

CHAPTER 3

Responses to Comments

This chapter provides detailed responses to comments received on the Master EIR. Comment letters are provided followed by the individual responses. Responses are keyed to the written comments received as indicated in the right margin of the comment letter.

Comment Letter A

**DUBLIN
SAN RAMON
SERVICES
DISTRICT**



7051 Dublin Boulevard
Dublin, California 94568
Phone: 925 828 0515
FAX: 925 829 1180
www.dsrdsd.com

April 17, 2006

REC'D APR 18 2006

Mr. Joe Seto, Senior Engineer
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Subject: Zone 7 Stream Management Master Plan
Cities of Livermore, Dublin, and Pleasanton and Alameda County
Draft Master EIR

Dear Mr. Seto:

Thank you for the opportunity to comment on the above subject document. The Dublin San Ramon Services District (DSRSD) has reviewed the above subject document and has the following comments:

Please be aware that DSRSD facilities are generally present within city streets however pipelines related to Potable Water, Recycled Water and Sewer Collection are located within several SMMP project areas. Should possible damage or disruptions in service occur, this could have significant impacts to the ability of DSRSD to provide service to our customers.

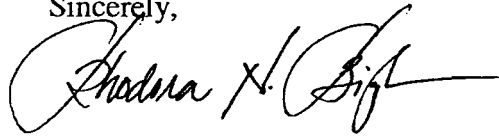
- **Wastewater Services**
Sewer trunk lines and laterals are located within or crossing the following SMMP project areas which include Reach R.8-1, R.8-2, R.9-1, R.9-2, R.9-3, R.9-5, and R.9-6.
- **Water Supply**
Potable water facilities are present within or crossing the following SMMP project areas which include Reach R.8-1, R.8-2, R.9-1, R.9-2, R.9-3, R.9-5, R.9-6.
- **Recycled Water Supply**
DSRSD provides recycled water service to the City of Dublin, Dougherty Valley and San Ramon through contract with the Dublin San Ramon Services District East Municipal Utility District Recycled Water Authority (DERWA). Treatment Facilities are located in Pleasanton at the Regional Wastewater Treatment Facility. Recycled water facilities are

A-1

present within or crossing the following SMMP project areas which include Reach R.8-1, R.8-2, R.9-1, R.9-5, and R.9-6. A-1

Thank you for consideration in this matter. If you have any questions regarding these comments please contact me at (925) 875-2255.

Sincerely,

A handwritten signature in black ink, appearing to read "Rhodora N. Biagtan", with a long horizontal flourish extending to the right.

RHODORA N. BIAGTAN
Sr. Civil Engineer

ATJ/RNB:es

cc: David A. Requa
David Behrens

Public Agencies

A. Dublin San Ramon Services District

Rhodora Biagtan

- A-1) Comment acknowledged. The issues concerning water supply, wastewater, and recycled water lines and facilities for Projects R.8-1, R.8-2, R.9-1, R.9-2, R.9-3, R.9-5, and R.9-6 would fall under the “Implementation Issues” that are listed in the project tables in Appendix 2 of the Draft MEIR. Subsequent environmental documents would be prepared for individual projects under the SMMP. The environmental documents would be based on the Master EIR (see Section 2, Master Response 2.2, Use of Master EIR) and would take into account the wastewater service lines, water supply lines, and recycled water facilities located within the individual project areas. Zone 7 will examine specific SMMP projects that overlap areas with DSRSD facilities and coordinate with DSRSD prior to implementation.

April 26, 2006

Joe Seto
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

SUBJECT: Request to extend comment date to May 15, 2006 for SMMP & MEIR Review

Dear Mr. Seto:

Thank you for extending the comment period to May 8, 2006 to review the Stream Management Master Plan and Master Environmental Impact Report. This will allow some more time; however, the City of Livermore would like to have an additional week and hereby requests an extension of time to May 15. These two documents are lengthy and have required more review time than expected. This additional time will allow us to provide complete comments.

B-1

Please let me know if you can approve our request.

If you have any questions, please call me at (925) 960-4538.

Sincerely,



Pamela Lung
Associate Civil Engineer
CDD/Engineering Development

cc: Cheri Sheets, City Engineer
Bob Vinn, Assistant City Engineer
Susan Frost, Principal Planner
Dan McIntyre, Public Services Director

May 8, 2006

Joe Seto, Senior Engineer
Zone 7 Water Agency.
100 North Canyons Parkway
Livermore, CA 94551

SUBJECT: Draft Zone 7 Stream Management Master Plan (SMMP) and Draft SMMP
Master Environmental Impact Report (MEIR) Dated March 2006

Dear Mr. Seto:

Thank you for the opportunity to review and comment on the Draft Master Environmental Impact Report (DMEIR) and Draft Stream Management Master Plan. The City has completed its review of these documents and we have the following general comments:

- The Master Plan is not based on the City of Livermore's current General Plan and policies. In particular, the amount of future land development and the benefit of flow attenuation of our existing and future detention facilities are not accurately reflected in the flood flows used in your hydraulic models supporting this plan. This is likely to have resulted in overstating the problem and impacts. The Master Plan cannot therefore be considered consistent with our General Plan. We recommend that you update your hydraulic model to reflect these discrepancies prior to approving the final documents. B-2
- The Master Plan has proposed numerous improvements including trails and habitat restoration/mitigation without clearly identifying who will own, operate or maintain these facilities. Consistency with other agency plans such as LARPD Trails Plan, and LARPD Master Plan, will be necessary if those agencies would be expected to own, maintain or operate any of the improvements identified in the SMMP. B-3
- The Master Plan identifies 45 projects totaling over \$700 million. There is no financing mechanism proposed or in place to implement this program. The Master Plan should not be adopted until a feasible financing strategy has been identified since the Master Plan commits Zone 7 to improvements that cannot currently be funded. The text of the Master Plan should make it clear that implementation of the plan is contingent upon developing and adopting a financing program and project phasing program. B-4

- The Master Plan is premised on a paradigm shift for flood control from rapid deployment to the Bay to attenuation of flows and detention strategies. The Master Plan should include a risk assessment of this strategy compared to existing. This strategy appears to benefit the downstream areas but shifts impacts to upstream areas. B-5
- The Master Plan is not based on current flood plain information. Improvements previously built and installed for/by Zone 7 have not been reflected in the analysis. The Master Plan needs to reflect current existing conditions. B-6
- Given the magnitude of the program it is impractical to assume the project in whole will be built simultaneously. An implementation strategy, including a phased approach to completing the projects, and its impacts should be addressed as part of the Master Plan. B-7

The City believes the most prudent course would be to provide additional information to address these issues now since some of the information could result in modifications to the Master Plan program.

Additional project specific comments are attached as well as excerpts of the plan with comments. If you have any questions, please contact Pam Lung or me at (925) 960-4500.

Sincerely,

Cheri Sheets
City Engineer
CDD/Engineering Division

cc: Dan McIntyre, Public Services Director, City of Livermore
Darren Greenwood, Water Resources, City of Livermore
Marc Roberts, Community Development Department Director, City of Livermore
Eric Brown, Planning Manager, City of Livermore
Susan Frost, Planning, City of Livermore
Bob Vinn, Assistant City Engineer, City of Livermore
Pamela Lung, Engineering, City of Livermore
Tim Barry, General Manager, Livermore Area Parks and Recreation District

Attach. Detailed Comments

Draft SMMP & MEIR Detailed Comments

The following are more detailed comments. Any new comments have arisen from our preliminary efforts to consider implementation of El Charro Area elements within your plan. We will look forward to continuing to work with you to resolve these concerns and believe they will help Zone 7 and all of the jurisdictions in the future as we work toward implementation of the SMMP.

Overall:

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| 1. A detailed plan of action for financing, refinement, implementation and maintenance of the projects described in the SMMP should be included in the final SMMP. With this information the impacts can be evaluated and the plan can provide a basis for funding. | B-8 |
| 2. Since policy changes are required to implement the projects identified in the SMMP it is important that you describe in your plan which policies are expected to change and why. The impact of these policy changes must be evaluated in your MEIR. | B-9 |
| 3. Please identify your assumptions regarding responsibility. Please include responsibility for project refinement, implementation, capital Improvements, ownership, funding and maintenance. Since the scope of the SMMP encompasses multiple ownerships, jurisdictions and objectives it is unclear to us what expectations Zone 7 has regarding this plan as we work toward implementation. Without this information it is not possible to evaluate the impacts on the City of Livermore and other jurisdictions. | B-10 |
| 4. Please compare the three alternatives: 1)no project, 2)1966 plan and 3)detention and conveyance alternative (SMMP) in the context of the Standard Project Flood. I believe that both the Del Valle Reservoir and the 1966 plan were evaluated in this context in order to evaluate the flood risk for the communities downstream. A similar evaluation should be done for the other alternatives prior to approval of the final document. | B-11 |
| 5. The paradigm shift that has occurred in the field of study related to flood control is chiefly responsible for the differences between the 1966 plan and the Draft SMMP. Please describe this paradigm shift to provide the proper context to understand why you have approached flood control in this manner. | B-12 |
| 6. More fully describe the benefits of the Draft SMMP including attenuating the flows to allow for habitat preservation and restoration. | B-13 |
| 7. Please state in your plan the assumptions used in your hydraulic models. | B-14 |
| 8. If the assumptions used in the hydraulic models reflect pre-2003 City of Livermore General Plan land uses and policies they are no longer correct. Additionally, if the detention elements in your plan were not evaluated in your hydraulic model please update your model so that it evaluates the detention | B-15 |

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| elements of your plan and matches current conditions, plans and policies. Especially when evaluating a detention or dam alternative we need to be certain of the risk in relying on detention rather than conveyance of the flood flows. | B-15 |
| 9. The direction you are taking with this new plan manages risks and provides more benefits than your existing plan – including better flood protection; however, this needs to be explained and justified better in both the SMMP & MEIR. | B-16 |
| 10. Provide an outline of interim strategies or at least some discussion on how you plan to develop them. | B-17 |
| 11. Please state that all of what is proposed in this plan will be done in a cost effective and sustainable manner. | B-18 |
| 12. Please identify the time line for implementation: Phase I, Phase II and Phase III. | B-19 |
| 13. What is the timing of funding instruments with relationship to Appendix H? | B-20 |
| 14. Please comment on what policies exist for developing and maintaining all of the elements listed in the plan along with the existing policies that govern them. In light of this also comment on how these policies are expected to change to implement the SMMP. | B-21 |
| 15. How will this document be updated or changed in the future? How will projects be refined and what are the processes, funding, implementation and maintenance? Please discuss who will have the responsibility for implementation and funding. Until these parameters are identified the assumption remains that Zone 7 assumes responsibility for both. | B-22 |
| 16. Please mention whether or not assumptions and proposed projects are consistent with City and other agency Master Plans and other policy documents. | B-23 |

Section I – Background:

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| 1. On page 1-17 please describe how the determination was made that the watershed above Niles is impacted for various pollutants. If only one sample was taken at Niles and the results were taken to mean that all upstream streams are also impacted, please mention that it may be wise to better quantify the source of the pollutants. Mention that some if not all of this pollution is generated from pollutants discharged into the air. | B-24 |
| 2. Zone 7 is a groundwater supply and recharge agency. Please mention the care Zone 7 has taken to provide quality groundwater and water supplied through their wells and how this relates to and is compatible with this plan. | B-25 |
| 3. The Floodplain in this plan is consistent with FEMA flood insurance rate maps (FIRM's); however, because a LOMR was never filed, it does not reflect the floodplain change due to the new Zone 7 creek improvements at and above the confluence of Arroyo Las Positas and Arroyo Mocho. Please file the required LOMR and revise your floodplain shown within your plan so that that these creek improvements are accurately reflected on both. | B-26 |

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| 4. Please add a note describing the existing mineral loading of surface waters flowing through the Alkali Sink area in Arroyo Las Positas and the groundwater basin. Describe the various plans and policies related to this including the Watershed Management Program and the Bay Area Integrated Regional Water Management Plan. | B-27 |
| 5. Please note that the local agencies have existing trail master plans that link parks along the creek corridors. The City of Livermore is one of these agencies that has a trail master plan, creates, improves and maintains trails. Those commuting by bicycle, as well as those recreating use these trails. | B-28 |
| 6. Please include information on any existing levees, current levee analysis requirements and how levees are evaluated by FEMA. | B-29 |
| 7. On page 1-19 please also mention the Hydromodification requirements that are part of the Phase II stormwater permit. The City of Livermore are already beginning to enforce them for Arroyo Las Positas because it is impacted for sediment. | B-30 |

Section 2 – Goals and Objectives: These appear to be the agreed upon goals and objectives.

Section 3–Identification of needs and opportunities:

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| 1. When discussing mitigation please identify who will be responsible for implementation, who will bear cost, etc. Unless partnering agreements are in place the assumption is that Zone 7 will refine, implement and fund the plan and plan elements. | B-31 |
| 2. Please include in your Sycamore discussion the impact of surrounding empty quarry pits drawing down the water table under Sycamore Grove and impacting the Sycamores. This impact should also be included in the MEIR. | B-32 |
| 3. Please use line variations in addition to color on the exhibits so that the information is not lost when pages are copied with a black and white copier. | B-33 |
| 4. It would be helpful to note the ownership and agency currently responsible for improvements and maintenance for each of the projects. This information will help better evaluate the environmental impacts. | B-34 |
| 5. Please update the projects that have in whole or in part been completed. The Arroyo Las Positas and Arroyo Mocho confluence with Arroyo Mocho realignment has been completed. The Granada Gardens area across from the Granada High School has been planted and new benches and a landscaped berm have been built. | B-35 |
| 6. The erosion and sedimentation in the Arroyo De La Laguna seems to be understated. Isn't this the reach that has historically dropped 30 ft.? Describe what type of potential erosion would occur to the banks and bed with the 100-year flowrate at built-out conditions. | B-36 |

Section 4– Regional Flood Protection

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| 1. | Please include the diversion and conveyance system of pipes, boxes, etc. to Cope Lake and the other lakes as part of the regional flood protection effort and cost. Please refer to Appendix C and D for the alternatives analysis and previous study by Phillip Williams that proposed this as an alternative. Please include the fact that routing of diverted water may be difficult and complex in crossing FAA facilities (NAVAIDS), city streets, Airport facilities (runways & taxiways), etc. | B-37 |
| 2. | In addition to listing the technical issues please mention the studies that determined the build-out 100-year flow rates and the assumptions that these flowrates are based upon, and which provide the basis for the projects in the SMMP, assumed that all the land, within the City of Livermore, would be developed according to our previous General Plan. The recently approved land use plan and policy changes in Livermore, as detailed in our new General Plan, have restricted development so that ultimate build-out is unlikely. This coupled with the more stringent water quality requirements that will limit flow quantity, as well as manage and treat flow to certain quality standards regionally and on a site by site basis, tend to over predict the flood flows. Please revise your models based upon the current City of Livermore plans and policies to accurately reflect future conditions. | B-38 |
| 3. | Please speak more to sediment management than sediment reduction. Sediment comes from both the bed and banks of the creek along the creek corridor as well as from upstream reaches. Sediment transport is a natural and needed resource for healthy creek systems and the ecosystems they support. | B-39 |
| 4. | Please speak to how the groundwater will be improved, managed differently with the addition of the chain of lakes. Please also mention the order in which lakes would be filled and used. | B-40 |
| 5. | Briefly describe and refer to the storage and diversion alternatives for delivering storm water from Arroyo Las Positas to Cope Lake as discussed in the appendices. These are an important part of this project. | B-41 |
| 6. | Using previous flood studies that do not take into account the diversion are useful for rough estimates; however, basing a Master EIR on a SMMP supported only by these rough estimates is not appropriate. The flood study should be revised to include the diversion so that the quantities can be verified and costs estimated more closely to what is needed. | B-42 |
| 7. | Please describe how the SMMP projects will be funded. Also describe the assumptions and contingencies used in preparing the cost estimates. | B-43 |

Section 5 – SMMP Program and Project Descriptions:

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| 1. | Please provide a bit more description in your cost estimates for each project. Restate the assumptions and contingencies used. | B-44 |
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| 2. | Project R.1-2 may already have some water recirculation occurring from the creek to the Alkali Sink area. A more detailed project is recommended in the 1998 Alkali Sink Report by Questa. Please verify this and state in your plan or restate the Questa report recommendations. | B-45 |
| 3. | Please link together projects by stating the importance of looking at the sediment transport of the whole Arroyo Las Positas before evaluating the benefit of a sedimentation basin or mentioning that while an effort upstream may help the downstream, the downstream control is still needed and why. | B-46 |
| 4. | R.1-5 is listed in the City of Livermore 20-Year Capital Improvement Plan approved by the City Council on May 24, 2004. I have included an excerpt of our storm drain and creek projects for which the City has identified some level of funding. | B-47 |
| 5. | Please mention on all pond, detention, retention and sediment basin projects, the need to coordinate with the Mosquito Abatement District to address and avoid creating mosquito habitat. There is a real threat of the West Nile Virus becoming a health concern in this area. A careful balance of objectives is required with regard to creating any standing water near residential areas. | B-48 |
| 6. | There is privately owned property south of the 580 corridor and north of Portola Avenue that may provide opportunities for mitigation and restoration. The development of this land is greatly restricted by existing sensitive species and creek set back requirements so it may be more valuable as mitigation and habitat restoration. Please consider this possibility. | B-49 |
| 7. | R.2-4 needs to be refined now that the City of Livermore General Plan is approved with less build-out than what was assumed in the original hydraulic model. A much smaller project may be all that is needed here. | B-50 |
| 8. | Please coordinate Project R.3-2 closely with the Livermore Area Parks and Recreation District(LARPD) and us. You are showing levees through existing sports fields. This is not compatible with LARPD's master plan. | B-51 |
| 9. | The Sedimentation Basin proposed with this project(R.3-2) is located in an area of previous mitigation for the Concannon Bridge project and may be difficult to implement at this location. | B-52 |
| 10. | Update R.3-4 to reflect the work done across the creek from Granada High School by the Friends of the Arroyo and address the gas station use on the southwest corner of Murrieta and Stanley. The levee locations do not look correct. Do you really need a levee on the Granada High School side of the creek? This side is already elevated. | B-53 |
| 11. | What happened to project 3-6? If you haven't already please correct the alignment of the creek in the exhibit for project R.3-6 on page S5-R3-15. | B-54 |
| 12. | Please coordinate with LARPD for all projects in Reach 4 and in the vicinity of Sycamore Grove. The quarry pits as they are dug impact Sycamore grove. These impacts do not seem to be mentioned. Please include and address Sycamore Grove recovery plan issues. Identify how the projects proposed in this reach will impact or benefit this effort. | B-55 |

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| 13. | The Isabel Interchange project lies within the area of Project R.5-3. Please show and consider this future project. Environmental analysis has been done for the Isabel Interchange and the report will become available shortly. We will continue to coordinate closely with you to give you the information necessary to provide the detail needed to describe this project and make it consistent with the Isabel Interchange project. | B-56 |
| 14. | The Arroyo Las Positas Diversion project R.5-4 is an important project to us, Zone 7 and the City of Pleasanton. We will continue to coordinate with you to describe this project in more detail and would like to see this project identified as a high priority. A phasing plan is needed for this project to assist in prioritizing environmental analysis, improvements and funding. | B-57 |
| 15. | Please modify rather than replace the energy dissipation structure in project R.6-1. It was just constructed a few years ago. Identifying a phasing plan for all projects in Reach 6 would be helpful when prioritizing environmental analysis, improvements and funding. | B-58 |
| 16. | Please also coordinate with LARPD on Reach 7 projects. Again, please include and address Sycamore Grove recovery plan issues. Identify how the projects proposed in this reach will impact or benefit this effort. | B-59 |

Master Environmental Impact Report:

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| 1. | The three project alternatives are good but the standard project flood must be considered and evaluated as part of the detention alternative just as it was for the 1966 plan. The evaluation of the risk must be included as well as the needed improvements to pass this level of a storm. Analysis must also be done to show that back to back storms can be handled reasonably well and if not what the impacts are. If most of the 1966 channel system is in downstream then it shouldn't be too much different. | B-60 |
| 2. | Please comment on the environmental impact of a flood event in the case that no project is implemented as compared with the other alternatives. | B-61 |
| 3. | Mitigation identified in the plan must be discussed both as a proposed project and as mitigation for other projects. Please clarify this and analyze this in the MEIR. | B-62 |
| 4. | If you decide not to include something in the MEIR whether it is a project or analysis please describe what you are excluding and why. | B-63 |
| 5. | Include the HMP requirements under the Water Quality Section discussion. | B-64 |
| 6. | Please revise sections according to any changes made in response to comments above. | B-65 |

Thank you for your patience with us and for continuing to work with us on developer driven interim strategies. Please contact Pamela Lung with any questions on these detailed comments. She can be reached at 925-960-4538.

B. City of Livermore

B1. Pam Lung

- B-1) Comment acknowledged. Detailed comments received from the City of Livermore are addressed in Section B2 below.

B2. Cheri Sheets

- B-2) Given the dynamic nature of the General Plans that are continually updated, Zone 7 intends to approve the SMMP as the proposed project under CEQA and continue updating the SMMP. Zone 7 anticipates that several planning documents, such as the City of Livermore's General Plan that were used to develop the SMMP will be changed and updated periodically throughout the term of the SMMP. As such, before the specific SMMP project recommendations are implemented, the latest plans will be reviewed and the projects will be evaluated through additional modeling or other refinements as needed (see Section 2, Master Responses 2.1, SMMP Implementation and Funding, and 2.2, Use of Master EIR). Any overstatement of impacts in this analysis would result in a conservative approach, which is considered appropriate at a planning level.
- B-3) Comment acknowledged. Appendix 2 in the Draft MEIR provides information on individual SMMP projects including a discussion of Implementation Issues that would be addressed as part of project development and implementation. Ownership and maintenance responsibilities of trails and habitat components noted in the comment will be identified during the implementation phase of specific projects. The implementation issues also include reviewing individual project consistency with trail plans, master plans, and other agency plans and policies that are current at that time.
- B-4) Please refer to Master Response 2.1, SMMP Implementation and Funding. Zone 7's implementation of the SMMP will be contingent upon the development and adoption of a funding and project phasing program. Prior to Zone 7's adoption of a funding and project phasing program, Zone 7 will work with local agencies on interim solutions which further the goals, objectives and projects identified in the SMMP.
- B-5) It is noted that there is inherent risk as well as benefits in the storage approach versus a gravity drain approach. However, the SMMP aims to attenuate this risk by utilizing the additional storage available in the Chain of Lakes. Beyond the approximately 5,000 acre-feet (AF) of storage expected to be available in Cope Lake, Lake G, and Lake F, an additional 2,800 AF of storage would likely be available in Cope Lake and Lakes G, F, and E, and 7,040 AF in Lakes H and I. Thus, a total of 9,840 AF of additional storage would be available, which could be used for detention of flood flows, particularly during multiple 100-year storm events (Please see the Managing Risk section in Chapter 4 of the SMMP for information on additional available storage volumes). The flow detention approach in the SMMP therefore is not anticipated to shift impacts to upstream areas.

- B-6) Please refer to Master Response 2.4, FEMA Floodplain Mapping, LOMR revisions, and SMMP Modeling. The floodplain map (Figure 2-4) shown in the MEIR is based on the latest FEMA maps. No LOMRs have been filed for improvements at the confluence of Arroyo Mocho and Arroyo las Positas. Therefore these areas will continue to be shown within the floodplain. Please also refer to Response J-1 through J-4 for further discussion regarding the status of LOMRs at this location.
- B-7) Please refer to Section 2, Master Response 2.1, Implementation and Funding. The implementation phase for the SMMP will address project prioritization and phasing, which will result in development of near-term and long-term improvement projects that include schedules for project implementation.
- B-8) Please refer to Section 2, Master Response 2.1, Implementation and Funding. The implementation plan will address issues related to financing, implementation, and project refinement. While general maintenance activities have been developed at a planning level based on the project concepts outlined in the SMMP, specific maintenance activities and funding would be identified for each project during the implementation phase.
- B-9) Zone 7's fundamental policy regarding the provision of flood protection has been to provide 100-year flood protection within its service area. This policy remains unchanged under the SMMP, and individual projects have been developed to be consistent with Zone 7's policy of providing 100-year protection with the provision of the proposed storage in the Chain of Lakes. In the event that new or revised policies are required to implement individual projects under the SMMP, policy revisions will be analyzed as part of project-specific CEQA analysis.
- B-10) Please refer to Section 2, Master Response 2.1, Implementation and Funding. Zone 7 will begin developing an implementation plan for the SMMP in Fall 2006. This plan will address issues related to funding, project refinement, implementation, ownership, and maintenance. Coordination with potential partners such as the City of Livermore and other jurisdictions on project priorities will be an important component for project prioritization and sequencing activities.
- B-11) CEQA requires consideration of a "reasonable range of alternatives," which includes a "no action" alternative and a reasonable number of action alternatives to cover the full spectrum of possibilities. CEQA does not require analysis of every conceivable alternative. MEIR Chapter 6, including Table 6-3 on page 6-15, satisfies CEQA by analyzing the No Project alternative, the 1966 Master Plan, and the detention and conveyance alternative. The Standard Project Flood (250-year flood event) and 500-year flood event have been used as reasonable upper limits of expected flooding to plan for and consider in planning critical structures (hospitals, schools, etc.) where flooding could result in catastrophic damages and/or loss of life. However, the SMMP design takes into account the 100-year flood event as a standard for at least two reasons. First, the 100-year frequency flood was originally recognized by both federal and non-federal interests as a reasonable minimum level of flooding on which to base protection plans. Second, this

flood level was later established by the National Flood Insurance Program (NFIP), which is administered by FEMA, as a national standard for regulating new building construction as well as any substantial improvement to existing structures.

- B-12) Zone 7 intends to continue to address the issue of flood protection in the Tri-Valley Area by implementing flood control efforts on a regional level. The SMMP has been designed to provide 100-year level flood protection consistent with its goals and objectives, which address multiple resource areas (see Resource Area Goals and Objectives on page 2-12 of the MEIR) affected by management of the streams and arroyos. The SMMP also considers the fact that channelization of streams and arroyos, particularly Arroyo de la Laguna, would be challenging in the current regulatory environment considering the habitat constraints and associated permitting requirements. Further, there is storage available to provide for the same 100-year level flood protection as gravity drainage along with additional storage to manage the risk of a storage approach versus a gravity drainage approach (see response to comment B-5). The SMMP is developed to utilize the available storage capacity for flood control with minimal environmental impacts.
- B-13) The SMMP takes a regional approach as suggested by the regulatory agencies, to maximize benefits while minimizing costs. The regional storage approach provides habitat benefits, fisheries protection, sediment reduction, and other benefits. Specific project benefits are provided in the project tables in Appendix 2 of the MEIR. The SMMP has been developed to address a series of goals in different resource areas including flood protection and drainage and water supply that are shown in Table 2-1, SMMP Resource Goals, and Table 2-2, SMMP Resource Goals and Objectives, on pages 2-12 through 2-14 of the MEIR. Table 2-3 on page 2-17 of the MEIR summarizes the objectives in different resource areas for the SMMP projects and thus indicates the areas in which the projects would benefit.
- B-14) Hydraulic models for the SMMP were completed by West Yost & Associates (WYA) in 2001 and Schaaf & Wheeler (S&W) in 2000. Assumptions for these models can be found in the corresponding reports: Hydrologic Procedures and Design Discharges (S&W, 1997), Feasibility Study (S&W, 1998), Draft SDA Program Update (S&W, 2000), Technical Memorandum No. 5 (WYA, 2001), and Issue Paper No. 2 (WYA, 2002), and within Appendix D in the SMMP.
- B-15) The hydraulic analysis for the SMMP was based on previous modeling work conducted in 2001 by WYA in which Alternative 4 included consideration of storage (also see Section 2, Master Response 2.4, FEMA Floodplain Mapping, LOMR Revisions, and SMMP Modeling). The SMMP is a planning level document. A future phase of work will follow that will include detailed engineering analysis for detention storage. This phase will include updating hydraulic and hydrologic modeling. Since the models used for developing the SMMP assumed greater development in North Livermore than is projected to occur under the 2003 General Plan, the SMMP provides conservative estimates, which is appropriate for a planning level document. Regarding General Plan and policy consistency, please refer to Response B-2.

- B-16) Zone 7 agrees that implementation of the SMMP would provide greater flood control and other resource benefits relative to the existing plan. Comparative benefits are analyzed in Table 6-3 on pages 6-15 and 6-16 of the MEIR, which provides a comparison of the proposed project (SMMP) and the alternatives. As discussed under Section 6.3, Alternatives Conclusions, on page 6-13 of the MEIR, the 1966 Master Plan Alternative (existing plan) would meet flood protection objectives, but would not meet the other stated project objectives. Implementation of the Flood Detention and Conveyance Alternative would meet the stated objectives, but would not provide the level of benefit envisioned under the full SMMP program.

Table 6-4 on pages 6-17 and 6-18 of the MEIR provides a comparison of the proposed project (SMMP) and alternatives with respect to their anticipated environmental impacts. The 1966 Master Plan, which would have the greatest level of environmental impact, is not considered feasible within the current regulatory environment, and would not meet the stated project objectives. The other alternatives also would not reduce or avoid impacts associated with the proposed project, and are not considered environmentally superior to the proposed project. Thus, the MEIR concludes that the SMMP is the environmentally superior alternative as compared to the other alternatives (discussed in Chapter 6, Alternatives of the MEIR) and would achieve significant benefits in multiple resource areas, as discussed in Chapter 2, Project Description, of the MEIR.

- B-17) Zone 7 will begin development of an implementation plan for the SMMP in Fall 2006; thus, no interim strategies are required. The implementation phase will include project prioritization, project sequencing and scheduling, identification of financing options, and development of near and long-term capital improvement projects. Devising implementation strategies and coordination with stakeholders and potential project partners will be an important part of this process to establish near-term priorities and how the SMMP should be implemented to address these issues.
- B-18) Zone 7 will use its best efforts to implement the SMMP in a cost effective and sustainable manner.
- B-19) Zone 7 will begin development of 5-year, 10-year, and 30-year CIPs as part of the implementation phase. See Section 2, Master Response 2.1, SMMP Implementation and Funding.
- B-20) As discussed earlier, Zone 7 will begin developing an implementation plan for the SMMP in Fall 2006. Funding issues will be addressed as part of the implementation planning phase. See Section 2, Master Response 2.1, SMMP Implementation and Funding.
- B-21) Please refer to Response B-9.
- B-22) Zone 7 will begin development of an implementation plan for the SMMP in Fall 2006. See Section 2, Master Response 2.1, SMMP Implementation and Funding. Potential project partnerships and associated responsibilities for implementation and maintenance

of multi-disciplinary projects would be identified as part of the implementation planning process.

- B-23) Regarding consistency with Master Plans and other City plans and policies, please refer to Response B-2.
- B-24) The San Francisco Bay Regional Water Quality Control Board's Clean Water Act Section 303d list of impaired water bodies was used to identify the watershed above Niles as impaired by the various pollutants noted on page 1-17 of the SMMP..
- B-25) Zone 7 has taken care to provide for groundwater quality and water supply in the SMMP by identifying specific goals and objectives related to these resource concerns (See pages 2-12 through 2-15 in Chapter 2, Project Description, of the MEIR), and by designing the projects under the SMMP in a manner that takes them into account. Please also refer to Section 2, Master Response 2.3, SMMP Goals and Objectives.
- B-26) Please see response to comment B-6.
- B-27) Mineral loading contributed by the Alkali Sink area is an acknowledged issue for water quality within upper Arroyo las Positas, and contributes to surface water total dissolved solids (TDS) within the area and infiltration into the groundwater. Text has been revised to reflect this as noted in Chapter 4, Changes to the Draft MEIR.

“Zone 7 calculates the TDS loads associated with infiltration of Arroyo las Positas flows including the influence of the Alkali Sink area, and identifies TDS for Arroyo las Positas at 1,000 mg/L.”

- B-28) Comment acknowledged. The City of Livermore's 2001 Bikeways and Trails Master Plan was used to develop the trail projects within the SMMP. The Bikeways and Trails Master Plan is referenced in the relevant project tables (see Appendix 2 of the MEIR).
- B-29) The projects within the SMMP have been designed to address needs and opportunities specific to each site; however, the actual design would be finalized during the implementation phase of each project. Therefore, if a levee is recommended in the SMMP and is determined to be the most appropriate approach at the time of project implementation, the issues associated with current levee requirements would be addressed in the implementation phase. See Section 2, Master Response 2.1, SMMP Implementation and Funding.
- B-30) The hydromodification requirements that form a part of the Phase II stormwater permit will be incorporated in the design of individual projects, and this will be analyzed in subsequent project-specific environmental documents, as applicable.
- B-31) Please refer to Section 2, Master Responses 2.1, SMMP Implementation and Funding, and 2.2, Use of Master EIR. The implementation phase of the SMMP will include coordination with stakeholders and potential project partners. Potential project

partnerships and associated responsibilities for implementation and maintenance of multidisciplinary projects would be identified as part of the implementation planning process.

- B-32) Operation of the quarries identified along Reach 4 is not proposed by Zone 7 as part of the SMMP. Projects proposed under the SMMP that could affect the Sycamore Grove Regional Park are limited to Projects R.4-1, Sycamore Grove Recharge Bypass Project and Project R.4.2, Sycamore Grove Park Trail Connections. Impacts related to these two projects are described within the MEIR as specifically and comprehensively as possible given the level of detail in the SMMP, and do not include any alteration of groundwater levels relating to quarry operations.
- B-33) Comment acknowledged. Attempts have been made to provide variations when feasible. The SMMP and the Draft MEIR documents can be viewed in color at www.zone7water.com.
- B-34) Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding. Current ownership and agency responsibility has no effect on reviewers' evaluation of whether implementation of the SMMP could have an impact on the physical environment. Any impacts associated with improvements and maintenance, and who will be responsible for these activities, will be identified in the implementation phase that would begin in Fall 2006.
- B-35) The Arroyo Mocho realignment and confluence of Arroyo Mocho and Arroyo las Positas have been updated. Since the vegetation park has already been constructed by Friends of the Arroyo, it has been removed from the SMMP. Updated arials are not yet available for this section. The MEIR analyzes the projects that have been proposed under the SMMP. Project details and environmental analysis will be refined as the project-specific information becomes available in the next phase of implementation.
- B-36) The historic 30-foot drop of Arroyo de la Laguna has not been verified. Please refer to sediment analysis in Appendix C of the SMMP. Bank stabilization projects under the SMMP have been designed considering 100-year flows that are expected under SMMP conditions. Specific erosion issues will be addressed during the implementation phase. See Section 2, Master Response 2.1, SMMP Implementation and Funding.
- B-37) Chapter 4, Regional Detention Storage and Chain of Lakes, Chapter 5, SMMP Program and Project Descriptions, of the SMMP and Chapter 2, Project Description and Appendix 2 of the MEIR describe the individual project components (pipes, boxes, etc). Appendix G of the SMMP also provides costs for Projects R.5-3 and R.6-2, which make up the Chain of Lakes system. The Interim SMMP Report (March 2004) included the alternatives analysis with the most feasible design shown in the SMMP. Routing floodwaters through the airport was evaluated in the report but was determined to be less feasible due to higher costs and infrastructure required than the alternative of a bypass channel that is included in the SMMP.

- B-38) The hydraulic analysis for the SMMP was based on previous modeling work conducted in 2001 by West Yost & Associates. As stated in Section 2, Master Response 2.2, Use of Master EIR, the SMMP is a planning level document. The next phase of work will include a detailed engineering analysis for detention storage (see Section 2, Master Response 2.1, SMMP Implementation and Funding). This phase will include updated hydraulic and hydrologic modeling. The models used for the SMMP analysis assumed more development in North Livermore than is projected to occur under the 2003 General Plan, the resulting SMMP provides a more conservative estimate. Such estimates would be appropriate for a planning level document. As stated previously, more detailed analysis, including updated modeling, would be conducted prior to project implementation.
- B-39) The SMMP has been designed based on an approach for sediment management. Sediment analysis (Appendix C of the SMMP document) indicated that the existing sediment transport would not vary significantly under the SMMP and the sediment would be better managed through use of the Chain of Lakes and sediment basins. Section 3.2, Hydrology and Water Quality, of the MEIR discusses sediment management. Use of sediment basins would manage sediment throughout the stream by concentrating the sediment dropout at specified locations thereby minimizing adverse impacts to stream habitat. The purpose of the sediment basins is therefore more for sediment management than for sediment reduction purposes.
- B-40) Projects proposed in the SMMP are designed to be consistent with water supply and water quality goals and objectives as discussed on pages 2-12 through 2-15 in Chapter 2, Project Description, of the MEIR. The SMMP will not specifically alter Zone 7's conjunctive use program. Rather, proposed facilities have been developed in order to be consistent with Zone 7's intended use of Lake H and Lake I for groundwater infiltration as part of its conjunctive use program. Zone 7 is embarking on a Master Plan for the Chain of Lakes to ensure that the various use of the Chain of Lakes area, including flood control, water resource, habitat and recreational needs are optimized within the Chain of Lakes. With respect to the order of detention filling with the Chain of Lakes, several operational scenarios are available using Cope Lake, Lake G and Lake F. The specific flood detention operations plan for sequentially diverting flows to the Chain of Lakes will be determined as part project-specific engineering.
- B-41) Please refer to the Interim SMMP Report (March 2004), which analyzes different alternatives for diverting flows for storage. Based on the analysis, and taking into account the cost and minimization of impacts to existing infrastructure, the most feasible concept was included in the SMMP for additional refinements (also see response to comment B-37).
- B-42) Please refer to Master Response 2.1, SMMP Implementation and Funding and Master Response 2.2, Use of Master EIR and Master Response 2.4, FEMA Floodplain Mapping, LOMR Revisions, and SMMP Modeling. The SMMP utilizes results of previous

- modeling efforts, including those conducted by West Yost & Associates that evaluated storage in the Chain of Lakes.
- B-43) Contingencies and allowances included in the cost estimates are outlined in Table G-4 on page G-5 in Appendix G, SMMP Cost Estimate, of the SMMP. Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding. The implementation plan will include investigation of specific financing options.
 - B-44) The project description costs included in Section 5 of the SMMP are based on detailed cost estimates provided in Appendix G of the SMMP (see Table G-4).
 - B-45) Project R.1-2 in the Alkali Sink was developed directly from the management concepts recommended in the 1998 Alkali Sink Report by Questa. Specifically, Concept 2A on page 34 of the report recommends restoration of hydrologic functions through the re-introduction of flooding and provides the basis for Project R.1-2. The report is referenced in the project tables of the SMMP (see Appendix 2 of the MEIR).
 - B-46) The SMMP projects that include sediment management have a pre-implementation component identifying the need for analysis of overall stream sediment transport characteristics, including projects on Arroyo Las Positas. The study purpose will be to determine sediment origin, sediment basin sizing, and resulting sediment effects in downstream reaches. The study will also provide guidance on basin design, and will review the need for additional improvements downstream for sediment control. See Section 2, Master Response 2.1, SMMP Implementation and Funding.
 - B-47) Comment acknowledged. Zone 7 looks forward to working cooperatively with the City to support project implementation.
 - B-48) This comment was provided on the 2004 Interim SMMP Report and has been incorporated in the SMMP. Please see Implementation Issues in the project tables of Appendix 2 of the MEIR that includes coordination with Vector Control as specified.
 - B-49) Comment acknowledged. Please see Section 2, Master Response 2.5, Property Rights Acquisition. Specific opportunities for mitigation and restoration will be considered during the implementation phase beginning in Fall 2006. Please see Section 2, Master Response 2.1, SMMP Implementation and Funding.
 - B-50) In response to previously submitted comments from the City of Livermore on the March 2004 Interim Report, Project R.2-4 was completely revised and reduced in size for the Draft SMMP. Please see Chapter 2, Project Description and Appendix 2 of the MEIR for details on the project. Regarding consistency of the SMMP and subsequent individual projects with adopted plans and policies, see Response B-2.
 - B-51) Coordination has been identified as a task under the Implementation Issues in the project tables in Appendix 2 of the MEIR. Levees locations are approximate based on the conceptual project design. The need for levees and their specific locations would be

refined by coordinating with LARPD and the City during the implementation phase. Please see Section 2, Master Response 2.1, SMMP Implementation and Funding.

- B-52) Comment acknowledged. Project R.3.2 has been revised, and no longer includes the sediment basin.
- B-53) The Native Vegetation Park has been removed from the SMMP since it has been completed. The locations of the proposed levees in Project R.3-4 are approximate and would need to be evaluated further prior to implementation. It has been noted that the west side of the creek is elevated at this location; however, the levees were proposed to contain the FEMA 100-year floodplain at this location.
- B-54) Project R.3-6 has been revised to include a sediment basin at Holmes Street as part of Projects R.3-4 and R.3-5. Please see Table 2-4 on pages 2-24 and 2-25 of the MEIR.
- B-55) Regarding impacts of the quarry on Sycamore Grove, please refer to Response B-32. As stated in the Implementation Issues in the project tables in Appendix 2 of the MEIR, Zone 7 will coordinate with LARPD for projects in Reach 4.
- B-56) Comment acknowledged. Zone 7 will continue to coordinate with the City of Livermore and Caltrans regarding proposed improvements for the Isabel Interchange Project. This information will be integrated into project specific analysis that will be developed for Project R.5-3 and other projects, as provided for in Master Response 2.2, Use of Master EIR.
- B-57) Comment acknowledged. Project R.5-3 is a key component of the regional flood protection outlined in the SMMP. Coordination with stakeholders, including the City of Livermore and City of Pleasanton, will be ongoing. A phasing plan will be developed in the implementation phase. See Section 2, Master Response 2.1, SMMP Implementation and Funding.
- B-58) Comment acknowledged. The energy dissipation structure will be modified rather than replaced in Project R.6-1.
- B-59) Coordination with stakeholders, including LARPD will be ongoing. Coordination with appropriate agencies will be included in the implementation phase of the SMMP that will begin in Fall 2006. Regarding quarry impacts on Sycamore Grove, see Response B-32. Regarding consistency of the SMMP and subsequent individual projects with individual plans and policies, see Response B-2.
- B-60) Please see response to comment B-11.
- B-61) The requested comparison and comment are provide in Section 6.2.1, No Project Alternative, on page 6-5 of the MEIR.

- B-62) The MEIR analyzes the impacts that may be caused by the proposed project, i.e., the SMMP and the project components and activities proposed therein, and by the various alternatives. In the case of potentially significant impacts, the MEIR recommends mitigation that would avoid or minimize those impacts. The MEIR describes the SMMP related activities in Chapter 2, Project Description, with project details in Appendix 2 of the MEIR. Mitigation is recommended as part of Chapter 3, Environmental Setting, Impacts, and Mitigation Measures, and Chapter 5, Cumulative Impacts, where applicable. Mitigation will be incorporated during the implementation phase of the individual projects.
- B-63) As discussed in the Summary on page S-4 of the MEIR, Zone 7 has prepared the MEIR in compliance with CEQA, which requires examination of potential impacts associated with implementation of the proposed project and a reasonable range of alternatives. Thus, the MEIR describes only the SMMP and relevant alternatives to the project. Also refer to Master Response 2.2, Use of Master EIR.
- B-64) Section 3.2, Hydrology and Water Quality, of the MEIR discusses increased storm runoff resulting from trail construction. Consistent with the appropriate level of detail for a planning-level document, the impact discussion in the MEIR does not include project-specific mitigation or regulatory requirements. Zone 7 will consider and list the specific regulatory requirements, including stormwater control requirements such as the preparation of a hydromodification management plan (HMP), for individual SMMP projects during the implementation phase, which will begin in Fall 2006.
- B-65) Comment acknowledged.



Comment Letter C

DIRECTORS
JUDY C. HUANG
President
ARTHUR LAMPERT
Vice President
JAMES G. GUNTHER
MARTIN L. KOLLER
JOHN H. WEED

43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

MANAGEMENT
PAUL PIRAINO
General Manager
ROBERT SHAVER
Engineering Manager
KARL B. STINSON
Operations Manager
WILBERT LIGH
Finance and Administration Manager

May 1, 2006

Mr. Joe Seto
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Dear Mr. Seto:

Subject: ACWD comments on Zone 7 Water Agency's Draft Master Environmental Impact Report for the proposed Stream Management Master Plan

Thank you for the opportunity to comment on the Draft Environmental Impact Report for Zone 7 Stream Management Master Plan (DMEIR). We understand that Zone 7 proposes to implement a series of projects under the Stream Management Master Plan (SMMP) with the goal of addressing multiple resource areas, including flood protection, erosion and sedimentation, water supply and quality, habitat and recreation. We understand that all of the proposed SMMP projects will be within the Zone 7 Water Agency service area and specifically, will be located within, or adjacent to, tributaries of Alameda Creek.

Alameda County Water District (ACWD) is a water retailer that provides potable water to a population of over 320,000 in the Cities of Fremont, Newark and Union City ("Tri-Cities"). ACWD has a water right permit from the State Water Resources Control Board to divert from Alameda Creek, downstream from the Zone 7 service area, for groundwater recharge into the Niles Cone Groundwater Basin. ACWD depends on water under this water right permit to provide in excess of 30,000 acre-feet per year for groundwater replenishment. ACWD's groundwater recharge facilities include three inflatable rubber dams within the Alameda Creek Flood Control Channel, seven off-stream diversion structures, and approximately 400 acres of off-stream groundwater percolation ponds. During low to moderate flow conditions (less than 700 cfs), the dams are typically inflated and a portion of the flows are diverted off-stream for percolation in the ponds. Under high flow conditions (greater than 700 cfs), the dams are typically deflated and no off-stream diversions can occur. However, incidental recharge does occur in the flood control channel under all flow conditions.

The water percolated at ACWD's recharge facilities is subsequently recovered through ACWD's groundwater production wells as a potable water supply to the ACWD's customers. This groundwater currently furnishes approximately 40% of the water supply for the Tri-Cities area

and provides over 60% of the supply during dry years. From this description, it should be very clear that protecting the Alameda Creek watershed to preserve and enhance the water quality and water supply is of utmost importance to ACWD.

As such, ACWD has had a long-standing policy of seeking to preserve the beneficial uses of the Niles Cone Groundwater Basin from activities in the Alameda Creek watershed that could degrade water quality and adversely affect ACWD customers. ACWD's Groundwater Management Policy (attached) serves as the basis for ACWD's groundwater management efforts, including source water protection. These efforts have included working with the Regional Water Quality Control Board to eliminate wastewater discharges in tributaries of Alameda Creek. ACWD has also been actively involved in the development of an Alameda Creek Watershed Management Plan, and has worked cooperatively with other upstream agencies, including the Livermore Amador Valley Water Management Authority (LAVWMA) and DSRSD-EBMUD Recycled Water Authority (DERWA) to ensure that their respective projects do not adversely impact ACWD's downstream water supplies.

ACWD has reviewed the DMEIR and has the following comments regarding potential impacts and adequacy of the proposed mitigation measures:

1. Chain of Lakes Detention Storage Project: Potential Downstream Water Supply and Water Quality Impacts: The SMMP and DMEIR identify the Chain of Lakes as an integral part of Zone 7's flood protection strategy. The DMEIR indicates that during a storm event, flows from the Arroyo las Positas and Arroyo Mocho will be diverted off-stream into Cope Lake and Lake G. After the peak downstream flows have receded, the diverted water would then be released back into the local streams for downstream discharge.

ACWD is concerned that the operation of this stormwater detention project may adversely impact downstream water supplies and water quality. As described above, ACWD deflates our rubber dams at flows greater than 700 cfs, and no off-stream diversions can occur when these dams are deflated. If the proposed Project's stormwater return system causes downstream flows to exceed 700 cfs (i.e., by releasing water from detention after the high flows have receded), then ACWD would be precluded from operating our recharge facilities, resulting in a water supply loss.

ACWD is also concerned that the stormwater recovery system may adversely impact downstream water quality. Stormwater from urbanized and agricultural areas typically has high turbidity levels and contains contaminants such as heavy metals, hydrocarbons, pesticides, and other constituents of concern. Rather than being discharged directly to San Francisco Bay during these storm events (when ACWD dams are deflated and no ACWD off-stream diversions occur), the DMEIR indicates that this stored stormwater may be released downstream after the high flows have receded. In the event that: (1) downstream flows have receded to 700 cfs or less (thereby allowing ACWD to begin recharge operations); and (2) Zone 7 is discharging stored stormwater back to the local creeks, then ACWD's recharge facilities could capture and percolate the stormwater released upstream (from Cope Lake and/or Lake G), potentially impacting ACWD's local groundwater

C-1

C-2

quality. In addition, high turbidity levels in the released stormwater, if captured at ACWD facilities, could adversely impact the infiltration capacity of ACWD's percolation ponds. If ACWD elects not to operate the groundwater recharge facilities due to concerns with the released stormwater quality, then we would face a potentially significant water supply loss.

C-2

The DMEIR fails to identify and evaluate these potential adverse impacts on downstream water supply and water quality, and no mitigation measures have been provided in the event that these potential impacts are significant. The MEIR should include an evaluation of these potential impacts, and provide appropriate mitigation measures to ensure that there are no downstream impacts. Mitigation should include, but not necessarily be limited to, coordinating with ACWD, as well as the San Francisco Public Utilities Commission (Calaveras Reservoir) and the Department of Water Resources (Lake Del Valle), to develop an operations plan for the proposed stormwater return system that prevents any adverse downstream water quality and/or supply impact.

C-3

2. South Bay Aqueduct Turnout Projects: Potential Impacts on ACWD's SWP Supplies: Proposed Projects R.3-1 (South Bay Aqueduct Turnout on the Arroyo Mocho) and R.4-1 (Sycamore Grove Bypass Project) both involve construction and operation of turnouts on the South Bay Aqueduct. ACWD is a State Water Project (SWP) contractor that also relies on the South Bay Aqueduct to convey SWP supplies to our service area. The South Bay Aqueduct (SBA) is subject to periodic planned and unplanned outages for maintenance and other needs. While ACWD can typically accommodate infrequent and short term planned outages, any increase in the frequency and/or duration of outages may have significant impacts on our water supply operations. The MEIR should evaluate the potential for planned and unplanned outages of the SBA that may occur as a result of construction and operation of the Project, and provide mitigation for any adverse impacts to ACWD's water supplies.

C-4

3. Recreation Projects: Potential Water Quality Impacts: The SMMP includes numerous projects for new trails along Alameda Creek and its tributaries. These new trails will significantly increase public access to these waterways. ACWD is concerned that the increased public access may also lead to adverse water quality impacts due to littering, public contact with the water, and other related activities. The MEIR should evaluate the potential for adverse impacts to water quality as a result of increased public access and provide for appropriate mitigation. Mitigation should include, but not be limited to: (a) signs advising the public that wading or swimming in creeks is prohibited; (b) routine patrolling of the trails, with increased patrols in the summer months when use of the trails may be the highest; (c) no picnic facilities located near or adjacent to creeks; (d) sufficient garbage receptacles and restroom facilities located along the trails to accommodate peak usage; and (e) routine maintenance and garbage collection.

C-5

4. Storage of Recycled Water: Potential Water Quality Impacts: The SMMP states, "Zone 7, DSRSD and the City of Livermore have expressed an interest in utilizing some portion of the Chain of Lakes area (not connected to potable supplies in Lakes A through I) for storage of recycled water. This approach could potentially increase the yield of recycled

C-6

water projects by the volume stored in winter.” The MEIR does not address the storage of recycled water in the Chain of Lakes area. The MEIR should evaluate the potential for recycled water to migrate from the Chain of Lakes area to the tributaries of Alameda Creek and also evaluate the potential adverse impacts to downstream water quality. Mitigation measures to prevent recycled water from entering tributaries of Alameda Creek must be provided in the event that there is any potential impact to water quality.

C-6

5. Alameda Creek Trail: Incorrect Identification of ACWD as Trail Manager: The SMMP states, “The Alameda Creek Trail, shown in Figure 3-35, is currently maintained by the Alameda County Water District.” (page 3-37). Although ACWD is a property owner in the area, the footpath shown in the picture and referred to in the SMMP text is not maintained or managed by ACWD; it is our understanding that the official Alameda Creek Trail, managed by the East Bay Regional Park District, does not pass through Niles Canyon, but begins at the outlet of the canyon in Fremont. The final SMMP should remove references to this footpath as an official trail both on pages 3-37 and 5-131.

C-7

6. SMMP Implementation: Potential Water Quality and Water Supply Impacts of Individual Projects: As described in Section 2.9 of the DMEIR, the MEIR is a “first-tier” environmental document and does not contain sufficiently detailed information on any of the proposed SMMP projects to fully evaluate potential downstream impacts on water quality and supply at ACWD’s facilities. Accordingly, in Section 3.1 the DMEIR states that, “Site specific development and resource management projects for the SMMP will be subject to subsequent project-level CEQA compliance....” Because each of the individual SMMP projects may have adverse impacts on downstream water quality and supply, Zone 7 should commit to: (1) providing ACWD with the opportunity to review and comment on future project-specific materials, as they become available, in order to identify possible impacts to downstream water quality and water supply from the implementation of individual SMMP projects; (2) fully evaluating these potential adverse impacts in project-specific CEQA documents; and (3) providing for adequate mitigation to ensure that there are no significant adverse impacts to ACWD’s water quality and supply.

C-8

ACWD appreciates the opportunity to comment on the DMEIR. We hope to work cooperatively with the Zone 7 to address the concerns described above. If you have any questions regarding these comments, please contact Jim Reynolds or Doug Chun at ACWD.

Sincerely,



Paul Piraino
General Manager

Attachment

ALAMEDA COUNTY WATER DISTRICT
GROUNDWATER MANAGEMENT POLICY

(Adopted January 26, 1989)
(Amended March 22, 2001)

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**GROUNDWATER MANAGEMENT POLICY
ADOPTED JANUARY 26, 1989
Amended March 22, 2001**

BACKGROUND

The Alameda County Water District (ACWD) was created by a vote of area residents in December 1913, thereby becoming the first water district in California to be formed under the County Water District Act enacted earlier that year. It is governed by a five-member board of directors, elected at large.

In the years preceding the vote, local farmers and residents had become concerned about water companies and agencies exporting water from both Alameda Creek and local groundwater to nearby communities such as Oakland and San Francisco. The result of these exports was that the groundwater table was falling at a rapid rate. The voters hoped, in establishing ACWD, to regain control over local water supplies, to protect the underground water in the Niles Cone Groundwater Basin, and to conserve the waters of Alameda Creek.

ACWD now has several sources of supply, including water purchased from the State Water Project (via the South Bay Aqueduct) and the San Francisco Public Utilities Commission (via the Hetch Hetchy aqueduct system). But groundwater remains an important component of its supply, currently furnishing 35% of the water ACWD distributes. In dry years, groundwater has contributed over 60% of the supply. Thus, conservation and preservation of the groundwater basin continues to be a vitally important program for ACWD.

AUTHORIZATION

This Groundwater Management Policy is based on the statutory authority granted to ACWD under the County Water District Law (commencing with Section 30000 of the Water Code); the Replenishment Assessment Act of the Alameda County Water District (Section 4, Chapter 1942 of

the Statutes of 1961, as amended in 1970 and 1973), which grants additional powers to ACWD to prevent pollution, contamination, or diminution in quality of the groundwater supply; local well ordinances (Fremont No. 950, as amended; Newark No. 136; and Union City No. 109-73); agreements with other agencies; and local hazardous materials ordinances.

POLICY STATEMENT

It is the policy of the Alameda County Water District to efficiently protect and manage the Niles Cone Groundwater Basin to ensure a reliable supply of high quality water that satisfies present and future municipal, industrial, recreational, and agricultural water needs in the ACWD service area. ACWD will develop and implement appropriate programs within the ACWD service area to protect and manage the groundwater basin as a long-term source of water supply for ACWD. ACWD will also actively protect the groundwater basin from activities outside the ACWD service area that may negatively impact the water quality and/or water supply of the basin.

OBJECTIVES

The purpose of this policy is to protect and improve ACWD's groundwater resources for the benefit of both ACWD's customers and private well owners by taking actions designed to meet the following objectives:

- Increase groundwater replenishment capability.
- Increase the usable storage capacity of the groundwater basin.
- Operate the basin to provide: (1) a reliable water supply to meet baseload and peak distribution system demands, (2) an emergency source of supply, and (3) reserve storage to augment dry year supplies.
- Protect groundwater quality from degradation from any and all sources including: saline water intrusion, wastewater discharges, recycled water use, urban and agricultural

Comment Letter C

runoff, or chemical contamination.

- Improve groundwater quality by (1) removing salts and other contaminants from affected areas of the basin, and (2) improving the water quality of source water used for groundwater recharge.

The specific groundwater management programs that have been developed and implemented by ACWD to achieve these policy objectives are listed in Table 1 and are described in greater detail in Attachment 1 to this Policy.

This Policy is intended to serve as a guide to ACWD management in the continued development and implementation of programs to manage and protect ACWD water resources and as a nontechnical document to explain ACWD groundwater programs to members of the public. This Policy is not intended to create legal rights in any person or organization, or to impose legal obligations on ACWD. It may be amended or repealed by the Board of Directors at any time.

TABLE 1 - SUMMARY OF ACWD GROUNDWATER MANAGEMENT PROGRAMS

Groundwater Program	Description
Water Supply Management	Planning, managing, and optimizing ACWD's sources of supply: watershed runoff, SWP water for recharge, SWP water for treatment, SFPUC water for blending, and water banking.
Groundwater Replenishment	Operation of ACWD groundwater recharge facilities to optimize 1) capture of local runoff, 2) replacement of water extracted from production and ARP wells, and 3) maintenance of groundwater levels to prevent salt water intrusion.
Watershed Protection and Monitoring	Assisting in the protection and monitoring of the watershed to optimize the quality of runoff water available for ACWD water supply.
Basin Monitoring	Sampling and measuring wells to assess and evaluate 1) groundwater quality, 2) water pressures within the basin, and 3) the direction of groundwater flow.
Wellhead Protection Program	Identify sensitive recharge and groundwater areas, maintain an inventory of potential threats within these areas, assess the vulnerability of source water, and develop management strategies to minimize the potential for groundwater quality impacts.
Aquifer Reclamation Program	Pump brackish water from degraded aquifers in order to 1) increase useable basin storage, 2) improve overall water quality, 3) prevent movement of brackish water toward ACWD production wells, and 4) provide (future) supply augmentation through treatment to potable water standards.
Groundwater Protection Program	Maintain an active role in 1) assisting with the identification of potential groundwater contamination, 2) implementing monitoring systems at hazardous materials storage sites, and 3) providing technical oversight for investigations and cleanups at hazardous materials spill sites.
Well Ordinance Administration	As enforcing agency for municipal ordinances governing construction, repair, or destruction of wells, ACWD provides inspection services, collects fees, and performs field searches for abandoned wells which could act as a conduit for contamination of groundwater.

ATTACHMENT 1

ACWD GROUNDWATER MANAGEMENT PROGRAMS

(March 22, 2001)

Eight major groundwater management programs have been developed and implemented by ACWD to achieve the objectives identified in ACWD's Groundwater Management Policy:

- Water Supply Management
- Groundwater Replenishment
- Watershed Protection and Monitoring
- Basin Monitoring
- Wellhead Protection Program
- Aquifer Reclamation Program
- Groundwater Protection Program
- Well Ordinance Administration

Water Supply Management

ACWD has three primary sources of water: (1) runoff from the Alameda Creek Watershed, (2) treated surface water purchased from the San Francisco Public Utilities Commission (SFPUC) and delivered through the Hetch Hetchy aqueduct system, and (3) untreated surface water purchased from the State Water Project (SWP) and delivered through the South Bay Aqueduct. Alameda Creek watershed runoff and imported water from the State Water Project are used for replenishment of the Niles Cone Groundwater Basin.

The groundwater basin is used conjunctively with surface water supplies. Generally,

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surface water production facilities are operated throughout the year to meet distribution system demands. Groundwater production facilities are operated to meet a portion of the base load demand and to meet peak and emergency demands. A desalination facility is planned to be operational in 2002 to treat some of the brackish groundwater currently being discharged to the San Francisco Bay from the Aquifer Reclamation Program wells (see Aquifer Reclamation Program section) and produce a new source of high quality water.

ACWD conducts an annual survey of groundwater conditions to determine the amount of imported water needed to maintain groundwater levels within an acceptable range and to determine a replenishment assessment rate. Groundwater levels are also used to trigger dry year water management response programs, including additional water conservation and utilization of off-site water banking and/or exchange programs.

Owners of wells who pump water from the groundwater basin are required to pay a replenishment assessment to reimburse ACWD for a portion of the cost of imported water used to recharge the depleted groundwater basin and to help offset ACWD's groundwater basin operations and management costs. Currently, the owners or operators of 234 wells receive annual registration forms as part of the replenishment assessment program.

Reclaimed wastewater is a potential alternative source of supply for ACWD. ACWD will cooperate with the Union Sanitary District to explore appropriate and beneficial uses of reclaimed wastewater within ACWD's service area in locations where there is very little risk of percolation into the aquifers used for potable water production.

Groundwater Replenishment

ACWD utilizes sections of the Alameda Creek Flood Control Channel behind three inflatable rubber dams and recharge ponds (abandoned quarry pits) to store and percolate water into the aquifers of the Niles Cone Groundwater Basin. The groundwater

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replenishment program serves two major roles:

- (1) Replenishment of groundwater extracted to meet local demands and to replace brackish water extracted as part of the Aquifer Reclamation Program.
- (2) Maintenance of groundwater flow toward San Francisco Bay, in order to prevent future saline water intrusion from the bay and to displace brackish water remaining from historic saline water intrusion.

Through ACWD's long range Capital Improvement Program, a major portion of the recharge ponds below (i.e., west of) the Hayward Fault were rehabilitated in 1997 and 1998 and resulted in greater storage capacity within the ponds and increased the rate at which water is recharged to replace water pumped from the groundwater basin.

Recharge facilities are operated to maximize the capture of local runoff. The operating criteria for the recharge facilities and the groundwater basin are continuously evaluated to optimize the use of these resources.

Watershed Protection and Monitoring

ACWD plays a major role in coordinating and communicating with other state and local agencies to influence policy decisions related to activities within the watershed of Alameda Creek which could have a negative effect on ACWD water supplies and the groundwater basin. This includes review of environmental impact reports, technical evaluation of National Pollutant Discharge Elimination System (NPDES) permits, emergency response to surface spills, participation in watershed planning and technical committees, and participation in planning studies for expansion of wastewater export facilities in the Livermore-Amador Valley.

As part of ACWD's watershed protection program, ACWD will require (to the extent ACWD has legal authority to do so) and in all cases will request that lead agencies for future

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development projects within the Upper Alameda Creek Watershed that may affect water quality in Alameda Creek determine the extent and significance of those impacts, and will request such lead agencies to require adequate mitigation of any significant impacts to Alameda Creek and ACWD. Specific mitigation measures will depend on the particular features of individual projects including their location, size, volume of water applied and/or discharged, and the physical/chemical/biological composition of such water. Mitigation may include either or both implementation of on-site source control measures or contributions to off-site mitigation projects, such as reimbursement of a portion of ACWD's cost of constructing and operating a demineralization facility. The goal of whatever mitigation measures are employed is to prevent individual project or cumulative effects of development (or other projects within the Alameda Creek Watershed) from adversely changing the quality of groundwater in the Niles Cone Groundwater Basin.

ACWD is working in coordination with other agencies to implement a watershed monitoring program consisting of sampling surface water, measuring water quality parameters, and estimating water flow rates at key locations in the watershed. ACWD also patrols Alameda Creek performing visual inspections and collecting samples for water quality analysis. ACWD has constructed and maintains an automated monitoring station located adjacent to Alameda Creek at the west end of Niles Canyon which provides continuous information and signals an alarm to ACWD when there are significant changes in water flow or quality that may affect the operation of ACWD's recharge facilities.

Basin Monitoring

The District performs weekly water level measurements of representative wells in each major aquifer to monitor changes in groundwater levels. A more comprehensive monitoring program consisting of sampling and measuring water levels is performed in the

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spring and fall of each year to assess the groundwater quality, water pressures within the basin, and direction of groundwater flow. Production wells are monitored regularly for a wide variety of water quality parameters specified by state and federal regulations. The groundwater recharge area is monitored daily for water level fluctuations to track percolation rates and to schedule water imports.

Because of development, many privately owned water wells that ACWD has utilized in the past for monitoring basin water levels and saline water intrusion have been destroyed. Since these wells are critical to the management of ACWD's groundwater basin, replacement monitoring wells have been included in the Capital Improvement Program. From 1997 through 1999, 32 monitoring wells have been installed as part of the Monitoring Well Construction Project. A total of approximately 60 wells are expected to be installed by 2007 to provide additional geologic information, to replace destroyed wells, and to improve water sample and water level data acquisition through efficiently located and appropriately designed wells.

Wellhead Protection Program

The 1986 Amendments to the Safe Drinking Water Act require each state to establish a Wellhead Protection Program which "protects the wellhead areas of all public water systems from contaminants that may have adverse human health effects." California is relying on local agencies to plan and implement this program. ACWD has initiated the identification of surface and recharge areas vulnerable to contamination for the protection of ACWD's groundwater facilities. The program also includes the identification of potential contaminant sources, development of management practices to reduce the contamination risk, identification of areas to be monitored, and preparation of a contingency/emergency response plan in the event of a contamination incident. As an example of a management

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practice, ACWD has worked with the City of Fremont to require a "Do Not Pollute" decal at each storm drain inlet within a development adjacent to the recharge facilities and has mailed a stormwater runoff public education brochure to all houses on streets with storm drains that discharge directly into a recharge pond.

The groundwater portion of the Source Water Assessment Program (SWAP) that is now being required by the California Department of Health Services (DHS) has a similar focus to that of the Wellhead Protection Program. SWAP requires the identification of sensitive surface water and groundwater areas, an inventory of potential threats within those areas, and an assessment of source vulnerability. The primary difference between the programs is that the Wellhead Protection Program additionally identifies management strategies to minimize the potential for groundwater quality impacts. Because of the overlap between these programs, development of the programs will be closely coordinated. Since DHS is requiring a SWAP for all new sources of water, a "pilot" SWAP is currently being prepared for Aquifer Reclamation Program wells that will serve as supply wells for ACWD's future desalination facility. This pilot SWAP will serve as a model for developing a SWAP for all ACWD facilities in the future.

Both of these programs are expected to benefit from the results of the American Water Works Association Research Foundation project being jointly conducted by ACWD and the Lawrence Livermore National Laboratory. The project, titled "Predicting Water Quality Changes from Artificial Recharge Sources to Nearby Wellfields," began in the spring of 1997 and is expected to be completed in 2001. The scope of work includes the characterization and evaluation of groundwater flowing between the percolation ponds and ACWD's production wells using isotopic tracers, age-dating techniques, and production and monitoring well sampling. A major objective of the study is determining groundwater and chemical travel times within the fastest flow paths between the recharge facilities and the

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production wells.

ACWD's efforts in developing a Wellhead Protection Program and maintaining a strong public education program have been recognized as a Groundwater Guardian Affiliate by the Groundwater Foundation, a private non-profit educational organization that is dedicated to educating the public about the conservation and protection of groundwater. The Groundwater Guardian Affiliate designation is awarded to entities at the regional level that work to promote shared responsibility for groundwater protection.

Aquifer Reclamation Program

The goal of this program is to remove entrapped saline water from degraded portions of aquifers in the Niles Cone Groundwater Basin in order to increase usable basin storage, to improve overall water quality, and to prevent the movement of this saline water toward production wells. Pumped water from a combination of nine Aquifer Reclamation Program (ARP) wells is discharged to flood control channels in accordance with a NPDES permit issued by the Regional Water Quality Control Board. Operation of this program depends on the annual availability of water supplies to replace the water that is pumped out of the aquifers. In the future, some of the wells used in this program will be converted to supply water to the brackish groundwater desalination facility planned for Newark to supplement ACWD's drinking water supply.

Five other wells are being evaluated as possible additions to the Aquifer Reclamation Program. These wells are former Salinity Barrier Project wells. The Salinity Barrier Project (SBP) was initiated in the late 1970's by ACWD in cooperation with the Department of Water Resources. The plan was to install 14 extraction wells strategically located to create an alignment just inland of the salt evaporator ponds, running parallel along the entire stretch of ACWD's shoreline. Simultaneous pumping of the wells would

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create a trough along the alignment to prevent inland migration of saline water originating from the bay and evaporator ponds during drought periods. In addition to preventing new sea water intrusion, SBP operation was planned as a potential augmentation of the Aquifer Reclamation Program during non-drought periods for mitigating historic sea water intrusion in the interior part of the basin. By the late 1980's, five of the fourteen wells were constructed. However, the project was postponed pending further evaluation.

In the course of comprehensive water supply and facilities planning in the 1990's, ACWD determined that operation of the basin below sea level during drought periods is no longer a necessary or desirable strategy relative to other water supply options that have since become available to ACWD. Because the basin is not likely to be operated significantly below sea level during drought periods, SBP is not needed to prevent new sea water intrusion. Although ACWD's groundwater basin strategy no longer includes a salt water barrier, groundwater modeling indicates that pumping these wells may help to improve water quality in the inland portions of the groundwater basin (which is the goal of the Aquifer Reclamation Program), especially if they are pumped during wet periods with high piezometric head. More groundwater modeling work is needed to determine whether their contribution to water quality improvement would justify their activation.

Groundwater Protection Program

ACWD takes an active role in (1) assisting regulatory agencies and industry in identifying sources of potential groundwater contamination, (2) implementing monitoring systems at hazardous materials storage sites, and (3) providing technical oversight for the investigation and cleanup operations at Leaking Underground Fuel Tank (LUFT) and Spills, Leaks, Investigation, and Cleanup (SLIC) sites to assure the protection of the groundwater basin. Coordination with federal, state, county, and city agencies similarly involved is a key

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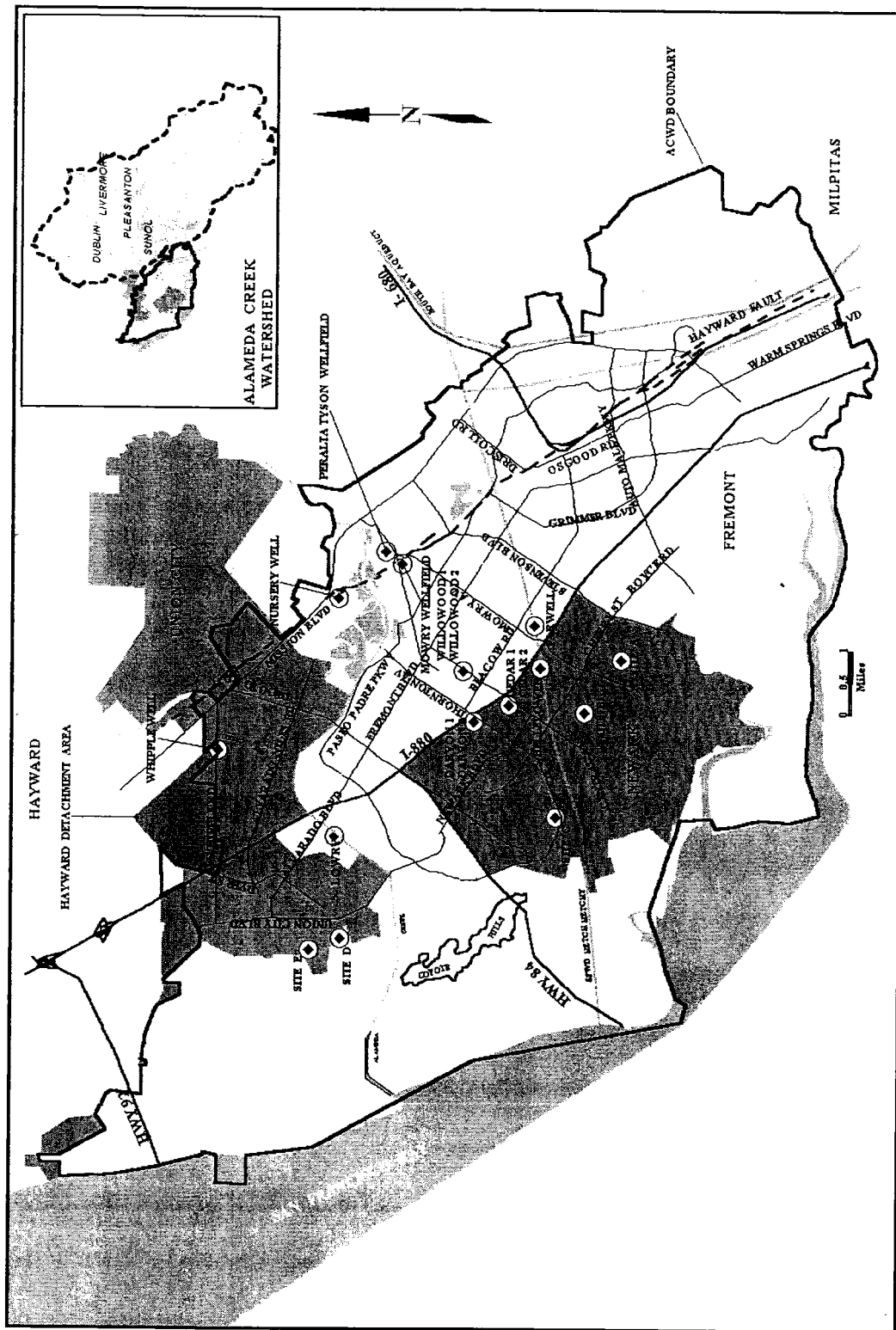
to the success of this program. This program's objectives are to protect the basin from future water quality degradation by ensuring that existing tanks have not leaked and that future chemical releases are quickly identified and controlled.

Since 1988, ACWD informally provided assistance to the California Regional Water Quality Control Board - San Francisco Bay Region (Regional Board) in overseeing the investigation and remediation at LUFT and SLIC sites. In order to memorialize the terms of this participation and to further strengthen the coordination between the Regional Board and ACWD, the agencies entered into a Cooperative Agreement on June 27, 1996. ACWD entered into similar Cooperative Agreements with the Cities of Fremont, Newark, and Union City on March 25, 1997, June 26, 1997, and August 12, 1997 to further strengthen the interagency coordination and cost-effective implementation of groundwater protection within the cities. ACWD also entered into an agreement with the City of Hayward on July 27, 2000 to work cooperatively on sites which threaten or affect water quality in the portion of the City of Hayward that is within ACWD's service area (Hayward Detachment areas).

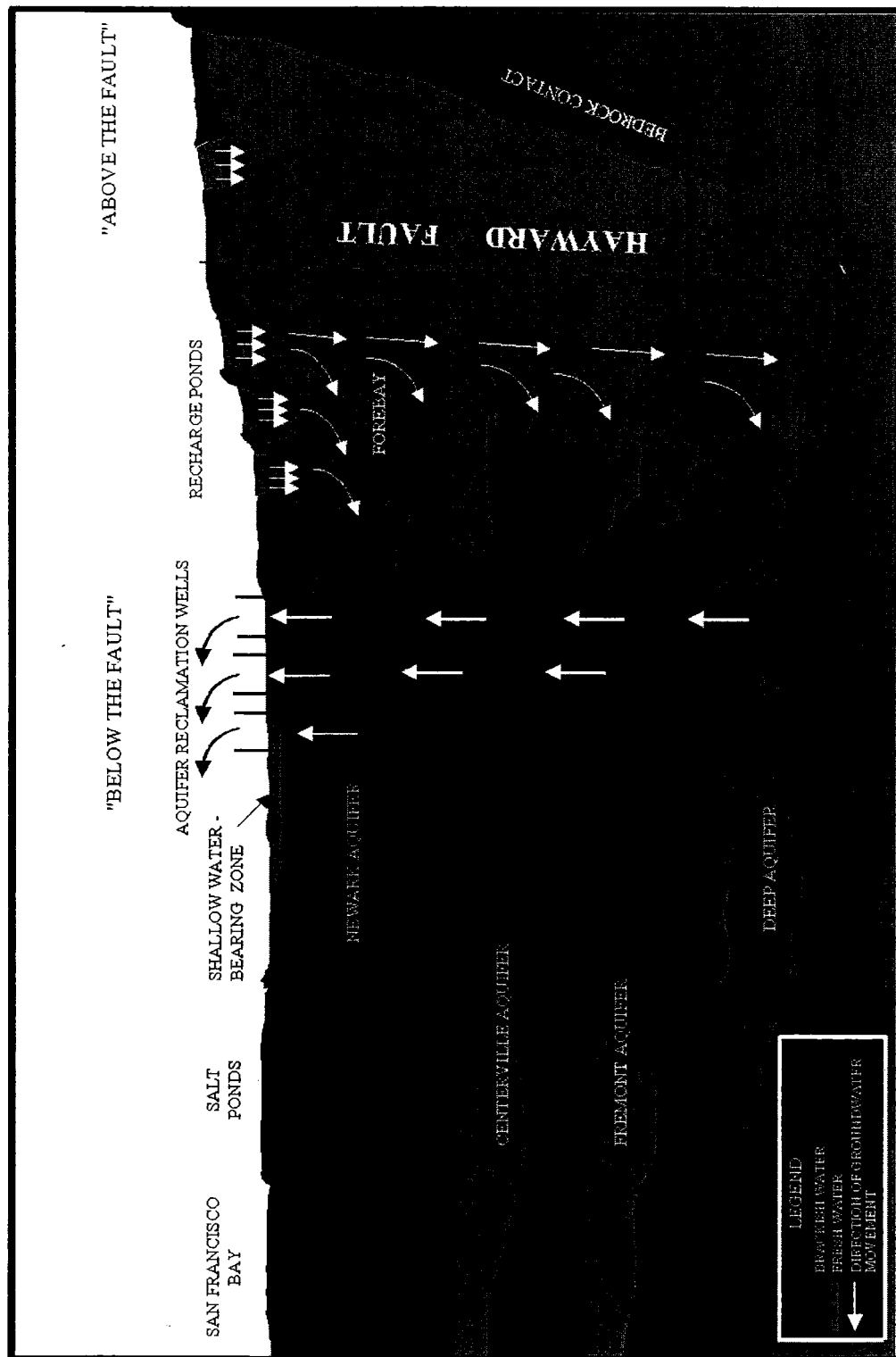
Well Ordinance Administration

Ordinances to regulate the construction, repair, reconstruction, destruction or abandonment of wells with the boundaries of the Cities of Fremont, Newark, and Union City were adopted by each city (City of Fremont Ordinance No. 950 on June 26, 1973, as amended by Ordinance No. 963 on October 16, 1973; City of Newark Ordinance No. 136 on July 12, 1973; and City of Union City Ordinance No. 109-73 on June 18, 1973). The purpose of the ordinances is:

"to provide for the construction, repair, reconstruction, and destruction of wells, including cathodic protection wells and exploratory holes, to the end that the groundwater found wholly or partially within the area of the [cities]



ATTACHMENT 2 - ALAMEDA COUNTY WATER DISTRICT GROUNDWATER FACILITIES



ATTACHMENT 3 - NILES CONE GROUNDWATER BASIN SCHEMATIC

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will not be polluted or contaminated and that water obtained from water wells will be suitable for the beneficial uses intended and will not jeopardize the health, safety or welfare of the people of the said city, and for the destruction of abandoned wells or wells found to be public nuisances, including cathodic protection wells and exploratory holes, to the end that such wells will not cause pollution or contamination of groundwater or otherwise jeopardize the health, safety or welfare of the people of the said city.”

Each of the ordinances designates ACWD as the enforcing agency as defined by the Department of Water Resources and requires that a written permit be obtained from ACWD prior to conducting any of the work described above in each of the cities. By separate resolutions on January 10, 1974, ACWD agreed to implement the city ordinances and authorized the collection of fees to defray the expenses of enforcing them (Resolution No. 74-002 to implement Ordinance No. 950 as amended by Ordinance No. 963 of the City of Fremont; Resolution No. 74-003 to implement Ordinance No. 136 of the City of Newark; Resolution No. 74-004 to implement Ordinance No. 109-73 of the City of Newark). ACWD has also worked with the City of Hayward to amend the City Well Ordinance to require ACWD's approval prior to the construction, operation, or destruction of wells in Hayward Detachment areas.

ACWD has developed a well destruction program in cooperation with the cities. When land use changes are proposed, the cities require the property owners or developers to obtain a letter from ACWD indicating whether wells are located within the boundaries of the development. This process gives ACWD the opportunity to conduct a record and field search for wells before development occurs. If wells are located within the development, the city and appropriate parties are notified. The destruction of abandoned wells then become a condition for approval of the proposed development or land use change by the

Comment Letter C

city building or planning departments. ACWD also maintains a process to insure that abandoned wells are properly destroyed before water service improvements are accepted.

C. Alameda County Water District

Paul Piraino

- C-1) Comment acknowledged. Detention storage within the Chain of Lakes (COL) is anticipated to be of a very short duration in order to ensure that adequate storage capacity is available for successive storms. Complete detention release via drainback and pumping is planned to occur immediately following a peak storm event. Zone 7 would coordinate with ACWD for any other releases. As noted in the comment, ACWD does not divert water when flows in Alameda Creek exceed 700 cubic feet per second (cfs). The project components for the COL area include a pump station that would pump out stored water in the COL area at a rate of 1,000 cfs following peak flows. This flow input would closely follow the storm hydrograph for the Tri-Valley Area, and would not be anticipated to alter ACWD diversion operations, as ACWD inflatable dam facilities would not be operating during and immediately after peak storm conditions. Therefore, the COL detention storage would not adversely affect ACWD's downstream water supply.
- C-2) The storage detention flows (discussed in C-1 above) would contain a typical storm sediment load. Prior to release, the stormwater detention would provide additional time for some of the larger sediment to settle out, decreasing the overall sediment load downstream. As noted on page 3.2-29 of the MEIR, in terms of water quality, the decrease in the wash load (i.e., silts and sands) is expected to be incrementally beneficial within the context of the sediment load generated within the upper watershed. Additionally, the wash load sequestered in the COL would not be remobilized by the future storm flows, thus having a beneficial water quality impact. Therefore, impacts of the SMMP to sediment would not adversely affect water quality or result in a water supply loss for ACWD.
- C-3) Regarding the anticipated lack of adverse impacts on downstream water quality, please see Response C-2 above. Any potential adverse impact on water quality that could be caused by an SMMP project would be analyzed in project specific environmental review, as provided for in CEQA 15175. As part of this process, Zone 7 will coordinate with downstream agencies as appropriate to establish an operating program that will avoid or minimize potential impacts.
- C-4) Zone 7 will continue its practice of coordinating with the Department of Water Resources (DWR) and ACWD as a South Bay Aqueduct contractor prior to any work that would affect SBA deliveries, potentially including implementation of the projects R.3-1 (South Bay Aqueduct [SBA] Aqueduct Turnout Construction and Low Flow Crossings) and R.4-1 (Sycamore Grove Recharge Bypass Project).
- C-5) Impacts associated with recreational access and the potential for water quality impacts will be avoided or mitigated through the identification and implementation of project specific measures similar to those identified in comment C-5. Recreational agencies would implement the projects independently or in partnership with Zone 7. Best

management practices will be incorporated into the project development phase of these individual projects for protecting water quality, as appropriate.

- C-6) Comment acknowledged. No specific projects for storage and use of recycled water have been designated under the SMMP; therefore, the MEIR does not include analysis specific to this issue. The potential for storage of recycled water within the Chain of Lakes area using one of the gravel mining pits has been previously reviewed by several agencies within the Livermore Valley, including Dublin San Ramon Services District (DSRSD) and Zone 7. In general, Cope Lake has been identified as having the greatest potential for recycled water use, due to its clay lining, which limits connectivity with groundwater. However, no project has ever formally been proposed for recycled water storage within the Chain of Lakes area. In the event that recycled water storage project is proposed, the lead agency would complete the appropriate level of CEQA documentation for that project. However, the storage of recycled water under the SMMP is not currently proposed.
- C-7) Comment acknowledged. The reference to ACWD as the trail manager in the SMMP document and references to the footpath as an “official trail” has been removed. Since the management and status of the trail do not affect the environmental analysis in the MEIR, no changes in the MEIR are required.
- C-8) Comment acknowledged. Please refer to Section 2, Master Response 2.2, Use of Master EIR. As discussed in the response to comment C-4, the SMMP implementation phase shall include coordination with ACWD.



California Regional Water Quality Control Board

San Francisco Bay Region

Comment Letter D



Don Skopac
Acting Agency Secretary

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor



Clear
5-1-06
P

Date: May 1, 2006
File No. 2188.05 (BKW)

Mr. Joe Seto
Senior Engineer
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Re: Draft Master Environmental Impact Report for the Stream Management Master Plan, Zone 7
SCH # 2004052054

Dear Mr. Seto:

Regional Water Quality Control Board (Water Board) staff appreciate the opportunity to review the *Draft Master Environmental Impact Report for the Stream Management Master Plan (DEIR)*. Water Board staff support Zone 7's development of a Stream Management Master Plan (SMMP) for the sub-watersheds in the eastern portion of the Alameda Creek Watershed. Many components of the SMMP are likely to improve riparian habitat within the affected watersheds and reduce the number of existing barriers to fish passage. However, Water Board staff are concerned that some project components have the potential to negatively impact habitat values in the creeks. Water Board staff are also concerned that proposed mitigation measures for some of those impacts may not yet be sufficiently well developed to state with confidence that those impacts can be mitigated to less than significant levels.

Proposed mitigation measures should be presented in sufficient detail for readers of the CEQA document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant level. CEQA requires that mitigation measures for each significant environmental effect be adequate, timely, and resolved by the lead agency. In an adequate CEQA document, mitigation measures must be feasible and fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). Mitigation measures to be identified at some future time are not acceptable. It has been determined by court ruling that such mitigation measures would be improperly exempted from the process of public and governmental scrutiny which is required under the California Environmental Quality Act. As is discussed below, at present, several of the proposed mitigation measures lack sufficient detail to allow the likelihood of their effectiveness to be evaluated. Although many of these actions are likely to require independent CEQA review before they are implemented, at the present time it may not be appropriate to state that the impacts can be mitigated to less than significant levels.

Comment 1

Mitigation Measure 3.5.1b (pages 3.5-19 through 3.5-22). The discussion of mitigation ratios in this section acknowledges the need to increase ratios to provide an adequate margin of safety to reflect the uncertainty associated with the success of mitigation projects. This discussion can be further improved by noting the need to increase the amount of mitigation to compensate for temporal losses between the time at which habitat is

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Mr. Seto

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Zone 7, Stream Management Master Plan

impacted and the time at which the mitigation habitat becomes sufficiently functional to replace the impacted habitat functions.

In addition, the discussion of functional equivalency between impacts and mitigation, as presented in guidance from the Corps of Engineers, should also note that the Corps of Engineers interprets this to require that impacts to linear features, such as creek channels, should be mitigated using linear features. In other words, one of the metrics used to evaluate the adequacy of impacts to creeks is the linear feet of impacted channel in relationship to the linear feet of mitigation activities in channels.

D-2

Comment 2

Impact 3.5.3 (pages 3.5-23 and 3.5-24). Impact 3.5.3 is the construction of concrete channels to replace 10,200 linear feet of earthen channels. The first paragraph of page 3.5-24 describes the resources that would be lost as a consequence of lining these channels with concrete. The discussion should be expanded to note that earthen channels provide water quality treatment of the urban runoff that transits these channels: this treatment is provided by infiltration of runoff into the earthen banks; filtration through vegetation on the banks; and bio-treatment through micro-organisms in the natural channel banks.

D-3

Comment 3

Mitigation Measure 3.5.3a (pages 3.5-24 and 3.5-25). Mitigation for placing concrete linings on earthen channels should compensate for lost habitat values and lost water quality treatment functions. Zone 7 has been informed during the workshop process for the SMMP that the Water Board does not support the lining of earthen channels with concrete and it is possible that the Water Board may not provide authorization to implement this element of the SMMP. If the Water Board does allow this element to be implemented, appropriate mitigation would have to be provided over more than 10,200 linear feet of created, enhanced, or restored channels.

D-4

Comment 4

Impact 3.5.7 and Mitigation Measures 3.5.7a and 3.5.7b (page 3.5-30 and page 3.5-31). This section of the Draft Environmental Impact Report (DEIR) discusses potential project impacts that could provide habitat for predators of the endangered California red-legged frog (CRLF). In particular, the proposed construction of six, in-stream sedimentation basins could provide habitat for the American bullfrog, which is a significant predator of CRLF. Although Mitigation Measure 3.5.7a refers to providing sediment basins that incorporate design elements (e.g., the capacity to seasonally drain the basins) that discourage colonization by bullfrogs, examples of such design elements are not provided in the DEIR. In particular, it is not clear that a sedimentation basin can be designed that could be gravity drained to remove all standing water. Therefore, it is not possible to evaluate if design elements would actually be sufficient to reduce impacts to a less than significant level.

D-5

Mitigation Measure 3.5.7b would use a non-native predator control plan to control bullfrog populations in sedimentation basins. Since details of the plan are not included in the DEIR, the likely effectiveness of the plan cannot be evaluated at present. Recent Water Board experience with authorization of an in-stream diversion facility in CRLF habitat in Livermore has high-lighted the difficulties of developing an effective predator control plan that does not impede the functioning of the in-stream facility.

D-6

In-stream sedimentation basins can also lead to downstream erosion, because of the "hungry water" effect downstream of the basin, as well as contributing to excess sedimentation upstream of the basins, as the flow rate

D-7



of the water slows in the vicinity of the basin. The Water Board also is concerned by the proposal to convert waters of the State into a treatment device. For the reasons listed above, and because the effectiveness of Mitigation Measures 3.5.7a and 3.5.7b cannot be assessed, Water Board staff recommend deleting in-stream sedimentation basins from the SMMP.

D-7

Comment 5

Impact 3.6.2 and Mitigation Measures 3.6.2a and 3.6.2b (pages 3.6-13 and 3.6-14). This section discusses potential impacts to steelhead migration associated with in stream structures, such as sediment basins, culverts, bridges, and on-channel wetlands.

In particular, construction of the proposed sediment detention basin (Project R.3-4) and on-channel wetland (Project R.3-2) on Arroyo Mocho may result in barriers to fish migration. Steelhead passage can be impeded by structures that impede the upstream movement of adult fish, as well as by structures that provide habitat for predators of juvenile steelhead. Mitigation Measures 3.6.2a proposes to construct all in stream structures in a manner that will not impede fish passage. It is not clear from the material presented in the DEIR whether or not in stream sediment basins can be constructed in a manner that would not impede fish passage. In addition, without a specific predator control plan to evaluate, it is not clear that an effective predator control plan can be developed for the proposed structures. Therefore, the DEIR does not provide sufficient information to conclude that impacts can be reduced to a less than significant level.

D-8

Mitigation Measure 3.6.2b relies on the implementation of Mitigation Measures 3.5.5a and 3.5.5b. However, text in Section 3.5 of the DEIR does not appear to include a Mitigation Measure 3.5.5b.

D-9

Comment 6

Impact 3.6.3 and Mitigation Measure 3.6.3a (pages 3.6-14 through 3.6-16). This subsection of the DEIR discusses potential long-term operational impacts of the proposed Arroyo Mocho Bypass and the Arroyo Las Positas Diversion Structure. It is difficult to assess the significance of this impact with the information presented in the DEIR. For example, it is not clear what size storm event would trigger flow into the Arroyo Mocho bypass. As is acknowledged in the second paragraph of page 3.6-16, it is also not clear that an effective measure can be devised to keep smolts or adult steelhead from being diverted into the Chain of Lakes. Therefore, the text of the DEIR does not provide sufficient information to warrant the conclusion that impacts could be reduced to a less than significant level with mitigation.

D-10

At the outlet of the Arroyo Las Positas diversion channel, the DEIR proposes using a drop barrier on the order of 11 feet tall to block adult steelhead from traveling upstream into the Arroyo Las Positas diversion channel. It is not clear from the project descriptions in the DEIR whether or not flow exiting the diversion channel will include some flows that originated in Arroyo Mocho. If flows in the diversion channel will include water from Arroyo Mocho, potential fish mortality associated with being discharged over the drop barrier should be evaluated.

D-11

Comment 7

Impact 3.6.4 and Mitigation Measure 3.6.4a (pages 3.6-17 and 3.6-18). This subsection of the DEIR discusses potential long-term operational impacts of the proposed Sycamore Grove Recharge Bypass project. As is noted in the second bullet of Mitigation Measure 3.6.4a, potential impacts of this project have not been well assessed and potential mitigation measures have yet to be identified. Therefore, the text of the DEIR does not provide

D-12

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Zone 7, Stream Management Master Plan

sufficient information to warrant the conclusion that the project's impact could be reduced to a less than significant level with mitigation.

D-12

Comment 8

Text on page 3.6-20 states that, "implementation of Mitigation Measure 3.6.5a above would reduce potential long-term impacts of grade control structures on fish passage to a less than significant level." However, the DEIR does not include a Mitigation Measure 3.6.5a.

D-13

Comment 9

The list of acronyms on page 8-2 is missing "DPS" for "distinct population segments".

D-14

Comment 10

Project R-10-5 includes the removal of three sharp meanders along Arroyo de la Laguna. More detail should be provided to describe the necessity of removing these three meanders. Meander removal will shorten the length of the channel, which can be expected to lead to channel incision, since less energy will be dissipated along the shortened length of the channel bed and bank. Please provide a discussion of potential impacts associated with channel shortening, as well as mitigation for any impacts on channel stability.

D-15

If you have any questions, please contact me at (510) 622-5680 or by e-mail at bwines@waterboards.ca.gov.

Sincerely,



Brian Wines
South Bay Counties Watershed Section

cc State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
USACE, San Francisco District, Attn: Regulatory Branch, 333 Market Street, San Francisco, CA 94105
-2197
CDFG, Central Coast Region, Attn: Robert Floerke, Regional Manager, P.O. Box 47, Yountville CA
94599
National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Attn: Gary
Stern, 777 Sonoma Ave., Room 325, Santa Rosa, CA 95404

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ZONE 7 WATER DISTRICT - 914158960332

05/03/2006 16:30

NO. 871

0100

D. San Francisco Bay Regional Water Quality Control Board

Brian Wines

- D-1) Please refer to Section 2, Master Response 2.2, Use of Master EIR. The Master EIR evaluates environmental impacts of the overall SMMP with individual projects proposed to be implemented in different phases. Therefore, the mitigation measures proposed in the MEIR address the impacts at a Master EIR level.
- D-2) Comment acknowledged. Please see Section 2, Master Response 2.2, Use of Master EIR. The U.S. Army Corps of Engineers (Corps) guidance would be taken into account when specific mitigation measures for linear features, such as creek channels, are proposed.
- D-3) Comment acknowledged. The use of concrete lined channels is limited to 3 projects within the SMMP (Project R.8-2, R.9-2 and R.9-3), and the potential impacts associated with the use of concrete lined channels are identified in the MEIR. At these 3 locations, development has encroached immediately adjacent to the channels, and the opportunities for increasing conveyance capacity at these locations are limited. The discussion on page 3.5-24 of the MEIR focuses on the biological functions of the channels directly related to biological species such as nesting, foraging, or migration. The functional loss of channels particularly related to infiltration and the resulting treatment of the runoff is discussed in Section 3.2, Hydrology, of the MEIR. Impact 3.2.3 on page 3.2-26 of the MEIR describes the impact of an increase in storm runoff due to reduced infiltration resulting from replacement of pervious surfaces with channel improvements and installation of hardscape protection or lining. At the MEIR level, the impact is considered to be less than significant (see Impact 3.2.3 discussion on page 3.2-27) considering appropriate design and proximity to conveyance channels that would be incorporated into individual projects as a part of the SMMP. As these projects are developed for implementation, including environmental review, Zone 7 will continue to work with the RWQCB to identify potential mitigation strategies, as appropriate.
- D-4) As stated on pages 3.5-23 through 3.5-25 of the MEIR, the new hardscape bank protection would cause a significant and unavoidable impact at the MEIR level from loss of riparian vegetation functions and values in creek channels despite Mitigation Measure 3.4.3a, which proposes avoidance and minimization of use of hardscape. At a project level, individual environmental analysis will be prepared for projects R.8-2, R.9-2, and R.9-3 that will identify specific mitigation measures as necessary to address potential impacts on habitat and water quality.
- D-5) Comment acknowledged. The SMMP is a planning level document, and the level of detail provided in the MEIR is consistent with the level of detail provided in the SMMP. Please refer to Section 2, Master Response 2.2, Use of Master EIR. Mitigation Measure 3.5-7a on page 3.5-31 of the MEIR lists only a few examples of design elements that would discourage the establishment of non-native wildlife species in sensitive areas.

Other options such as offline sediment basins can be evaluated during project specific environmental analysis, as appropriate.

- D-6) Regarding the level of detail provided in the MEIR, please refer to Section 2, Master Response 2.2, Use of Master EIR. As noted in Mitigation Measure 3.5-7b on page 3.5-31 of the MEIR, Zone 7 shall implement a non-native predator control program in coordination with state and federal agencies. Any environmental impacts associated with such a program will be addressed in project specific environmental analysis as appropriate.
- D-7) Impact 3.2-5 on page 3.2-30 of the MEIR discusses the localized bed erosion and sedimentation impact that may result from sedimentation basins proposed as a part of the SMMP. As noted, several elements of the SMMP such as sediment basins would affect local sediment transport within the system. Improved localized sediment management is anticipated to more effectively convey sediment through the system to reduce build up, and to direct sediment deposition to specific sediment basins to minimize impacts related to removal. This is anticipated to significantly reduce the amount of in-channel sediment removal required to maintain channel capacity. It is estimated that Zone 7 will need to implement sediment removal on approximately 19,000 linear feet of channel to restore conveyance capacity within its system under current conditions. The use of sediment basins to focus sedimentation will greatly assist in managing sediment in the future, and will reduce overall environmental effects relating to sediment removal. Options such as offline sediment basins will continue to be evaluated in the future phases of the SMMP and considered in environmental analysis documents for the individual projects.
- D-8) Regarding the level of detail provided in the MEIR, please refer to Section 2, Master Response 2.2, Use of Master EIR. Mitigation Measure 3.6.2a on page 3.6-14 in the MEIR states that the instream structures will be designed and constructed in a manner that will not impede fish passage. Zone 7 will implement this MEIR measure by incorporating avoidance measures or design elements in individual projects that would be refined at the implementation phase and analyzed in the environmental documents for the individual projects. Also, refer to Section 2, Master Response 2.1, SMMP Implementation and Funding.
- D-9) Comment acknowledged. Please see Chapter 4, Changes to Draft MEIR.
- D-10) Regarding the level of detail provided in the MEIR, see Section 2, Master Response 2.2, Use of Master EIR. As noted in the project information for Project R.6-2 in Appendix 2 of the MEIR, flows in the Arroyo Mocho Bypass refer to the future 100-year storm flows. As indicated in the last paragraph on page 3.6-15 and first two paragraphs on page 3.6-16, although steelhead would be susceptible to entrainment, the magnitude of the potential entrainment impact cannot be quantified at this time. While screening the diversion would significantly reduce the likelihood of steelhead entrainment, the potential for residual “take” will remain. The possibility for consultation with the National Marine Fisheries Service (NMFS) and seeking an incidental “take” permit is thus mentioned in

the discussion. The details of the extent of the impact and the “take” permit would be available only at a later stage of environmental documentation for individual projects.

- D-11) Projects R.3-2 and R.3-4 are designed to minimize the likelihood of fish entering the Chain of Lakes. However, as described in the second paragraph on page 3.6-16, a potential for residual “take” will remain and complete exclusion of the fish would need to be confirmed at the implementation stage. As such, all steelhead entering the Chain of Lakes will be considered “taken” before the potential effect described by the commenter would ever occur. The effect of this “take”, as well as measures to minimize and/or compensate for this take, will be evaluated during formal consultation with NMFS.
- D-12) Regarding the level of detail provided in the MEIR, please refer to Section 2, Master Response 2.2, Use of Master EIR. As stated in Mitigation Measure 3.6.4a on page 3.6-18 of the MEIR, given the uncertainties about the overall effects of the proposed releases on fisheries resources, Zone 7 shall develop and implement aquatic habitat assessment studies of Arroyo del Valle immediately below the reservoir and of South Tributary, as necessary.. The impact, therefore is considered less than significant with mitigation at MEIR level. Also as discussed in the second paragraph on page 3.6-18, the evaluation of impacts is largely dependent upon the hydrologic, geomorphologic, and riparian responses of the reaches to the proposed releases. Future release volumes and frequencies have not been established, so habitat responses cannot be estimated at this time.
- D-13) Comment acknowledged. Please see Chapter 4, Changes to the Draft MEIR.
- D-14) Comment acknowledged. Please see Chapter 4, Changes to the Draft MEIR.
- D-15) Regarding the level of detail provided in the MEIR, please refer to Section 2, Master Response 2.2, Use of Master EIR. Project R.10-5 includes reducing sharp meander at three locations on Arroyo de la Laguna for approximately 1,000 feet at each location. Zone 7 proposes to minimize the meander to reduce channel bank erosion caused by the velocity and direction of water moving out from the meander. Severe erosion occurs due to the sharp bend in the channel at these locations. As stated in the Project Components (second bullet under number 5) for Project R.10-5 in Appendix 2, grade control structures such as rock vanes are recommended to be installed both upstream and downstream of the locations to reduce lateral erosion. The structures would help control the effect of “straightening” on the channel bed.

Comment Letter E



PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER
(415) 558-6378DIRECTOR'S OFFICE
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FAX: 558-6426ZONING ADMINISTRATOR
PHONE: 558-63505TH FLOOR
FAX: 558-6409PLANNING INFORMATION
PHONE: 558-6377MAJOR ENVIRONMENTAL
FAX: 558-5991COMMISSION CALENDAR
INFO: 558-6422INTERNET WEB SITE
WWW.SFGOV.ORG/PLANNING

April 26, 2006

REC'D MAY 01 2006

Joe Seto
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

RE: Draft Stream Management Master Plan – Master Environmental Impact Report

Dear Mr. Seto:

Thank you for providing the opportunity to comment on the subject Master Environmental Impact Report (MEIR). Comments from the City and County of San Francisco ("CCSF") are provided herein. Based on the project description and maps provided in the MEIR, it appears that a portion of the project would be located on property owned by the City and County of San Francisco and managed by the San Francisco Public Utilities Commission (SFPUC).

In September 2000, the SFPUC adopted the Alameda Watershed Management Plan to provide a policy framework for consistent decision-making about activities and projects that are appropriate on SFPUC watershed lands. To aid the SFPUC in reaching decisions about land uses, the Plan provides a comprehensive set of goals, policies, and management actions, which integrate all watershed resources and reflect the unique qualities of the watersheds.

The Plan requires that all projects occurring on the Alameda Watershed shall be reviewed for Plan consistency and compliance with environmental regulations:

- *To ensure that all future land management decisions and uses remain consistent with the goals and policies set forth in this Plan, all proposed plans and projects on the watershed ... shall be analyzed for compliance with the goals and policies set forth in the Watershed Management Plan and must undergo this review process prior to being approved or denied.*
- *Proposals for new facilities, structures, roads, trails, projects and leases, or improvements to existing facilities shall be reviewed by appropriate SFPUC personnel to ensure compliance with all applicable Federal, State, and local laws, as well as SFPUC rules and regulations.*

To implement these Plan policies, the SFPUC has established a Watershed Project Review process. Monthly project review sessions are scheduled on the last Wednesday of every month at the SFPUC facility at 1657 Rollins Road in Burlingame. In reviewing the proposed project, the Watershed Project Review Team may indicate that modifications or mitigation are necessary so that the project is in keeping

E-1

Comment Letter E

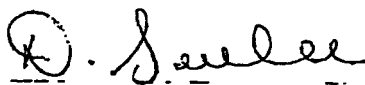
with the Watershed Management Plans and to ensure compliance with environmental regulations. Therefore, it is important to schedule projects for review at the earliest opportunity.

To schedule a project for review, please contact John Fournet, Land and Resources Forester, at (650) 652-3207. Mr. Fournet will schedule the review session and send you a project review application. The application is short, simple, and focused on obtaining a complete project description to facilitate a more expeditious review.

E-1

If you have any questions or need further information, please contact me at (415) 558-5971 or John Fournet, Joanne Wilson or Joe Naras of the SFPUC's Natural Resources Division at (650) 652-3209.

Sincerely,



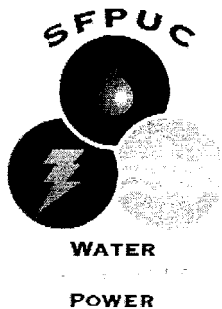
Diana Sokolove
Senior Environmental Planner

cc: SFPUC: Tim Ramirez, Joe Naras, Joanne Wilson, John Fournet, Jane Lavelle

E. City and County of San Francisco

Diane Sokolove

- E-1) Comment acknowledged. Zone 7 will coordinate with the City and County of San Francisco for Watershed Project Review prior to the implementation of individual SMMP projects as appropriate for consistency with the Alameda Watershed Management Plan.



SAN FRANCISCO PUBLIC UTILITIES COMMISSION

NATURAL RESOURCES DIVISION
1145 Market Street, 4TH Floor, San Francisco, CA 94103 • Tel. (415) 934-5700 • Fax (415) 934-5770

Comment Letter F1



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GENERAL MANAGER

May 1, 2006

Joe Seto
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Subject: Draft Stream Management Master Plan - Master Environmental Impact Report

Dear Mr. Seto:

The San Francisco Public Utilities Commission (SFPUC) appreciates the opportunity to submit comments on Zone 7's Draft Stream Management Master Plan (SMMP) and Draft Master Environmental Impact Report (MEIR). Per Diana Sokolove's comments, we welcome Zone 7 to participate in our Watershed Project Review process to ensure that SMMP projects on SFPUC property are consistent with our Alameda Creek Watershed Management Plan. During this review process we look forward to discussing issues associated with Arroyo de la Laguna Improvement Project 5, such as possible impacts from peak runoff, long-term maintenance of the improvement project, potential impacts on SFPUC pipeline, etc.

F-1

Please feel free to contact me at 415-554-3265 or tramirez@sfwater.org.

Sincerely,

Tim Ramirez
Natural Resources Division Manager

cc: Diana Sokolove, San Francisco Planning Department
Joe Naras, SFPUC
Joanne Wilson, SFPUC
John Fournet, SFPUC
Jane Lavelle, SFPUC

Comment Letter F2

From: Wilson, Joanne [mailto:jwilson@sfgwater.org]
Sent: Monday, May 08, 2006 6:12 PM
To: Seto, Joe
Cc: Fournet, John; Naras, Joe; Ramirez, Tim; Sokolove, Diana; Lavelle, Jane; Apperson, Stephen W
Subject: RE: City and County of San Francisco comments on Draft Stream Management Master Plan- Master Environmental Impact Report
Importance: High

Hi Joe: I was pleased to see that the public review period for the draft Stream Management Master Plan MEIR was extended to today (5/8/06). I would like to use this opportunity to follow-up on the CCSF's comment letter with some questions from our hydrologist, Steve Apperson. I think these questions will be a good starting place for our project review process.

The current deteriorated condition of Arroyo de la Laguna within SFPUC lands appears to be a direct result of upstream urbanization that did not sufficiently mitigate for increased peak flows. Arroyo de la Laguna is currently undergoing rapid morphological adjustments in response to changed surface hydrology. In other words, there is massive streambank failure, erosion and sedimentation. These conditions and the causes are supported by studies Zone 7 has undertaken as part of this planning effort.

The primary concern is potential impact of the SMMP to SFPUC resources within Reach 10 of Arroyo de la Laguna.

Specific questions include:

- | | |
|--|------|
| 1) Does the SMMP have any influence or control over the rate of urban growth associated with approved general plans? | F-2 |
| 2) Does the SMMP sufficiently mitigate all future increases in peak runoff associated with general plan buildout? | F-3 |
| 3) What happens if implementation funding is limited? | F-4 |
| 4) Are there existing priorities for SMMP project implementation? How does Reach 10 fit relative to overall flood control priorities? | F-5 |
| 5) Would Zone 7 assume long-term maintenance of restoration projects implemented on SFPUC lands? | F-6 |
| 6) Is the timing of proposed new flood storage facilities, ie., "Chain of Lakes", etc., likely to occur prior to general plan buildout? | F-7 |
| 7) What are the specific resource objectives for proposed projects within Reach 10? | F-8 |
| 8) What will be the long-term trend of flood risk in the vicinity of Sunol Glen School? | F-9 |
| 9) Will the conditions of Arroyo de la Laguna within SFPUC lands get worse before they get better? Should we expect to lose more property? | F-10 |

Comment Letter F2

Thanks again for this opportunity to comment on the proposed plan.

Joanne Wilson, AICP
Land and Resources Planner
San Francisco Public Utilities Commission
Natural Resources Division
1657 Rollins Road
Burlingame, CA 94010-2310
TEL: (650) 652-3205
FAX: (650) 652-3219
EMAIL: jwilson@sfwater.org

F. San Francisco Public Utilities Commission

Tim Ramirez

- F-1) Please see the response to comment E-1. Zone 7 will coordinate with the San Francisco Public Utilities Commission regarding the consistency of Project R.10-5, Arroyo de la Laguna Improvement Project with the Alameda Creek Watershed Management Plan.

Joanne Wilson

- F-2) As stated in the first paragraph under Conclusion, on page 4-5 of Chapter 4, Growth, of the MEIR, the SMMP will not directly or indirectly support economic expansion, population growth, or residential construction in the Zone 7 service area. Under the SMMP, Zone 7 will maintain the infrastructure which supports existing and planned land uses and will not alter the land use or economic constraints in the surrounding floodplain.
- F-3) The projects included in the SMMP are designed to address 100-year flows under future flow conditions (peak runoff associated with general plan buildout). Therefore, the SMMP, together with the mitigation proposed in the MEIR is anticipated to sufficiently mitigate future peak flows.
- F-4) Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding.
- F-5) Comment acknowledged. Zone 7 recognizes the active erosion taking place along Arroyo de la Laguna (ADLL), and therefore has included upper ADLL and ADLL improvement projects under Reach 10 projects. As shown on page 2-31 in Table 2-4 of the MEIR, projects R.10-1 through R.10-5 address several goals including erosion and flood protection. Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding..
- F-6) Maintenance responsibility and ownership will be addressed during the Implementation Planning phase. Ownership and maintenance responsibility issues for specific projects would be further defined as part of individual project development. Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding.
- F-7) Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding.
- F-8) Comment acknowledged. As discussed on page 2-12 of the MEIR, the SMMP has been developed to address the potentially damaging flooding issue, while also considering other resource areas affected by management of flood channels and arroyos. Resource goals for Reach 10 listed on pages 2-30 and 2-31 in Table 2-4 in the MEIR are flood protection and drainage, erosion and sedimentation, water quality, habitat and environment, and recreation, trails, and public education. Specific objectives for individual resource goals are listed in Table 2-2 on pages 2-13 and 2-14 of the MEIR.

- F-9) Under the SMMP, a levee has been recommended to protect the Sunol Glen School under the 100-year flow conditions based on its low elevation with respect to ADLL. Upstream detention storage will mitigate peak flows above the current channel capacity and in combination with the recommended improvements at the school. Implementation of these or similar protections will reduce the risk of flooding in the vicinity of the school.
- F-10) Active erosion may continue to occur along ADLL. Bank stabilization measures have been recommended in the SMMP to address erosion. However, timing of project implementation depends on the project prioritization, sequencing and resulting schedules that will be developed as part of the implementation planning phase of work, which will begin in Fall 2006.



REC'D MAY 03 2006

May 1, 2006

Joe Seto
Senior Engineer
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Re: East Bay Regional Park District Trails
Zone 7 Stream Management Master Plan

Dear Mr. Seto:

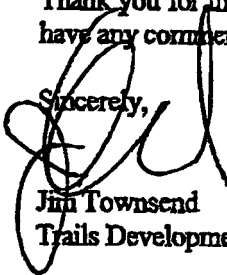
East Bay Regional Park District (EBRPD) received the Notice of Availability of the Draft Master Environmental Impact Report (MEIR) for the Stream Management Master Plan (SMMP) for public review and would like to make the following comments.

EBRPD has several existing and proposed multi-use regional trails in the SMMP project area which are illustrated on the attached 1997 Trails Master Plan map. These include the Iron Horse Trail, Shadow Cliffs to Iron Horse Trail, the Shadow Cliffs to Del Valle Trail, the Tassajara Creek Trail, the Niles Canyon to Shadow Cliffs Trail, and the Niles Canyon Trail. Trails function as important recreation and non-motorized transportation corridors which serve our region's constituency. EBRPD supports the trails, recreation, and public education goals as identified in the MEIR and your efforts to include quality public access features into proposed projects. EBRPD looks forward to identifying opportunities with Zone 7 to develop trail segments which address the long term maintenance needs of both our agencies.

G-1

Thank you for the opportunity to comment. Feel free to reach me at (510) 544-2602 should you have any comments.

Sincerely,


Jim Townsend
Trails Development Program Manager

Enclosure
Via fax (925) 454-5727 and U.S. Mail

cc: Mark Lander, City of Dublin Engineering Department
Jim Wolfe, City of Pleasanton Park and Recreation Department
Eric Brown, City of Livermore Planning Department

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G. East Bay Regional Parks District

Jim Townsend

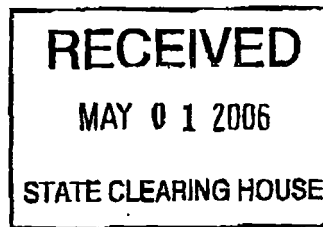
- G-1) Comment acknowledged. Zone 7 will continue coordinating with EBRPD regarding trail components within the SMMP.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
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Clear
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May 1, 2006

ALA580796
SCH2004052054

Mr. Joe Seto
Zone 7 Water Agency
100 North Canyon Parkway
Livermore, CA 94551

Dear Mr. Seto:

Zone 7 Stream Management Master Plan – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the Zone 7 Stream Management Master Plan. The following comments are based on the Draft Environmental Impact Report.

Cultural Resources

The DEIR for this project satisfies initial planning for cultural resources for State-owned historic resources in compliance with CEQA and California Public Resources Code 5024. However, please add the following statement to the mitigation section for Cultural Resources:

"If during ground-disturbing activities within State Right of Way (ROW) an inadvertent archaeological or burial discovery is made, all construction within 50 feet of the find shall cease and the California Department of Transportation's Cultural Resource Study Office, District 4, shall be immediately contacted at (510) 286-5618 or (510) 286-5615. A staff archaeologist will evaluate the finds within one business day. Any subsequent archaeological document preparations must comply with PRC 5024 and PRC 5097. All archaeological reports will need to be reviewed and approved by California Department of Transportation's Cultural Resource staff."

H-1

Encroachment Permit

Work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information.
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

H-2

Sean Nozzari, District Office Chief
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

Should you have any questions regarding this letter, please call Lisa Carboni of my staff at (510) 622-5491.

Sincerely,


TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

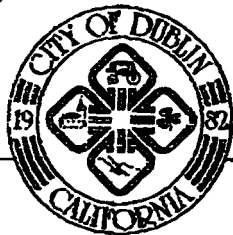
c: State Clearinghouse

"Caltrans improves mobility across California"

H. California Department of Transportation

Timothy Sable

- H-1) Comment acknowledged. As stated in Mitigation Measure 3.12.2c on page 3.12-14 of the MEIR, work will be halted in the event of a potentially significant cultural resource discovery. As noted in the comment the mitigation measure would be modified to incorporate the notification to California Department of Transportation. Please see Chapter 4, Changes to the Draft MEIR.
- H-2) Comment acknowledged. Please refer to Section 2, Master Response 2.2, Use of Master EIR. Encroachment permits would be obtained on a project by project basis during the implementation phase for the individual projects.



CITY OF DUBLIN

100 Civic Plaza, Dublin, California 94568

Comment Letter I

Website: <http://www.ci.dublin.ca.us>

May 1, 2006

Joe Seto
Senior Engineer
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

REC'D MAY 4 2006

Subject: Zone 7 Stream Master Management Plan Report
and Master Environmental Impact Report

Dear Mr. Seto:

Thank you for the opportunity to review the Zone 7 Stream Master Management Plan Report and Master Environmental Impact Report. Our comments on this document are as follows:

General

- 1) The existing floodplain areas within the study area (Figure 4-13) show a portion of the Dublin Ranch property immediately north of I-580 (between Tassajara Road and Fallon Road) to be located within the floodplain. This property has been filled as part of the Dublin Ranch development, and is now at an elevation higher than the FEMA floodplain. Further, it is our understanding that the recent channel improvements completed by Zone 7 within Staples Ranch eliminated existing capacity problems in the Arroyo Mocho which were the cause of the flows overtopping the channel and crossing the freeway. It is also our understanding that a LOMR was being processed which would reflect these changes. If these understandings are not correct, the City and Zone 7 should meet with the Dublin Ranch developer to discuss the processing of a LOMR that correctly shows the changes to the flood plain. I-1
- 2) Zone 7 currently collects an impervious surface fee from new development to implement channel improvements as identified in the Zone 7 1966 Master Plan. Under the SMMP, the extent of the channel improvements would drop below that in the 1966 Master Plan, but the overall cost of improvements would increase. The impervious fees, if collected at the current rate, would in theory generate a surplus after completion of the remaining channel improvements. It is unclear from the study as to if or how these surplus funds would be distributed to the additional non-channel improvements identified in the SMMP, or if certain non-channel improvements (such as the Chain of Lakes) would be given precedence over the channel work for use of the fees. This issue requires further discussion. I-2

Comment Letter I

Mr. Joe Seto
Zone 7 SMMP
May 1, 2006
Page 2.

The City of Dublin requests that it be provided an opportunity for involvement in any discussions regarding the use of the impervious fees for the projects identified in the SMMP. The City of Dublin would like to ensure that a reasonable proportion of the fees collected within Dublin are put to use on projects that benefit Dublin residents and businesses.

I-2

Project Specific**1) Project R8-1, Tassajara Creek Improvement Project.**

We note that the project includes a trail connection on Tassajara Creek under I-580, linking the existing Tassajara Creek Regional Trail in Dublin with Pleasanton. The City of Dublin is also considering a freeway crossing for the trail at this location under its Bikeways Master Plan. We encourage Zone 7 to continue support and development of this project, and request that future planning and design work be coordinated with the City of Dublin.

I-3

2) Project R8-2, Chabot Canal Improvement Project.

The project description references retrofit of a culvert at the railroad tracks, north of Dublin Boulevard. It is unclear if this is a reference to the present Iron Horse Trail Crossing of the G-1 channel at the old railroad right-of-way (the trail crossing is a clear-span bridge, not a culvert), or to another location within Camp Parks.

I-4

The project describes various capacity-increasing improvements to correct current capacity problems. As you are aware from recent discussions between Zone 7 and City staff, the Santa Rita Property master Drainage Plan (prepared for the Alameda County Surplus Property Authority) includes diversion of a portion of the existing G-1 flows into the new Santa Rita storm drain system. The diversion occurs at the existing detention pond on Alameda County property near the Arnold Drive/ Gleason Drive/ Broder Road Intersection, providing a reduction in flows through the Camp Parks property downstream to Dublin Boulevard, and continuing downstream into the improved Chabot Canal channel. The diversion has not yet been implemented; improvements needed to complete the diversion are in place except for a short extension of the existing Arnold Road channel that would connect to the G-1 channel.

I-5

The second phase of the ACSPA's East Dublin Transit Center project is conditioned to construct this final improvement. It is unclear if the SMMP accounts for the flow diversion in its analysis of the needed Chabot Canal improvements.

I-6

The City of Dublin is currently discussing redevelopment of a portion of the Camp Parks property with the Army. Redevelopment of the property will likely increase flows in the

I-7

Comment Letter I

Mr. Joe Seto
Zone 7 SMMP
May 1, 2006
Page 3.

G-1 channel due to increased impervious surface, but also creates an opportunity to improve capacity to the channel; both within Camp Parks and downstream of the channel, through channel improvements and/or detention.

I-7

Further planning or design for improvements to the Chabot Canal should include discussion between the City of Dublin and Zone 7 to clarify the actual reduction of flows as a result of implementing the Arnold Road Channel diversion, as well as the status of the Camp Parks development.

I-8

3) Project R9-1, Alamo Canal/ South San Ramon Creek Erosion Project

We encourage Zone 7 to move forward with this project, as channels suffered further bank erosion during the heavy storms earlier this year.

The project includes a note that the City is considering the construction of a linear park along the Union Pacific Railroad and Alameda County corridors. The City is not pursuing construction of a linear park at this time. The City has initiated a Specific Plan Amendment for the corridor and is studying potential uses of the corridor. The City will keep Zone 7 apprised of progress on the plan, and requests that Zone 7 coordinate any further planning or design of the South San Ramon Creek channel with the Specific Plan.

I-9

4) Project R9-2, Line F-4 Concrete Lining

The City encourages Zone 7 to continue development of a project to improve channel capacity, but requests that work be coordinated with the City of Dublin so that resident concerns regarding channel aesthetics can be addressed.

I-10

5) Project R9-3, Line J-1, J-3, and J-5 Improvements

The City encourages Zone 7 to continue development of a project to improve channel capacity, but requests that work be coordinated with the City of Dublin so that resident concerns regarding channel aesthetics can be addressed.

6) Project R9-4, Line T Crossing Retrofit

The project includes retrofit of the existing Donlon Way culvert as well as construction of flood walls upstream of the culvert. The City of Dublin is currently developing a master plan for the Dublin Historic Park, which adjoins the creek. The master plan attempts to preserve and enhance the remaining historic resources at the site. We are concerned that the floodwall would not only be incompatible with the park and disrupt many of the existing improvements planned for preservation, but that the floodwall could potentially

I-11

Comment Letter I

Mr. Joe Seto
Zone 7 SMMP
May 1, 2006
Page 4.

result in a higher backwater for the adjoining storm drain system. The City of Dublin is prepared to meet with Zone 7 to discuss alternative solutions to capacity issues that are more compatible with the planned historic park.

I-11

7) Project R9-5, I-580 Trail Gap Elimination

The project provides for a trail connection along the Alamo Canal under I-580, linking the existing Alamo Canal Regional Trail in Dublin with the City of Pleasanton trail system to the south. The City of Dublin and Zone 7 are currently working with Caltrans and the East bay Regional Park District to develop the design for the crossing. We encourage Zone 7 to continue support and development of this project, and request that future planning and design work be coordinated with the City of Dublin.

I-12

8) Project R9-6, Line G-1-1 Maintenance

In addition, the City of Dublin requests that the improvement to the Chabot Canal between Dublin Boulevard and I-580 consider the ultimate placement of the channel in a closed concrete box culvert, which would allow future landscaping of the median area. The landscaped median would be aesthetically preferable to the current open channel.

I-13

Thank you in advance for your attention to this material. Please contact Mark Lander, City Engineer, at (925) 833-6635 should you require any further information on this matter.

Sincerely,



Melissa Morton
Public Works Director

MM/ML/tma
Attachment

cc: Rich Ambrose, City Manager
Joni Pattillo, Assistant City Manager
Jeri Ram, Community Development Director
Mark Lander, City Engineer
Ferd Del Rosario, Senior Civil Engineer
Frank Navarro, Senior Civil Engineer

I. City of Dublin

Melissa Morton

- I-1) Please refer to Section 2, Master Response 2.4, FEMA Floodplain Mapping, LOMR Revisions, and SMMP Modeling.
- I-2) Financing issues associated with the SMMP, including the potential for impervious surface fees, will be examined in the implementation planning phase of the SMMP. Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding. Regarding the level of detail provided in the MEIR, see Section 2, Master Response 2.2, Use of a Master EIR.
- I-3) Comment acknowledged. The Implementation Issues for Project R.8-1 in Appendix 2 of the MEIR include coordination with the City of Dublin regarding a License Agreement to allow public access. Project specific development of this project will include coordination with the City of Dublin.
- I-4) The culvert location refers to the current Iron Horse Trail Crossing. The project description has been updated to reflect “box culvert”, which covers the area under the bridge. Currently the bridge rests on top of two culvert boxes, and the project recommends installing an additional culvert box.
- I-5) Comment acknowledged. Improvements noted in the comment would be located in Reach 8 to increase the capacity of the channel to handle 100-year event flows. The diversion project planned for Dublin is intended to provide capacity for smaller storm events and does not provide sufficient capacity should a 100-year event occur. As stated in the Implementation Issues for Project R.8-2 in Appendix 2 of the MEIR, Zone 7 will coordinate with the City of Dublin prior to implementation of the project.
- I-6) As discussed in the response to comment I-5 above, the diversion project planned for Dublin is intended to provide capacity for smaller storm events and does not provide sufficient capacity should a 100-year event occur. Capacity increasing improvements are planned in this reach to increase capacity to handle 100-year event flows.
- I-7) Comment acknowledged. Zone 7 will continue to work with the City and Caltrans regarding this recreational crossing.
- I-8) Comment acknowledged. Please see response to comment I-5 above.
- I-9) Comment acknowledged. The note discussing the city linear park will be removed for Project R.9-1 in the SMMP document. This does not affect the analysis in the MEIR, therefore no change in the MEIR is required. Zone 7 will continue to coordinate with the City of Dublin for any updates on the progress of the Specific Plan Amendment for the Union Pacific Railroad and Alameda County corridors.

- I-10) Comment acknowledged. The Implementation Issues for Project R.9-2 in Appendix 2 of the MEIR lists coordination with the City of Dublin. Zone 7 will coordinate with the City of Dublin on resident concerns regarding channel aesthetics.
- I-11) Comment acknowledged. The floodwalls in Project R.9-4 are proposed to protect adjacent properties from flooding due to the lower capacity of the channel at these locations to withstand 100-year events. Zone 7 will discuss capacity issues with the City of Dublin during the Implementation Phase.
- I-12) Comment acknowledged. Zone 7 will continue coordinating with the City of Dublin for the planning and design of the trail connection along the Alamo Canal under I-580. This is listed under the Implementation Issues for Project R.9-5 in Appendix 2 of the MEIR.
- I-13) Comment acknowledged. Zone 7 will coordinate with the City of Dublin during the Implementation Phase of Project R.9-6.

FROM COMMUNITY DEVELOPMENT AGENCY-ADMIN.

(FRI) 5. 5' 06 11:11/ST. 11:11/NO. 4862230241 P 2



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
SURPLUS PROPERTY AUTHORITY

Comment Letter J

James E. Sorensen
Agency Director

May 5, 2006

Patrick Cashman
Project Director

224
West Hinton Avenue
Livermore, CA

94551
Phone: (925) 457-5727
Fax: (925) 457-5727

Phone: (925) 457-5727
Fax: (925) 457-5727

224
West Hinton Avenue
Livermore, CA 94551

Joe Seto, Senior Engineer
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

VIA FAX: (925) 457-5727**RE: Stream Management Master Plan DEIR****Dear Mr. Seto:**

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for Zone 7's proposed Stream Management Master Plan. Our primary concern with the document is the characterization of existing floodplain conditions. We also have concerns relating to how Zone 7 is considering implementing the Management Plan, given the enormous costs stated for various project components.

As you are aware, the Alameda County Surplus Property Authority owns Staples Ranch, a 124 acre parcel located in the southwest quadrant of El Charro Road and I-580, which is presently being considered for development within the City of Pleasanton. The Authority also helped coordinate the construction of Zone 7's Arroyo Mocho/Arroyo Las Positas Realignment project, completed in 2004, which resulted in relocating the confluence of the two arroyos to El Charro Road.

Of primary concern to the Authority in regards to the Stream Management Master Plan DEIR is the depiction of the FEMA 100-year floodplain in Figure 2-4 of the document, which indicates that the entire Staples Ranch property is within the floodplain.

National Flood Insurance Program regulations require that, no later than six months following physical changes affecting flooding conditions, flood control project sponsors provide FEMA with updated information on the new conditions so that the FEMA floodplain maps can be updated. As the project sponsor of the Arroyo Mocho/Arroyo Las Positas Realignment project, Zone 7 should have provided FEMA with updated information regarding flooding conditions in the area affected by the project, which includes Staples Ranch, no later than late 2004.

J-1

J-2

FROM COMMUNITY DEVELOPMENT AGENCY-ADMIN.

(FRI) 5. 5' 06 11:11/ST. 11:11/NO. 4862230241 P 3

Comment Letter J

Joe Seto
May 5, 2006
Page 2

Because Zone 7 has apparently not yet provided such information to FEMA, the Surplus Property Authority has conducted its own investigation of the impacts of the completed Arroyo Realignment project on flooding potential on the Staples Ranch property. Using Zone 7's projected 100-year event flood flows for the Arroyo Mochó and Arroyo Las Positas, our preliminary finding is that no floodwaters from the Arroyo Mochó reach Staples Ranch, and that flooding from the Arroyo Las Positas is limited to approximately 575 cfs (five percent of the total projected flow), which crosses El Charro Road just south of the I-580 interchange and then flows along the northerly border of the Staples Ranch property before going over the freeway and into the newly constructed flood control facilities in Dublin.

Furthermore, our preliminary analysis indicates that re-routing the remaining flood flows that impact Staples Ranch back into the improved Arroyo Mochó channel at El Charro Road would have no significant impact on flood flows or levels downstream in Pleasanton. It would also have the significant benefit of removing I-580 from the floodplain.

J-3

In other words, the DEIR incorrectly depicts Staples Ranch as being totally within the 100 year floodplain. If Zone 7 had conducted the analysis required by FEMA, that analysis would show that very little of Staples Ranch is currently within the 100 year floodplain, and removing the portion that is still within the floodplain can be easily accomplished without affecting flooding downstream.

The current status of Staples Ranch in relationship to the 100 year floodplain is especially important in light of comments made by several Zone 7 staff, in several public meetings, that suggest that one of the first steps Zone 7 will take to implement the Stream Management Master Plan is the establishment of a "floodplain management fee" for new development constructed within the floodplain to "mitigate for the reduction of floodplain storage". Presumably, funds raised by such a fee would be used by Zone 7 to help pay for a portion of the enormous costs projected by Zone 7 to construct components of the Stream Management Master Plan, particularly the Cope Lake storage project.

J-4

Prior to establishing such a fee and in order for such a fee to have the appropriate nexus and legal basis, Zone 7 must conduct the appropriate studies (i.e., the required FEMA studies) to ascertain 1) the actual extent of the floodplain in the vicinity of El Charro Road, post-construction of the Arroyo Realignment project, and 2) the amount of flood storage the existing floodplain is actually providing.

FROM COMMUNITY DEVELOPMENT AGENCY-ADMIN.

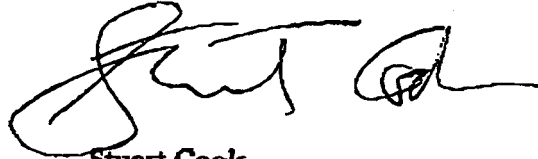
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Comment Letter J

Joe Seto
May 5, 2006
Page 3

Thank you again for the opportunity to review the DEIR. We look forward to receiving a copy of the Final EIR when it becomes available.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stuart Cook', with a stylized flourish at the end.

Stuart Cook
Assistant Director

CC: James Sorensen
Pat Cashman
Nelson Fiahlo, City of Pleasanton

J. Alameda County Community Development Agency

Stuart Cook

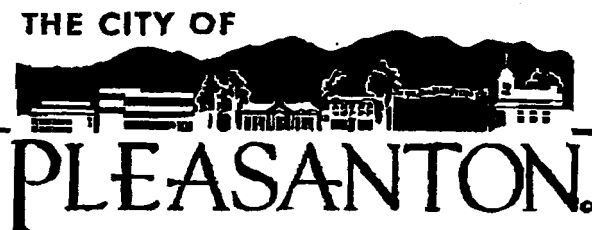
- J-1) Please refer to Section 2, Master Response 2.4, FEMA Floodplain Mapping, LOMR Revisions, and SMMP Modeling.
- J-2) Comment acknowledged. 44 CFR 65.3¹ does require the submission of technical or scientific data concerning physical changes affecting flooding conditions within six months after such information becomes available. However, the party required to notify the FEMA Administrator of the changes and to provide the supporting data, is the “community”. As used in Part 65 of the CFR, “community” is defined as “...any State or area or political subdivision thereof,...which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction”. Further, 44 CFR 65.4(b) provides that all requests for changes to effective maps, other than those initiated by FEMA, must be made in writing by the Chief Executive Officer (CEO) of the community or an official designated by the CEO. The “community” for the Staples Ranch area, would be Alameda County. Alameda County has adopted a Floodplain Management Ordinance (Gen. Ordinance Code Chapter 15.20 et seq.) which designates the Director of Public Works as the Floodplain Administrator under said Ordinance:

As the property owner of Staples Ranch and presumably the beneficiary of any NFIP map revision excluding the area from within the FEMA 100-year floodplain, the Surplus Property Authority is the appropriate party to submit its request and the required supporting information, to the County of Alameda Public Works Agency which can in turn, request a change to the NFIP effective map based upon the physical changes brought about by the Project. Zone 7 is not the appropriate requesting party to obtain a NFIP map revision vis a vis the Staples Ranch property as it is not the land owner, was not the Project owner, is not the participating community and more practically, does not possess any of the required technical and scientific data to support any such request. The SMMP relies upon the most current information available which include the most current FEMA NFIP Maps and subsequent LOMRs files and accepted as of March 2006, and until FEMA issues a LOMR for the Staples Ranch property, Zone 7 is not free to disregard its inclusion in the FEMA 100-year floodplain.

- J-3) Please refer to Section 2, Master Response 2.4, FEMA Floodplain Mapping, LOMR Revisions, and SMMP Modeling.
- J-4) Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding.

¹ According to 44 CFR 65.3, “A community’s base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Administrator of the changes by submitting technical or scientific data in accordance with this part. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.”

Comment Letter K



May 8, 2006

Mr. Joe Seto, Senior Engineer
Zone 7 Water Agency
100 North Canyon Parkway
Livermore, California 94511

RE: Stream Management Master Plan and Draft EIR Comments

Dear Mr. Seto:

We appreciate the opportunity to comment on both the Stream Management Master Plan and its Draft EIR. We thank Zone 7 for addressing the many issues and programs identified in the Stream Management Master Plan (SMMP) and analyzed in the MEIR. We have reviewed both documents and have the following comments:

Comments on the Stream Management Master Plan

The City of Pleasanton supports the SMMP as it relates to attaining and enhancing SMMP goals through projects located upstream, within, and downstream of Pleasanton. One of the goals of the SMMP is flood protection and the City would also like to ensure that Zone 7 takes all necessary steps to protect our residents, businesses and property within the City and we hope this continues to be a high priority in implementing the SMMP projects.

Zone 7 states that it currently owns and maintains approximately 39 miles of drainage, most of which appears to be in the lower portions of the drainage basin. The City of Pleasanton believes that it would be in the best interest of Zone 7 and the Tri-Valley for Zone 7 to expand its ownership and maintenance of the current publicly and privately owned drainage ways, flood control channels, and streams as part of the implementation of the SMMP projects. This would establish a more comprehensive and standard stream management system within the area by one agency.

K-1

The City supports implementing projects that contribute to or guarantee a year-round flow of water in the Arroyo Del Valle through Pleasanton. This year-round flow would act to implement many of the SMMP goals to enhance water supply, water quality, habitat and environmental, trails, recreation, and public education.

K-2

The Plan includes trail construction and maintenance in Reaches 6, 7, 8, 9, 10, and 11 within the City of Pleasanton. The City of Pleasanton, as well as the City's Trails Ad Hoc Committee, supports this concept and finds it consistent with our community's desire for a comprehensive trail system with regional trail connections. The City notes that ownership of the land on which the existing trails are located should

K-3

P. O. Box 520, Pleasanton, CA 94566-0802

200 Old Bernal Avenue

Planning & Community Development
(925) 931-5600
Fax: 931-5483

Building Inspection
(925) 931-5300
Fax: 931-5478

Utility Billing
(925) 931-5425
Fax: 931-5481

Business License
(925) 931-5440
Fax: 931-5481

Comment Letter K

Mr. Joe Seto
May 8, 2006
Page 2

continue to remain with Zone 7, and that the City, as licensee, is responsible for operation and maintenance of those trails. The City also acknowledges that it shall coordinate any future trail segments that it shall operate with Zone 7 in advance.

K-3

The discussion of financing the capital program needed to implement the proposed projects is quite limited. The City of Pleasanton is concerned that the method of financing these project be fairly determined so as not to impact any particular jurisdiction, property owner, or development.

K-4

Comments on the Stream Management Master Plan EIR

(Suggested deletions are indicated by strikeouts and additions/changes are indicated by underlines.)

Page 2-3, first partial paragraph, third sentence does not take into account possible future quarries adjacent to the Chain of Lakes. Add "existing active quarries" to the sentence for clarification: "The historic and ongoing gravel mining in existing active quarries in the Chain of Lakes area . . ."

K-5

Page 2-10, first paragraph, second sentence states that the valley is "suburban" without mentioning urban. This is misleading. We suggest rewriting the sentence: "As this valley becomes transformed from rural to urban and suburban . . ."

K-6

Page 2-10, first bullet, the Chain of Lakes is located in the Pleasanton Planning Area and part of the 100-year flood would impact land within Pleasanton city limits. Add Pleasanton to this bulleted item: "Area around the Chain of Lakes in the cities of Livermore and Pleasanton bound . . ."

K-7

Page 2-28, (Table 2-4) for Project No. 8-4, there is a discussion of the need for floodwalls and a drainage pump for the Valley Trails neighborhood. When the City of Pleasanton studied the impacts of the old bridge abutment removal at the Bernal Avenue Bridge (analysis by Shaaf and Wheeler) it determined that channel bank erosion downstream of the bridge had increased flow capacity, reducing water surface elevations upstream significantly. Has that study been included in the conclusion reached within the SMMP and MEIR that floodwalls are necessary at Valley Trails and other SMMP improvements upstream?

K-8

Page 2-39, second paragraph under "Reach 5 Projects" should note that project R5-3 is also located partially in Reach 6.

K-9

Page 2-43 for Reach 9 Projects, the MEIR references the capacity of the Dublin Canyon Road Bridge. Please note that the City of Pleasanton has plans for the widening of Dublin Canyon Road in this vicinity, with an extension of the bridge/culvert at this location. In the MEIR Appendix, project R9-4 refers to Dublin Canyon "Boulevard" and does not reference the City of Pleasanton.

K-10

For projects within Reaches 8 and 9 that improve drainage and decrease or minimize flooding north of Interstate 580, specifically projects for improving drainage from Tassajara Creek, Chabot Canal and

K-11

Comment Letter K

Mr. Joe Seto
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Page 3

Tributaries to Alamo Canal (projects R.8-1, R.8-2, R.8-3, R.8-4 and R.9-4), the City of Pleasanton continues to be concerned that some or all of these projects may have a detrimental flooding impact to adjacent or downstream areas within the City. Specifically, implementation of these Reach 8 and 9 projects may create flooding or property damage downstream of these improvements on much of the commercial and residential areas within the northern portion of Pleasanton, as these properties were designed using past flood-level data. In addition, if some or all of the proposed Reach 8 and 9 projects are scheduled and implemented before other projects that would alleviate these downstream flooding concerns through Pleasanton (such as noted below in reference to page 2-61), they may further aggravate localized flooding with the City. We recommend that Zone 7 complete specific project-level engineering studies and EIRs on these named improvement projects, taking into account the current land use, topographical information, channel conditions and flood conveyance capacities downstream of these improvements, to assure no adverse impacts would occur within or upstream of Alamo Canal, Arroyo Mocho or the Arroyo de la Laguna as a result of relieving flooding issues north of I-580.

K-11

Page 2-51, Flood Detention and Conveyance Alternative, the City of Pleasanton believes that it is essential that Zone 7 use this list as the first phase of a multi-phase approach to the goals within the SMMP. As stated in this MEIR section, "Implementation of these projects would substantially alleviate capacity deficiencies and reduce potential flooding resulting from 100-year storm events." By focusing initial efforts of the SMMP on these projects, one of the key SMMP Goals to "Protect people, property and stream corridors from damaging drainage and floods" could be met as soon as possible.

K-12

Page 3.2-7 under the heading ADLL and Alameda Creek there is a statement that the channel capacity has been reduced due to sediment deposition and bank instability. Recent studies conducted by Shaaf and Wheeler for the City of Pleasanton have concluded that in certain segments of the channel, capacity has increased due to on-going bank erosion, enlarging the cross sectional area. This enlargement of cross sectional area along with the removal of the constriction of the ancient abutment at the Bernal Bridge lowered calculated water surface elevations significantly. With implementation of bank stability measures with the SMMP that may increase the cross sectional area, it is possible that channel capacity would be further improved.

K-13

Page 3.2-38, Figure 3.2-7. Does this figure incorporate the recent analysis of Shaaf and Wheeler (2004-05) with regard to water surface elevation upstream of the Bernal Bridge?

K-14

Page 3.4-8, Reach 6 paragraph, tenth line, rewrite the next three sentences starting with "One school" as this information conflicts with information in the second sentence of this paragraph: "Construction activities may affect operations at Mohr Elementary School. Zone 7 would consult with the Pleasanton Unified School District to coordinate activities if that were to occur."

K-15

Page 3.5-23, the mitigation measures would not mitigate impacts to a less-than-significant level. Removing heritage trees and replacing them with younger and smaller trees could result in significant unavoidable environmental effects at the MEIR level. The EIR identifies the significant effects and

K-16

Comment Letter K

Mr. Joe Seto
May 8, 2006
Page 4

- Pleasanton disagrees with the conclusions only. Because it is unknown whether healthy, viable heritage trees would be destroyed, Zone 7 must make findings of overriding considerations. K-16
- Page 3.5-27, first bullet, CEQA is not a permitting process and confers no approval of a project. Rewrite the sentence: "In support of the ~~CEQA~~, RWQCB, CDFG and USFWS permitting processes . . ." K-17
- Page 3.7-6, first full paragraph, the EIR should mention that measures that would lessen PM₁₀ emissions would also lessen PM_{2.5} emissions to a less-than-significant level. K-18
- Page 3.7-6 and 7, under construction impacts, this EIR does not explicitly discuss PM_{2.5} emissions and it should. K-19
- Page 3.7-8, second to the last bullet, the BAAQMD measure recommends suspending construction when winds exceed 25 mph. Please rewrite the measure: "When winds (instantaneous gusts) exceed 25 mph, suspend excavation and grading activity or water more frequently, as necessary to protect sensitive receptors." K-20
- Page 3.8-5, last paragraph, because Table A.3.8-2 contains the actual significance criteria, the EIR should include it in the text and not hide it in Appendix 3.8. K-21
- Page 3.13-1, first paragraph under "Existing Environment," refers to the area as the "Livermore Valley." This area is considered the Tri Valley area and not only Livermore Valley (i.e., Pleasanton is in Amador Valley). K-22
- Page 5-10, first paragraph under General Plan and Municipal CIP impacts," fifth line, replace "Livermore Valley" with "Tri Valley." K-23
- Page 5-11, under "General Plan and Municipal CIP Effects" the text should refer to the possibility of constructing more than one project (from any jurisdiction) at the same time. K-24
- Page 5-11, under "Air Quality, SMMP Contribution" the text should mention that construction impacts such as fugitive dust tend to be local in nature and would not be anticipated to combine with other projects outside of the project vicinity. K-25
- Page 5-12, under "Noise, General Plan and Municipal CIP Effects" and "SMMP Contribution" the text should refer to the possibility of constructing more than one project (from any jurisdiction) at the same time. K-26
- Page 5-13, under "Traffic, General Plan and Municipal CIP Effects" and "SMMP Contribution" the text should refer to the possibility of constructing more than one project (from any jurisdiction) at the same time. K-27

Comment Letter K

Mr. Joe Sato
May 8, 2006
Page 5

Page 5-14, under "Hazardous Materials, General Plan and Municipal CIP Effects" and "SMMP Contribution" the text should refer to the possibility of constructing more than one project (from any jurisdiction) at the same time.

K-28

Page 5-12, under "Noise, General Plan and Municipal CIP Effects" and "SMMP Contribution" the text should refer to the possibility of constructing more than one project (from any jurisdiction) at the same time.

K-29

Page 5-17, second line on the page, replace "Livermore Valley" with "Tri Valley."

Page 5-22, of the second line of Impact 5.7, replace "Livermore Valley" with "Tri Valley."

Page 5-24, of the second line of Impact 5.8, replace "Livermore Valley" with "Tri Valley."

K-30

Page 5-25, lines seven and eight under "SMMP Contribution," replace "Livermore Valley" with "Tri Valley."

Page 5-25, of the second line of Impact 5.9, replace "Livermore Valley" with "Tri Valley."

Page 5-26, "SMMP Contribution" the text should refer to the possibility of cumulative visual impacts due to construction of more than one project (from any jurisdiction) in the same area at the same time.

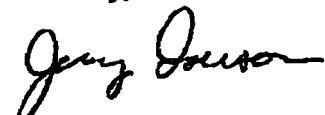
K-31

Appendix 2.0, page 88. As noted earlier in this comment letter, it appears that the Plan's recommendation to build floodwalls and to provide pumps at Valley Trails does not take into account the recent work by Shaaf and Wheeler (2004/05) in determining the 100-year floodwater surface elevation (for a FEMA flow of 17,000 cubic feet per second - CFS) based on abutment removal and channel erosion down stream of the Bernal Bridge. Has this work been reviewed and incorporated within the SMMP project recommendations? That study concluded that the water surface elevation for the 17,000 CFS flows has been reduced up to 2 feet opposite the Valley Trails area. The new ultimate flow projections of 18,500 CFS (with Chain of Lakes detention upstream) would result in a higher WSE, but would that higher WSE be such to require floodwalls?

K-32

Thank you again for the opportunity to comment on the Draft SMMP and MBIR.

Sincerely,



Jerry Iserson
Director of Planning and Community Development

cc: Steve Cusenza, Phil Grubstick, Fan Ventura, Janice Stern, Sally Maxwell

K. City of Pleasanton

Jerry Iserson

- K-1) Comment acknowledged. The nature and extent of the specific property rights to be acquired is an important issue related to project implementation and stream management policies. This issue will be addressed during the Implementation Planning phase of the SMMP, which is scheduled to begin in Fall 2006.
- K-2) Comment acknowledged.
- K-3) Comment acknowledged.
- K-4) Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding.
- K-5) Comment acknowledged. See Chapter 4, Changes to the Draft MEIR.
- K-6) Comment acknowledged. See Chapter 4, Changes to the Draft MEIR.
- K-7) Comment acknowledged. See Chapter 4, Changes to the Draft MEIR.
- K-8) The 2004-05 Schaaf & Wheeler study was taken into consideration during the development of SMMP. It was determined through hydraulic analysis that under the future flows, the FEMA freeboard requirement² would not be met with the existing channel conditions. Therefore, improvements would be needed upstream to meet the freeboard requirements. As such, levees and floodwalls have been recommended at several locations under the SMMP.
- K-9) Comment acknowledged. See Chapter 4, Changes to the Draft MEIR.
- K-10) Comment acknowledged.
- K-11) Please refer to Master Response 2.1, SMMP Implementation and Funding, and Master Response 2.2, Use of Master EIR.
- K-12) Comment acknowledged. Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding.
- K-13) Comment acknowledged.
- K-14) Figure 3.2-7 on page 3.2-38 of the MEIR incorporates the recent 2004-05 analysis by Schaaf & Wheeler.
- K-15) See Chapter 4, Changes to the Draft MEIR.

² Under 44 CFR Part 65.10

- K-16) Comment acknowledged. Please refer to Master Response 2.1, SMMP Implementation and Funding, and Master Response 2.2, Use of Master EIR. Mitigation Measures 3.5.2a and 3.5.2b would reduce the impacts to heritage and other significant trees at MEIR level.
- K-17) Comment acknowledged. See Chapter 4, Changes to the Draft MEIR.
- K-18) Comment acknowledged. Impact 3.7-1 on page 3.7-6 of the MEIR discusses the impact from criteria air pollutant emissions from project construction. As noted in the Setting section, criteria air pollutants include both PM10 and PM2.5. PM10 would be reduced to less-than-significant levels by implementation of BAAQMD measures during construction. PM2.5 primarily form a part of vehicle exhaust emissions. Given the minimal short-term increase in vehicle trips related to the SMMP, the increase in PM2.5 levels is not considered to be significant.
- K-19) Please see response to comment K-18.
- K-20) Comment acknowledged. Please see Chapter 4, Changes to the Draft MEIR.
- K-21) The regulatory framework and standards in the MEIR have been organized as appendices for individual sections in Chapter 3, Environmental Setting, Impacts, and Mitigation Measures. Table A.3.8-2 is a part of Appendix 3.8 that presents regulatory standards for Section 3.8, Noise, in the MEIR. No change is required.
- K-22) Comment acknowledged. Please see Chapter 4, Changes to the Draft MEIR.
- K-23) Comment acknowledged. Please see Chapter 4, Changes to the Draft MEIR.
- K-24) The General Plan and Municipal CIP Effects for air quality on page 5-11 of the MEIR discuss the effects of concurrent implementation of different projects under the general plans and municipal CIPs. This section discusses the cumulative impacts of such projects within the city limits of Dublin, Pleasanton, and Livermore and Alameda County, i.e., construction of multiple projects within different jurisdictions at the same time. As noted in Section 5.2.5 on page 5-9 of the MEIR, although the timing of the projects is likely to fluctuate due to schedule changes or other unknown factors, the analysis assumes that the SMMP would be implemented concurrently with the projected development or improvement in the area.
- K-25) Comment acknowledged. As stated under the SMMP Contribution on page 5-11 of the MEIR, concurrent construction of individual SMMP projects with development and municipal CIPs in the Livermore Valley would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. The BAAQMD Guidelines indicate that construction-related emissions of criteria pollutants are accounted for in the emission inventory that is the basis for regional air quality plans; thus, construction-related emissions are not expected to impede attainment or maintenance of ozone or carbon monoxide standards in the Bay Area. As such, the potential contribution of SMMP to air quality impacts would be rendered less

than cumulatively considerable through implementation of these measures, as required in Mitigation Measures 3.7-1a through 3.7-1c.

- K-26) The General Plan and Municipal CIP Effects for noise and SMMP Contribution on page 5-12 of the MEIR discuss the effects of concurrent implementation of different projects under the general plans and municipal CIPs. This section discusses the cumulative impacts of such projects within the city limits of Dublin, Pleasanton, and Livermore and Alameda County, i.e., construction of multiple projects within different jurisdictions at the same time. As noted in Section 5.2.5 on page 5-9 of the MEIR, although the timing of the projects is likely to fluctuate due to schedule changes or other unknown factors, the analysis assumes that the SMMP would be implemented concurrently with the projected development or improvement in the area.
- K-27) Comment acknowledged. The General Plan and Municipal CIP Effects for traffic and SMMP Contribution on page 5-13 of the MEIR discuss the effects of concurrent implementation of different projects under the general plans and municipal CIPs. This section discusses the cumulative impacts of such projects within the city limits of Dublin, Pleasanton, and Livermore and Alameda County, i.e., construction of multiple projects within different jurisdictions at the same time. As noted in Section 5.2.5 on page 5-9 of the MEIR, although the timing of the projects is likely to fluctuate due to schedule changes or other unknown factors, the analysis assumes that the SMMP would be implemented concurrently with the projected development or improvement in the area.
- K-28) Comment acknowledged. The General Plan and Municipal CIP Effects for hazardous materials and SMMP Contribution on page 5-14 of the MEIR discuss the effects of concurrent implementation of different projects under the general plans and municipal CIPs. This section discusses the cumulative impacts of such projects within the city limits of Dublin, Pleasanton, and Livermore and Alameda County, i.e., construction of multiple projects within different jurisdictions at the same time. As noted in Section 5.2.5 on page 5-9 of the MEIR, although the timing of the projects is likely to fluctuate due to schedule changes or other unknown factors, the analysis assumes that the SMMP would be implemented concurrently with the projected development or improvement in the area.
- K-29) Comment acknowledged. Please see response to comment K-26.
- K-30) Comment acknowledged. Please see Chapter 4, Changes to the Draft MEIR.
- K-31) Comment acknowledged. SMMP Contribution on page 5-26 of the MEIR discusses the effects from SMMP implementation to the cumulative visual resource impacts along with concurrent implementation of different projects under the general plans and municipal CIPs. As noted in Section 5.2.5 on page 5-9 of the MEIR, although the timing of the projects is likely to fluctuate due to schedule changes or other unknown factors, the analysis assumes that the SMMP would be implemented concurrently with the projected development or improvement in the area.

- K-32) As noted in the responses to comments K-8 and K-14, the 2004-05 Schaaf & Wheeler study was taken into consideration during the development of SMMP. It was determined through hydraulic analysis that under the future flows, the freeboard requirement would not be met with the existing channel conditions. Therefore, additional improvements would be needed upstream to meet the freeboard requirements. The Federal Register (Section 44 CFR Part 65.10) states that the levees are required to provide three feet of freeboard. Pad elevations in the Del Prado and Valley Trails neighborhoods were found to be lower than levees thus triggering the 3-foot requirement. Under future flows, the 3-foot requirement would not be met; therefore floodwalls are required and recommended.

Comment Letter L



Livermore Area
Recreation & Park District
An independent special district

4444 East Ave., Livermore, CA 94550-5053
(925) 373-5700, www.larpd.dsi.ca.us

General Manager
Timothy J. Bary

May 11, 2006

Joe Seto, Senior Engineer
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

RE: Draft Environmental Impact Report for the Stream Management Master Plan

Dear Joe:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the Zone 7 Stream Management Master Plan (SMMP). The proposed improvements and mitigation measures provide unique opportunities for expansion of recreation facilities and habitat enhancement activities supported by the Livermore Area Recreation and Park District (District).

However, the District has significant concerns regarding the potential impacts of the proposed stream and flood improvements on existing and future District recreation and park facilities. It appears that Draft EIR does not include sufficient consideration and review of the District's Park and Trail Master Plans to determine consistency with and impacts to the Master Plans. The District is currently updating its Master Plans and anticipates completion by mid-2007. Substantial coordination among various agencies' plans for stream management, flood protection, habitat protection, and recreation is crucial to ensure effective implementation of proposed program and facilities and avoidance of conflicts.

L-1

General Comments

The District commends Zone 7 for their recognition of the importance of trail, recreation and environmental education elements in the SMMP. These opportunities are extremely important to the quality of life in the local communities affected by this plan. However, the District would like to express a concern over the patchwork system of channelized vs. natural streams. The District feels that the wildlife, recreational and aesthetic value of natural streams is important to be maintained and that channel realignment and the creation of man-made stream channels and riparian habitat should be minimized.

L-2

Comment Letter L

Joe Seto, Zone 7
May 11, 2006
Page Two

The District finds that the lack of details in the scope of work for the individual projects identified in the SMMP EIR makes it difficult to adequately review and make substantive comments on specific projects that affect LARPD facilities and operations. The Draft EIR does not provide an evaluation of consistency with the District's Park Master Plan, Trail Master Plan or other master plans for specific facilities for the proposed trail and habitat improvements in the SMMP. The District feels that this omission is significant.

L-3

In general, identified mitigation measures seem reasonable. However, there is incomplete information for handling several types of impacts and what mitigation measure will be taken. For example, there is substantial discussion regarding the need to control non-native predators such as Bull Frogs, but no details on how this control will be accomplished and where funding for this activity would come from. The issue of mosquito control is another example. The issue of mosquito control is identified, but proposed control methods are not specified. The District is concerned as some methods of control, such as mosquito fish, have their own negative impacts on the environment and wildlife. Implementation of mitigation measures addressing wildlife and habitat issues must include consultation with other affected agencies, such as LARPD, in order to avoid creating additional new impacts.

L-4

L-5

Trails

The community's current trail system (Livermore/Murray Township) is fragmented between three agencies without any significant coordination between the agencies for the maintenance, operations, and regulation enforcement of existing trails. The SMMP proposes to further increase that fragmentation. It is the District position that Zone 7 should not be operating recreational trails in District's service area. However, with the development of new trails, there is a need for ongoing funding to provide for the operations and maintenance of these new facilities. The District is willing to maintain and operate these new facilities, but will not accept new responsibilities without adequate funding for maintenance and operations.

L-6

The SMMP has identified maintenance activities and the estimated associated costs. Do the estimates include the costs of routine, ongoing supervision and operation of these trail facilities?

L-7

A significant number of diverse trail features are proposed with no information on trail standards, connectivity to other agencies' trail systems (future and existing). Are these trails multi-purpose trail sections or are they just a paved trail sections? How will these trail sections match up with other trail facilities being provided by other

L-8

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agencies, particularly LARPD? Any trails to be accepted by the District for maintenance and operation must be consistent with the District's Trail Master Plan and constructed to District standards, where feasible.

L-8

Alkali Sink Wetlands (Project R1-2)

The District, Zone 7 and the City of Livermore should coordinate efforts and jointly seek opportunities for the preservation of the Bird's Beak/Alkali Sink area. Opportunities for habitat preservation, enhancement and creation may be available utilizing existing and new parkland as mitigation sites. The District has an interest in managing the Bird's Beak/Alkali Sink area as a preserve and would like to be identified as a coordinating agency.

L-9

Table A.3.5-1 omits San Joaquin or Valley Spearscale which is found in the Garaventa Wetland Preserve and surrounding alkali wetlands.

L-10

Robertson Park (Project R3-2)

Robertson Park is owned and operated by LARPD. It is not a City of Livermore facility as indicated on page 3.4-7, Reach 3 description and in Table 3.4-2.

L-11

How will the meandering channel impact the existing bridge structures in Robertson Park? Substantial elements of this project are not included in the current Robertson Park Master Plan and are in direct conflict with the existing and planned facilities and current public use. The proposed levees will impact several existing recreational facilities. How will that be mitigated? Who will operate and maintain the proposed Education Center/Indoor Classroom and how will the public access the facility in the proposed location? While the District may be interested in such a facility, consistency with development plans for Robertson Park and the appropriateness of the facility at this location would need to be determined. There is substantial native, riparian habitat currently in place, with limited non-native vegetation. Yet the project proposes to "Manage vegetation by removing non-native species along 6,000 feet on both banks of stream". The District believes that the proposed habitat for California Tiger Salamander in this location is non-existent and would be of limited or no value. How will the continued year-round water releases affect the sycamore woodland in this facility?

L-12

Based on the information provided, it appears that the proposed improvements in this area are inconsistent with District plans for Robertson Park. Recreational uses consistent with resource agencies' requirements are planned by the District along the

L-13

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Joe Seto, Zone 7

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Page Four

arroyo. Based on the description and maps of the project, the District strongly disagrees with the finding (Page 3.4-7, Reach 3 description) that the impacts of this project is "a less-than-significant level" to the recreational facilities and operations.

L-13

Sycamore Grove Park (Project R4-1)

There is a serious omission in the SMMP regarding the impacts of Lakes A and B on upstream groundwater levels and the corollary affect on existing, upstream riparian woodlands in Sycamore Grove Park. The effect of groundwater levels from Lakes A and B should be studied to determine the long-term impacts to the Park.

L-14

The District takes exception to the statement "The report also found that sycamore growth has increased to average or above average since 1993, suggesting that environmental conditions since 1993 are generally conducive to mature tree growth". This statement is out of context from the Sycamore Recovery Program Phase I and ignores the District's long-term goal in co-commissioning the study with Zone 7 for the long-term health and survivability of the grove. The short-term improvement in growth in the grove appears to be inconsequential and possibly misleading. The District believes that this statement has no bearing on this project and should be removed from the Notes.

L-15

Habitat Creation and Preservation

Many projects discuss creating wetland areas as specific mitigation for California Tiger Salamanders (CTS) without discussing protection of upland habitat areas around the proposed mitigation ponds. Without protection of upland habitat accessible by the CTS, ponds intended as habitat for sustaining or expanding the target species population will be ineffective.

L-16

Many projects discuss creating wetland areas as specific mitigation for California Red-legged Frog without discussing protection of the proposed mitigation ponds, or the control for detrimental species, such as Bull Frogs. Without site protection and the control of aggressive, non-native competitor species, ponds intended as habitat for sustaining or expanding the target species population will be ineffective.

Subsequent Environmental Review and Project Details

Given the lack of significant detail for projects in the SMMP, will subsequent environmental review be conducted prior to implementation of the projects? The District is particularly concerned with the lack of analysis relating to the impacts to

L-17

Comment Letter L

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and coordination with District facilities and operations in the Draft EIR and subsequent, more detailed environmental review is needed.

Many of the maps are inadequate with little or no reference points to orient the reviewer. In addition, map scale does not allow for detailed review of potential impacts on District facilities and operations.

L-17

Other Specific Project Comments

Project R1-7 – Capacity Improvement at Arroyo Las Positas

The creation of off-line seasonal ponds for creating habitat for California Tiger Salamanders and California Red-legged Frog in this location seems ineffective due to the lack of upland habitat and has limited or no habitat value.

L-18

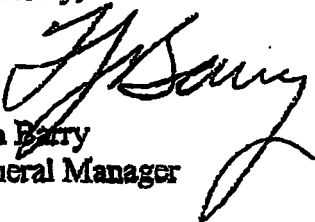
Project R2-1 – Velocity Control Project

What impact will this project have on Bill Payne Sports Park? This is a major LARPD facility with year-round, high intensity use. How is the implementation of this project going to impact park operations and public use?

L-19

The District looks forward to working with Zone 7 on the implementation of the SMMP. The proposed SMMP includes unique opportunities for development of facilities that will provide a variety of benefits to the community. Please contact me at (925) 373-5727 if you have any questions.

Sincerely,


Tim Barry
General Manager

cc: LARPD Board Members
Mike Nicholson, LARPD Ranger/Naturalist Supervisor
Brian Tibbets, LARPD Senior Recreation Supervisor
Linda Barton, Livermore City Manager
Marc Roberts, Livermore Community Development Director
Eric Brown, Livermore Planning Manager
Susan Frost, Principal Planner

L. Livermore Area Regional Parks District

Tim Barry

- L-1) Please see Section 2, Master Response 2.2, Use of Master EIR. Regarding the consistency of the SMMP and individual projects with adopted plans and policies, see Response B-2. Coordination with agencies will be a part of the Implementation phase of the SMMP.

- L-2) Comment acknowledged. As stated on page 2-12 of the MEIR under Resource Area Goals and Objectives, the SMMP has been developed to provide flood protection while also considering other resource areas affected by management of flood channels and arroyos. Therefore, the goals and objectives for SMMP are categorized based on the resource areas of flood protection and drainage, erosion and sedimentation, water supply, water quality, and habitat and environment that are balanced with the need for trails, recreation, and public education. Also, please refer to Section 2, Master Response 2.3, SMMP Goals and Objectives.

- L-3) Comment acknowledged. Regarding the level of detail in MEIR, please refer to Section 2, Master Response 2.2, Use of Master EIR. Regarding the consistency of the SMMP and individual projects with adopted plans and policies, see Response B-2.

- L-4) Please refer to Section 2, Master Response 2.2, Use of Master EIR.

- L-5) Please refer to Section 2, Master Response 2.2, Use of Master EIR.

- L-6) Comment acknowledged.

- L-7) Annual maintenance costs for trail facilities include ongoing supervision and operation activities such as field inspection, fence and sign repair, and minor trail repair (assuming 10 percent of trail length will be repaired on an annual basis). Table G-3 and Chapter G.3.1 in Appendix G of the SMMP provides information regarding cost assumptions for maintenance.

- L-8) Comment acknowledged. Within the SMMP, most trails recommended are Class 1 multi-use trails (either new trails or service roads to be upgraded to multi-use trails). Standards for both types of trails are defined in the Livermore Bikeways and Trails Master Plan adopted in 2001. Class I multi-use trails are intended for use by bicycles and pedestrians. The trails include an asphalt path and a wide shoulder to accommodate potential equestrian use. The trails conform to the City of Livermore's standards.

- L-9) Comment acknowledged. Zone 7 will coordinate with LARPD in managing the Bird's Beak/Alkali Sink area as a part of Project R.1-2.

- L-10) Comment acknowledged. Table A.3.5-1 in the MEIR will be updated. This does not affect the analysis in the MEIR. Project specific environmental analysis for the SMMP

projects located in the vicinity of Garaventa Wetland Preserve and surrounding alkali wetlands area will consider potential effects to the San Joaquin or Valley Spearscale.

- L-11) Comment acknowledged. Please see Chapter 4, Changes to the Draft MEIR.
- L-12) Comment acknowledged. An operations plan will be developed to address operations and maintenance issues such as specific elements of Project R.3-2 and operation of the education center/classroom, in the future phases of the SMMP.
- L-13) Comment acknowledged. As noted in the Implementation Issues for Project R.3-2 in Appendix 2 of the MEIR, Zone 7 will coordinate with LARPD on specific elements of this project. The SMMP has taken into account the Livermore Bikeways and Trails Master Plan adopted in 2001. The implementation phase of the SMMP will include coordination with LARPD concerning the proposed improvements at Robertson Park.
- L-14) Comment acknowledged. Please refer to Response B-32.
- L-15) Comment acknowledged. The last sentence in the Notes for Project R.4-1 in Appendix 2 of the MEIR, "The report also found that sycamore growth has increased to average or above average since 1993, suggesting that environmental conditions since 1993 are generally conducive to mature tree growth" has been deleted.
- L-16) Regarding the level of detail in the SMMP and MEIR and subsequent project specific review, please refer to Section 2, Master Response 2.2, Use of Master EIR.
- L-17) Regarding the level of detail in the SMMP and MEIR and subsequent project specific review, please refer to Section 2, Master Responses 2.2, SMMP Implementation and Funding, and 2.2, Use of Master EIR.
- L-18) Regarding the level of detail in the SMMP and MEIR and subsequent project specific review, please refer to Section 2, Master Response 2.2, Use of Master EIR.
- L-19) Comment acknowledged. For Project R.2-1, work will be conducted within the stream near the Bill Payne Sports Park. Since there is a maintenance road on the north-side of the channel, no impact to the Sports Park is expected.

DRAFT

Mr. Joe Seto
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94550

Re: Comments on Zone 7 Stream Management
Master Plan Draft EIR

Dear Mr. Seto:

I write on behalf of Pleasanton Gravel Co. and its related entities (referring to all as "Pleasanton Gravel Co.") with regard to the draft environmental impact report ("DEIR") for Zone 7's proposed Stream Management Master Plan. Pleasanton Gravel Co. owns hundreds of acres of sand and gravel land located south of the City of Livermore's municipal airport and east of El Charro Road that would be affected by this proposed Plan, some of which is licensed to Vulcan Materials Company for sand and gravel mining operations. These gravel lands are the single largest concentration of high quality sand and gravel deposits in the Bay Area.

The DEIR fails to correctly identify many of the significant issues that Zone 7 will face in any effort to implement the new Plan and it is inadequate as an informational document. We ask that the comments below be specifically addressed in written responses as required by the California Environmental Quality Act ("CEQA"), and that the proposed Plan be modified accordingly.

1. Failure To Adequately Identify And Discuss Cost And Issues
Associated With The Proposed Projects

The DEIR identifies three specific projects that would affect Pleasanton Gravel Co. The first is Project R5-3, described at pages 58-60 and mapped at page 61 of Appendix 2.0 (the Arroyo las Positas Diversion Project), and the second and third are Projects R6-2, described at pages 66-67 and mapped at page 68 of Appendix 2.0 (the Arroyo Mocho Bypass and Regional Storage at Chain of Lakes Project) and R6-1, described at pages 63-64 and mapped at page 65 of Appendix 2.0 (the Arroyo Mocho Management Plan).

A. Project R5-3: The Arroyo las Positas Diversion Project

The Arroyo las Positas Diversion Project is described as including the construction of a diversion channel to divert flood water from the Arroyo las Positas to Lake G and Cope Lake in the Chain of Lakes, and the construction of a 3,000 foot diversion/drainback channel. This project and these components raise numerous issues that are not adequately addressed.

Initially, we note that the proposal identifies the necessary land acquisition for the project as approximately 40 acres (page 58 of Appendix 2.0). The accompanying map indicates that virtually all of this acquisition would be the SMP 38 property owned by Pleasanton Gravel Co. This property has been permitted for mining since 1956, and the existing permit gives Pleasanton Gravel Co. a vested right to mine the land.

We assume that Zone 7 not only would like to be able to use the property after it has been mined for the purposes set forth in the DEIR, but also that it would like to achieve those purposes in the near future. But, there are several obstacles to any such plan. Most importantly, the property cannot be mined before 2030 without the consent of Vulcan Materials Company, because of contractual restrictions on its use. Mining before that time thus would require a new mining agreement for the property between Pleasanton Gravel Co. and Vulcan.

M-1

In addition, any such mining would require the cooperation of both Alameda County, which must approve a reclamation plan for the property before mining may occur, and Zone 7, which previously submitted comments opposing Pleasanton Gravel Co.'s proposed reclamation plan. Mining in the near term future thus cannot legally occur without cooperation between these entities, including Zone 7, and Pleasanton Gravel Co. Pleasanton Gravel Co., of course, intends to mine SMP 38, but whether it will mine it earlier or later is not a question it can decide without the cooperation of these entities.

If, on the other hand, Zone 7 is suggesting that it would acquire SMP 38 by sale or condemnation *before* mining occurs, then the DEIR does not adequately discuss the costs of the proposed acquisition and it fails to reflect the fact that it would destroy the sand and gravel mining value of virtually all of that property.

M-2

As noted earlier, the land proposed to be acquired contains significant sand and gravel deposits, and tests show high concentrations of valuable sand and gravel. We have attached as Exhibit A a letter dated July 8, 2005, written by Rhodes & Jamieson (the management company for Pleasanton Gravel Co.) to the City of Livermore discussing the cost of acquisition of this land. A copy of this letter was sent to Zone 7 at the same time. This letter includes calculations

M-3

documenting that the costs of the proposed acquisition of the 40 acres of land for the Arroyo las Positas Diversion Project would be *at least* \$28,463,100 (that is, the 40 acres described in the DEIR x 284,631 tons of aggregate per acre x \$2.50 per ton current value).

In fact, the acquisition or condemnation cost of this land would be significantly greater than \$28,463,100, because the diversion and diversion/drainback channels proposed for the project cut through the SMP 38 property in such a way that *any* mining of SMP 38 would be effectively prevented, given physical and regulatory constraints. This property contains approximately 103 acres. The additional severance damages with regard to that total acreage would total *a minimum* of \$44,829,383 more (that is, the sand and gravel mining value of the additional 63 acres destroyed by the proposed project is at least 63 acres x 284,631 tons of aggregate per acre x \$2.50 per ton current value). The direct acquisition or condemnation and severance value of the property is thus a *minimum* of \$73,292,483. And, any final condemnation award would be greater, because Zone 7's actions would also cause Pleasanton Gravel Co. to lose the residual value of the land for commercial development after reclamation of the property. We estimate that this land is worth at last \$500,000 per acre today as commercial property, or \$52.5 million. Thus, the total condemnation value would be at least \$125 million.

M-3

The value of this land will increase, as gravel prices and land values in the immediate area continue to increase. The DEIR should discuss and identify these costs so that both Zone 7 and the public will be aware of the actual costs of Zone 7's proposed project, if Zone 7 intends to acquire or condemn it prior to mining. In addition, the DEIR should examine alternatives to this proposed project in light of its apparent fiscal infeasibility.

Second, any acquisition or condemnation of the property before mining occurs would breach Zone 7's Chain of Lakes agreement with Pleasanton Gravel Co. We have also attached as Exhibit B a letter dated March 2, 2005, written to Dale Myers, the General Manager of Zone 7, documenting that conclusion. The Chain of Lakes agreement between Pleasanton Gravel Co. and Zone 7 obligates Zone 7 to "permit reasonable economic mining of sand and gravel from PGC's owned and leased reserves without major alternation to PGC's current mining methods." However, the proposed acquisition would destroy Pleasanton Gravel Co.'s ability to mine this property, thus breaching the agreement. As a result, any attempt by Zone 7 to acquire this property before mining occurs would release Pleasanton Gravel Co. from its obligation to dedicate certain lands being mined by Vulcan Materials Company for the Chain of Lakes. It would also establish the basis for significant damage claims by Pleasanton Gravel Co. against Zone 7 based on Pleasanton Gravel Co.'s prior conveyances of land pursuant to the

M-4

Comment Letter M

Agreement. In addition, any attempt by Zone 7 to condemn the property after mining occurs would result in a very high condemnation award, because it would destroy Pleasanton Gravel Co.'s rights to use and develop the property after the termination of mining.

M-4

Third, Zone 7 previously suggested in comments to Alameda County on Rhodes & Jamieson's application for the reclamation plan for SMP 38 that Rhodes & Jamieson should be compelled to dedicate this area to Zone 7 for water management purposes after the termination of mining. The attached letter to Dale Myers dated March 2, 2005 (Exhibit B) details why any such dedication requirement would also breach the Chain of Lakes agreement. Zone 7 thus cannot legally require any further dedication of property from Pleasanton Gravel Co. for water management purposes. In addition, Zone 7 cannot legally require an early dedication of Lake G of the Chain of Lakes, since this too would violate the Chain of Lakes agreement. All of these issues should be identified and discussed in the DEIR.

M-5

Fourth, the DEIR fails to identify the fact that Zone 7's proposal is inconsistent with, and could preclude, the City of Livermore's proposal in its General Plan to extend Jack London Boulevard from its current terminus immediately south of the Livermore Airport through to El Charro Road. In fact, Pleasanton Gravel Co. has met with representatives of the City of Livermore to discuss that proposal and the routing of any such extension because the City's proposal would likely require some of Pleasanton Gravel Co.'s land.

M-6

CEQA requires a discussion of the inconsistency of the SMMP with the City's plan. Please provide that discussion, and indicate the anticipated costs of coordinating with the City of Livermore and the issues involved in accommodating its plans for the extension of Jack London Boulevard. Please also discuss the impacts on the City of Livermore, its residents, and development planned for other properties close to El Charro Road if the proposed extension of Jack London Boulevard is prevented by Zone 7's plans. In addition, the DEIR should propose alternatives to this project that would accommodate the City of Livermore's plans.

M-7

Fifth, the DEIR indicates only that Zone 7 needs to "[c]oordinate with gravel mining companies" (page 58 of Appendix 2.0) in order to accomplish the Arroyo las Positas Diversion Project. This is incorrect, because Pleasanton Gravel Co. is the owner of the SMP 38 property and it alone has the right to determine the future use of that property.

M-8

Vulcan Materials Company, which is mining other property owned by Pleasanton Gravel Co., has no legal right to mine the SMP 38 property. In

M-9

addition, it has no rights to encumber the property, grant any easement or right of use involving it, or determine its ultimate use. More specifically, it has no rights of any kind to agree with Zone 7 that the property may be used for water storage, flood control, and/or water reclamation purposes, or to convey any or all of the property for such purposes, and it has no rights to commit to any use of Pleasanton Gravel Co.'s land beyond the scope of the Chain of Lakes agreement. With regard to the SMP 38 property, Pleasanton Gravel Co. is the property owner, has the sole right to determine its ultimate use, and its consent and cooperation is therefore necessary for any such proposed project to proceed without litigation. Please revise the DEIR accordingly.

M-9

Sixth, the DEIR must reflect that this project has significant unmitigated indirect environmental impacts. The sand and gravel on Pleasanton Gravel Co.'s property are particularly valuable, because they are high grade aggregate and provide the closest source of these building materials for the Bay Area.

If mining of SMP 38 is precluded by the Arroyo las Positas Diversion Project, Bay Area construction projects will be required to obtain aggregate resources from more distant locations. This would have significant indirect environmental impacts, because it would require greater truck travel; this would cause greater use of fossil fuels and energy costs. This greater travel would also create new air pollution and air quality impacts that the DEIR must analyze. The travel impacts would also include traffic noise and congestion impacts on the other areas from which the aggregates would then have to be obtained and on the highways used to transport the aggregates to construction sites, and on the travelers using those areas and roads. The DEIR should recognize and analyze these indirect impacts, and conclude that Zone 7's Arroyo las Positas Diversion Project would have significant unmitigated adverse impacts in these areas.

M-10

Finally, representatives of Pleasanton Gravel Co. were recently assured by Zone 7 that it has no intent to store reclaimed water of any kind, including water reclaimed through a reverse osmosis process, in any of the Chain of Lakes. However, the DEIR reports at page 2-8 (and perhaps other areas of the DEIR as well) that Zone 7 intends to use the Chain of Lakes in part for the "storage of non-potable water supply." We have also attached a letter dated September 8, 2003 from Zone 7 to the Alameda County Planning Division with comments on Pleasanton Gravel Co.'s application for the reclamation plan for SMP 38 as Exhibit C, which also states that the Chain of Lakes would be used in part for "recycled water storage."

M-11

Please explain the reference in the DEIR and the statement in Zone 7's September 8, 2003 letter, and clarify Zone 7's intended use of the Chain of Lakes

and the proposed water storage facilities on SMP 38, with a specific commitment whether any part of the Chain of Lakes or the proposed water storage facilities would be used for the storage of recycled water.

M-11

B. Projects R6-2 and R6-1: The Arroyo Mocho Bypass and Regional Storage at Chain of Lakes Project and the Arroyo Mocho Management Plan

Project R6-2, described at pages 66-67 and mapped at page 68 of Appendix 2.0 (the Arroyo Mocho Bypass and Regional Storage at Chain of Lakes Project) is described as including the construction of an Arroyo Mocho bypass, the widening of the Arroyo Mocho downstream of Cope Lake, and the construction of 4.2 miles of trail from the Isabel Avenue cantilever bridge “along Isabel Avenue, Stanley Boulevard and improved El Charro Road to connect to existing trail along Arroyo Mocho.” (Page 66 of Appendix 2.0.)

This proposed project also includes the construction of “approximately 11,000 feet of new earthen-lined, excavated-cut channel along east side of Lake E, along north side of Lakes F and G, and into Cope Lake and Lake G independently.” (Page 66 of Appendix 2.0.)

In addition, Project R6-1 calls for a meandering low flow channel along 7,500 feet of the Arroyo Mocho, including the acquisition of 10.3 acres required for habitat improvements, and an interpretive kiosk at the location of the proposed Arroyo Mocho bypass. (Page 66 of Appendix 2.0.) These two projects jointly are mapped at Page 62 of Appendix 2. The DEIR’s presentation of these additional projects suffers from many of the same deficiencies discussed above with regard to the proposed Arroyo las Positas Diversion Project.

First, these projects jointly call for the acquisition of 10.3 acres required for habitat improvement (page 63 of Appendix 2) and an additional 50 acres for the Arroyo Mocho bypass itself (page 66 of Appendix 2). However, there is no description of the additional amount of land that would be required for the proposed Arroyo Mocho trail system along Stanley Boulevard and along El Charro Road, although the map makes clear that this acquisition alone would involve a substantial number of acres. The maps of these projects demonstrate that these projects envision the purchase or condemnation of all of this property from land owned by Pleasanton Gravel Co.

M-12

Like the land envisioned for the Arroyo las Positas Diversion Project, this more than 60.3 acres of land would be extremely expensive to purchase or condemn. Based on the intended use of sand and gravel mining purposes, the minimum value for the 60.3 acres is no less than \$42,908.124 (60.3 x 284,631 tons

M-13

of aggregate per acre x \$2.50 per ton current value). Because there is no figure given of the acreage required for the trail system along Stanley Boulevard and along El Charro Road, we cannot estimate the cost of that additional aspect of the project, although it clearly would be significant.

Moreover, also like the land that would be necessary for the Arroyo las Positas Diversion Project, all of this land would in fact be much more costly for Zone 7's projects, because of severance damages and the loss of the residual value of the land for development after the termination of mining activities. For example, the proposal for the Arroyo Mocho bypass to be located on the north side of Lakes F and G (page 66 of Appendix 2.0) would place it on Pleasanton Gravel Co.'s property known as SMP 39. The proposal for the bypass would destroy completely any ability to mine the entire SMP 39 parcel, thus subjecting Zone 7 to severance damages for much more than the actual acreage physically taken. And, the SMP 39 property is also extremely valuable property that would, after the completion of mining, likely be put to commercial use in conjunction with the Livermore Municipal Airport. The residual value of that use would also be destroyed by Zone 7's proposed project.

M-13

The proposed Arroyo Mocho trail system raises the same cost issues. The area between Stanley Boulevard and the Arroyo Mocho is currently leased for more than \$30,000 per month on a triple net basis. The proposed trail acquisition would destroy that value. And, the value of that area in the future for housing or commercial development potentially adjacent to a light rail line or a BART feeder or extension line could easily be more than \$50 million. That residual value too would be destroyed by the proposal.

Second, any proposed acquisition or condemnation of this property would raise many of the same issues previously discussed with regard to the Arroyo las Positas Diversion Project. In particular, as discussed earlier, it would (a) breach the Chain of Lakes agreement between Pleasanton Gravel Co. and Zone 7; and (b) could also significantly impair the City of Livermore's planned extension of Jack London Boulevard.

M-14

Finally, both Project R6-1 and Project R6-2 refer to cooperation only with the "quarry operators." (Appendix 2.0 at pages 63 and 66.) This again is incorrect. Vulcan Materials Company is the "quarry operator" only for some of the property that would be necessary for these projects. For example, it has no rights to mine the property known as SMP 39, north of Lakes F and G.)

M-15

It also has no rights of any kind to encumber any of the property which it does have the right to mine, grant any easement or right of use, or determine its ultimate use. More specifically, it has no rights of any kind to agree with Zone 7

that any part of the property envisioned for these projects may ultimately be used for water storage, flood control, and/or water reclamation purposes, or to convey any or all of the property for such purposes, and it has no rights to commit to any use of Pleasanton Gravel Co.'s land beyond what is in the Chain of Lakes Agreement. With regard to the property envisioned by Projects R6-1 and R6-2, Pleasanton Gravel Co. is the property owner, has the sole right to determine its ultimate use, and its consent and cooperation is therefore necessary for any such proposed project to proceed.

M-15

The DEIR should discuss and identify these additional costs and issues so that both Zone 7 and the public will be aware of the actual costs of, and the issues involved with, Zone 7's proposed project.

2. Other Issues

There are also a number of other issues the DEIR raises that are inadequately discussed. We ask that Zone 7 respond to each of the further comments below, and amend the DEIR accordingly.

A. Page 3.4-8 refers to "trail construction along improved El Charro Road." We have not been given and have not seen any adopted or currently proposed plans for the construction of an "improved El Charro Road," so please explain this reference and provide any such plans as an appendix to the DEIR.

M-16

In addition, if there are specific plans for the improvement of El Charro Road, that is an additional project the impacts of which must be considered cumulatively with the impacts from the SMMP. Please provide that analysis.

Finally, if there were any plans for the improvement of El Charro Road they would undoubtedly be in conjunction with recent proposals for new development in the El Charro Road area. These include, among others, the (i) Crosswinds Church proposal immediately south of I-580 and east of El Charro Road; (ii) the high-end outlet store complex proposed at the corner of El Charro Road and Friesman Road; (iii) Staples Ranch; (iv) the Hanson/Kaiser property; (v) Dublin Ranch; (vi) proposals for senior housing; and (vii) an auto mall in Pleasanton. These projects, along with any other development that an improved El Charro Road would facilitate, must also be considered in any cumulative impact analysis.

M-17

B. Page 3.5-8 notes that the "Chain of Lakes is highly beneficial to shorebirds, gulls, waterfowl and other avian species that frequent the shallower

M-18

lakes, such as Cope Lake.” The SMMP proposes additional water surface areas which undoubtedly would prove equally attractive to avian species.

In the context of Pleasanton Gravel Co.’s SMP 38, SMP 39 and SMP 40 reclamation plan applications to Alameda County, the City of Livermore commented that any such additional water surface areas would increase the possibility of death and injury involving aircraft flights to and from the Livermore Airport, as a result of bird strikes with aircraft. That is a risk that is not analyzed in any way in the DEIR. Please provide that analysis.

M-18

C. The City of Livermore’s approval of the Oaks Business Park imposed a condition requiring that the Park owner facilitate and participate in the construction of a Jack London Boulevard extension through to El Charro Road. However, as noted earlier, the SMMP projects are inconsistent with that proposed roadway. The DEIR therefore should recognize that Zone 7’s plan may significantly impact and legally prevent the full buildout of the Oaks Business Park.

M-19

D. The DEIR indicates that development in the general El Charro area would be limited in the absence of new flood control facilities, and that the SMMP projects will help facilitate growth planned for the area. Under Section 15126.2(d) of the CEQA Guidelines, Zone 7’s proposed projects will therefore have significant growth inducing impacts. Rather than—as the DEIR concludes at page 4-1—concluding that “[i]ncreased protection of areas within the 100-year floodplain could lead to increased development in areas receiving increased flood protection,” the DEIR must conclude that the increased protection provided by the SMMP projects *will* lead to increased development in those areas. These are impacts the DEIR must evaluate.

M-20

The DEIR, at pages 4-1 and 4-2, also suggests that the SMMP projects would be growth-inducing only if they would support growth that is “not consistent” with the land use plans and growth management plans and policies for the area affected (page 4-2), or if they “resulted in unplanned growth.” (Page 4-1). These are incorrect statements under CEQA, since even support for *planned* growth can be growth-inducing to the extent it removes physical or regulatory restrictions on such growth. That is the point of Section 15126.2(d) of the CEQA Guidelines that specifies that the ways in which a proposed project “could foster economic or population growth . . . either directly or indirectly” must be analyzed in an EIR.

Indeed, page 4-4 of the DEIR recognizes that in 1999 Zone 7’s Board of Directors “adopted findings and a statement of overriding considerations for secondary effects of growth associated with buildout under the approved General

M-21

Plans within the Zone 7 service area.” Thus, in 1999 the Board of Directors concluded that the indirect cumulative impacts of its plan could foster such economic and population growth, and that a fuller analysis was necessary. The current DEIR is inconsistent with that conclusion. The statement at page 4-5 of the DEIR that the “SMMP will not directly or indirectly support economic expansion, population growth, or residential construction in the Zone 7 service area” is therefore incorrect. Please provide an appropriate analysis that correctly reflects the requirements of CEQA.

M-21

E. The DEIR purports to provide some analysis of growth in the Zone 7 service area that would be facilitated by the SMMP by summarizing the 1999 WSPP EIR (at pages 4-3 to 4-5). However, since 1999 the City of Livermore has adopted a new General Plan. (See DEIR p. 5-3.) In addition, Alameda County has amended its General Plan since 1999. (See also DEIR p. 5-3.) The 1999 WSPP EIR thus did not reflect the additional development permitted under these General Plans. Please provide an appropriate analysis of the growth-inducement potential and secondary impacts of the current SMMP in light of these new regulatory land use documents.

F. Page 66 of Appendix 2.0 notes that one of the implementation issues involving the Arroyo Mocho Bypass and Regional Storage at Chain of Lakes Project (Project R6-2) involves coordination with “local developments along the Chain of Lakes (such as the Oak Business Development) and local agencies to allocate the existing space to solve the regional flooding problem.”

Pleasanton Gravel Co. appears to be the single largest landowner affected by the SMMP and, as noted, any effort to “solve the regional flooding problem” would necessarily involve its property. Coordination with Pleasanton Gravel Co. is therefore critical for Zone 7 to achieve its proposed goals. Allocation of the “existing space” in light of Pleasanton Gravel Co.’s property ownership and plans (not to mention the City of Livermore’s plans for an extension of Jack London Boulevard) ought to be at the top of Zone 7’s efforts to coordinate efforts.

M-22

G. The DEIR includes certain General Plan policies from the Alameda County East County Area Plan. (DEIR at Appendix 3.4, page A.3.4-1.) Policy 52 specifies that the County shall preserve open space areas “for the . . . production of natural resources (e.g., . . . mineral extraction).” Yet, the SMMP proposes, as discussed earlier, projects that could prevent the mining of sand and gravel. The SMMP is therefore inconsistent with this Alameda County policy and, indeed, appears to have been developed without any recognition whatsoever that it would preclude the mining of significant amounts of sand and gravel and result at extremely high fiscal costs to Zone 7. Please properly discuss this policy and the inconsistencies of the SMMP with it.

M-23

Comment Letter M

We appreciate the opportunity to comment on the DEIR, and look forward to written responses to these comments and appropriate changes in the document.

Yours very truly,

RICHARD C. JACOBS

cc: City of Livermore
Douglas Reynolds
David Preiss, Esq.

M. Pleasanton Gravel Company

Richard Jacob

- M-1) Comment acknowledged. Please refer to Master Response 2.2, Use of Master EIR. Consistent with the program-level nature of the SMMP, the Chain of Lakes project is conceptual; the next phase of work would include a more detailed engineering analysis which would better identify the specific facilities, sizes and layouts, and their effect on areas such as SMP-38. The implementation phase also will include identification of any necessary permits and agreements, including any agreements with Pleasanton Gravel Company and Vulcan Materials Company, and coordination with other agencies. The conceptual design shown in the SMMP has been developed at a sufficient level of detail in order to determine the feasibility of projects from a hydraulic and adequacy of storage perspective, and to estimate the budget. More specific land acquisition costs will be developed as part of the SMMP Implementation Plan (See Master Response 2.1). See Section 2, Master Response 2.5, Property Rights Acquisition. The development of specific land acquisition costs does not affect the analysis of environmental impacts in the MEIR.
- M-2) As noted under Reach 5 on page 2-7 of the MEIR, Zone 7 anticipates access to the Chain of Lakes area by 2030 for water resources purposes after the gravel mining operations are completed. The issue of costs and the effect to sand and gravel mining value of the SMP 38 property is beyond the scope of the MEIR. Additionally, the environmental impacts identified in the MEIR are the same regardless of whether a specific property is acquired, or the method of that acquisition. See also Section 2, Master Response 2.5, Property Rights Acquisition.
- M-3) See Response M-1 and M-2. See also Section 2, Master Response 2.5, Property Rights Acquisition.
- M-4) See Section 2, Master Response 2.5, Property Rights Acquisition. Zone 7 intends to coordinate willing seller agreements and reserves the right for condemnation. It is not the intent of Zone 7 to violate the existing agreement. Zone 7 recognizes that coordination with the Pleasanton Gravel Company will be necessary to move forward to the implementation phase. The Chain of Lakes regional detention project has been developed to a planning level of detail for purposes of the SMMP. See Response M-1. The issues concerning land acquisition specific to each project under the SMMP are beyond the scope of the MEIR. See Response M-2.
- M-5) Please see response to comment M-4 above.
- M-6) Regarding consistency of the SMMP and individual projects with existing plans and policies, See Response B-2.

- M-7) Regarding consistency of the SMMP and individual projects with existing plans and policies, See Response B-2.
- M-8) Zone 7 will coordinate with all appropriate parties, including property owners, during the implementation phase of Project R.5-3.
- M-9) Comment acknowledged. As indicated in the third paragraph under Impact 3.4.4 on page 3.4-14 and as Mitigation Measure 3.4.4 on page 3.4-15 of the MEIR, Zone 7 will continue to coordinate with property owners, gravel mining operators, and lease holders regarding implementation of regional flood control facilities within the Chain of Lakes area. Zone 7 will coordinate with the Pleasanton Gravel Company prior to implementation of the projects in the Chain of Lakes area.
- M-10) Regarding valuation of a property, see Response M-2. With regard to potential indirect effects of an individual project, see Master Response 2.2, Use of Master EIR. See also Section 2, Master Response 2.5, Property Rights Acquisition.
- M-11) Comment acknowledged. Zone 7 has water supply goals and objectives including non-potable sources for the SMMP, however there are no specific projects for storage and use of recycled water. Recycled water is also a component of water supply identified by Livermore and DSRSD. Please refer to Section 2, Master Response 2.3, SMMP Goals and Objectives.
- M-12) The SMMP document provides the estimated cost for land acquisition for the trail component (See Appendix G, SMMP Cost Estimate). Land acquisition for the trail system, and associated costs, have been estimated based upon general design parameters for facilities of this nature, and would be modified as appropriate. Specific land rights acquisition costs will be developed during the development phase for individual projects.
- M-13) See Response M-1 and Response M-2. See Section 2, Master Response 2.5, Property Rights Acquisition.
- M-14) See Response M-4. See also Section 2, Master Response 2.5, Property Rights Acquisition. Regarding the consistency of the SMMP and individual projects with local agency plans and policies, see Response B-2.
- M-15) See Response M-1 and Response M-2. As noted earlier, Zone 7 will coordinate with the Pleasanton Gravel Company during development of the SMMP Implementation Plan.
- M-16) The reference "improved El Charro Road" on page 3.4-8 of the MEIR is noted in the Project 3.6-2 in Appendix 2 of the MEIR. The reference is taken from Figure III-5, Schedule of Roadway Improvements, in the 1996 Pleasanton General Plan (August 6, 1996). The SMMP does not include specific improvements to El Charro Road.

- M-17) Please see response to comment M-16. The SMMP does not include improvements to El Charro Road; therefore the MEIR does not discuss the cumulative impacts related to the improvements.
- M-18) The second paragraph under Reach 6 on page 3.5-8 of the MEIR describes the existing benefits of the COL complex to shorebirds and other avian species. There is no additional water storage proposed as a part of the SMMP, therefore the MEIR does not discuss impacts related to the additional water surface areas.
- M-19) Please refer to Master Response 2.2, Use of Master EIR.
- M-20) As noted in the second paragraph on page 4-2 of the MEIR, the SMMP has been designed to reflect growth management plans within the Zone 7 service area within the context of providing flood protection and drainage, reduction in erosion and sedimentation, protection of water supply, water quality, habitat and the environment, and provision of recreation, trails and public education. This project would protect areas adjacent to waterways and in flood-prone developed areas from projected flooding during a 100-year storm. These efforts are based on the flooding projected to result at the level of development estimated to occur under the approved General Plans within the Zone 7 service area.

Additionally, as noted in the third paragraph on page 4-2 of the MEIR, location within the FEMA 100-year floodplain does not necessarily restrict development in the same way that lack of basic infrastructure or services would. Individual developments have the ability to implement localized improvements to provide adequate freeboard during a 100-year event, and may subsequently request a Letter of Map Revision (LOMR) from FEMA. Alternatively, development may elect to purchase flood insurance. It should be noted that areas within the Livermore Valley mapped as within the 100-year floodplain are currently developed. Provision of regional flood protection in order to reduce the potential for these areas to be flooded during a 100-year event would not alter the location, rate, or distribution of development within the Livermore Valley. As such, implementation of the SMMP to provide regional flood protection would not result in growth inducement, or secondary effects of growth.

- M-21) Comment acknowledged. With regard to potential effects of the SMMP on growth, please refer to Response M-20. Secondary effects of growth within the Zone 7 service area have been reviewed, analyzed, and disclosed in several documents, including the Water Supply Planning Program (1999), the Altamont Water Treatment Plant EIR (2000), the Department of Water Resources South Bay Aqueduct Improvements and Enlargement Project (2004) and the Altamont Pipeline EIR (2004). These latter two documents, certified in 2004, included review of updated General Plan projections, and concluded that impacts relating to the General Plan revisions would be consistent with, but slightly reduced from, those impacts identified in the 1999 WSPP EIR. Therefore, revision of the General Plans has not increased the level of growth within the Zone 7 service area, as implied by the commenter, and the findings made as part of Zone 7's 1999 WSPP EIR

are still applicable. As noted in Response M-20, provision of regional flood protection in order to reduce the potential for these areas to be flooded during a 100-year event would not alter the location, rate or distribution of development within the Livermore Valley. No additional analysis of secondary effects of growth is required.

- M-22) Comment acknowledged. Zone 7 will coordinate with the Pleasanton Gravel Company during the Implementation phase of the SMMP.
- M-23) Regarding the consistency of the SMMP and individual projects with local agency plans and policies, see Response B-2. Further, the SMMP has been developed to provide for detention storage within the context of existing and planned uses within the Chain of Lakes area under the Alameda County Specific Plan. These uses include gravel mining operations, as well as other future uses following gravel mining depletion. The SMMP does not conflict the Alameda County policy cited by the commenter, and does not specifically preclude gravel mining operations.

May 2, 2006

Re: Comments to Zone 7 Stream Management Master Plan

My family owns approximately 53 acres located in the City of Livermore which is situated within Reach 5 of the Stream Management Master Plan. According to Figure 2-4, which is based on the 1997 FEMA floodplain map, our property is located within the 100-year floodplain. Your floodplain maps do not take into account the Arroyo Las Positas realignment and Arroyo Mocho widening project, located in the Reach 5 area, which was completed in 2004 by the Alameda County Surplus Property Authority. How do these completed improvements to the Arroyo Mocho and Arroyo Las Positas affect the size of the 100-year floodplain in our area?

In addition, we are aware of recently completed studies that indicate, through recent hydrological models, that our property and much of the surrounding properties are not within the 100-year floodplain. How will the SMMP be affected by recent hydrological studies and will they be taken into account as the SMMP moves forward? What happens if areas are removed from the FEMA floodplain map due to LOMA's based on these recently completed studies? Lastly, what is the true 100-year floodplain and how is it determined and by whom?

Finally, we understand that there have been proposals made by Zone 7 to initiate a Floodplain Development Fee. How would this proposal be financed and how will it affect properties within the 100-year floodplain? Also, will the fee be financed by any other mechanism other than those properties within the floodplain?

Sincerely,

P.O. BOX 332 • SUNOL, CALIFORNIA 94586 • 925-484-5222 FAX 925-426-9369

N. Johnson-Himsl Partnership

Robert Himsl

- N-1) Please refer to Master Response 2.4, FEMA Floodplain Mapping, LOMR Revisions, and SMMP Modeling.
- N-2) Please refer to Master Response 2.4, FEMA Floodplain Mapping, LOMR Revisions, and SMMP Modeling. Further, regarding the project specific environmental analysis that will occur as part of SMMP implementation, see Master Response 2.2, Use of a Master EIR.
- N-3) Information about the 100-year floodplain is provided in Master Response 2.4, FEMA Floodplain Mapping, LOMR Revisions, and SMMP Modeling.
- N-4) Please refer to Section 2, Master Response 2.1, SMMP Implementation and Financing. Financing issues associated with the SMMP, including the potential for a floodplain development fee, will be examined during development of the SMMP Implementation Plan beginning in Fall 2006.
- N-5) Please see response to comment N-4.

**TERRA LAW** LLP**Comment Letter O**

Ron Rainey, Esq.
rrainey@terra-law.com

May 4, 2006

VIA FACSIMILE AND FEDERAL EXPRESS

ACFC & WCD Zone 7
100 North Canyons Parkway
Livermore, CA 94551
Attn: Joe Scto

Re: ACFC & WCD Zone 7 Stream Management Master Plan and draft Master
Environmental Impact Report

Ladies and Gentlemen:

We represent the Hacienda Business Park Owners Association ("HBP"). This letter states comments by HBP on the proposed Alameda County Flood Control and Water Conservation District Zone 7's Stream Management Master Plan ("SMMP") and the draft Master Environmental Impact Report ("DMEIR") for the SMMP.

First, regarding the SMMP, HBP still has a number of concerns related to Zone 7's revised approach to flood control. The new SMMP represents a fundamental change to the methodology of managing flood waters (i.e. - using detention of flood water as the primary management approach in the new plan versus the historical management approach of conveying flood water through the valley as quickly as possible). Without commenting on the adequacy of the evaluation of the existing approach (or how the existing approach could be made adequate), if the new approach is adopted, the SMMP, and the DMEIR, are lacking in one critical detail: a comprehensive plan for transition from the current system of flood management to the new system of flood management. This is particularly important given the following:

- existing facilities were built, and are presumably maintained, under the current approach, are constructed in the center of the Valley's flood control system, and are in the most highly urbanized portions of the system;
- many new facilities are proposed for construction upstream of the existing facilities, presumably to be built based on the new methodology for managing flood water; and
- proposed facilities will be costly, with these high costs to be paid for through an as yet unknown financing scheme, meaning the time period to transition the flood control system from the current approach to the new approach will be quite long.

Given the foregoing, it is imperative that Zone 7 establish a component within the SMMP with concrete procedures to oversee the transition of the flood control system from the existing approach to the new approach. Such oversight is critical to the success of the transition given the magnitude of changes contemplated, and cannot be relegated to future discussion and resolution.

O-1

ACFC & WCD Zone 7

May 4, 2006

Page 2 of 2

TERRA LAW LLP

Comment Letter O

Furthermore, the adequacy of the DMEIR with regard to its evaluation of flood impacts must be held in question until this component is established.

This oversight component of the SMMP should at a minimum address the following:

- evaluation of the compatibility of all new flood control improvements with existing systems (including, but not limited to, such improvements as on-site detention facilities and channel improvements);
- on-going monitoring of new and existing improvements to periodically ascertain compatibility while the transition is occurring;
- design standards and, more importantly, a mechanism to provide for the ongoing enforcement of design standards for all flood control improvements (including, but not limited to, improvements such as on-site detention facilities and channel improvements);
- evaluation of storage capacity and release times from upstream detention facilities in relation to existing improvements;
- periodic inspection of facilities (both owned by Zone 7 and by other entities) and the means to enforce maintenance of non-Zone 7 facilities so that those facilities continually operate as designed; and
- a conflict resolution methodology for managing inconsistencies between proposed facilities and existing facilities.

O-1

Second, the DMEIR does not adequately address the impacts of the transition to the new approach on the central, more-urbanized area served by the parts of the existing system designed and constructed under the current approach. A description of the existing system and of the impacts of the new system without an adequate description of the impacts occurring during transition as a result of the process of change from one system to the other does not give adequate guidance to Zone 7 or the public for decisions regarding the SMMP. The lack of the transition plan component heightens the need for an adequate analysis of the environmental impacts of the transition, but inclusion of a transition plan will not eliminate the need for an understanding of the impacts and the problems to be grappled with during the transition.

Thank you for your consideration to these comments.

Very truly yours,

TERRA LAW LLP

Ron Rainey
Ron Rainey

RR/nf

cc: James Paxson, HBPOA (via U.S. Mail)

O. Terra Law LLP for Hacienda Business Park

Ron Rainey

- O-1) Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding, and Master Response 2.2, Use of Master EIR.

Comment Letter P

From: Bill Stremmel [mailto:stremms@sbcglobal.net]
Sent: Thursday, May 04, 2006 9:23 PM
To: Seto, Joe
Cc: rwheeler@acta2002.com; info@ebbc.org; Jeff Miller c/o Alameda Creek Alliance
Subject: EIR: ADLL Improvement Project R10-5

It was a pleasure discussing with you the various aspects of the improvement proposed for Arroyo de la Laguna. I can only applaud efforts by Zone 7 to facilitate ecologically compatible, recreational/non-motorized use of its watershed land. Component 2 of your project establishes a 3.7 - mile trail along this tributary to where it flows into Alameda Creek at the head of Niles Canyon.

With respect to Niles Canyon, itself, I understand that this busy corridor is under multiple jurisdictions besides Zone 7, including Caltrans (SR-84), Union Pacific RR, East Bay Regional Parks District, SF P.U.C., as well as private landowners. So while extension of the trail into Niles Canyon itself is a critical missing link in Alameda County's Bicycle Master Plan, realization of this dream necessarily awaits commitment of substantial monies and a high degree of coordination among the responsible agencies.

P-1

Sincerely,

Bill Stremmel, member
ACTIA Citizens Advisory Committee

cc: Rochelle Wheeler, Pedestrian and Bicycle Program Coordinator
Alameda County Transportation Improvement Authority

cc: Robert Raburn, Executive Director
East Bay Bicycle Coalition

cc: Jeff Miller, Director
Alameda Creek Alliance

P. ACTIA Citizens Advisory Committee

Bill Stremmel

- P-1) Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding, and Master Response 2.2, Use of Master EIR.

WILSON F. WENDT

May 5, 2006

VIA E-MAIL JSETO@ZONE7WATER.COM AND MAIL

Joe Seto, Senior Engineer
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Re: Comments on Draft Stream Management Master Plan

Dear Mr. Seto:

Our office is submitting these comments on behalf of Cross Winds Church and Syufy Enterprises (collectively "Property Owners"). We understand that the comment period on the Draft Master Environmental Impact Report for the Stream Management Master Plan ("SMMP") has been extended to and including May 8, 2006. Our comments apply to the Master Plan itself and not to the Draft EIR. The Property Owners' property is located within that portion of the property located adjacent to the Arroyo Las Positas indicated in Figure R5-3 from page 5-68 of the SMMP. I am enclosing a copy of that with this letter. Approximately two-thirds of the Cross Winds Church property and all of the Syufy Enterprises property is located within the gray-shaded area marked "Acquire property west of golf course".

Comment No. 1: The first comment is self-evident. Property Owners have no intent nor have they ever been solicited to convey any interest in their property to Zone 7 or any other public agency. In fact, Property Owners as well as surrounding owners in the area have jointly applied to the City of Livermore for the processing of a specific plan to establish the configuration for development in this area. Cross Winds Church has already expended a substantial amount of money and actually acquired approvals from the City for the construction of an extensive church complex on their property, which approvals were relinquished in litigation. An application by the church for similar entitlements will be filed soon and processed contemporaneously with the City's processing of the specific plan for the area. The specific plan processing has already begun and the Property Owners have expended a significant amount of money in that processing effort.

Q-1

Syufy Enterprises has not reached a level of conceptual development as finite as has the church but intends to develop their property in the future for commercial/retail uses. Neither party has any interest in nor desire to sell and convey their property to Zone 7 for flood

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control purposes. We understand that this notation on Figure R5-3 may be in error and we sincerely hope that is the case. Any attempted acquisition of this property would result in significant damages to the Property Owners and would be inconsistent with the plans and desires of the Cit of Livermore.

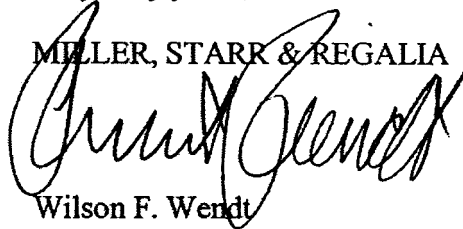
Q-1

Comment No. 2: Our second comment is a practical one. The total estimated cost of the SMMP Program is stated to be \$727,000,000. The "chain of lakes" consisting of band and quarry sites south of Arroyo Las Positas is to be used for storage diversions during high flow events. Figure ES-9 in the Executive Summary of the SMMP shows a diversion channel cut through the Jamison property to allow diversion of storm water to the chain of lakes. We understand that funding the implementation of the SMMP will be determined at a later date but the cost of acquiring diversion rights through an active quarry property (which the quarry owners indicated they have no intent to negotiate and would have to be taken by eminent domain) will be enormously expensive and, in our opinion, will throw the cost of the entire project significantly off. We strongly recommend that you review the assumptions relative to construction of the diversion channel and explore more realistic options.

Q-2

Very truly yours,

MILLER, STARR & REGALIA



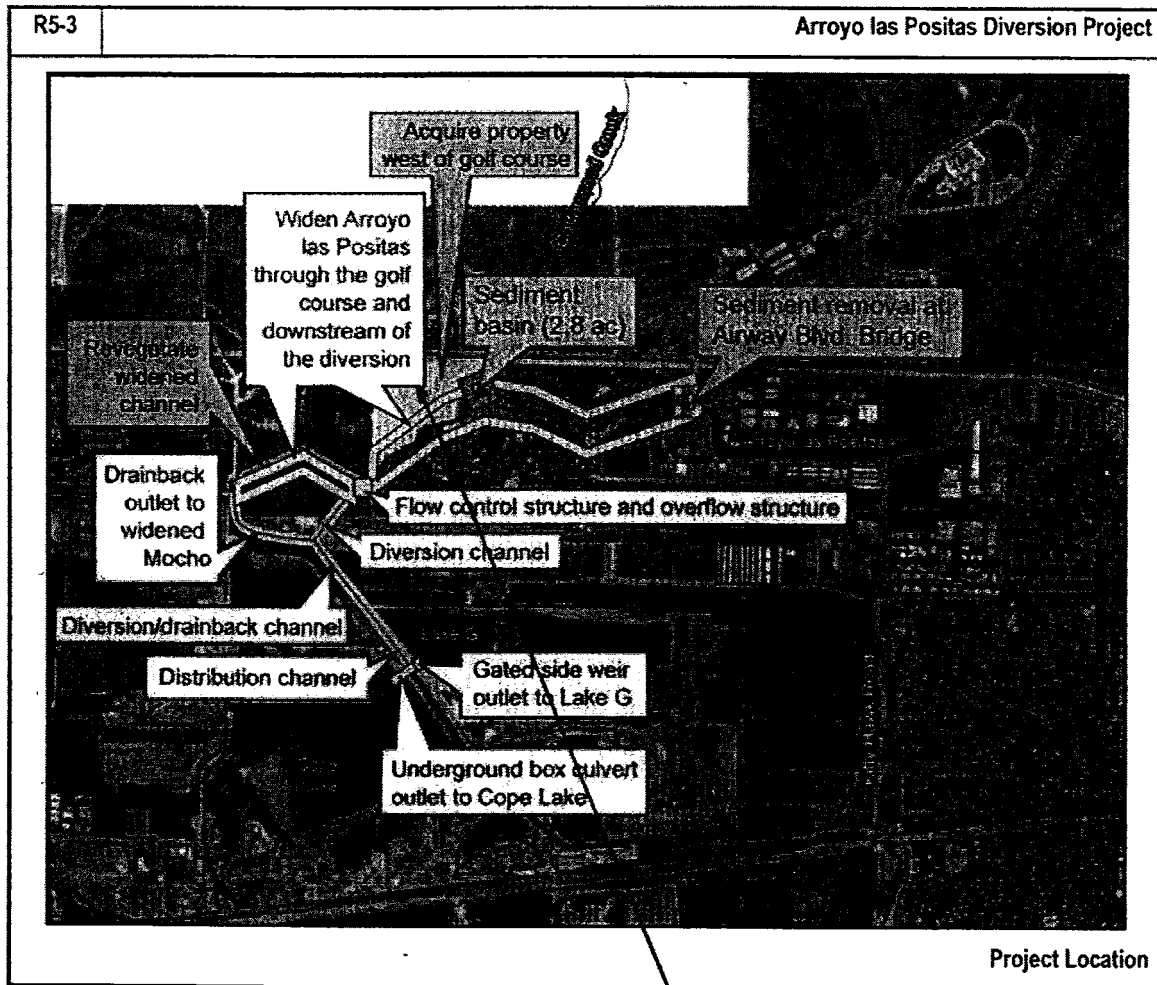
Wilson F. Wendt

WFW:jj

Enclosure

cc: Dave Nielsen
Gregg Nelson
Michael Plymesser

Comment Letter Q



PROPERTY OWNERS'
PROPERTY

Q. Miller Starr & Regalia for Cross Winds Church and Syufy Enterprises

Wilson F. Wendt

- Q-1) As explained in Master Response 2.2, the SMMP is a planning level document. Please also refer to Master Response 2.5, Property Rights Acquisition. Project R.5-3 estimates that 40 acres would need to be acquired to accommodate the recommended stormwater diversion and storage project. The size and location of the property rights that would be acquired would be refined during project specific implementation. As such, the figure for Project R.5-3 in Appendix 2 of the MEIR will be updated to remove the specific reference to acquisition of the property west of the golf course (Crosswinds and Syufy property as noted in the comment). This would not affect the analysis in the MEIR; therefore no changes in the MEIR would be required.
- Q-2) Please refer to Section 2, Master Response 2.5, Property Rights Acquisition, and Response M-1 and Response M-2. Subsequent project specific environmental analysis will evaluate potential environmental impacts resulting from Project R.5-3. However, the specific land acquisition costs do not affect the analysis of environmental impacts in the MEIR.

Zone 7 Water Agency
100 N. Canyons Parkway
Livermore, Ca. 94551

Ohlone Audubon Society
Alameda County, California

Dear Karla Nemeth

The Ohlone Audubon Society (OAS) has reviewed the Zone 7 Water Agency Stream Management Master Plan (SMMP). The OSA has 300 + members in the Tri-valley which are your customers. On behalf of the membership thank you for the opportunity to offer our comments. I also attended the Zone 7 open house to hear first hand the SMMP consultants present their findings..

Upon review of the SMMP it is our position to agree with the planning by 11 individual reaches, each with habitat and recreations characteristics. OAS has particular interest in Reach 1,4,5,6,7, and 8 planning, for habitat enhancements, recreation opportunity and threaten or endangered species management. The SMMP proposed budgets by Reach are public and we want to commend the funding levels Zone 7 has proposed.

OAS looks forward to working with the staff of Zone 7

In support of stream side and species habitat, as well opening of certain Zone 7 lands for recreation for the public.

R-1

Sincerely
Richard Cimino
Ohlone Audubon Society
Tri Valley Conservation Chairman
1281 Ridgewood Rd.
Pleasanton, Ca. 94566

R. Ohlone Audubon Society

Richard Cimino

- R-1) Comment acknowledged. Stakeholder outreach and coordination has been an important component of the development process of the SMMP and will continue to be an important component of the implementation planning phase, which is expected to begin in Fall 2006. Zone 7 will coordinate with the Ohlone Audubon Society for applicable SMMP projects.

Comment Letter S

Reply to: ■ **San Jose**
60 South Market Street, Suite 1400
San Jose, California 95113-2396
Telephone: 408.287.9501
Facsimile: 408.287.2583

Darcelle K. Pruitt
dkp@hogequenton.com



**Hoge
Fenton
Jones &
Appel Inc.**
Attorneys at Law
San Jose ■ Pleasanton

■ **Pleasanton**
6155 Stoneridge Drive, Suite 200
Pleasanton, California 94588-3283
Telephone: 925.224.7780
Facsimile: 925.224.7782

May 8, 2006

U.S. Mail and E-mail

Mr. Joe Seto
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Re: Zone 7 Draft Stream Management Master Plan and Master EIR Comments

Dear Mr. Seto:

Please accept the attached comments on the Zone 7 Draft Stream Management Master Plan and Master EIR. The comments are meant to provide constructive input on the issues brought forward in the plan. Overall the plan provides a reasonable multidisciplinary approach to resolve water management issues in Zone 7.

However, I am concerned that the plan focuses a great deal of time on flood control improvement projects without adequately mapping and defining the floodplain in its current state. Many of the plan's assumptions rely on old data that do not represent current conditions, either in channel capacity as impacted by sedimentation or in additional impacts of post 1997 development projects.

S-1

The plan could also be improved by including a section on currently available Best Management Practices for site design. This would provide additional flood control information to Zone 7 partners and promote development sensitive to flood control issues.

S-2

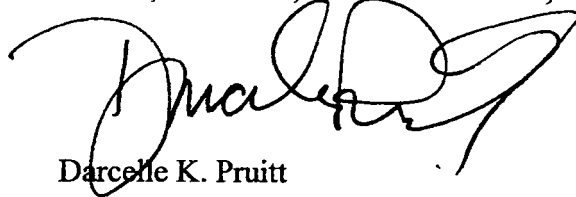
Finally, proposed funding mechanisms should be outlined. It is clear that the plan envisions the use of a variety of funding mechanisms. However, bond funding should be considered to ensure that the costs of project improvements are spread regionally to all Zone 7 beneficiaries.

S-3

Thank you for the opportunity to comment on the plan. Please let me know if you have questions regarding these comments.

Very truly,

HOGE, FENTON, JONES & APPEL, INC.

A handwritten signature in black ink, appearing to read 'Darcelle K. Pruitt', written over the printed name.

Darcelle K. Pruitt

DKP: dkp

Zone 7 Draft Stream Management Master Plan
And Master EIR Comments

General Comments:

- | | |
|---|-----|
| 1) Current Floodplain Mapping – The Zone 7 Draft Stream Management Master Plan identifies the 1997 FEMA Floodplain map as the regional baseline. The plan does not provide an updated floodplain map to provide an accurate picture of current downstream channel capacity and post-1997 development conditions. An accurate floodplain map is an important planning tool and a basic requirement of this plan. Regional development of an accurate floodplain map is especially important given the current disarray at FEMA and the low likelihood of a new federal map becoming available in the near future. | S-4 |
| 2) Sedimentation – The Draft SMMP identifies sedimentation as a major issue affecting channels in Zone 7. However, all calculations related to current channel capacity and future floodplain improvements do not calculate the impacts of the current state of sedimentation in the channels. | S-5 |
| 3) General Plan Build Out By Reach - The Draft SMMP discusses the cost of required flood control improvements by reach. However, it fails to address General Plan build out impacts by reach. Failure to connect upstream build out impacts to downstream flood control impacts may place an undue financial burden on downstream residents rather than balancing the costs of regional flood control projects to all those benefited by the program. | S-6 |
| 4) Best Management Practices – Plan implementation depends on two things: 1) Well designed flood control projects and 2) Site designs that reduce water and sediment runoff by incorporate flood control BMPs. BMPs are mentioned but not given adequate coverage in the Draft SMMP document. A section should be devoted to flood control and site design BMPs related to General Plan build out. Providing design oriented BMPs in the SMMP document would improve plan implementation. | S-7 |

Specific Comments:

Section 3.2.3 Flooding Conditions

- 1) **Figure 3-4** – The Draft SMMP identifies the major references used to assess flood conditions in Zone 7, and indicates the limitations of these resources, especially the FEMA FIS updates completed in 1997. The report states that the 1997 update focused on upstream conditions, uses 1970's data for downstream channels, and was based on 1997 development conditions. Significant new development projects have been built regionally since 1997. The Draft SMMP floodplain map does not include these changes and is inadequate to delineate the 2006 floodplain.

Comment Letter S

- 2) **Reach 5** – The 1970's data used for Arroyo da la Laguna, Alamo Canal, and Arroyo Mocho (downstream of its confluence with Arroyo las Positas) to develop the FEMA floodplain boundary is problematic when identifying the Zone 7 floodplain in Reach 5. The continued use of 1970's data for the downstream channels used by FEMA casts doubt on areas subject to flooding.
- 3) **Reach 8** – The Draft SMMP should discuss all potential changes to the floodplain in Reach 8 given the significant flooding problems predicted upstream in Reaches 5 & 6. The plan should discuss potential downstream impacts in Reach 8 in the event that upstream channel capacities in Reach 5 & 6 are improved.

Section 4.1.1 Flood Protection Challenges

- 1) **Figure 4-1** - A note should state that channel capacities are based on original design dimensions and do not include capacity reductions caused by sedimentation (this information is buried on page 4-5.) The fact that channel capacities are estimated without assessing the impact of sedimentation calls into question the value of the overall analysis of bank overtop calculations. This is especially true where sedimentation is a significant factor as in Arroyo las Positas (see Figures 3-15 and 3-16).
- 2) **Sedimentation Analysis** – Before funds are authorized to assess sedimentation impacts, a cost benefit analyses should determine the best use of funds. The cost benefit analysis should assess the benefit of actually removing the sediment load in channels versus the costs proposed to characterize the sediment load's effect on the flood control system prior to its removal.

Section 4.1.3 SMMP Assumptions

- 1) **Floodplains** – For the reasons stated at above related to sedimentation and development impacts, the FEMA 100-year floodplain boundaries are suspect and may not accurately reflect the best scientific estimate of current and future flood impacts.
- 2) **Figures 4-8 and 4-9** – The addition of 5,000 acre-feet of detention storage in the Chain of Lakes seems to solve many flooding issues along Arroyo las Positas and Arroyo Mocho. However, the impact of sedimentation on these two arroyos is absent from this analysis. This lack of consideration for significant sedimentation in these channels raises accuracy issues for projected floodplain improvements.

Section 5.2 SMMP Estimated Cost

- 1) **Development Fees** – The plan should address project funding issues on a regional basis. Fee estimates should be based on allowed general plan development in the region, a timeframe for that development, and a reasonable cost estimate of the flood control impacts related to this development. If funding is not spread regionally the likelihood is that development fees in the flood-prone downstream reaches will be greater than in the upstream reaches. A better answer may be to fund project improvements using bonds to spread project costs over all of Zone 7.

S. Hoge Fenton Jones & Appel Inc.

Darcelle Pruitt

- S-1) Please refer to Section 2, Master Response 2.4, FEMA Floodplain Mapping, LOMR Revisions, and SMMP Modeling.
- S-2) The SMMP is described and analyzed at a Master-EIR level. Specific information on individual projects including any best management practices (BMPs) that may be incorporated into project design would be discussed in the Implementation phase. Please refer to Section 2, Master Response 2.2, Use of Master EIR.
- S-3) Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding.
- S-4) Please refer to Section 2, Master Response 2.4, FEMA Floodplain Mapping, LOMR Revisions, and SMMP Modeling.
- S-5) Comment acknowledged. Please refer to Section 2, Master Response 2.2, Use of Master EIR, which discusses the SMMP as a planning level document to be followed by project specific evaluation. Section 3.2, Hydrology and Water Quality, of the MEIR analyzes the sedimentation issues for the SMMP. The SMMP incorporates the results from modeling conducted by Schaaf & Wheeler that assumed clean channels. The SMMP includes a one-time sediment removal component for several channels along with extensive sediment removal at other locations to meet capacity requirements as appropriate. Significant erosion has been observed in areas along Arroyo de la Laguna. As stated in note "e" of Table 3.2-6 on page 3.2-36 of the MEIR, there is more capacity than previously shown in these areas (i.e., south of Bernal Bridge).
- S-6) The SMMP design utilizes future flows which account for full build-out. Therefore, the connection with upstream flows is incorporated into the SMMP design which is discussed in Section 3.2, Hydrology and Water Quality, of the MEIR.
- S-7) BMPs are included for smaller storm events, such as 2-year to 10-year events, and are implemented by the Cities in compliance with the existing Alameda Countywide Clean Water Program and NPDES permit. The SMMP is designed for a 100-year storm event. However, as discussed in the response to comment S-2, specific information on individual projects including any BMPs that may be incorporated into project design would be discussed in the implementation phase.

Comment Letter T

Zone 7 Water Agency

Stream Management Master Plan



Comment Card

Name: STEVE REYNOLDSTitle (if applicable): SENIOR PROJECT ENGINEERTelephone: (925) 249-6555Fax: (925) 249-6563Organization/Business (if applicable): KIER & WRIGHT CIVIL ENGINEERSAND SURVEYORS, INC.Email: sreynolds@kierwright.comAddress: 1233 QUARRY LANESUITE 145City: PLEASANTONState: CAZip: 94566-0475☒ Yes, I would like to be added to your mailing list:☒ Email☒

Zone 7 Water Agency wants to hear your input on the Stream Management [Master Plan]

All comments must be received by May 8, 2006.

COMMENTS: KIER & WRIGHT IS CURRENTLY WORKING [ON A PROJECT AT] THE
SOUTHEAST QUADRANT OF THE EL CHARRO ROAD INTERCHANGE AREA. A
HYDRAULIC ANALYSIS OF THE EXISTING 100 YEAR FLOOD CONDITIONS HAS BEEN
PERFORMED BY SCHAAF & WHEELER. THEIR ANALYSIS RESULTS SHOW A VERY
DIFFERENT FLOOD PLAIN THAN IS GRAPHICALLY DEPICTED IN THE STREAM
MANAGEMENT MASTER PLAN (SMMP) FOR THE EL CHARRO ROAD INTERCHANGE AREA.
IF A NEW PROPOSED FEE IS GOING TO BE CHARGED FOR "DEVELOPMENT
WITHIN THE EXISTING FLOODPLAIN", THE FEMA ^{FLOOD} PLAIN SHOULD BE REVISED TO
ACCURATELY DEPICT THE CURRENT EXISTING FLOOD CONDITIONS AS A RESULT
OF A 100-YEAR STORM EVENT.

WITH THE STORM DRAIN RUN-OFF / FLOOD WATER DIVERSION TO COPE LAKE
THE MOST CRITICAL ASPECT OF THE OVERALL SSMP, THE ACQUISITION
OF EITHER RIGHT OF WAY OR EASEMENT RIGHTS THROUGH QUARRY
OWNERS OR QUARRY OPERATORS PROPERTIES SHOULD BE NEGOTIATED AND
FINALIZED NOW IN THE SHORT TERM OF AS SOON AS POSSIBLE !!!

Thank you for your comments. Please submit your comments to a project representative or fold this form in half, seal with tape and mail to Zone 7. All comments must be received by May 8, 2006.

T. Kier & Wright

Steve Reynolds

- T-1) Please refer to Section 2, Master Responses 2.4, FEMA Floodplain Mapping, LOMR Revisions, and SMMP Modeling. Regarding financing issues associated with the SMMP, including the potential for a floodplain development fee, please refer to Section 2, Master Responses 2.1, SMMP Implementation and Funding.
- T-2) Please refer to Section 2, Master Responses 2.1, SMMP Implementation and Funding and Master Responses 2.4, FEMA Floodplain Mapping, LOMR Revisions, and SMMP Modeling. Zone 7 recognizes the importance of ongoing coordination with land owners, including quarry operators, and will continue coordinating with the appropriate stakeholders during the Implementation Planning phase in Fall 2006.

3/16/06
Comment Letter U1

Mr. John Greci
President, Zone 7
Flood Control & Water Conservation District
100 Canyons Parkway
Livermore, California 94551

The undersigned individuals and entities are very concerned about the impact on the Arroyo de La Laguna and its banks south of the Verona bridge over the last two years. The rapid rise in water levels, even in moderate rain amounts, is well documented by the S.F. Water Department as well as the home owners along the river over this period of time. These high water levels and violent runoff rates are having a devastating effect on the waterway and adjacent private land.

U-1

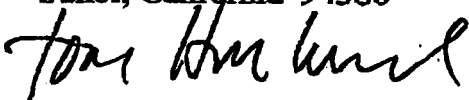
What is being done to offset the runoff from the unprecedented development in the Try-Valley Area? The thousands of new homes with roofs, driveways, streets and roads are all contributing to the change in the rivers dynamics. Every drop of rain that is allowed to run into the storm drains of the Try-Valley Area runs through this small, fragile waterway and past Sunol and it's people.

U-2

It is incumbent on public officials and oversight agencies to insist that developers provide mitigating engineering to stem the rapid flow of runoff and further, provide a fund for the preservation of the waterway. This must be done prior to more damage to the Arroyo and the liability that will come from the devastation of property south-west of Pleasanton.

You hold your office with the public trust and it is with this regard that we ask that you call a meeting of Zone 7, for the people of Sunol, and explain what is being done by that agency, specifically to address this very serious and potentially dangerous situation for the residents of Sunol and the students of Sunol Glen School.

Tom and Vicki Harland (925) 862.2915
P.O. Box 207
Sunol, California 94586



This letter is endorsed by:
Sunol Glen School District
Sunol Advisory Committee
Save our Sunol
Sunol Residents Association

cc. Mr. Terry Huff NRSC
Supervisor Gail Steele
Supervisor Scott Haggerty
Mayor Jennifer Hosterman, Pleasanton
Mayor Janet Lockhart, Dublin
Mayor Marshall Kamena, Livermore
S. F. Water department Att; Mr. Coopman

NOTE: THE SUNOL
ADVISORY COMMITTEE
MEETS EVERY 3RD
WED. AT 7PM AT THE
SUNOL SCHOOL. THEY
WOULD HOST YOUR
MEETING IF THAT WORKS
FOR YOU.

AN

Comment Letter U2

Mr. Dale Myers
General Manager, Zone 7
Flood Control & Water Conservation District
100 Canyons Parkway
Livermore, California 94551

REC'D APR 17 2006

Re; Arroyo de La Laguna (ADLL)

Dear Mr. Myers,

Thank you for your letter dated April 4, 2006, regarding our concerns for the Arroyo de La Laguna south of the Verona Bridge. We are encouraged that your Stream Management Master Plan provides for and seems to address the very real problems that our river is experiencing. I have given copies of your letter to the interested parties in Sunol.

We welcome the opportunity to come to your workshop on April 26, 2006, and plan to raise the following questions.

1. How will you prioritize the projects envisioned in the master plan?
2. Which of the stated goals ie. flood control, stability of stream bank, habitat/environment, recreation, is your prime concern?
3. Is implementation of the plan possible given bureaucratic challenges?
4. Funding.

U-3

You state in your letter that one of the problems with the repair and maintenance of the river is ownership of the waterway. As far as we know, the only owner of the river itself, below Verona Bridge, is the City and County of San Francisco. It would seem that this would simplify the implementation of the plan owing to the fact that San Francisco has a vested interest in the health and safety of the river.

U-4

I know that you must be very busy with the upcoming meetings regarding the master plan. And you and the Zone 7 Board should be commended on the tremendous effort that the plan must have entailed. With this in mind we would like to invite you to a meeting in the summer, after your spring meetings, here in Sunol. Our Sunol Advisory Committee meets on the third Wednesday of each month at 7 p.m. and would be happy to host this meeting at the Sunol Glen School. If you and some of your staff could attend such a meeting, please advise me and I will make the necessary arrangements.

U-5

Comment Letter U2

We would like to raise the following topics with you at this meeting for your insights into the damage that is being done to the river.

1. What does Zone 7 and the cities of the area require of the developers in the Tri-valley regarding increased runoff? | U-6
2. Are the cities in the Tri-valley aware of the problems that the development is having on the river? | U-7
3. How does your agency use the existing stream management systems to reduce the flooding and erosion problems in the river? | U-8
4. Is Del Val reservoir used primarily for flood control? | U-9
5. What can be done next year to help mitigate the damage to the river and the very real danger to Sunol. | U-10

Again, we thank you for your response to our letter and concerns for the Arroyo de La Laguna and the safety of the students and the residents of Sunol and hope that you will take this opportunity to meet with us in the near future.

With regards,


Tom and Vicki Harland (925) 862.2915
P.O. Box 207
Sunol, California 94586

4/14/06

This letter is endorsed by:
Sunol Glen School District
Sunol Advisory Committee
Save our Sunol
Sunol Residents Association

cc. Mr. Terry Huff NRSC
Supervisor Gail Steele
Supervisor Scott Haggerty
Mayor Jennifer Hosterman, Pleasanton
Mayor Janet Lockhart, Dublin
Mayor Marshall Kamena, Livermore
S. F. Water department Att; Mr. Coopman

Mr. Joe Seto
Senior Engineer, Zone 7 Water Agency
100 Canyons Parkway
Livermore, California 94551

4/25/06
Page 1 of 2

Re; Draft Master Environmental Impact Report (MEIR)
Stream Management Master Plan

Dear Mr. Seto,

My wife, family and I live at 174 Bond Street in Sunol. Our home and property are adjacent to both the Arroyo de La Laguna and Sinbad Creek as well as the Sunol Glen School. This location is very much impacted by the Zone 7 Stream Management Master Plan (SMMP). I think you would say that we are major stake holders in the implementation of the plan.

When we first built here 30 years ago, we built next to a beautiful, naturally wooded, stream with no erosion to the stream banks or the heritage Oaks and other trees that lined the water way. And this was true for 20 years, but over the last 10 years there has been a profound change in the river. We have witnessed increased violent run off and unprecedented destruction to the banks and adjacent property. All of this is due to the development of the Tri-Valley area with little planning for the increased amount of water in the river.

U-11

With this perspective we make the following observations regarding the MEIR. Please include this letter in the report.

1. Why was there no public meeting in Sunol for citizen input? U-12
2. The Niles Canyon Road Bridge needs to be dredged and have the log jams removed on a yearly basis for the safety of the Sunol Glen School and Town. (Project R10-5) U-13
3. There is a need for specific maps and detail drawings of the proposed levees, public access trails, and land acquisitions. (Projects R10-5, R11-1 and R11-2) U-14
4. There should be a priority statement that would address the immediate need for Zone 7 and the Tri-Valley Cities to intervene in the destruction and threat to the safety of the Arroyo de La Laguna. This can not wait for a 20 year time frame. U-15
5. The funding for the south of Verona Bridge projects must be immediate and come from both private developers of the area as well as the governmental entities that are allowing the urban runoff that is devastating the Arroyo de La Laguna. U-16

We are very hopeful that the Zone 7 Stream Management Plan will protect the Arroyo de La Laguna for now and in the future. And we take heart in the fact that you and your office recognize the problem and are trying to deal with it in the master plan. You and the staff at Zone 7 are to be commended on this effort and the hard work that it entailed. We can only hope that these good intentions will soon remedy this situation for the health and safety of our Sunol Community.

With regards,

Tom and Vicki Harland (925) 862.2915
P.O. Box 207
Sunol, California 94586

cc. Mr. Terry Huff NRSC

Letters from Individuals

U. Tom and Vicki Harland

- U-1) Comment acknowledged. The SMMP design takes into account the downstream flooding impacts. The flooding issues are analyzed in Section 3.2, Hydrology and Water Quality, of the MEIR. Please see Section 2, Master Response 2.2, Use of Master EIR. Detailed analysis would be provided in individual environmental documents for SMMP projects at a later stage.

- U-2) The SMMP provides a regional approach to flood protection by storing high flows during storm events. Under the SMMP, flood waters would be stored temporarily in the Chain of Lakes to maintain downstream flows at the channel capacity as opposed to using a “channelization approach” that focuses on moving water rapidly through the system. Under the SMMP, as capacity becomes available downstream, flows would be released from storage. Storage of flood waters would thus provide more capacity downstream to accommodate increased flows under build-out conditions. Increased flows from development could trigger storage sooner or during a smaller storm event alleviating high flows in Arroyo de la Laguna. Thus, the SMMP is designed to reduce the possibility of flooding, which is analyzed in Section 3.2, Hydrology and Water Quality, in the MEIR.

- U-3) Comment acknowledged. The SMMP is described and analyzed at a Master EIR level. Detailed analysis would be provided in individual environmental documents for SMMP projects at a later stage. Please see Section 2, Master Response 2.1, SMMP Implementation and Funding, and Master Response 2.2, Use of Master EIR. Zone 7 intends to replace the current Flood Control Master Plan with the proposed SMMP. The primary goals for the SMMP are focused on flood protection and sedimentation; however, Zone 7 intends to adopt a multi-benefit approach to management of the streams and arroyos with goals and objectives related to other resource areas such as water supply and recreation. Please see Section 2, Master Response 2.3, SMMP Goals and Objectives.

- U-4) Comment acknowledged. Zone 7 will coordinate with the City and County of San Francisco in the Implementation phase of the SMMP which will begin in Fall 2006.

- U-5) Comment acknowledged.

- U-6) Section 3.2, Hydrology and Water Quality, of the MEIR provides the regulatory framework for runoff on pages 3.2-18 through 3.2-22. Impact 3.2.3 on page 3.2-26 of the MEIR describes the increased storm runoff that could result from the implementation of the SMMP. As stated on page 3.2-21 of the MEIR, Zone 7, Alameda County, and the cities of Livermore, Dublin and Pleasanton are members of the Alameda Countywide Clean Water Program (ACCWP), which was established to address urban runoff and to help local residents, businesses and municipalities meet the stormwater quality goals of the Clean Water Act. Guidelines for managing and reducing urban runoff for Alameda County are established by a National Pollutant Discharge Elimination System (NPDES)

permit to discharge municipal storm waters. Portions of the NPDES permit address increase in runoff and set certain requirements of the member agencies to address increased runoff through implementation of stormwater control and treatment measures. The ACCWP has prepared a Storm Water Quality Management Plan (SWMP) to meet the objectives for the NPDES permit and the San Francisco Bay Basin Plan which was developed by the San Francisco Regional Water Quality Control Board (RWQCB). The Basin Plan was developed to prevent urban runoff pollution and to help restore the health of local creeks and San Francisco Bay.

- U-7) Comment acknowledged. Zone 7 is aware of the issues related to development including erosion along Arroyo de la Laguna (ADLL), and has identified several projects (Projects R.10-2, R.10-3, R.10-4, R.10-5 (along with regional storage projects R.5-3 and R.6-2) in the SMMP to focus on this issue. As a part of the implementation planning phase, Zone 7 will likely be conducting a geomorphic study along ADLL. In addition, through the SMMP, Zone 7 adopts a regional detention storage approach that would keep peak runoff flows from exceeding the channel capacity in ADLL particularly during 100-year storm events. Long-term operational impacts on pages 3.2-27 through 3.2-38 discuss issues of sediment transport (Impact 3.2.4), localized bed erosion and sedimentation (Impact 3.2.5), and regional flooding (Impact 3.2.6).
- U-8) Zone 7 currently manages the streams and arroyos by providing sediment maintenance, construction of channel improvements and energy dissipation measures, and repair of bank failures. These activities are important for capacity maintenance within the channels to alleviate flooding and erosion and for additional bank protection. This approach has also been adopted in the SMMP. Regarding flooding and erosion issues, please refer to Section 3.2, Hydrology and Water Quality, in the MEIR. Also please refer to the Response U-7.
- U-9) Del Valle Reservoir is a State Water Project facility that serves multiple uses, including flood control. The Del Valle Reservoir has a storage capacity of 74,000 acre-feet; with half of the capacity used for storage and the remaining available for flood control. As noted in the description for Project R.4-1 (see Appendix 2 of the MEIR), Del Valle Reservoir is used to store summertime water, which is released into Arroyo del Valle.
- U-10) Comment acknowledged. As noted in Impact 3.2.6, Regional Flooding, on page 3.2-32 of the MEIR, SMMP establishes a regional detention storage approach that would provide adequate conveyance capacity to maintain 100-year flows within the channels thereby providing 100-year flood protection within the SMMP project area. The SMMP therefore also addresses the flooding issues downstream and would provide flood protection benefits to the downstream areas.
- U-11) Comment acknowledged.
- U-12) A key focus of the stakeholder process was outreach to agencies within the Livermore Valley in order to bridge inter-agency issues that have restricted the implementation of flood control projects within the Valley that would assist in managing flooding issues

downstream within the Sunol-Niles area. Therefore, Zone 7 focused its resources into the development of multi-benefit projects that can be supported for implementation by the varied interests within the Livermore Valley. Zone 7 acknowledges that the protection of public health and safety within the Sunol-Niles area, which is under the jurisdiction of Alameda County, is a key objective of the SMMP.

- U-13) Comment acknowledged. As noted in Table 2-4 on page 2-31 for Project R.10-5 and the project table for R.10-5 in Appendix 2 of the MEIR, the purpose of the ADLL Improvement Project 5 is to protect properties from flooding during a 100-year flood event at build-out conditions and reduce erosion. The project includes removing log jams from the railroad crossing structure and stabilizing the channel banks by installing instream bank protection devices and reducing sharp meanders.
- U-14) Please see Section 2, Master Response 2.2, Use of Master EIR. Environmental documents will be prepared for individual SMMP projects that would incorporate project-specific information and environmental analysis including specific maps and detailed drawings of the proposed components.
- U-15) Comment acknowledged. Please see Section 2, Master Response 2.3, SMMP Goals and Objectives. See also Section 2, Master Response 2.1, SMMP Implementation and Funding.
- U-16) Please refer to Section 2, Master Response 2.1, SMMP Implementation and Funding.

Comment Letter V

Joe Seto, Senior Engineer
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

REC'D APR 26 2006

April 25, 2006

Re: Comments on the Draft MEIR Stream Management Master Plan

Comment #1 No drop-structure at E. Vallecitos Road on the Arroyo Del Valle.

The Arroyo Del Valle stream should drop gradually from its present streambed where it crosses E. Vallecitos Road to the future streambed after gravel operations cease. This will allow aquatic creatures to migrate freely up and down stream. A drop-structure would isolate the several miles section up to the dam.

V-1

Comment #2 Continue summer releases from Del Valle reservoir.

The studies showing harm to the Sycamore trees due to summer flows were inconclusive, whereas stream dry out kills many species. A Sycamore tree-planting program would be better than cutting off the flow. The dam and other alterations have prevented a "return to the natural state." A watered stream is nicer than a dried up stream. Most of the Sycamore trees are doing just fine under the present summer release program.

V-2

Comment #3 State a policy of removing all barriers to migration of aquatic creature up and down stream.

Attached is the report, "Migratory fish stream report for the Livermore, Pleasanton and Dublin-Tri-Valley—barriers to fish migration" Ralph Moir and Maryann Brent, March 10, 2003. We identify 6 barriers to fish migration. Some of the drop structures are very wide and flat so that at low flows there is no upstream migration possible. A "V" or slot would help some of these and would be low cost. Another report, "Mines Road barrier on the Mocho," Maryann Brent and Ralph Moir, 10/9/05 near by and just feet above the aqueduct turn out is a barrier if the accumulated gravel is not regularly cleaned out. Another related report not involving barriers but of interest to stream management is, "Migratory fish head waters of the Arroyo Mocho," Ralph Moir and Maryann Brent, June 26, 2003.

V-3

Sincerely,

Ralph Moir

607 E. Vallecitos Road, Livermore, CA 94550

Rmoir@Pacbell.net
925-447-8804

Three enclosures:

- 1-"Migratory fish stream report for the Livermore, Pleasanton and Dublin-Tri-Valley—barriers to fish migration" Ralph Moir and Maryann Brent, March 10, 2003.
- 2-"Mines Road barrier on the Mocho," Maryann Brent and Ralph Moir, 10/9/05.
- 3-"Migratory fish head waters of the Arroyo Mocho," Ralph Moir and Maryann Brent, June 26, 2003.

March 10, 2003

**Migratory fish stream report for The Livermore, Pleasanton and Dublin-Tri-Valley
Barriers to fish migration**

Ralph Moir and Maryann Brent

Ever wonder why there are no steelhead or salmon in the creeks and streams passing through the Tri-Valley? One answer to this question could be that these streams often go dry, especially in the summer. Another possible answer is that there are six existing physical blockages to anadromous fish spawning. The fish are unable to get back and forth from the ocean even if there are adequate flows. The first blockage on the Arroyo Mocho is a three-foot high concrete structure at the now abandoned Southern Pacific railroad crossing (formerly Central Pacific) (at about mile-post 47) thought to be now owned by SP Land Co. This blockage is a stone's throw from where Stanley Boulevard crosses Murrieta Boulevard in Livermore (shown in the map and photo #1). Another blockage near by where the Mocho crosses Isabel Ave is shown in photo #1a.

The six major creeks and arroyos in the Tri-Valley area have a complex flow pattern. The Arroyo Mocho drains the Mines Road area and passes through Robertson's Park. It then goes behind Granada High School and across Stanley Boulevard. The Arroyo Seco drains the area surrounding the Tesla Road area, while Altamont Creek drains the watershed along the Old Altamont Pass Road area. Both of these streams feed the Arroyo Las Positas, which passes by the Livermore Airport. The Arroyo Las Positas then feeds the Arroyo Mocho and passes through Pleasanton. The resulting stream falls over the second drop structure shown in photo #2. Finally, the water enters the Arroyo De La Laguna.

The Arroyo Del Valle is fed by a large watershed in the southern half of the Tri-Valley. In addition to the Del Valle dam, this arroyo has one small drop near the end of Corte Monterey and close to Bernal Ave. and 680 in Pleasanton. This drop is shown in photo #3. Further down stream there is a drop structure on the Arroyo De La Laguna at the Castlewood Golf course shown in photo #4. This drop structure blocks passage to the entire tri-valley stream system during normal flow. Photo #5 shows the bridge at Division Street in Pleasanton, which is the extension of Hopyard Road where it crosses the Arroyo Del Valle. This bridge was built in 1951 and would appear to stop upstream migration in all but high flows due to the large drop of a few feet and flat apron. Photo #6

Comment Letter V

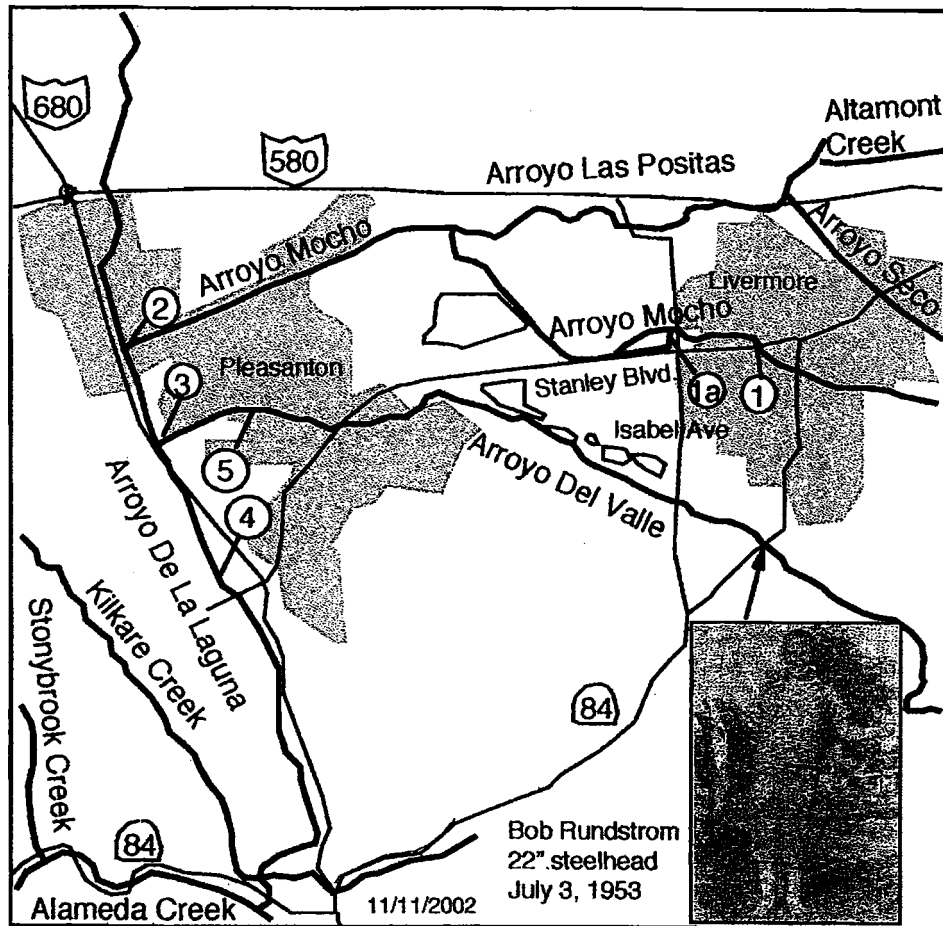
shows another barrier at the bridge at Main Street where it crosses the Arroyo Del Valle next to the Pleasanton Hotel.

As one looks further down stream, there are more watersheds feeding the ocean-going water of Alameda Creek, which runs through Niles Canyon and on to the bay. Like the Tri-Valley area there are several blockages in this section of the stream. However, through the good work of the Alameda Creek Alliance (under the able leadership of Jeff Miller) and other organizations and governing bodies, all the structures and blockages in the lower portion of Alameda Creek will be removed or fish ladders built by 2005

Would the presence of year-round water flow and the removal of these barriers permit migratory fish to travel into the Tri-Valley area? As recently as the 1960s there were steelhead and salmon runs into the Sunol Park area and up the Arroyo Del Valle. Furthermore, one wonders if there are any Rainbow trout or other migratory fish in existence that would like to go back and forth to the ocean. It turns out that there are such trout still living in the Arroyo Mocho, and in other creeks further downstream. What appears to be missing is sufficient, regular water flow.

There is plenty of water in the Tri-valley, even more than in the past, due to the additional supplies brought in by the South Bay Aqueduct. This water, however, is used for agriculture and household needs. Once the domestic water is used, it is treated and then pumped as "used" water up over the Dublin grade and into the bay. Much percolated water or agricultural water that gets into the water table is eventually pumped back out, treated and used as domestic water. Water from the South Bay Aqueduct is sent down the Arroyo Mocho and Del Valle streams to meet Fremont's needs. Unfortunately for the steelhead and other fish, this water is shut off for extended periods.

Will migratory fish ever return to the Tri-Valley? Certainly the three blockages in the area could be removed like those being removed in Alameda Creek. Ensuring adequate and sustained water flow is more problematic, however. Perhaps there are creative solutions to a healthier arroyo system of the Tri-Valley. Let's be friends of the arroyos!



Map showing the streams in the Tri-Valley and the four drop structures shown in the photos.

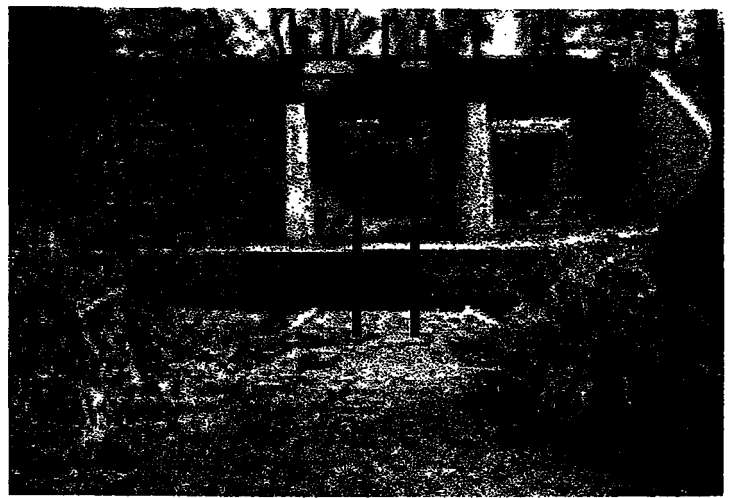
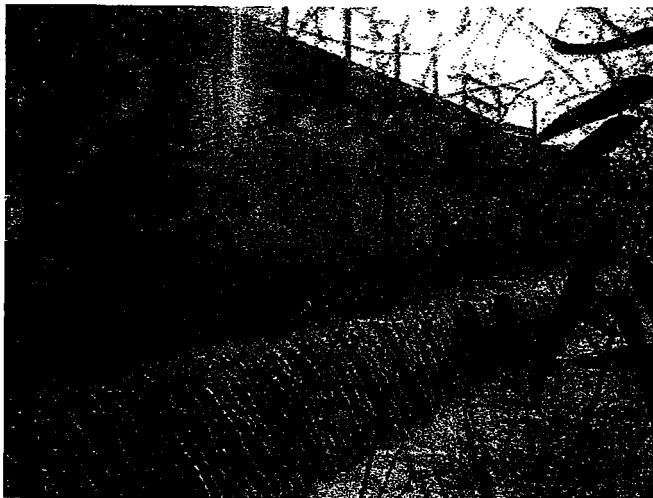


Photo #1. Drop structure (three foot) on Arroyo Mocho at Stanley and Murrieta Blvd at the old Southern Pacific Railroad Bridge in Livermore. A slot as shown needs to be cut in the concrete to allow fish passage.

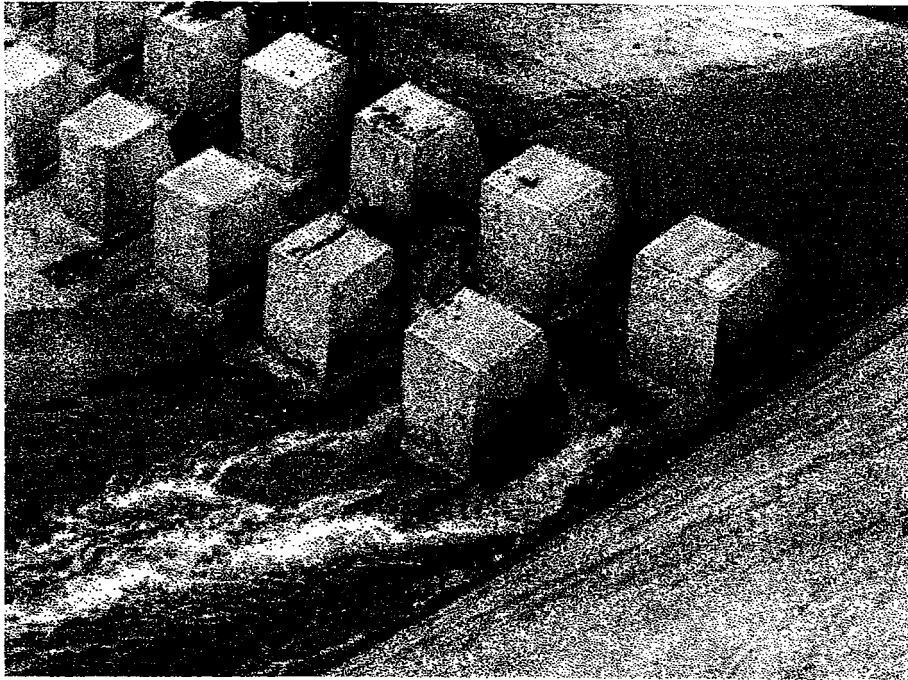


Photo #1a. This structure and others 200 yards lower down stream on Arroyo Mocho where it crosses Isabel Avenue might not allow up-stream migration.

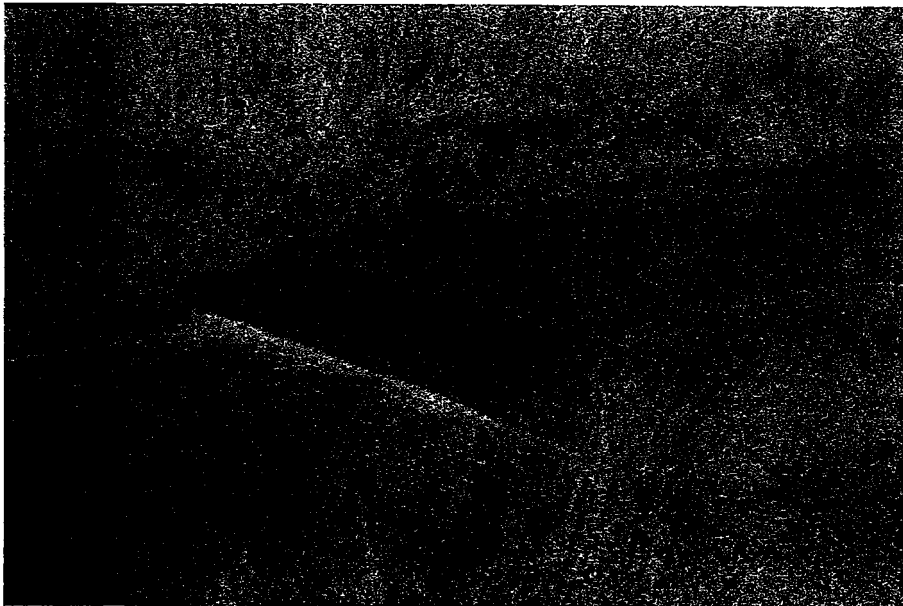


Photo #2. Drop structure (about one foot) on Arroyo Mocho near W. Las Positas Blvd and 680 just 50 yards up stream from the Arroyo De La Laguna in Pleasanton.



Photo #3. Drop structure (about half a foot) on Arroyo Del Valle at the end of Corte Monterey near Bernal and 680 in Pleasanton, 50 yards upstream from the Arroyo De La Laguna. At low to moderate flow this structure might block fish passage due to the flat apron above the drop and a slot might need to be cut in the concrete.



Photo #4. Drop structure on the Arroyo De La Laguna in Pleasanton next to the Castlewood golf course. It looks like this structure will allow fish passage.

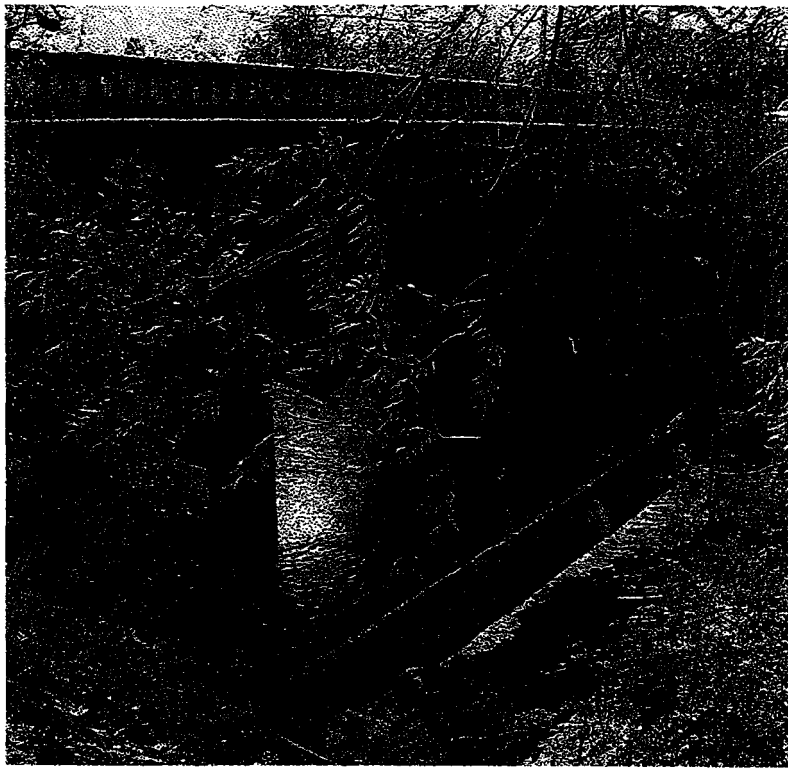


Photo #5. Drop structure (a few feet) on Arroyo Del Valle where Division Street crosses in Pleasanton. At low to moderate flows this structure blocks fish passage due to the drop and the flat apron above the drop.

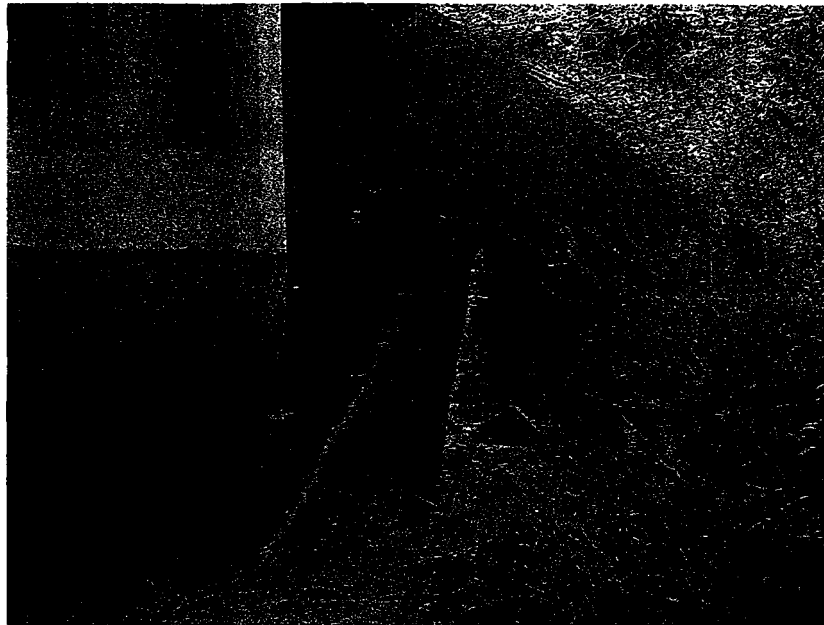


Photo #6. Drop structure (a few feet) on Arroyo Del Valle at the Pleasanton Hotel where Main Street crosses the arroyo next to Del Valle Parkway in Pleasanton. At low to moderate flows this structure blocks fish passage due to the drop and the flat apron above the drop.

Mines Road Barrier on the Mocho

Comment Letter V

Maryann Brent and Ralph Moir

10/9/2005

Another possible barrier to fish migration on the Mocho is located adjacent to Mines Road just south of Livermore, 1.7 miles from Tesla Road traveling south on Mines R. The photos below show the barrier and the position the photos were taken in is shown in the figure.



Photo #1. Looking down river, gravel is level with the concrete ford roadway. The Mocho is dry (10/9/2005) above the road and there is a 16" drop to the water flowing in from the left, where the Zone 7-South Bay Aqueduct supplies water to recharge Livermore's underground aquifer.

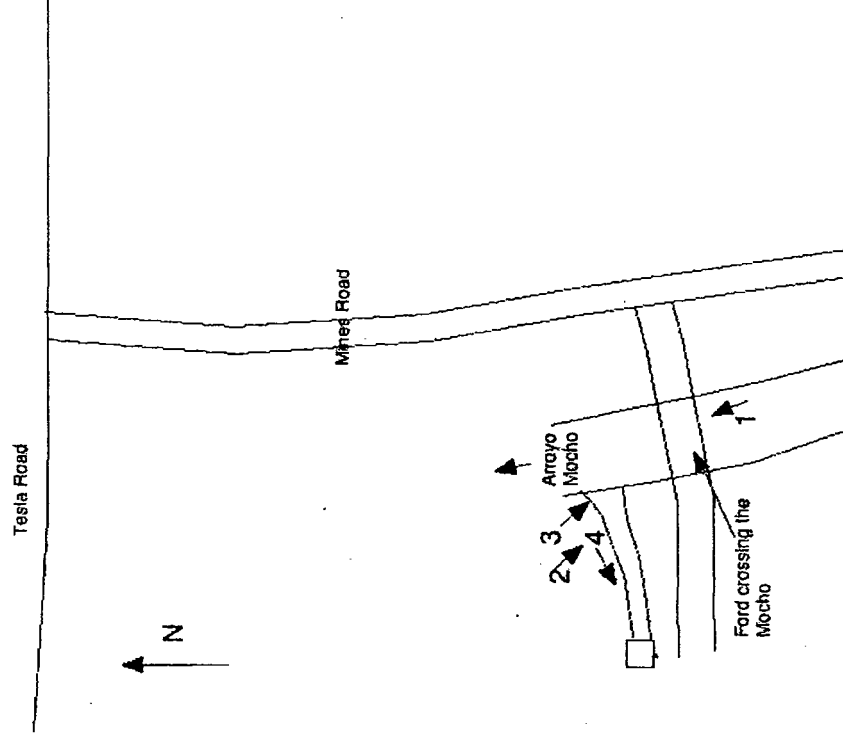


Figure showing the location and direction from which the photos were taken. 1.7 miles from Tesla Road.

attachment # 2



Photo #2. A level concrete ford is shown to the left and above. There are ten or so corrugated ~3-foot diameter pipes embedded in the concrete roadway. One can just barely see the tops of these pipes. The pipes are completely full of gravel.



Photo #3. When the Mocho is flowing, it would pass over the ford in a very thin flow and drop to the stream below. In this photo the drop is 16". If the gravel were removed and kept removed from the upstream area above the pipes then there might not be a barrier to fish passage. Alternatively, the ford could be redesigned so that the flow over it allowed fish to pass upstream. The ford would have to be V shaped rather than flat.

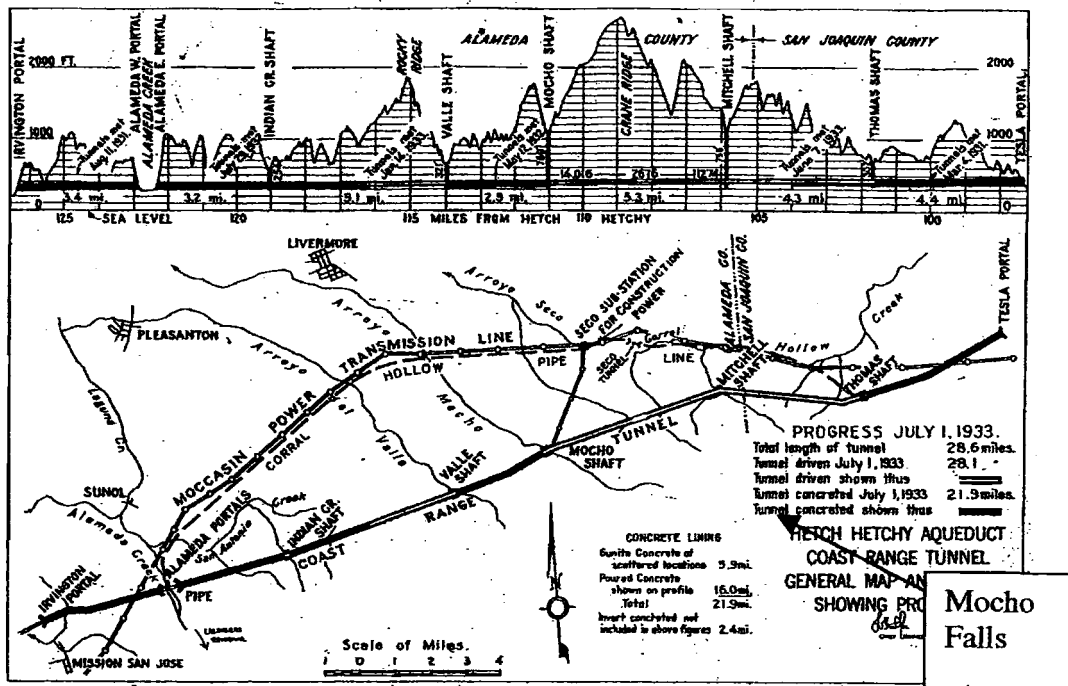
July 21, 2003
Ralph Moir
Maryann Brent

Migratory fish headwaters of the Arroyo Mocho

The headwaters of the Arroyo Mocho, as far as migratory fish are concerned, are the Mocho Falls. Mines Road roughly follows the Arroyo Mocho with distance measured from Tesla Road, Livermore. Migratory fish cannot go beyond the Mocho Falls (shown in the two photos) located at the 12.8 milepost on Mines Road.

Seasonal changes in the Mocho water flow frequently cause much of the stream to dry up to the detriment of many species. The Hetch-Hetchy Aqueduct Tunnel, built 1931-1933, intersects the Mocho at about 6 miles out Mines Road (see figure below of the Hetch-Hetchy Tunnel). An obvious idea to increase the water flow would involve a release of water from the Hetch-Hetchy Tunnel into the Mocho. There would be some pumping cost because the Mocho is 1040' above sea level and the Hetch-Hetchy Tunnel is only about 350' above sea level. The waterfall six miles further upstream is about 1860' above sea level. A year round stream below the Hetch-Hetchy Tunnel, would leave an intermittent or seasonal flow only between the Falls and the Tunnel.

Maybe this Hetch-Hetchy Tunnel could be used to deliver water that is traded for water entering the South Bay Aquaduct. Or some other water could be made available by a mitigation arrangement or some other trade or agreement.



Map and contour plot of the Hetch-Hetchy Tunnel [from T. Wurm, Ed. 1973, *Building Hetch-Hetchy and its dam railroad*. Berkeley: Howell-North].

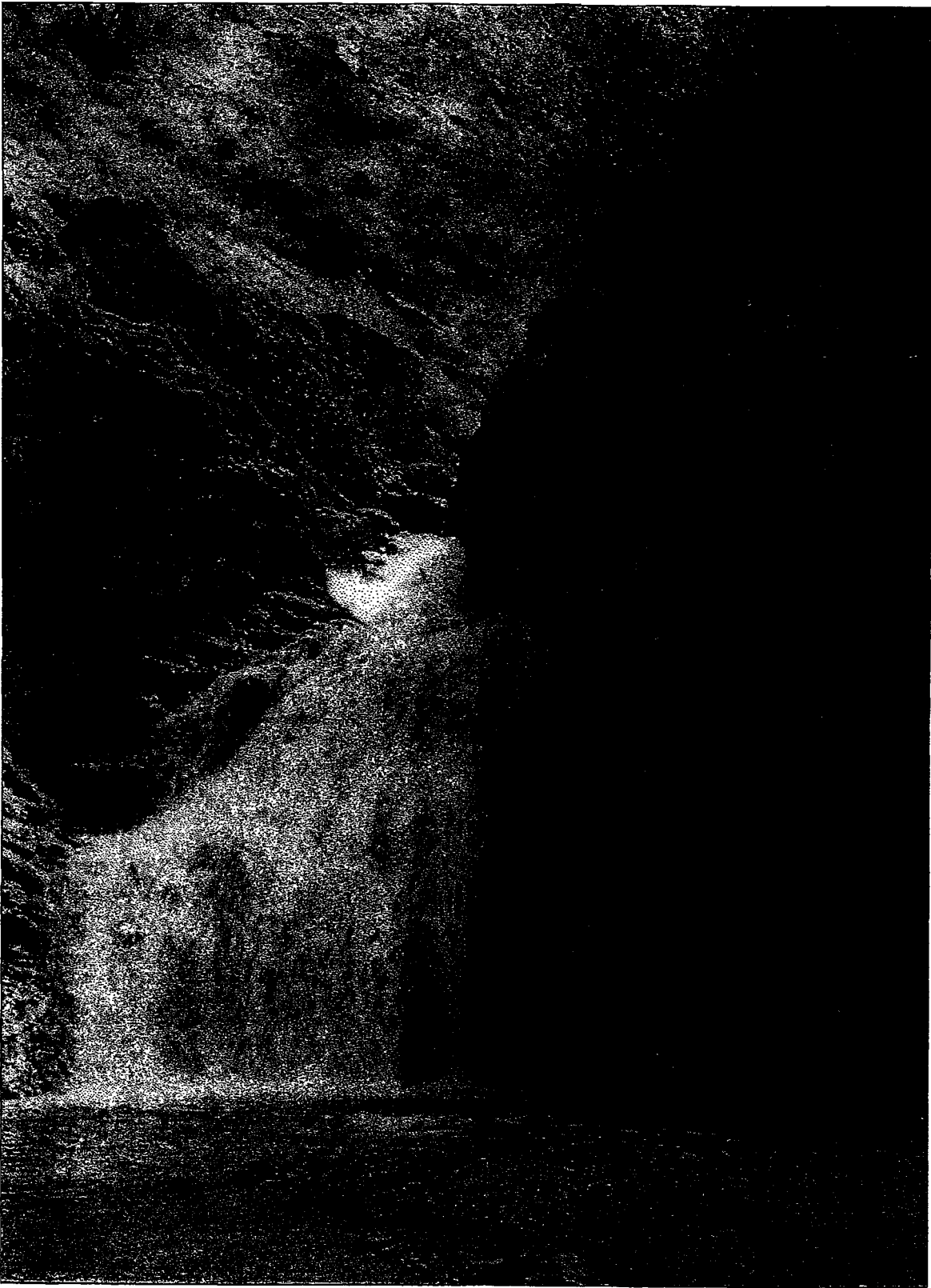
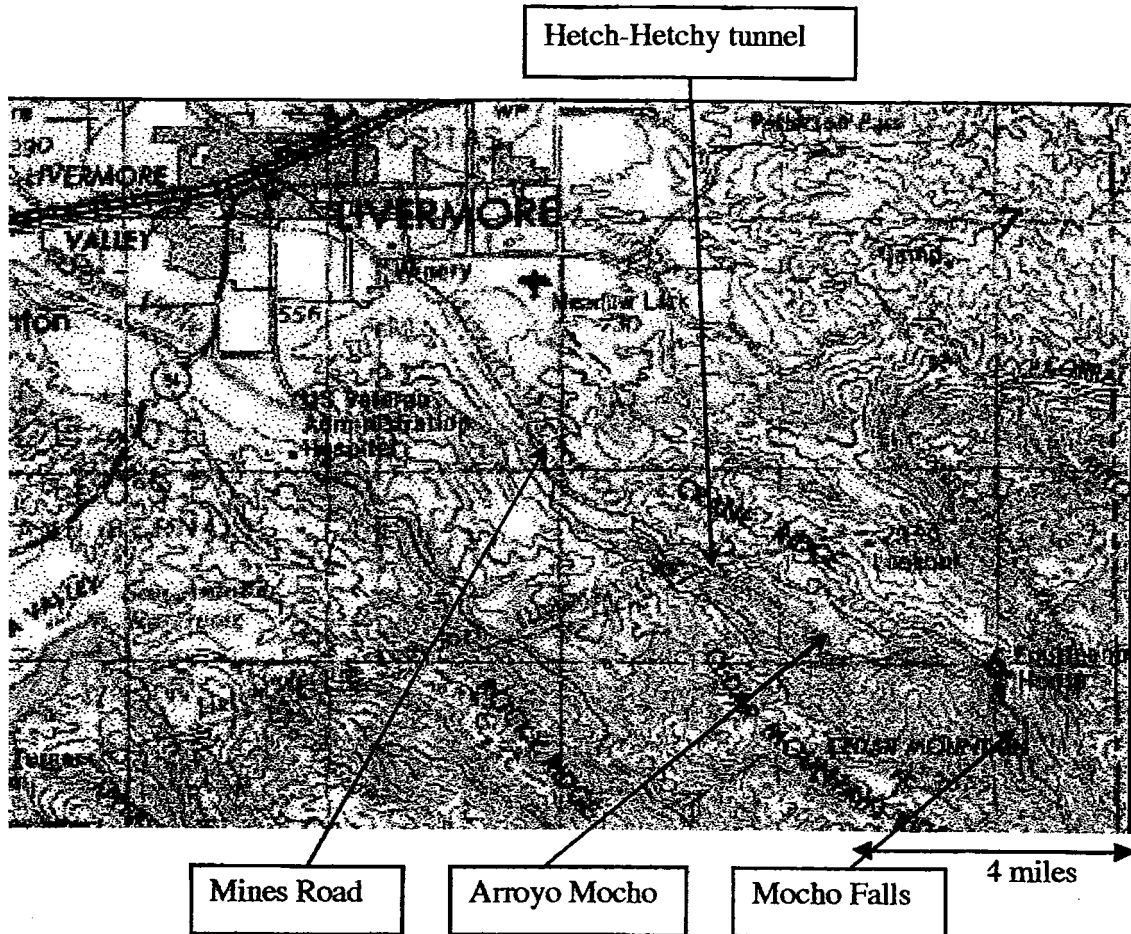


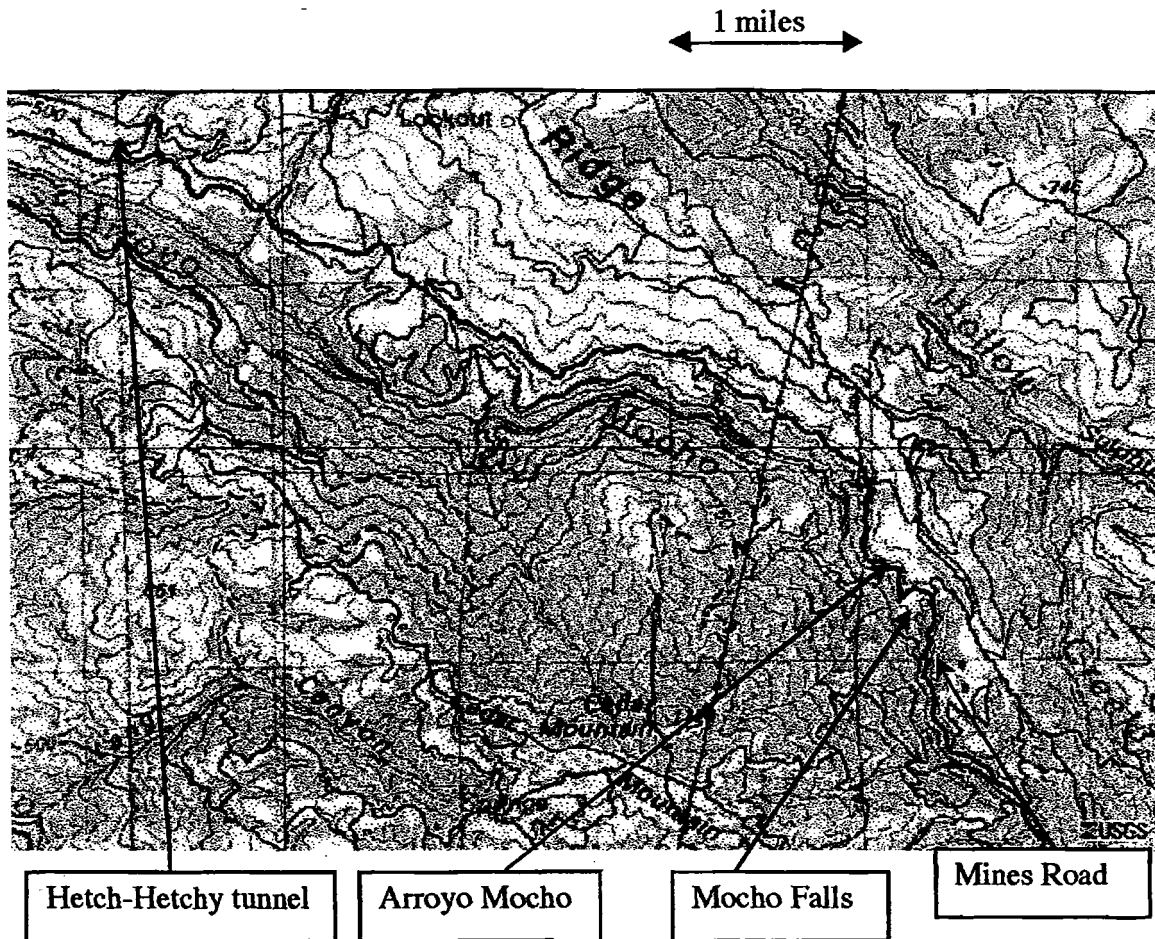
Photo of the Arroyo Mocho at the Falls located near Mines Road 12.8 miles from Tesla Road southeast of Livermore (courtesy of Don Podesta).



Photo of the Arroyo Mocho at the Falls located near Mines Road 12.8 miles from Tesla Road southeast of Livermore (courtesy of Don Podesta).



Map of the Arroyo Mocho alongside Mines Road to the Falls, located 12.8 miles from Tesla Road, Livermore. Note the Fourteen Mile House is measured from the Livermore Flag Pole at First St. and Livermore Avenue. The Hetch-Hetchy Tunnel is shown.



Map detail of the Arroyo Mocho from the Hetch-Hetchy Tunnel to the Falls.

V. Ralph Moir

- V-1) Comment acknowledged. As noted in Table 2-4 on page 2-27 of the MEIR, the purpose of Project R.7-3 is to improve fisheries habitat and create a system of trails. The SMMP does not recommend construction of a drop structure; it replaces the drop structure with a fish-passable structure design, such as rock weir. Project R.7-3 information in Appendix 2 of the MEIR provides additional information on the project components.
- V-2) Comment acknowledged. As noted in Table 2-4 on page 2-25 of the MEIR, the purpose of Project R.4-1 is to replace the existing summertime water releases from Del Valle Reservoir into Arroyo del Valle with releases from South Bay Aqueduct into South Tributary. Impact 3.6-4 on page 3.6-17 of the MEIR describes the hydrology-related impacts of Project R.4-1 on special-status species. As indicated in the impact discussion, this project would result in the restoration of a more natural hydrology (i.e., dry channel during summer and fall months) in Arroyo del Valle upstream of the South Tributary confluence. The proposed discharge capacity, release volumes, frequencies, seasons, and operations at these two locations have not been determined; however, flow releases of up to 10 cubic feet per second are anticipated to be supported by the South Tributary without effects to current stream channel morphology. The replacement of some recharge releases from Del Valle Reservoir with SBA releases to South tributary would likely have no adverse impacts on the aquatic habitat values of the reaches of Arroyo del Valle other than the area immediately below the dam.

Also as discussed in the second paragraph on page 3.6-18 of the MEIR, the potential reduction or elimination of suitable steelhead-rearing habitat in Arroyo del Valle downstream of the reservoir through the reduction of reservoir releases, and subsequent increases in water temperatures, under Project R.4-1 would be considered a significant impact. The potential for SBA releases to increase stream flows and therefore result in potential steelhead rearing conditions in South Tributary, even if water temperatures are slightly in excess of the typical steelhead tolerance range, would be considered beneficial impacts to special-status fisheries resources. The evaluation of whether the potential beneficial impacts of this recharge project would outweigh their potential adverse impacts, or vice versa, is largely dependent upon the hydrologic, geomorphologic, and riparian responses of the reaches to the proposed releases. The SMMP is described and analyzed at a Master EIR level. Therefore future release volumes and frequencies have not been established, so habitat responses cannot be estimated at this time.

- V-3) Comment acknowledged. The goals and objectives developed through multiple stakeholder workshops include the removal or modification of migration barriers within the streams and channels in Zone 7's service area where possible (such as Project R.7-3). Policies have not yet been developed as part of the SMMP. Policies, as applicable, will be developed in the implementation phase.

Comment Letter W

May 5, 2005

Joe Seto
Senior Engineer
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Dear Joe:

Thank you for taking the time to meet with me on 5/02/06 to discuss my concerns about the Zone 7 Stream Management Master Plan (SMMP). I attended the SMMP Workshop on 4/26/05 and learned about the trail planned for Collier Creek. I accessed the SMMP from the internet and became a little concerned. After talking with you, my concerns have turned to comments and, as you suggested, I am taking this opportunity to submit them in writing. My comments all pertain to the Collier Trail Project included in Project Number R5-1.

Comment #1

The "Project Components" for the Collier Trail project describes the trail as "along Collier Creek". As a property owner along the creek, that was a concern to me. After looking at the City of Livermore Bikeways and Trails Master Plan (referenced in the SMMP), it appears that the trail is a bike/walk trail planned along Collier Canyon Rd., by method of widening the road. If that is the case, it should be described as such in the plan.

W-1

Comment #2

Under "Implementation Issues" it lists coordination with LARPD, City of Livermore, and BART, but it does not mention affected landowners and Alameda County. It seems that regardless of the method of obtaining the property for the trail (purchase from landowners or widen the road) coordination with both the landowners and the County of Alameda would be a must.

W-2

Comment #3

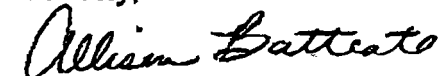
As a landowner adjacent to the creek, I would like to be involved in any future plans that include or affect my property. I'm sure my neighbors would as well. I could provide a list for you, if needed.

W-3

Again, I'd like to thank you for taking the time to meet with me. You were very understanding to my concerns and you explained every question I had clearly and honestly. As I told you, I am not necessarily opposed to a trail along Collier Canyon Rd., I just want to protect my property rights.

Please keep me posted of any future meetings regarding the SMMP.

Sincerely,



Allison Batteate
925-455-5755 (Work 510-287-0710)

Attachment

5/25/2006

13:00

ZONE 7 WATER DISTRICT → 914158960332

NO.894

W0004

a: 05 06 12:56p

Eb mud Affirmative Action 510-287-0673

P.3

*Public Comment new ^{deadline} 5/08/06Comment Letter W
conceptual road map

*Zone 7 Stream Management Master Plan

Section 5 SMMP Project Descriptions

DRAFT

Joe Seto 925-454-5085

Project Number	R5-1
Project Name	North of I-580 Trail System
Project Location	Cottonwood Creek, Collier Creek, and Cayetano Creek.
Purpose	Promote recreational corridors along Arroyo las Positas tributaries north of I-580 and create a system of regional trails.
Project Components	1. Cottonwood Trail: - Construct a 3 mile trail along Cottonwood Creek starting at its intersection with N. Canyons Parkway. 2. Collier Trail: Don't know if follow creek bike/walk trail - Construct a 4.5 mile trail along Collier Creek starting at its confluence with Arroyo las Positas. probably follow creek, not road 3. Cayetano Trail: - Construct a 5 mile trail along Cayetano Creek starting at the confluence with Arroyo las Positas. - Construct seasonal undercrossing at I-580 to connect to existing trail along Arroyo las Positas, west of N. Livermore Avenue. The undercrossing could also provide connectivity to potential future BART Station. 4. Install 1,500 feet of fencing to exclude cattle from the creeks (assume 500 feet needed for each creek). 5. Acquire 30.3 acres of land for trails.
Capital Cost Estimate	\$72,990,000 How will you acquire property? How much of this is to purchase land?
Implementation Issues	Coordination with LARPD and City of Livermore. Coordinate w/ BART Coordination with BART. Coordinate w/ landowners?
Project Precursors	-
Project Benefits	Expands trail system north of I-580.
Goals/Objectives Addressed	Flood Protection & Drainage: none Erosion and Sedimentation: none Water Supply: none Water Quality: E Habitat & Environment: C Recreation, Trails, and Public Education: C, D, G
Maintenance Activities	Maintenance of trails: - Conduct annual inspection of trails. - Seal cracks and repair pavement on trails, as needed. - Clear debris and vegetation growth, as needed. - Repair signs and structures, as needed. Fencing maintenance: - Inspect and repair fencing as needed, on an annual basis.
Annual Maintenance Cost Estimate	\$569,000
Notes	Determine exact location of fencing needs in design phase.
References	* City of Livermore Bikeways and Trails Master Plan, Wilbur Smith Associates, December 11, 2001 Joe will provide me with copy

Latest Copy Joel Waxzeck 925-960-8129
City of Livermore

W. Allison Batteate

- W-1) Comment acknowledged. The 2001 Livermore Bikeways and Trails Master Plan describes a trail component (T21) that runs parallel to the creek, the exact alignment of which is yet to be determined. The SMMP shows T21 trail alignment, which is different from the 0.2-mile bikeway planned along Collier Canyon Road (Bike Lane Project L18) in the Bikeways and Trails Master Plan, which is noted in the comment. Therefore, no change is made to the trail component.
- W-2) Comment acknowledged. Zone 7 recognizes the importance of continued coordination with landowners for the implementation of the SMMP. Zone 7 will coordinate with land owners for Project R.5-1. As discussed in Master Response 2.2, Use of a Master EIR, the SMMP is described and analyzed at a planning level. Specific issues related to property acquisition will be addressed during the implementation phase for the projects. See Section 2, Master Response 2.5, Property Rights Acquisition.
- W-3) Comment acknowledged. As stated in the response to comment W-2, Zone 7 recognizes the importance of continued coordination with landowners for the implementation of the SMMP. Coordination with the appropriate stakeholders will be conducted during the Implementation phase beginning in Fall 2006.

Comment Letter X

Tim & Betty Gail Hunt
7266 Foothill Road
Pleasanton, CA 94566
bggth@comcast.net
(925) 846-9274

May 6, 2006.

To: Joe Seto
Senior Civil Engineer
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, Ca 94551

Re: Stream master plan and draft environmental impact report

Dear Joe:

Thank you and Dale Myers for meeting with our neighbors and for tackling head-on the challenges of dealing with the Arroyo de la Laguna. As a property owner whose property has been eaten away by raging waters, we believe it is absolutely necessary that the master plan addresses the neck of the funnel where 400 square miles of watershed drains.

We have the following specific comments and are open to a range of solutions as long as our banks and our property are protected. We'd love to see some restoration of property as the creek has both cut deeper and widened significantly at our expense.

- | | |
|--|-----|
| 1. Fixing the Arroyo de la Laguna must be the top priority in a wide-ranging project list. We understand that the 500-foot projects at the Verona and Castlewood Drive bridges are just placeholders until further geomorphic study can determine the best solutions. Whatever solutions are decided, we believe they must address the issues for property owners along the entire reach not just within a few selected areas. | X-1 |
| 2. Given the flows and the damage that has been done by flows that are significantly less than the maximum anticipates of more than 18,000 CFS, we believe some form of biological armoring will be necessary. We are open to exploring the best solutions as long as they protect against further erosion. | X-2 |
| 3. Upstream detention to ensure the maximum flow of more than 18,000 cfs is never reached is a wise policy. Flows much lower than this have wrecked havoc with our banks as well as the downstream habitat. Unfortunately that is a long-term fix that requires the chain of lakes and likely an end to gravel mining that is 30 years away. Therefore, shorter-term projects must be given priority. | X-3 |
| 4. Our properties have been victimized by increased flows caused by upstream development. We have continued to lose property to erosion for almost 10 years. It's time for the general public and Zone 7 to enlist the necessary partners and fix the problem. | X-4 |

Comment Letter X

We look forward to seeing this issue finally resolved and again are delighted that Zone 7 is tackling the issues of eroding banks along Reach 10 of the Arroyo de la Laguna.

Sincerely,

Tim & Betty Gail Hunt

X. Tim and Betty Gail Hunt

- X-1) Zone 7 recognizes the issue of erosion along Arroyo de la Laguna (ADLL).. Project priorities and implementation schedules will be established during the next phase of Implementation Planning beginning in Fall 2006. This phase will include project prioritization and implementation schedules, and may also include a geomorphic study of ADLL. See Master Response 2.1, SMMP Implementation and Funding.
- X-2) Comment acknowledged. The SMMP includes a range of measures, including biotechnical bank-stabilization measures to protect banks from erosion. Please refer to Table 2-4 on pages 2-21, 2-24, and 2-30 of the MEIR
- X-3) Please see response to comment X-1.
- X-4) Comment acknowledged. As discussed under Resource Area Goals and Objectives on page 2-12 of the MEIR, one of the main resource areas that SMMP addresses is erosion and sedimentation. The SMMP aims to reduce or manage erosion and sedimentation in a manner that is compatible with other stream resources (see Table 2-1 on page 2-12 of the MEIR). As stated under Erosion and Sedimentation on page 2-12 of the MEIR, channel stability in many areas varies and has led to bank erosion at many locations.

