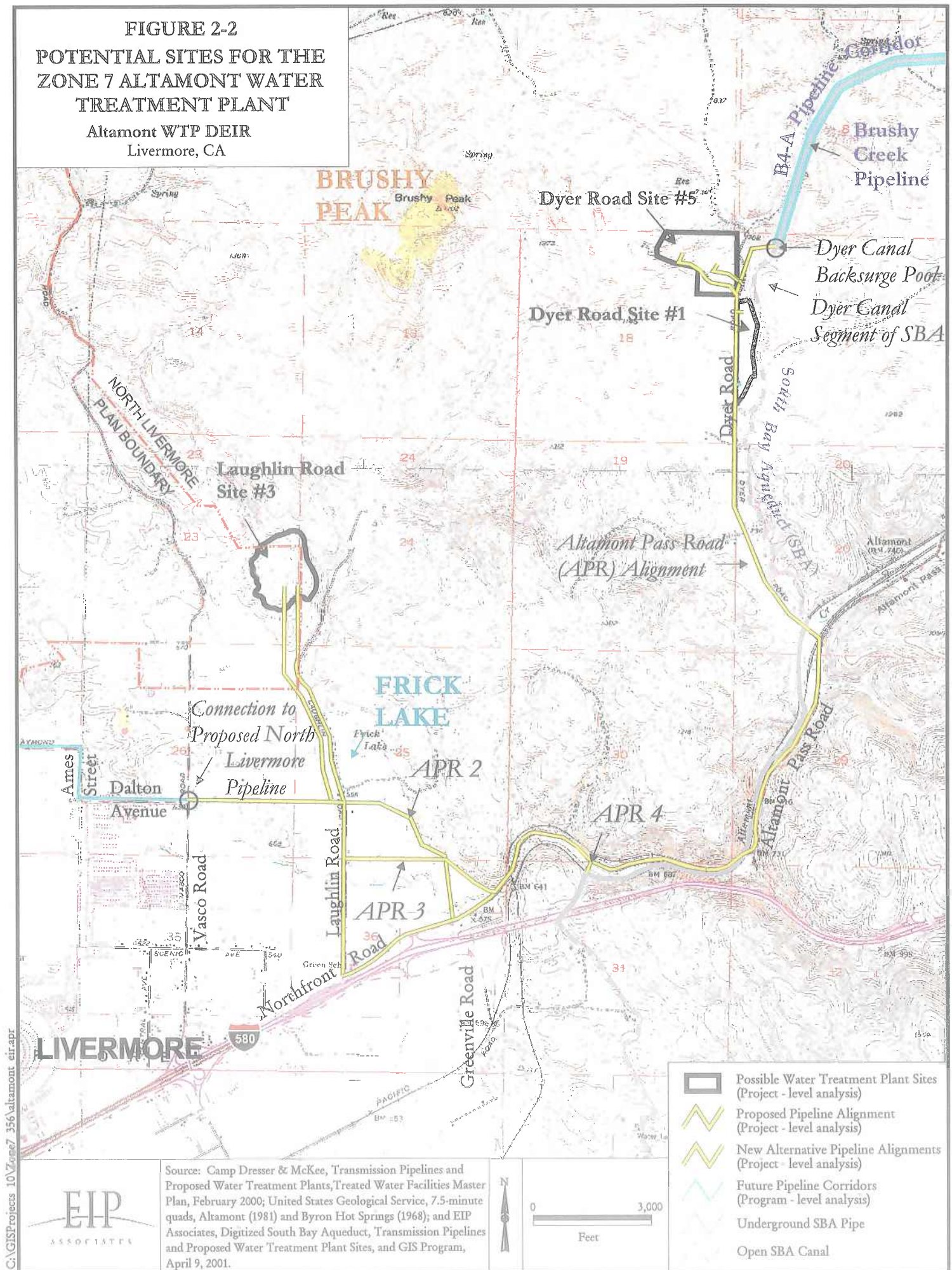


- Possible Water Treatment Plant Sites (Project - level analysis)
- Proposed Pipeline Alignments (Project - level analysis)
- New Alternative Pipeline Alignments (Project - level analysis)
- Future Pipeline Corridors (Program - level analysis)
- Underground SBA Pipe
- Open SBA Canal

FIGURE 1-1
PROJECT ELEMENTS WITHIN
THE FUTURE WATER CONVEYANCE
AND TRANSMISSION SYSTEM
 Altamont WTP DEIR
 Livermore, CA

FIGURE 2-2
POTENTIAL SITES FOR THE
ZONE 7 ALTAMONT WATER
TREATMENT PLANT

Altamont WTP DEIR
 Livermore, CA



Source: Camp Dresser & McKee, Transmission Pipelines and Proposed Water Treatment Plants, Treated Water Facilities Master Plan, February 2000; United States Geological Service, 7.5-minute quads, Altamont (1981) and Byron Hot Springs (1968); and EIP Associates, Digitized South Bay Aqueduct, Transmission Pipelines and Proposed Water Treatment Plant Sites, and GIS Program, April 9, 2001.



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 Feet

- Possible Water Treatment Plant Sites (Project - level analysis)
- Proposed Pipeline Alignment (Project - level analysis)
- New Alternative Pipeline Alignments (Project - level analysis)
- Future Pipeline Corridors (Program - level analysis)
- Underground SBA Pipe
- Open SBA Canal



EXISTING VIEW



CONSTRUCTED VIEW

SOURCE: Montgomery Watson, 2000



MITIGATED CONSTRUCTED VIEW

SOURCE: Montgomery Watson, 2000

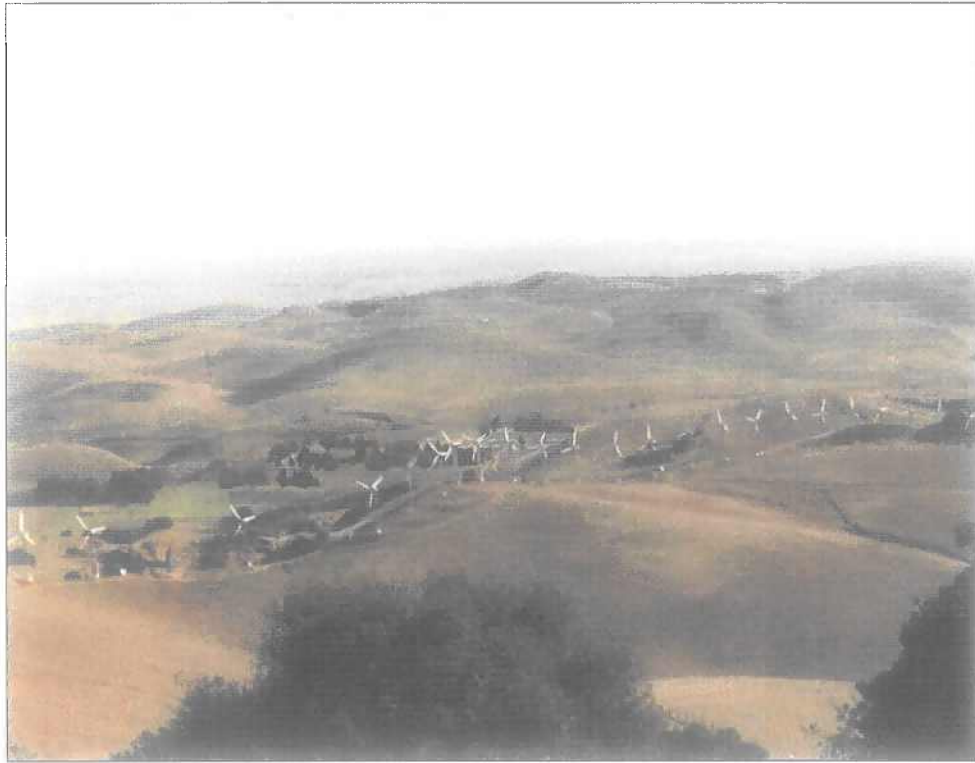


EXISTING VIEW



CONSTRUCTED VIEW

SOURCE: Montgomery Watson, 2000



MITIGATED CONSTRUCTED VIEW

SOURCE: Montgomery Watson, 2000



EXISTING VIEW



CONSTRUCTED VIEW

SOURCE: Montgomery Watson, 2000



MITIGATED CONSTRUCTED VIEW

SOURCE: Montgomery Watson, 2000