

CHAPTER 2

COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

This chapter presents each commentor's letter followed by the corresponding responses. The responses to comments are numbered to correspond to the comment numbers that appear in the margins of the comment letter. Where the responses indicate additions or deletions to the text of the EIR, additions are indicated in underline, deletions in ~~strikeouts~~. All changes to the EIR text are summarized in Final EIR Chapter 3.

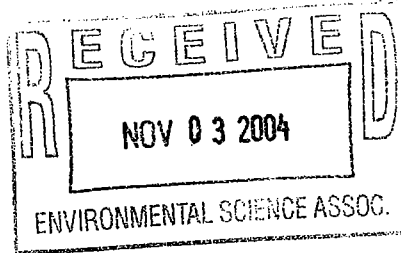
**United States Department of the Interior****FISH AND WILDLIFE SERVICE**

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



IN REPLY REFER TO:
1-1-04-TA-2891

Mr. Jim O'Toole
Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, California 94104



NOV 02 2004

Subject: Comments on Draft Environmental Impact Report for the South Bay Aqueduct Improvement and Enlargement Project, Alameda County, California

Dear Mr. O'Toole:

This letter represents the U.S. Fish and Wildlife Service's (Service) comments on the Draft Environmental Impact Report (DEIR) for the South Bay Aqueduct Improvement and Enlargement Project (project) proposed by the California Department of Water Resources (DWR). The report is dated September 2004 and was received in our office on September 3, 2004. The DEIR was prepared to evaluate the potential impacts of the improvement and expansion of South Bay Aqueduct (SBA) facilities in Alameda County, California. Our comments are provided in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The proposed project would make improvements to bring the existing capacity of the water conveyance system up to its design capacity (300 cubic feet per second [cfs]). In addition, the expansion portion of the project would add 130 cfs of conveyance capacity to meet future conveyance capacity needs. The proposed project would include the following:

- Installation of additional pumps at the South Bay Pumping Plant (SBPP), including expansion of the existing pump building, a new service bay, a new electrical switchyard.
- Construction of a third (Stage 3) Brushy Creek pipeline and surge tank parallel to existing dual pipeline (Stage 1 and Stage 2) system.
- Construction of a 500 acre-foot (af) reservoir served by the Stage 3 pipeline.
- Raising the height of canal embankments, canal lining and canal overcrossing structures and bridges for the Dyer, Livermore, and Alameda Canals, including Patterson Reservoir.

A-1



Mr. Jim O'Toole

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- Modification of check structures and siphons along the Dyer, Livermore, and Alameda Canals; and
- Construction of a new drainage over crossing structures to eliminate drainage into canals.

A-1

The Service believes the construction and operation of the proposed project may result in *take* of the threatened California tiger salamander (*Ambystoma californiense*) (tiger salamander), the threatened California red-legged frog (*Rana aurora draytonii*) (red-legged frog), the endangered San Joaquin kit fox (*Vulpes macrotis mutica*) (kit fox), the endangered longhorn fairy shrimp (*Branchinecta longiantenna*) (fairy shrimp), the threatened vernal pool fairy shrimp (*Branchinecta lynchi*), and the endangered vernal pool tadpole shrimp (*Lepidurus packardii*) (tadpole shrimp). The project may also result in the loss of critical habitat for the tiger salamander and red-legged frog. Section 9 of the Act and its implementing regulations prohibit the *take* of a federally listed wildlife species. *Take* is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal. *Take* may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in *take*, then that agency must engage in a *formal consultation* with the Service. During formal consultation, the Federal agency, the applicant, and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a *biological opinion* by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental *take*.

A-2

If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an *incidental take permit*. The Service may issue such a permit if a satisfactory Habitat Conservation Plan (HCP) for the species that would be affected by your project is submitted to us. Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop an HCP that minimizes the project's direct and indirect impacts to listed species and mitigates for project-related loss of habitat. You should include the plan in any environmental documents you file.

The proposed reservoir would be located northeast of Livermore along Dyer Road in the Altamont Pass area. The reservoir site is located within proposed critical habitat for both the tiger salamander and red-legged frog. According to California Natural Diversity Database

Mr. Jim O'Toole

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(CNDDDB) records, there are three documented occurrences of tiger salamanders within 0.5 miles of the reservoir site (one on the project site) and numerous others within 2 miles of the site. Red-legged frogs have been documented 0.25 mile from the site. The site of the proposed reservoir contains suitable upland habitat for tiger salamanders and red-legged frogs and may contain suitable breeding habitat for both species. In addition, the reservoir site is within 0.5 miles of proposed vernal pool critical habitat and according to the DEIR, vernal pools are present on the site of the proposed reservoir. These vernal pools may provide habitat for the two species of fairy shrimp and the tadpole shrimp. The reservoir site contains suitable grassland habitat for the kit fox and burrows in these locations may provide suitable denning habitat.

A-2

The Service has reviewed the alternatives proposed in the DEIR. The Service encourages the DWR to consider other alternatives (proposed in the DEIR) to the proposed construction of a 500 acre foot reservoir near Dyer Road and the associated Stage 3 pipeline. The construction of a reservoir in this location would result in the permanent loss of 27 acres and the temporary loss of 45 acres of grassland habitat that provides habitat for kit fox, tiger salamanders, and red-legged frogs. In addition, reservoir construction at the Dyer Road site would result in the permanent loss of 2.41 acres of seasonal wetlands and other aquatic habitat, which may provide habitat for the fairy shrimp, tadpole shrimp, and tiger salamanders. In addition, the construction of the Stage 3 pipeline necessary for the proposed project would result in the temporary disturbance of 63 acres of grassland habitat, some of which is suitable habitat for listed species.

The DEIR presents a storage alternative (Zone 7 Untreated Water Conveyance Study – Facility Descriptions page 6-9) that would utilize the Chain-of-Lakes area for water storage. The Service believes that this alternative is far superior to the proposed alternative because the site is already disturbed and impacts to listed species would be substantially less than the proposed reservoir site along Dyer Road or other proposed reservoir/reservoir expansion sites. A substantial area of grassland habitat and seasonal wetlands would be avoided if the Chain-of Lakes site were utilized for water storage. The DEIR also presents alternatives that would not require additional storage facilities (reservoir/reservoir expansion) but would increase conveyance capacity to the Zone 7 service area, thus meeting additional peak summer demands. The Service encourages the DWR to consider these alternatives, particularly the SBA Intermediate Improvement Alternative. This alternative would improve conveyance capacity by improving and modifying the SBA canal and certain sections of pipeline. This alternative would result in substantially fewer impacts to listed species and loss of habitat than the proposed project.

A-3

Due to time constraints, the Service has not been able to thoroughly review all alternatives presented in the DEIR. However, the Service encourages the DWR to select alternatives that minimize impacts to listed species. The Service believes that the DEIR provides suitable alternatives to the proposed project that would result in substantially fewer impacts, while still increasing water supply to Zone 7, which is the stated purpose of the project. The Service is willing to provide input to DWR with regard to the project design and alternatives as well as methods to minimize impacts to listed species.

Mr. Jim O'Toole

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This concludes our comments on the South Bay Aqueduct Improvement and Enlargement Project. If you have any questions regarding our comments, please contact Mary Hammer or the Coast Bay Delta Branch Chief at (916) 414-6625.

Sincerely,

A handwritten signature in black ink, appearing to read "Catrina Martin". The signature is fluid and cursive, with the first name "Catrina" being more prominent than the last name "Martin".

Catrina Martin
Deputy Assistant Field Supervisor

A. RESPONSE TO: CATRINA MARTIN, U.S. FISH AND WILDLIFE SERVICE, NOVEMBER 2, 2004

- A-1 Comment acknowledged. This comment contains summary of the project description for the SBA Improvement and Enlargement Project.
- A-2 Comment acknowledged. The DEIR (pp. 3.3-5 through 3.3-58) documents occurrences of these species and establishes mitigation measures addressing potential impacts to these species. Mitigation measures 3.3-3a, 3.3-3b, 3.3-4a, 3.3-4b, 3.3-4c, 3.3-5a, 3.3-5b, 3.3-6a, 3.3-6b, 3.3-6c have been included to minimize impacts to the species mentioned by the commenter. The mitigation measures include off-site mitigation when necessary to compensate for permanent loss of habitat. A permit package was submitted to USFWS on November 19, 2004 to initiate Section 7 consultation.
- A-3 Comment acknowledged. As discussed in DEIR Section 6.0, Zone 7 reviewed a wide range of alternatives to provide conveyance capacity into the Zone 7 service area. Alternatives were reviewed from an economic, reliability/flexibility, implementation, and environmental impact standpoint. As discussed on DEIR pp. 6-21 through 6-22, the Chain of Lakes does not represent a feasible stand-alone alternative to the SBA Enlargement and Improvement Project, as it would not meet the stated objectives of the proposed project. Rather, the Chain of Lakes represents an in-valley storage facility that Zone 7 could utilize in the future for agricultural storage, recycled water storage, and groundwater infiltration, when these gravel pits are actually mined. Full development of the Chain of Lakes is not anticipated until approximately 2030 (Katen, 2004), and their development would not provide adequate storage to meet projected demands without improvements to the conveyance capacity of the South Bay Aqueduct. Additionally, this alternative would not address several other project objectives, including provision of adequate freeboard along the SBA, ability for off-peak pumping, and increased system reliability. Finally, implementation of the Chain of Lakes would include impacts relating to construction of pipeline distribution facilities and pump stations for water distribution. Zone 7 will continue to review the Chain of Lakes within the context of meeting agricultural demands within its service area.

As noted by the commenter, impacts are associated with the Proposed Project; however, adequate mitigation has been identified in the DEIR to reduce these impacts to a less than significant level, including provision of compensatory mitigation for biological resource impacts. Therefore, as the Chain of Lakes alternative would not meet the stated project objectives, and potential impacts associated with the proposed project can be reduced to a less than significant level, the Chain of Lakes alternative is not considered environmentally superior. No further analysis of this alternative is required.



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Director

November 15, 2004

Terry Becker
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Subject: South Bay Aqueduct Improvement and Enlargement Project
SCH#: 2003092084

Dear Terry Becker:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 12, 2004, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

B-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report State Clearinghouse Data Base

SCH# 2003092084
Project Title South Bay Aqueduct Improvement and Enlargement Project
Lead Agency Water Resources, Department of

Type EIR Draft EIR
Description - Installation of additional pumps at the South Bay Pumping Plant (SBPP), including expansion of the existing pump building, a new service bay, and new electrical switchyard;
 - Construction of a third Brushy Creek pipeline and surge tank parallel to existing dual pipeline (Stage 1 and Stage 2) system. DWR refers to this third pipeline as "Stage 3";
 - Construction of a 500 acre-foot (AF) reservoir (425 of active storage plus 75 AF inactive storage) served by the Stage 3 Brushy Creek Pipeline;
 - Raising the height of canal embankments, canal lining and canal overcrossing structures and bridges for the Dyer, Livermore, and Alameda Canals, including Patterson Reservoir;
 - Modification of check structures and siphons along the Dyer, Livermore, and Alameda Canals; and
 - Construction of new drainage over crossing structures to eliminate drainage into canals.

Lead Agency Contact

Name	Terry Becker		
Agency	Department of Water Resources		
Phone	(916) 653-5791	Fax	
email			
Address	P.O. Box 942836		
City	Sacramento	State CA	Zip 94236

Project Location

County Alameda
City
Region
Cross Streets Dyer Road / Vasco Road / Altamont Pass Road / Grant Line Road / Mountain House Road / Kelso
Parcel No. Road
Township

Range	Section	Base
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Proximity to:

Highways Hwy 84, I-580, I-680
Airports
Railways UPRR
Waterways Brushy Creek, Bethany Reservoir, Livermore Canal, Patterson Reservoir, and Alameda Canal
Schools
Land Use Existing and proposed facilities are located within unincorporated areas of Alameda County and are under the jurisdiction of the East County Area Plan element of the Alameda County General Plan.

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

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 2; Department of Parks and Recreation; Native American Heritage Commission; Department of Health Services; Office of Historic Preservation; Department of Fish and Game, Region 3; California Highway Patrol; Caltrans, District 4; State Water Resources Control Board, Clean Water Program

Date Received 09/27/2004 **Start of Review** 09/28/2004 **End of Review** 11/12/2004

B. RESPONSE TO: TERRY ROBERTS, STATE CLEARINGHOUSE,
NOVEMBER 15, 2004

- B-1 This letter acknowledges that the comment period for the DEIR closed on November 12, 2004, and listed state agencies that submitted comments by that date. DWR accepted comments through November 12, consistent with the Notice of Availability prepared for the Draft EIR. The letter states that DWR has complied with the State Clearinghouse review requirements for draft environmental impact reports pursuant to the California Environmental Quality Act.



Terry Tamminen
Secretary for
Environmental
Protection

California Regional Water Quality Control Board San Francisco Bay Region

Internet Address: <http://www.swrcb.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 ☎ FAX (510) 622-2460



Arnold Schwarzenegger
Governor

November 12, 2004
File No. 2198.09 (BKW)

Terry Becker
Alameda County
DP.O. Box 942836
Sacramento, CA 94236

**Re: Draft Environmental Impact Report for the Department of Water Resources
Southbay Aqueduct Improvement and Enlargement Project
SCH Number: 2003092084**

Dear Mr. Becker:

Regional Water Quality Control Board (Water Board) staff appreciate the opportunity to review the *Draft Environmental Impact Report (DEIR) for the Department of Water Resources (DWR) Southbay Aqueduct Improvement and Enlargement Project*. The DEIR was prepared to evaluate environmental impacts resulting from the proposed action, which includes the expansion of capacity in the Southbay Aqueduct (SBA) through improvements to inlet structures, pumping stations, reservoirs, and canal sidewalls, as well as the construction of additional pipelines, tanks, and a reservoir. Water Board staff have the following comments on the DEIR.

Comment 1

Impact 3.2-2: Installation of the proposed facilities would have the potential to alter drainage patterns, runoff rates, and flow volumes (pages 3.2-17 – 3.2-20).

Many of the proposed improvements will impact a relatively small percentage of the local watersheds in which they occur. However, localized flow concentrations have the potential to increase the scouring of channel banks. This may be especially true at facilities like the proposed Dyer Reservoir, where post construction drainage will be re-routed by about 700 feet into its receiving channel. Water Board staff encourage DWR to evaluate the potential for impacts associated with localized concentration of flow, including locations where flow will be routed over or under the SBA, rather than into the SBA.

C-1

Comment 2

Impact 3.3-2: Construction of the Proposed Project could result in impacts to potentially jurisdictional wetlands or waters (pages 3.3-36 – 3.3-41).

Water Board staff request additional detail on the proposed siphons under Arroyo Seco and Arroyo Mocho. In Figure 2-14, it is not possible to evaluate the location of the proposed blowoff structures relative to the 2-year, 10-year, and 100-year flow lines of the creeks. If these structures are not located well outside of the 10-year flow line, Water Board staff encourage DWR to consider locating the structures further from the creek channel. Hard surfaces, such as concrete vaults or stone mats, can promote local bank erosion.

C-2

Mr. Becker

- 2 -

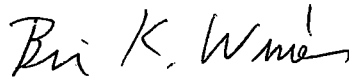
DEIR SBA Improvement and Enlargement

Water Board staff would also like DWR to consider the feasibility of removing the concrete apron at Arroyo Mocho. Many projects are being implemented or planned to provide for steelhead passage from Alameda Creek to potential spawning habitat in upper Arroyo Mocho. Zone 7 is developing plans for removal of two at grade, paved stream crossings in Arroyo Mocho, upstream of the SBA. At these crossings, the channel has silted in upstream of the crossing and incised downstream of the crossing. DWR is encourage to contact the National Marine Fisheries Service to determine if the existing concrete apron at the SBA would be a barrier to fish passage. If the apron is a barrier, removal of the barrier could be part of the mitigation proposal for the project.

C-3

If you have any questions, please contact me at (510) 622-5680 or by e-mail at bkw@rb2.swrcb.ca.gov.

Sincerely,



Brian Wines

Water Resources Control Engineer, South/East Bay Section

cc State Clearinghouse, Attn: Katie Shulte Joung, 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 (Notification No. R3-2001-0016)
 U.S. EPA, Region IX, Attn: Tim Vendlinski, Wetlands Regulatory Office, 75 Hawthorne Street, San Francisco, CA 94105-3901
 National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Attn: Gary Stern, 777 Sonoma Ave., Room 325, Santa Rosa, CA 95404

C. RESPONSE TO: BRIAN WINES, CALIFORNIA REGIONAL
WATER QUALITY CONTROL BOARD, NOVEMBER 12, 2004

- C-1 Comment acknowledged. As noted on DEIR page 3.2-14, Dyer Reservoir features and other civil features (inlets, outlets, cross drainage, etc.) would be designed to accommodate a 100-year event (240 cfs), and the rerouted drainage and conveyance structure across the SBA would be sized to accommodate a 1,000 year event (450 cfs). Due to the oversizing of these facilities, the consolidation of flow is not anticipated to result in erosional impacts. Additionally, the drainage channel would be designed at a slope that is less than the current slope of incised drainage onsite. Finally, conveyance of flow over the SBA would include appropriate energy dissipation to minimize erosion potential.

Project implementation would include modifications to flow conveyance facilities across the SBA at multiple locations along the SBA project corridor. The majority of these improvements would be limited to the minor extension of existing facilities and would not affect flow patterns, volume, or rate of flow. At some locations, drainage that is currently entering the canal would be rerouted to existing drainage infrastructure. This incremental increase in flow is not anticipated to affect existing or proposed facilities from a conveyance or erosional standpoint. All infrastructure would be designed for a 100-year event, and typical flows at these minor drainage crossings are less than 20 cfs. Therefore, erosional impacts are not anticipated at these locations. No additional mitigation measures or analysis is required.

- C-2 Comment acknowledged. A Request for 401 Water Quality Certification is under development and will provide the level of detail requested by the commenter. Proposed blowoff facilities would be located outside of the 10-year flow line at both Arroyo Seco and Arroyo Mocho. No additional mitigation measures or analysis is required.
- C-3 Comment acknowledged. The concrete apron referenced by the commenter provides access across Arroyo Mocho for maintenance of the SBA between Mines Road and Wente Road, a distance of approximately two miles. This concrete apron has not been identified as a barrier to anadromous fish passage in either the Assessment of the Potential for Restoring a Viable Steelhead Trout Population in the Alameda Creek Watershed, prepared for the Alameda Creek Fisheries Restoration Workgroup (Applied Sciences, 2000), or the Zone 7 Stream Management Master Plan (RMC, 2004), which identifies removal of nine barriers within the Upper Alameda Creek Watershed. Discussions with NOAA Fisheries at the SBA turnout on Arroyo Mocho as part of Zone 7's Arroyo Mocho Diversion Project did not identify this access apron as a barrier to fish passage. Therefore, no additional analysis of this potential mitigation concept is required at this time. DWR will continue to review appropriate mitigation measures with individual resource agencies as part of the permitting process.



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

James E. Sorensen
Agency Director

Chris Bazar
Planning Director

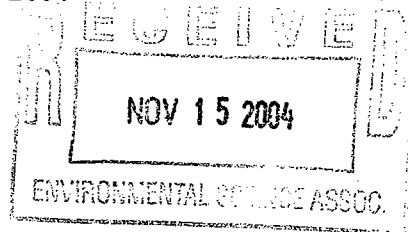
224
West Winton Ave.
Room 111

Hayward
California
94544

phone
510.670.5400
fax
510.785.8793

www.acgov.org/cda

November 10, 2004



California Department of Water Resources
c/o Mr. James O'Toole, Project Manager
Environmental Science Associates, Inc.
225 Bush Street, Suite 1700
San Francisco, CA 94104
FAX: 415.896.0332

FAX and Hard Copy Sent

Dear Mr. O'Toole:

Department of Water Resources South Bay Aqueduct Improvement and Enlargement Project
Draft Environmental Impact Report Comments, SCH No. 2003092084

Thank you for the opportunity to comment on the above Draft Environmental Impact Report ((DEIR) prepared for the proposed South Bay Aqueduct Improvement and Enlargement Project. Among the improvements identified in the DEIR are:

- Installation of additional pumps at the South Bay Pumping Plant, including expansion of the existing pump building, a new service bay and new electrical switch yard;
- Construction of a third Brushy Creek pipeline and surge tank parallel to the existing dual pipeline (Stage 1 and Stage 2) system. Note: DWR refers to this third pipeline as "Stage 3";
- Construction of a 500 acre-foot (af) reservoir (425 af active storage plus 75 af inactive storage) served by the Stage 3 Brushy Peak Pipeline;
- Raising the height of canal embankments, canal lining and canal overcrossing structures and bridges for the Dyer, Livermore and Alameda Canals, including the Patterson Reservoir;
- Modification of check structures and siphons along the Dyer, Livermore and Alameda Canals; and
- Construction of new drainage over-crossing structures to eliminate drainage into canals.

Some of these improvements would be located in the designated 750 acre biological habitat mitigation and buffer area in Sections 15, 16, 17 and 21 established under Conditional Use Permit C-5512, the Altamont Landfill and Resource Recovery Facility (ALRRF) - Class II

D-1

D-2

DWR South Bay Aqueduct DEIR Comments

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Expansion Project (Expansion). In addition, parts of these improvements would potentially be located within the designated Juan Bautista de Anza National Historic Trail Corridor (a National Historic Trail, designated by the U.S. Congress in 1990 and named a National Millennium Trail in 1999). The intent of this letter is to define the County's position on this matter.

D-2

As part of Mitigation Measures adopted as part of the Environmental Impact Report (EIR) prepared for the Expansion (and amended by the Settlement Agreement resulting from subsequent lawsuits), the ALRRF was required to set aside a total of 750 acres on-site for biological habitat mitigation and buffer areas.

As defined in Conditions 16-27 of C-5512 adopted March 6, 2000 (attached), the mitigation and buffer areas are located, "... in Sections 15, 16, 17 and 21, substantially as depicted in Exhibit I." This exhibit appears in Volume 2, Appendices of Conditional Use Permit C-5512, the *Altamont Landfill and Resource Recovery Facility (ALRRF) - Class II Expansion EIR (SCH# 92083047)* in the January 17, 1995 LSA Associates, Inc., *ALRRF Biological Assessment, Figure 7, Mitigation Area*. This biological assessment report and exhibit were adopted as part of the Final EIR document and conditional use permit. As adopted and certified by the Alameda County Board of Supervisors, these documents have full legal standing under the California Environmental Quality Act (CEQA). Feasible mitigation measures that have been made conditions of approval are not subject to change by any party without additional CEQA review; the requirements of the condition must be either implemented, or the physical ability to implement the condition must be maintained until it is feasible to do so.

D-3

As detailed in the above conditions and Settlement Agreement, a Conservation Agreement for Land Dedication for Habitat Reserve and Trust Fund for the acquisition, operation and maintenance of the Preserve must be reviewed and approved by the following parties: a) U.S. Fish and Wildlife Service; b) California Department of Fish & Game; c) Livermore Area Recreation and Park District and/or East Bay Regional Park District; d) City of Livermore; and e) County of Alameda staff. This step has not been fully accomplished as of the date of this writing. Before any utility easement can be established between Zone 7 and Waste Management of Alameda County, Inc., ALRRF owners and operators, the habitat mitigation and buffer area must be resolved first. If this is not done, it could be impossible for the ALRRF to meet its obligations under the condition, which would constitute a violation of its conditional use permit.

D-4

Alternately, DWR could identify additional adjacent habitat area that could be used as replacement for the habitat identified in C-5512 that would be disturbed during construction, provided this area meets all of the same habitat requirements as the habitat area established under C-5512. This additional habitat land may need to be provided at a ratio of 1.1/1 or greater, depending on Department of Fish and Game / U.S. Fish and Wildlife Service requirements.

DWR South Bay Aqueduct DEIR Comments

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Page 3

The route of the Historical Trail is identified in the *Livermore Area Recreation and Park District Regional Trail Plan*. Neither the official location of the Historic Trail nor the alternative alignment proposed by the Alameda County Task Force crosses the Class II Expansion Area. A portion of the alternative alignment crosses the northwest corner of Section 17, the area proposed for wildlife mitigation. Route segments will be considered officially part of the Historic Trail after they have been certified as protected segments by the Secretary of the Interior; no action on the Historic Trail at this location has taken place, however. Most Historical Trail planning, development and maintenance activities will occur at the County level. Since the proposed easement and improvements would have temporary and minimal Historic Trail impacts, the County does not consider this an obstacle.

D-5

The potential habitat mitigation area also serves as a buffer area for Dyer Road residents that will not be developed for landfill operations. The habitat mitigation condition does not preclude potential use of the area located east of Dyer Road for utility service purposes. As stated above, however, consultation with and approval by all the agencies listed will be required before this utility easement area can be established.

D-6

Please contact Senior Planners Ronald Gee or Bruce Jensen at 510.670.5400 if you have any further questions about these matters.

Sincerely,



Chris Bazar
Planning Director

Attachments

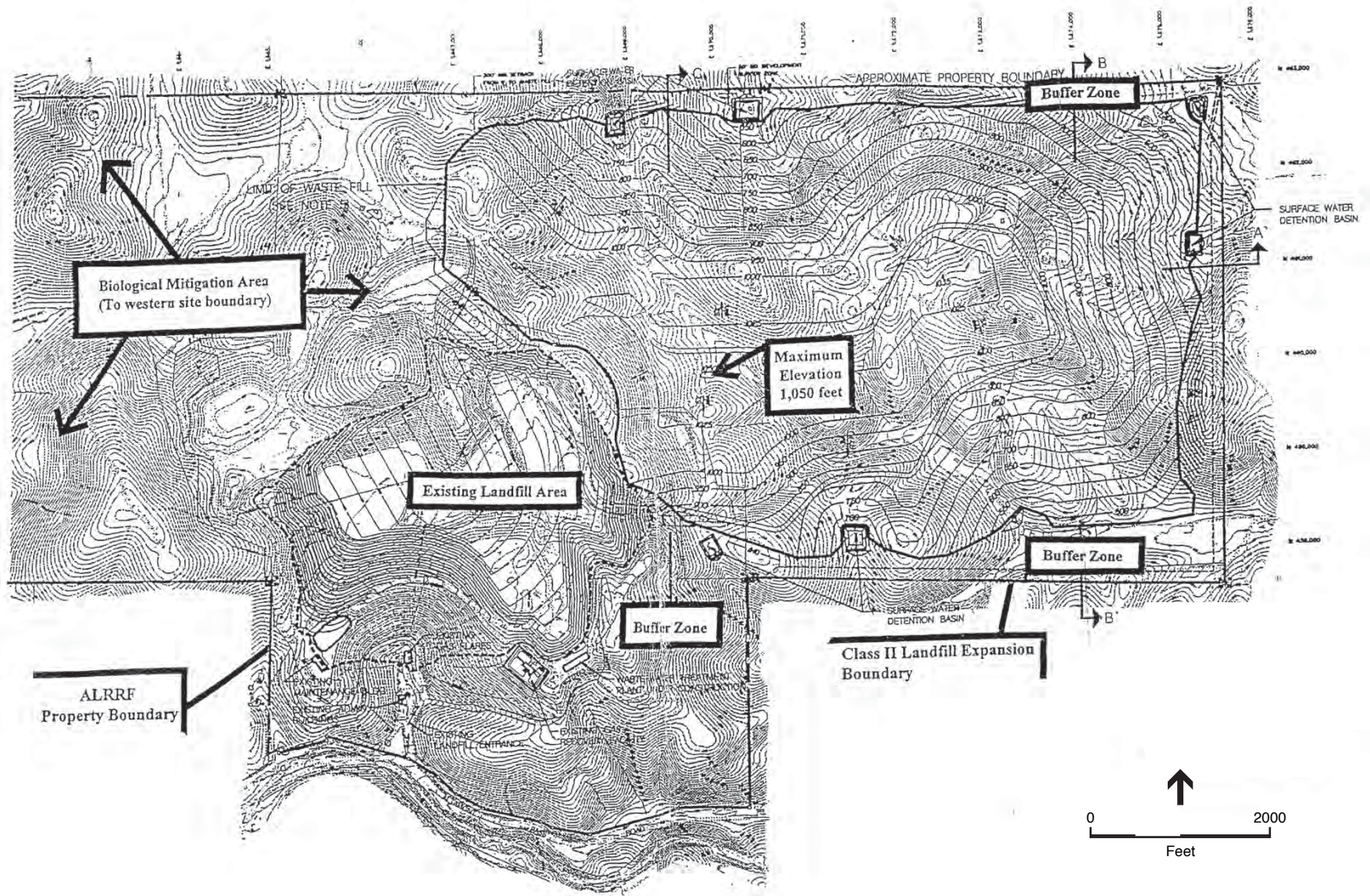
cc: Terry Becker, Department of Water Resources, 1416 Ninth Street, Sacramento, CA 95814
James Horen, Zone 7 Water Agency, 5997 Parkside Drive, Pleasanton, CA 94588
Ken Lewis, ALRRF, Waste Management of Alameda County, Inc.
James Sorensen, Director, Community Development Agency
Lorenzo E. Chambliss, Senior Deputy County Counsel

D. RESPONSE TO: CHRIS BAZAR, ALAMEDA COUNTY PLANNING DEPARTMENT, NOVEMBER 10, 2004

- D-1 Comment acknowledged. This comment contains a summary of the project description for the SBA Improvement and Enlargement Project.
- D-2 This comment summarized more detailed comments presented in the letter (see subsequent responses).
- D-3 Comment acknowledged. DEIR Section 3.4, Land Use, contains a discussion of the mitigation requirements imposed on Waste Management of Alameda County (WMAC) under Conditional Use Permit (CUP) C-5512 issued to WMAC by the Alameda County Board of Supervisors on March 6, 2000. This Conditional Use Permit approved a landfill expansion project that was substantially reduced from the one included in WMAC's original application, and includes the two separate mitigation requirements mentioned in this comment letter. Conditions 16-27 require WMAC to set aside 750 acres of land for mitigation of biological resource impacts "in Sections 15, 16, 17, and 21, substantially as depicted in Exhibit 1." Condition 7 requires that "Buffer zones shall be retained on site around the perimeter of the landfill footprint substantially as indicated in Exhibit 1." Alameda County has indicated that the referenced Exhibit 1 appears in Volume 2, Appendices of Conditional Use Permit C-5512, the Altamont Landfill and Resource Recovery Facility (ALRRF) – Class II Expansion EIR (SCH#92083047) (ESA, 1995; See **Figure D-1**), and is based upon the January 17, 1995 *LSA Associates, Inc. ALRRF Biological Assessment, Figure 7, Mitigation Area* (LSA Associates, 1995; See **Figure D-2**). Exhibit 1 delineates the perimeter of the landfill expansion as originally proposed by WMAC (reflecting a 750-acre expansion), rather than the perimeter of the 250-acre expansion as approved in the CUP.

As discussed on DEIR pp. 3.4-19 through 3.4-20, the four sections referenced in C-5512 Conditions 16-27 comprise approximately 2,560 acres of land. With the existing landfill (230 acres) and approved landfill expansion area (250 acres), approximately 2,000 acres of land would remain available within these four sections to meet this mitigation requirement. **Figure D-3** depicts the perimeter of the existing landfill and approved expansion, which is reduced from the proposed expansion depicted in Exhibit 1 (ESA, 2000). As stated on DEIR p. 3.4-19, construction of Dyer Reservoir as proposed would result in the temporary disturbance of 45 acres of open space area, and the permanent loss of 27 acres associated with the reservoir structure. The areas temporarily disturbed will be restored following construction, and the permanent loss of 27 acres is not anticipated to preclude or affect WMAC's ability to meet its mitigation obligation as established under C-5512. The perimeter of the approved landfill expansion is a substantial distance from both the western boundary of WMAC property and the proposed Dyer Reservoir site, and implementation of Dyer Reservoir would not affect the maintenance of a buffer area between the active landfill operations and WMAC property boundaries.

It should be noted that as a State Agency, DWR may not be regulated by local agencies without legislative consent. DWR is also not a party to the referenced Settlement Agreement. As established in Mitigation Measure 3.4-2b, however, DWR shall work with WMAC to ensure real property acquisition for the proposed Dyer Reservoir does not preclude WMAC from meeting its mitigation obligation as identified in C-5512 and other regulatory permits. This may include identification of appropriate lands to offset open space acreage permanently utilized by the Proposed Project.



SOURCE: Alameda Co., CUP C-5512, 1996

DWR SBA Improvement and Enlargement Project / 202456 ■

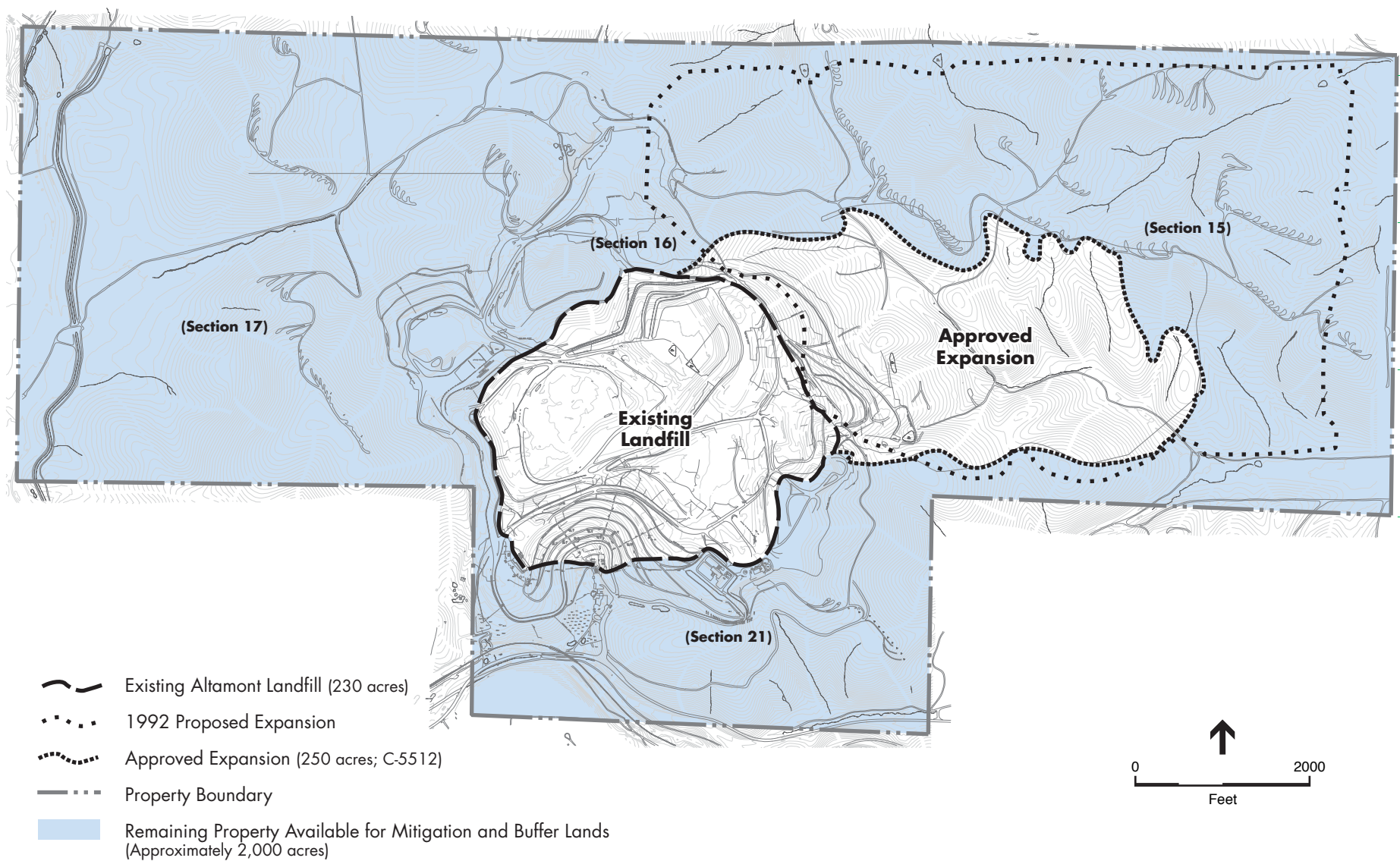
Figure D-1
Mitigation Area and Buffer Zone
Altamont Landfill and Resource Recovery Facility
Original Alameda County Conditional Use Permit (C-5512)



SOURCE: LSA BA, 1995

DWR SBA Improvement and Enlargement Project / 202456 ■

Figure D-2
Mitigation Area and Buffer Zone
Altamont Landfill and Resource Recovery Facility
(ALRRF) Biological Assessment



SOURCE: Environmental Science Associates, 1999; 2004

DWR SBA Improvement and Enlargement Project / 202456 ■

Figure D-3
Existing Altamont Landfill,
Approved Expansion (C-5512),
and Remaining Property

- D-4 Comment acknowledged. The commenter references Condition 16 of C-5512, Land Dedication for Habitat Preserve. This condition is prefaced by “To the extent that off-site habitat mitigation is required...” An agreement with the agencies referenced by the commenter does not appear necessary for WMAC to establish onsite mitigation, although as regulatory agencies, U.S. Fish and Wildlife Service and California Department of Fish and Game would approve onsite mitigation. DWR recognizes that WMAC has not yet established a mitigation area or conservation easement. Please see Response D-3 regarding WMAC’s ability to meet its mitigation obligation under C-5512.
- D-5 Comment acknowledged. As stated in the DEIR (pp. 3.4-21 through 3.4-23), implementation of the Proposed Project would not preclude future use of the SBA project corridor for recreational use.
- D-6 Comment acknowledged. Please refer to Response D-3.

**ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

5997 PARKSIDE DRIVE

PLEASANTON, CALIFORNIA 94588-5127

PHONE (925) 484-2600 FAX (925) 462-3914

November 5, 2004

Mr. Terry Becker
Department of Water Resources
Division of Engineering
Bonderson Building, Room 313-A
P.O. Box 942836
Sacramento CA 94236-0001

Re: Comments on the September 2004 Draft EIR, SCH. No. 2003092084, for the South Bay Aqueduct Improvement and Enlargement Project

Dear Mr. Becker:

Thank you for the opportunity to review the September 2004 Draft EIR on the DWR South Bay Aqueduct Improvement and Enlargement Project. As described in the DEIR, the Project adds delivery capability and storage to improve the SBA water delivery system.

Zone 7 Water Agency has reviewed the Draft EIR. The document is comprehensive and well done, and we have no substantive comments. We note that the EIR covers construction of facilities needed to deliver water purchased by Zone 7 in accordance with the 1999 Zone 7 Water Supply Master Plan and the Master Plan EIR reports. Accordingly, as indicated in the EIR, Zone 7 will be constructing the Altamont Water Treatment Plant at the same time, so coordination of certain activities during design and construction is important. The Project is complex, necessitating a very comprehensive environmental review and report, and the Department appears to have met the challenge.

E-1

Coordinating activities relating to environmental, rights of way, design, and construction aspects of facilities around Patterson and the proposed Dyer reservoirs, where our facilities connect to the aqueduct, is most important. At Patterson the existing turnout and connecting pipe may need to be modified. At Dyer Zone 7 will be installing a pump and pipeline between the new reservoir turnout and the treatment plant. Zone 7 will cooperate with, and offers to assist and work with, the Department with environmental activities, including mitigation issues, or with special studies that may be needed, in these areas of mutual interest.

E-2

Zone 7 recognizes that the aqueduct improvements being made benefit all the South Bay Aqueduct contractors. We note the Project enhances the flood control, recreational, and water supply benefits already provided with SBA system reservoirs. It helps Zone 7 meet future water demands, and, importantly, helps us reduce hardness in the ground water basin. The extra storage enables on peak power savings. The Project as proposed in the DEIR benefits the community in many ways.

E-3

We commend the Department for making these improvements to system reliability, dependability, and water quality, while also bringing the 40-year old aqueduct up to current physical standards. We look forward towards working with the Department in completing the Project.

Sincerely,

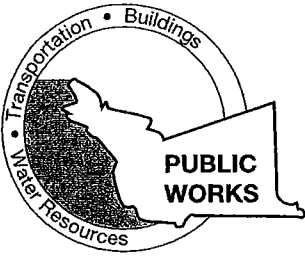
A handwritten signature in dark ink, appearing to read "Dale Myers", is written over a horizontal line.

Dale Myers
General Manager

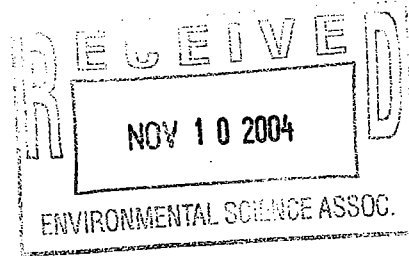
DM:bkm

E. RESPONSE TO: DALE MYERS, ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (ZONE 7), NOVEMBER 5, 2004

- E-1 Comment acknowledged. DWR will coordinate with Zone 7 during design and construction of the SBA Improvement and Enlargement Project, particularly on issues that relate to Zone 7 design and construction activities for Altamont Water Treatment Plant and Zone 7 Altamont Pipeline.
- E-2 Comment acknowledged. DWR will coordinate with Zone 7 during design and construction of Dyer Reservoir and improvements to Patterson Reservoir. DWR acknowledges the need for close coordination on design issues for Zone 7 connections to the SBA, and on environmental activities of mutual interest, including mitigation issues and special studies.
- E-3 Comment acknowledged. Commenter identified benefits of the project. No response necessary.



COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY
DEVELOPMENT SERVICES DEPARTMENT
951 Turner Court, Room 100
Hayward, CA 94545-2698
(510) 670-6601
FAX (510) 670-5269



November 8, 2004

Zone 7, General

Department of Water Resources
C/O Jim O'Toole
Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104

Dear Mr. O'Toole:

Subject: Draft Environmental Impact Report
South Bay Aqueduct Improvement and Enlargement Project

Reference is made to your transmittal of September 28, 2004, of the Draft Environmental Impact Report for the South Bay Aqueduct Improvement and Enlargement Project. We have reviewed the document and offer the following comments:

1. The State Department of Water Resources is a public agency and may qualify for exemption from grading permits under Section 15.36.050 B; "Grading done by or under the supervision or construction control of a public agency that assumes full responsibility for the work." To seek formal recognition of an exemption, the Grading Section will require a letter on DWR stationery that describes how the exemption applies in their case and affirms assumption of full responsibility.
2. Any permits to be issued under Section 13.12.140 of the Watercourse Protection Ordinance of Alameda County would be "no fee" permits pursuant to Section 13.122.180 B.
3. This project will cause significant construction impacts to County roadways because of the number of truck trips that are needed to construct the improvements. The existing roadways are not designed for the number of truck trips anticipated and would result in significant damage during and after construction. Mitigation Measure 3.8-4 is not acceptable. Mitigation measures should be agreed to during design of the project. We have experienced significant construction issues with contractors on mitigation requirements that are not specifically included in the construction documents. Determination of the specific roadways that will be used for construction for each phase of the project and the anticipated number of truck trips on each roadway will be required.

F-1

F-2

F-3

Mr. Jim O'Toole

2

November 8, 2004

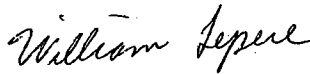
4. Zone 7 has a project on Dyer Road and Altamont Pass Road. We suggest that DWR and Zone 7 coordinate their construction activities to minimize construction impacts.
5. Residents shall be included in the design process of this project as pertains to road closures and detours.

F-4

F-5

Thank you for the opportunity to provide input on this project. If you have any questions, please call Andrew Otsuka at (510) 670-6613.

Very truly yours,



William L. Lepere
Supervising Civil Engineer
Development Services Department

WLL:AO

cc: Robert Preston, Traffic Engineering
James Chu, Road Program
John Fenstermacher, Real Estate
Ted Froyland, Permits Section
Fred Wolin, Environmental Services

F. RESPONSE TO: WILLIAM LEPERE, ALAMEDA COUNTY
PUBLIC WORKS, NOVEMBER 8, 2004

- F-1 Comment acknowledged. DWR is exempt from planning regulations of local jurisdictions per Government Code Sections 53090 and 53091, and recognizes that it would be exempt from the County's grading ordinance under Section 15.36.050 B. Per County request, DWR will submit a letter regarding this exemption.
- F-2 Comment acknowledged. DWR concurs with the statement that any permits issued under Section 13.12.140 of the Watercourse Protection Ordinance of Alameda County would be a "no fee" permit pursuant to Section 13.122.180 B. However, it should be noted that DWR is exempt from planning regulations of local jurisdictions per Government Code Sections 53090 and 53091.
- F-3 Comment acknowledged. As stated on DEIR pp. 3.8-9 and 3.8-11, DWR or its contractors will obtain the necessary road encroachment permits from Alameda County prior to construction and will comply with the applicable conditions of approval. DWR will provide the County with the required information for each encroachment permit.
- F-4 Comment acknowledged. Chapter 5 of the DEIR analyzed the cumulative impacts resulting from the SBA Improvement and Enlargement Project in combination with other projects, including the Zone 7 Water Treatment Plant at Dyer Road and the Zone 7 Altamont Pipeline Project along Altamont Pass Road. As stated in Measure 5.1, Zone 7 and DWR shall coordinate construction activities along selected alignments to identify overlapping pipeline routes, project areas, and construction schedules. To the extent feasible, construction activities shall be coordinated to consolidate the occurrence of short-term construction-related impacts.
- F-5 Comment acknowledged. DWR recognizes the importance of construction coordination with both residents and other projects on Dyer Road. DWR will include notification and coordination with these entities as appropriate regarding road closures and detours.

CITY OF LIVERMORE



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Country
Since
1849"*

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Golf Course Division

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Maintenance Division

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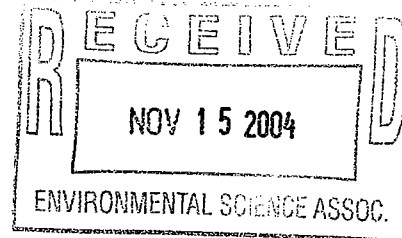
Ph: 960-8020 • Fax: 960-8025

Water Resources Division

101 W. Jack London Blvd.

Ph: 960-8100 • Fax: 960-8105

November 9, 2004



Department of Water Resources
C/O Jim O'Toole, Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, California 94104

RE: DEIR for South Bay Aqueduct Improvement and Enlargement Project
City of Livermore Comments

Dear Mr. O'Toole:

The City of Livermore thanks you for the opportunity to comment on the South Bay Aqueduct Improvement and Enlargement Project DEIR. Our specific comments on relevant sections are attached.

Our comments focus primarily on two sections:

- 3.1: Geology, Soils and Seismicity; and
- 3.4: Land Use, Planning and Recreation

With regard to Section 3.1, the EIR should provide more detailed information and analysis on potential flooding hazards and alterations to dam failure inundation zones.

With regard to Section 3.4, the City is concerned at the lack of discussion in the EIR regarding the long-term effects of SBA improvements on the proposed Brushy Peak to Del Valle Regional Multi-Use Trail. The EIR contains discussion on long-term effects on existing facilities and possible short-term disturbance impacts related to project construction, however, it does not provide information on whether the canal improvements would impact or preclude development of a trail along the SBA in the future. The EIR does not discuss how proposed improvements to canal embankments and roadways could affect using these roads as a multi-use regional trail facility in the future.

G-1

The City acknowledges the safety and security concerns related to providing public access along the aqueduct. However, the proposed improvement project provides an opportunity to evaluate options for developing a significant recreational facility along the aqueduct.

City staff is available to answer any questions or clarify any of the comments that have been provided to you if needed. Please contact Ingrid Rademaker, Associate Planner, at (925) 960-4450 with any questions regarding the above or attached comments or any other assistance we can provide.

G-1

Sincerely,



Susan Frost
Principal Planner

Attachment

cc: Mayor Kamena and City Councilmembers
Linda Barton, City Manager
Marc Roberts, Community Development Director
Cheri Sheets, City Engineer
Eric Brown, Planning Manager
Susan Frost, Principal Planner
Tim Barry, LARPD
Steve Fiala, EBRPD
Jamie Perkins, EBRPD

**City of Livermore Comments
South Bay Aqueduct Improvement/Enlargement Draft EIR**

Section 3.1 Geology, Soils, and Seismicity

- *Why is there no discussion/analysis in this Section of potential impacts or alterations the improvements may have on dam failure inundation zones?*

The *Regulatory Framework* portion of this section outlines the California Office of Emergency Services (OES) role in the preparation of inundation maps to show areas susceptible to flooding following a partial or complete collapse of a dam structure. Yet, the ensuing discussion on impacts, specifically in relation to the Patterson and Dyer Reservoirs, does not even mention inundation zones or whether raising water levels would necessitate altering these zones, in the event of structural damage and the possibility of flooding.

G-2

Page 3.1-16, Impact 3.1-1

- Impact 3.1-1 indicates the potential for severe service interruption as a result of damage to project facilities including localized collapse or damage of engineered fills, structural damage, pipeline rupture, or equipment toppling.

Shouldn't the discussion also analyze all potential hazards that may result from damage including the potential for flooding? Or at least provide analysis and determination that there is no potential for flooding?

G-3

Page 3.1-19, Mitigation Measure 3.1-1

- This mitigation measure should include a provision that the DWR will coordinate development of their Earthquake Preparedness and Response Plan with local Regulatory Agencies and with the OES and that the Plan will include public safety measures identified by the OES for this area.

G-4

Section 3.3 Biological Resources

Page 3.3-50, Mitigation Measures, Measure 3.3-5b:

- Suggest revising language as follows: "*Agency Consultation. If vernal pool invertebrates are found within the SBA project Corridor, formal or informal consultation with USFWS ~~would~~ will be required.*"
- Suggest adding provision to this mitigation measure as second to last bullet: "*Work with LARPD and/or EBRPD to identify potential mitigation sites locally.*"

G-5

G-6

Page 3.3-54, Mitigation Measures, Measure 3.3-6c:

- Suggest adding provision as follows: *“Work with LARPD and/or EBRPD to identify potential mitigation sites locally.”*

G-6

Page 3.3-57, Mitigation Measures, Measure 3.3-8A:

- Suggest adding following provision to second sentence of second paragraph: “If construction must occur during this period, all sites shall be surveyed prior to construction, by a qualified biologist...”

G-7

Section 3.4 Land Use, Planning and Recreation

Page 3.4-1, Regional Land Use and Planning Setting, First Paragraph:

- Please indicate proposed project is within City’s Planning Area as well as Sphere of Influence:
“Starting approximately from Altamont Pass Road, the SBA Corridor is located within the City of Livermore’s Planning Area as identified in the 2003 Livermore General Plan. Additionally, Livermore Canal, Patterson Reservoir, and Alameda Canal are located within the City of Livermore’s Sphere of Influence (SOI) and the South Livermore Valley Specific Plan.”

G-8

Page 3.4-2, Existing Land Use Environment, Table 3.4-1

- *Is Table 3.4-1 meant to indicate existing land uses or land use designations*
Please clarify and include one or the other or both.

G-9

Page 3.4-4, Livermore Canal, Patterson Reservoir, Alameda Canal

- Livermore General Plan identifies the area surrounding these uses as Large Parcel Agriculture (LPA) consistent with the County’s designation, and the aqueduct itself as Open Space/Water Management Lands (WML).

G-10

Page 3.4-6, Existing Recreational Uses:

- **Add third paragraph:** *“City of Livermore General Plan and Bikeways and Trails Master Plan also propose a trail system, consistent with LARPD and EBRPD Plans, including links to regional facilities such as the proposed Iron Horse Trail and the Brush Peak to Del Valle Aqueduct Trail.”*

Page 3.4-10, Table 3.4-3

- Include proposed City of Livermore trails in vicinity that will connect to regional facilities:
 - Tesla Road – from South Livermore Avenue to Greenville Road
 - Patterson Pass Road – from Vasco Road to Brush Peak to Del Valle Aqueduct Trail

G-11

- Clarify recreational facility status as follows:

Project Component	Proposed Recreational Facility in Vicinity	Recreational Facility Status
Dyer Canal	Brushy Peak to Del Valle Trail	Proposed in EBRPD Master Plan, <u>LARPD Master Plan and City of Livermore Bikeways and Trails Plan</u>
Livermore Canal	Iron Horse Trail – San Joaquin County to Shadow Cliffs	Proposed in EBRPD Master Plan <u>and City of Livermore Bikeways and Trails Plan</u>

G-11

Page 3.4-10

- Include Map of proposed or “planned” recreational facilities in vicinity consistent with area Master Plans (Similar to Figure 3.4-2).

G-12

Page 3.4-18, Impact 3.4-2: Project construction could result in long-term effects to existing land uses in the vicinity of proposed facilities.

- *Why doesn't impact discuss long-term effects or impacts to “planned” land uses as well?*

Analysis of long-term effects should take into consideration not only “existing” land uses but also “proposed.” Analysis is not complete without discussion of potential impacts to proposed recreational facilities in vicinity or along aqueduct.

G-13

Page 3.4-20, Canal Improvements: “the extension of embankments and linings of the Dyer, Livermore, and Alameda Canals would result in no impact to existing or planned land use and no mitigation is required.

- *Why is there no analysis/discussion specifically regarding how these improvements will impact existing or planned land uses?*

Discussion makes statement that there is no impact to existing or planned land uses but doesn't identify existing or planned land uses in the immediate vicinity of the three canals mentioned. There is no discussion/details as to why this conclusion regarding no impact was reached.

G-14

Pages 3.4-20 and 3.4-21, Canal Overcrossings, Canal Check Structures and Siphons, and Patterson Reservoir.

- *Why is there no analysis or explanation as to why these improvements will have no impact?*

These subsections offer no analysis as to why there is no impact, long-term, on existing/proposed land uses.

Page 3.4-21, Impact 3.4-3: Project construction could result in short-term disturbance of recreational facility uses.

- *Why is there no discussion of long-term effects on recreational facilities?*

As mentioned above under Impact 3.4-2, there is no discussion or analysis of long-term effects on proposed or “planned” recreational facilities, such as the Brushy Peak to Del Valle Trail along the aqueduct, and the impact of project improvements on future construction of such a facility.

First paragraph - simply states that future planned facilities do not have an implementation date and may not be open to public while project is underway. This discussion should address whether proposed improvement could possibly *preclude* development of the Brushy Peak to Del Valle trail, or conversely whether improvements might facilitate development of a regional trail.

Third Paragraph – discusses informal agreement with LARPD and Walker family to allow supervised public access to Brushy Peak for interpretive tours. This information should also be included and discussed in the Traffic and Circulation section as a potential short-term impact.

G-15

Section 5 Cumulative Impacts

Page 5-9, Livermore Valley Projects

- Doesn't address planned long-term recreational facilities (i.e. Brushy Peak to Del Valle Trail along aqueduct). Potential cumulative impacts cannot be determined without knowledge of or information on planned projects in vicinity of projects

G-16

G. RESPONSE TO: SUSAN FROST, CITY OF LIVERMORE
PLANNING DEPARTMENT, NOVEMBER 9, 2004

- G-1 This comment summarized more detailed comments presented in the letter (see subsequent responses).
- G-2 The California Department of Water Resources, Division of Safety of Dams (DSOD) oversees the construction of dams that are over 25 feet high and impound over 15 acre-feet (4.9 million gallons) of water, or over 6 feet high and impound over 50 acre-feet (16.3 million gallons) of water. The proposed Dyer Reservoir would retain greater than 50 acre-feet and is therefore considered a DSOD jurisdictional facility. Similarly, Patterson Reservoir is under DSOD jurisdiction, and proposed improvements would be analyzed with respect to DSOD requirements.

California has the most stringent dam safety design and construction review standards in the United States. The requirements for siting, engineering, construction, and monitoring of dams are continually improved as knowledge increases as to how and why dams fail. Damage to earthen dams in California is often associated with poor operation and maintenance of dam facilities, or with strong earthquake-induced ground shaking that affects older dams that have not been designed to modern standards. The risk of dam failure is highest in older dams constructed to lower design standards that have not been upgraded for seismic safety, or when dams are poorly designed, constructed, operated, or maintained.

Whether caused by a seismic event, flood event, unstable slope conditions, or damage from corrosive or expansive soils, the potential for the catastrophic failure of a properly designed and constructed DSOD jurisdictional dam facility is extremely remote. The design and construction of large dams is required to adhere to stringent standards set by the DSOD; adherence to these design and construction standards greatly reduces the probability of dam failure, and therefore adequately protects public safety. The DSOD requires that dams are constructed to withstand seismic ground shaking far greater than the maximum ground shaking expected at a particular dam site. The DSOD is involved through the design and construction phases of the dam facility to ensure that the underlying geology, construction materials, and construction techniques comply with its strict standards. Through compliance with DSOD requirements, the risk of upset, and subsequent effects of flooding, are reduced to less than significant. No additional mitigation measures or analysis is required.

Although the probability of dam failure is extremely remote, the California Office of Emergency Services requires the preparation of an inundation map and the development of a downstream evacuation plan for areas within the potential inundation area (California Water Code Section 6002, and California Government Code Section 8589.5). In order to conservatively assess the downstream flooding risks of dam failure, dam failure inundation maps are based on modeling the expected flooding caused by total collapse of the dam structure during a catastrophic event. This model scenario assumes such failure would occur over a short period of time and drain nearly all water within the reservoir structure. Such a collapse is considered highly improbable given that the DSOD requires that dams in California be designed to withstand structural collapse from underlying geology, construction, and seismic ground shaking. DWR will prepare and submit inundation maps to OES as appropriate. Due to the incremental increase in storage at Patterson Reservoir (5 acre-feet), substantial alteration of flow paths, water depth, arrival time, or inundation area for this existing facility is not anticipated.

G-3 Comment acknowledged. Please refer to Response G-2.

G-4 Comment acknowledged. In response to this comment, Mitigation Measure 3.1-1 has been revised as follows:

Measure 3.1-1: DWR shall update their Earthquake Preparedness and Response Plan to prescribe actions to identify and remedy potential hazards related to earthquake-related equipment topple, employee injury, fire, and equipment failure for the new facilities. The Plan shall include a detailed post-earthquake inspection procedure and schedule to identify conditions that compromise workers safety or could result in extensive service interruptions. In updating the plan, DWR will solicit input from local regulatory agencies and with the Office of Emergency Services (OES). The plan will include public safety measures identified by OES relating to earthquake preparedness.

G-5 Comment acknowledged. In response to this comment, Mitigation Measure 3.3-5b has been revised as follows:

Measure 3.3-5b: Agency Consultation. If vernal pool invertebrates are found within the SBA project corridor, ~~formal or informal~~ consultation with USFWS ~~will~~would be required. DWR shall provide compensation for the permanent loss of vernal pool habitat at a 3:1 ratio, or similar ratio approved by CDFG and USFWS through one, or a combination of, the following mechanisms:

- Establishment of conservation easement on lands currently owned by DWR adjoining Bethany Reservoir.
- Participation in an approved mitigation bank program;
- Establishment of conservation easement or purchase of private lands to be set aside as managed vernal pool habitat.
- Enhancement and revegetation along the SBA project corridor

G-6 Comment acknowledged. DWR will continue to pursue mitigation and will coordinate with other agencies as appropriate. No alteration of Mitigation Measure 3.3-5b or 3.3-6c is required.

G-7 In response to this comment, Mitigation Measure 3.3-8a has been revised as follows:

Measure 3.3-8a: Protection to nesting and breeding birds and raptors. The following mitigation measures will be implemented to address potential impacts to nesting and breeding birds and raptors in the vicinity of the construction sites:

- To the extent feasible, construction activities shall avoid the nesting season between March 15 and August 15. If construction must occur during this period, all sites shall be surveyed prior to construction by a qualified biologist to verify the presence or absence of nesting birds or raptors. If the survey indicates the potential presence of nesting birds or raptors, the results would be coordinated with CDFG and suitable avoidance measures would be

developed and implemented. Construction shall observe the CDFG avoidance guidelines which require a minimum 500-foot buffer zone surrounding active raptor nests and a 250-foot buffer zone surrounding nests of other birds. Buffer zones shall remain until young have fledged.

- G-8 Comment acknowledged. In response to this comment, the first paragraph on DEIR p. 3.4-1 has been revised as follows:

The South Bay Aqueduct (SBA) project corridor extends along the existing SBA facilities between Bethany Reservoir in Eastern Alameda County to the vicinity of Arroyo Mocho in the Livermore Valley. Existing and proposed facilities are located within unincorporated areas of Alameda County and are under the jurisdiction of the East County Area Plan (ECAP) element of the Alameda County General Plan. Starting in the vicinity of the intersection of Vasco Road and Northfront Road and Altamont Pass Road, the SBA Corridor is located within the City of Livermore's Planning Area as identified in the Draft 2003 Livermore General Plan. Additionally, Livermore Canal, Patterson Reservoir, and Alameda Canal are located within the City of Livermore's Sphere of Influence (SOI) as identified in the City of Livermore General Plan 2003-2025, and the South Livermore Valley Specific Plan. All facilities are generally located within open space or agricultural areas east of the City of Livermore.

- G-9 Comment acknowledged. Table 3.4-1 of the DEIR identifies land use designations as designated by the East County Area Plan and/or the City of Livermore 2003-2025 General Plan.
- G-10 Comment acknowledged. In response to this comment, the text on DEIR pp. 3.4-4 and 3.4-6 has been revised as follows:

Livermore Canal

The Livermore Canal extends south from the southern end of the Altamont Pipeline near I-580 to Patterson Reservoir. The canal runs parallel to Greenville Road east of the City of Livermore. Surrounding land uses consist of open space and some light industrial development along Greenville Road, approximately 2,000 feet west of the canal. Two residences are located within 500 feet of the canal (see **Figure A-3, Appendix A**). The land on either side of the canal area is designated as Open Space-Large Parcel Agriculture by the ECAP. The canal itself is designated Water Management by the ECAP. This area is also within the Livermore SOI and the Livermore General Plan identifies the land on either side of the canal area as Large Parcel Agriculture (LPA). Agriculture/Open Space and Public Use. The canal itself is identified as Open Space/Water Management Lands (WML).

Patterson Reservoir

The Patterson Reservoir is an existing reservoir facility that serves the Zone 7 Patterson Pass Water Treatment Plant (WTP), and demarks the end point of the Livermore Canal. The reservoir is located approximately 1,500 feet north of Patterson Pass Road, and approximately 50 feet north of the Zone 7 Patterson Pass WTP fenceline (see **Figure A-3, Appendix A**). The area surrounding the canal is

designated as ~~Open Space~~-Large Parcel Agriculture by the ECAP. The reservoir itself is designated Water Management by the ECAP. The reservoir site is designated in the Livermore General Plan as Open Space/Water Management Lands (WML) Public Use, and the surrounding ~~land area~~ is identified as Large Parcel Agriculture (LPA). ~~Agriculture/Open Space.~~

Alameda Canal

The Alameda Canal extends from Patterson Reservoir approximately 6 miles east and south of the City of Livermore to Check 6, located approximately 1 mile west of Arroyo Mocho. General land uses along this segment include vineyards, individual ranchettes, cattle grazing, and other agricultural uses. Approximately ten residences are located within 500 feet of the canal. The Sandia/Lawrence Livermore Laboratories are located northwest of the canal near its intersection with Greenville Road (see **Figure A-4, Appendix A**). The land on either side of the canal area is designated as ~~Open Space~~-Large Parcel Agriculture by the ECAP. The canal itself is designated Water Management by the ECAP. The Livermore General Plan identifies the canal itself as Open Space/Water Management Lands (WML) Public Use, the area east and west of the canal as Large Parcel Agriculture (LPA). ~~Agriculture/Open Space, and the area west of the canal as Vacant Industrial and Underdeveloped Industrial land use.~~

- G-11 Comment acknowledged. In response to this comment, the following third paragraph has been added to DEIR p. 3.4-6, under Existing Recreational Uses:

City of Livermore General Plan and Bikeways and Trails Master Plan also propose a trail system, consistent with LARPD and EBRPD Plans, including links to regional facilities such as the proposed Iron Horse Trail and the Brushy Peak to Del Valle Aqueduct Trail.

In response to this comment, Table 3.4-3 has been revised to include additional trails proposed under the City of Livermore Bikeways and Trails Master Plan (Wilbur Smith Associates and 2M Associates, 2002) and the LARPD Master Plan (LARPD, 1995) as shown on the following page.

- G-12 Comment acknowledged. Table 3.4-3 on p. 3.4-10 of the DEIR, and as revised per Response G-11, identifies proposed recreational facilities within proximity of the SBA project corridor. In response to this comment, **Figure 3.4-2a** has been incorporated into the EIR to show proposed recreational facilities within the vicinity of the SBA project corridor.

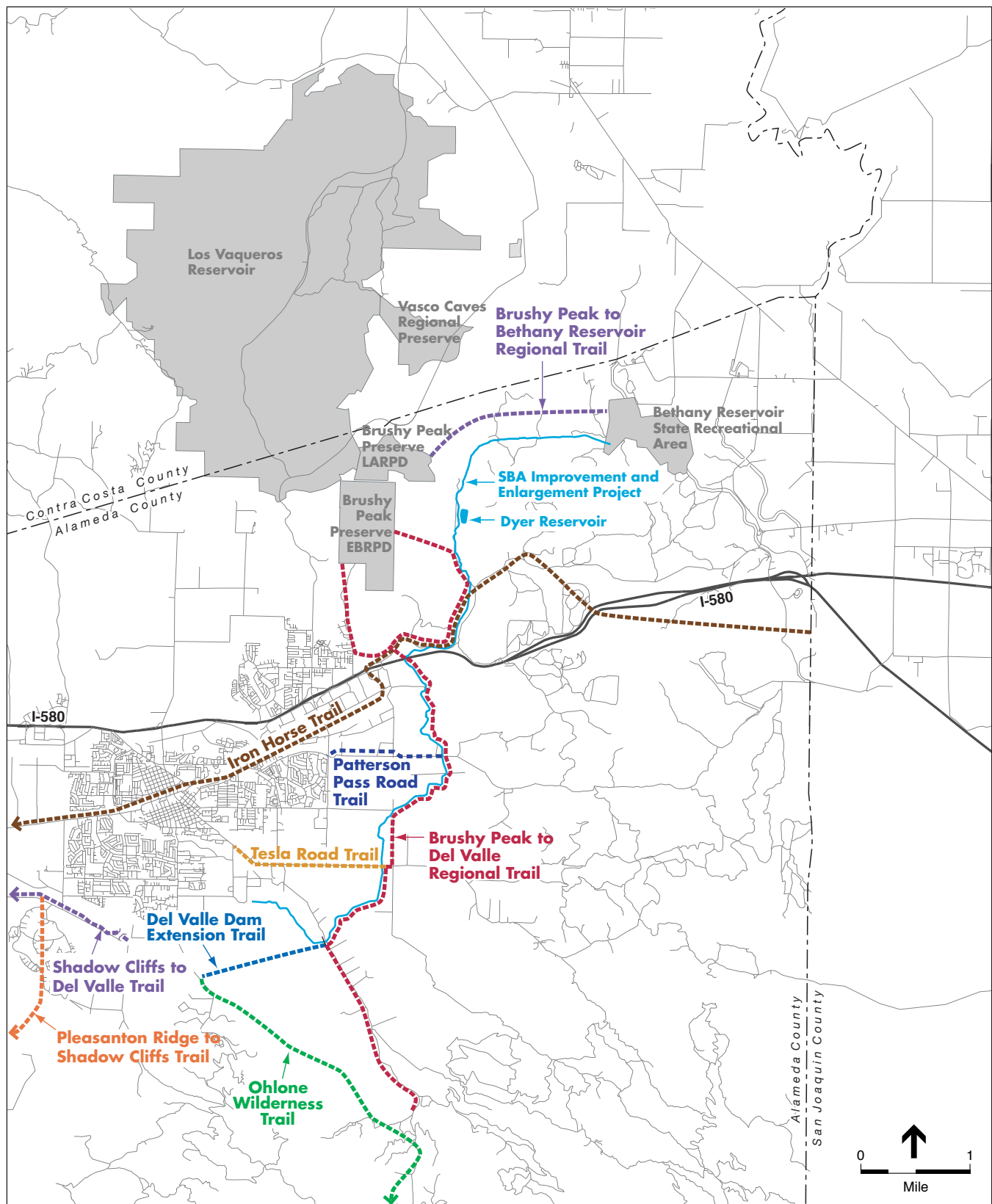
**TABLE 3.4-3
PROPOSED RECREATIONAL FACILITIES LOCATED WITHIN PROXIMITY OF SBA PROJECT CORRIDOR**

Project Component	Proposed Recreational Facility in Vicinity	Distance from SBA Project Component	Recreational Facility Status	Planning Jurisdiction
Brushy Creek Pipeline	Brushy Peak to Bethany Reservoir Regional Trail	Identified as along SBA	Identified as “Proposed Trail” in EBRPD Master Plan	Alameda County
Dyer Canal	Brushy Peak to Del Valle Regional Trail	Identified as along SBA	Identified as “Proposed Trail” in EBRPD Master Plan, <u>LARPD Master Plan and City of Livermore Bikeways and Trails Master Plan</u>	Alameda County
<u>Alameda Canal</u>	<u>Tesla Road Trail</u>	<u>Terminates at Alameda Canal</u>	<u>Identified as “Proposed Trail in EBRPD Master Plan, LARPD Master Plan and City of Livermore Bikeways and Trails Master Plan</u>	<u>Alameda County</u>
<u>Alameda Canal</u>	<u>Patterson Pass Road Trail</u>	<u>Terminates at Alameda Canal</u>	<u>Identified as “Proposed Trail in EBRPD Master Plan, LARPD Master Plan and City of Livermore Bikeways and Trails Master Plan</u>	<u>Alameda County</u>
Livermore Canal	Iron Horse Trail San Joaquin County to Shadow Cliffs	Identified as along SBA	Identified as “Proposed Trail” in EBRPD Master Plan, <u>LARPD Master Plan and City of Livermore Bikeways and Trails Master Plan</u>	Alameda County

TABLE 3.4-3 (continued)
PROPOSED RECREATIONAL FACILITIES LOCATED WITHIN PROXIMITY OF SBA PROJECT CORRIDOR

Project Component	Proposed Recreational Facility in Vicinity	Distance from SBA Project Component	Recreational Facility Status	Planning Jurisdiction
Livermore Canal	Iron Horse Trail Shadow Cliffs to Alameda County	Identified as along SBA	Identified as “Proposed Trail” in EBRPD Master Plan	Alameda County
Alameda Canal	Del Valle Dam Extension	Identified as along SBA	Identified as “Proposed Trail” in EBRPD Master Plan	Alameda County
Alameda Canal	Ohlone Wilderness Trail	Identified as along SBA	Identified as “Proposed Trail” in EBRPD Master Plan	Alameda County
Alameda Canal	Shadow Cliffs to Del Valle	Identified as along SBA	Identified as “Proposed Trail” in EBRPD Master Plan	Alameda County
Alameda Canal	Pleasanton Ridge to Shadow Cliffs Trail	Identified as along SBA	Identified as “Proposed Trail” in EBRPD Master Plan	Alameda County

SOURCE: EBRPD, 1997. Compiled by Environmental Science Associates.



SOURCE: Compiled by Environmental Science Associates:
East Bay Regional Park District, 1997
Wilbur Smith Associates, 2001

DWR SBA Improvement and Enlargement Project / 202456 ■

Figure 3.4-2a

Proposed Recreational Facilities within
Vicinity of the SBA Project Corridor

- G-13 Comment acknowledged. The text supporting Impact 3.4-2 (DEIR pp. 3.4-18 through 3.4-21) discusses the long-term impacts of proposed facilities on existing and planned land uses along the SBA Corridor. In response to this comment, the text of Impact 3.4-2 has been revised as follows:

Impact 3.4-2: Project construction could result in long-term effects to existing and planned land uses in the vicinity of proposed facilities. Less than Significant with Mitigation.

- G-14 Comment acknowledged. No facilities are being proposed outside of DWR right-of-way within the City of Livermore Planning Area. The City of Livermore General Plan has designated Patterson Reservoir and Alameda, Dyer, and Livermore Canals as Open Space/Water Management Lands. DWR is exempt from planning regulations of local jurisdictions per Government Code Sections 53090 and 53091. Therefore, DWR is not bound by City of Livermore General Plan land use designations. However, the Proposed Project will not implement any activities or propose any facilities within the City of Livermore that are inconsistent with the Open Space/Water Management Lands land use designation. Regarding future development, with the exception of future potential recreational trail uses, there are no planned projects within DWR right-of-way. As noted in DEIR Therefore, implementation of canal improvements, canal overcrossings, canal check structures and siphons, and Patterson Reservoir would not result in impacts to existing or planned land uses.

- G-15 Comment acknowledged. The text supporting Impact 3.4-3 (DEIR pp. 3.4-21 through 3.4-23) discusses the short-term and long-term effects of the Proposed Project on the proposed recreational facilities identified in Table 3.4-3, including the Brushy Peak to Del Valle Regional Trail. In response to this comment, text of Impact 3.4-3 has been revised as follows:

Impact 3.4-3: Project construction could result in short-term and long-term disturbance of recreational facility uses. Less than Significant with Mitigation.

As discussed in the DEIR (pp. 3.4-21 through 3.4-23), implementation of the SBA Improvement and Enlargement project would not preclude recreational use. In response to this comment, the first paragraph under Impact 3.4-3 on p. 3.4-21, which presents a summary of the facility specific presented, has been revised as follows:

Regional and local facilities located in the direct vicinity of proposed recreational facilities are summarized in Table 3.4-2 and Table 3.4-3. Other than the location of the SBPP within the Bethany Reservoir State Recreation Area, proposed facilities do not intersect any current recreational facilities. Table 3.4-3 includes facilities that have been identified by the *East Bay Regional Park District 1997 Master Plan* and the *Livermore Area Recreation and Park District 1992 Regional Trail Plan*, and do not have firm implementation dates. These facilities are not currently in recreational use and may or may not be open for public use by the time project construction is underway. Implementation of the Proposed Project would not preclude development of the proposed recreational facilities identified in Table 3.4-3.

Regarding informal access to Brushy Peak Preserve via Dyer Road, formal access to this recreational facility is provided via Laughlin Road. This use will be treated consistent with all traffic access issues along Dyer Road. No siphon installation is proposed along Dyer Road; therefore, lane closure is not anticipated. No revisions of the impact analysis or mitigation measures is required.

- G-16 Comment acknowledged. The DEIR (pp. 5-14, 5-15, 5-27, 5-28) discusses the short-term and long-term cumulative impacts to land use. In response to this comment, the first paragraph on DEIR p. 5-10 has been revised as follows, which does not affect the analysis in the DEIR:

... City of Livermore Summary of Major Projects (City of Livermore, 2004a); City of Livermore Capital Improvement Plan (City of Livermore, 2004b); EBRPD Master Plan Proposed Trails (EBRPD, 1997). Projects identified from these lists that could contribute to cumulative impacts within the vicinity of the South Bay Aqueduct are provided in Table 5-2, and include the following project types: roadway improvements; individual residential, commercial, and industrial development projects approved under the Livermore General Plan; ~~and~~ wind farm and other industrial uses consistent with land use and zoning ordinances of the East County Area Plan; and proposed recreational trails. The timing and implementation of these projects is uncertain at this time. However, for certain issue areas such as air quality, traffic, and water resources, these projects would have the potential to contribute to cumulative impacts in the event they are implemented during the construction timeframe of the SBA Improvement and Enlargement Project, or the other identified projects within the Altamont Pass area.

In response to this comment, Table 5-2 on p. 5-12 has been revised as shown on the following page, which does not affect the analysis in the DEIR.

TABLE 5-2 (Continued))
PLANNED AND APPROVED PROJECTS IN THE PROJECT AREA AND VICINITY

City of Livermore (cont'd)

Warehouse and Office – North Canyons Pkwy
 North Canyons Parkway Construction
 North Livermore Ave Underpass Renovation
 North Livermore Ave Widening
 North Vasco Road Undergrounding
 Northfront Road Widening
 Office and Retail – Greenville Road/I-580
 Olivina Avenue Widening
 P St. Underpass Renovation
 Portola Ave Reconstruction
 Portola Ave Undergrounding
 Scenic Ave Roadway Extension
 South L St Undergrounding – Fourth St-College Ave
 South Livermore Ave Undergrounding
 South Vasco Road Overpass Widening
 Stanley Blvd Widening
 State Route 84 Relinquishment and Transfer Project
 Stream Channel Master Plans – Citywide
 Two Industrial Buildings – Kittyhawk Road
 Vallecitos Road and Holmes Street Bridge Widening
 Vallecitos Road and Vineyard Avenue Realignment
 Vasco Road Widening
 Water Reclamation Plant – Phase VI Expansion

Proposed Recreational Facilities

Brushy Peak to Bethany Reservoir Regional Trail
Brushy Peak to Del Valle Regional Trail
Iron Horse Trail San Joaquin County to Shadow Cliffs
Iron Horse Trail Shadow Cliffs to Alameda County
Del Valle Dam Extension
Ohlone Wilderness Trail
Shadow Cliffs to Del Valle
Pleasanton Ridge to Shadow Cliffs Trail
Tesla Road Trail
Patterson Pass Road Trail

Other

Zone 7 Stream Management Master Plan

SOURCES: Compiled by Environmental Science Associates: Caltrans, 2004a; Caltrans, 2004b; Alameda County Public Works, 2003; Alameda County Congestion Management Agency, 2004; Alameda County Transportation Improvement Authority, 2004; Contra Costa County Community Development Department, 2004; Contra Costa County Public Works, 2001; City of Livermore Community Development Department, 2004a; ~~and~~ City of Livermore Public Works Department, 2004b; East Bay Regional Park Master Plan, 1997; and City of Livermore Bikeways and Trails Master Plan, 2002.

**DUBLIN
SAN RAMON
SERVICES
DISTRICT**

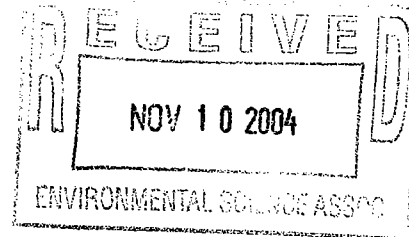


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November 9, 2004

Department of Water Resources
C/O Mr. Jim O'Toole
Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104



**Subject: Department of Water Resources Draft Environmental Impact Report,
"South Bay Aqueduct Improvement and Enlargement Project"**

Dear Mr. O'Toole:

The Dublin San Ramon Services District (DSRSD) thanks the Department of Water Resources (DWR) for the opportunity to review and comment on its Draft Environmental Impact Report (DEIR) for the proposed "South Bay Aqueduct Improvement and Enlargement Project" (Project). DSRSD believes the overall Project being defined by the DEIR is of overwhelming importance to the reliability and quality of the water supplied to the Tri-Valley areas (Livermore, Pleasanton, Dublin and San Ramon). In general, we found the DEIR to be thorough and well written, with the exception of the DSRSD concerns discussed below.

The "Project Objectives" defined in the DEIR includes the objective, "Provide Water Quality Benefits". The DEIR defines this as Zone 7 using the additional water supply to recharge its groundwater basin during the Spring months when the water supply's total dissolved solids is at its lowest. It is stated this is a key objective for Zone 7's Groundwater Management Plan.

DSRSD agrees that Zone 7 groundwater management is important, but we also strongly believe that equal water quality throughout the entire Tri-Valley area served by Zone 7 is one of the most important issues facing our District at this time, coupled with a fiscally responsible scheme to fund the water supply and water quality improvements.

Since the DEIR stated objectives includes "Providing Water Quality Benefits" to the Tri-Valley area, DSRSD would expect the Final EIR to adequately address: 1) How the chosen alternative will further the goal of equalizing water quality to all Zone 7 Municipal & Industrial (M&I) customers, 2) What operational strategies can be employed by Zone 7 to use the improvements and expansion of the SBA to further the goal of equalizing water quality to all Zone 7 customers, 3) What is the DWR and Zone 7 financing scheme, and how will it effect the long term economics of the Tri-Valley area, and 4) How do the related Zone 7 water supply projects (the Altamont Pipeline Project, Altamont Treatment Plant Project, and the Well Master Plan Project) cumulatively interrelate; how do they

H-1

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cumulatively effect the distribution of equal water quality to the Tri-Valley M&I customers; and how do they cumulatively effect the long-term economics of the Tri Valley area. More specifically:

H-1

- The DEIR Project Objective should include a provision that states “ the South Bay Aqueduct improvements will be designed with adequate capacity so that, when operated in conjunction with Zone 7’s new treatment plant improvements and well head demineralization, the SBA project will result in delivered water with of approximately equal water quality throughout Zone 7’s service area as well as hardness levels between 75 and 150 mg/l to all of the Zone 7 service area for all of its current and future customers.” This should be supported with the water quality modeling results.

H-2

- The Project Alternatives section does not include any discussion of the cumulative effects of the South Bay Aqueduct Improvements and the Zone 7 Well Master Plan project. The project alternative evaluations should include a discussion of which customers will receive surface water from the SBA via the Altamont Pass Water Treatment Plant via the SBA, or from the existing and future wells.

H-3

- The SBA-DEIR does not discuss the economic cumulative effects of all of the water supply projects Zone 7 proposes to finance over the next 5-10-15 years (the SBA upgrade project included) on a pay-as-you-go financing scheme. It does not compare the pay-as-you-go financing to any debt financing option, nor does it examine alternative “pay-as-you go” methods to raise the needed capital or how each of these options will affect short and long-term customer rates or water quality delivered to customers. The DEIR should discuss the effects on existing and future ratepayers, including schools, businesses, city and county agencies, and to other municipal and industrial customers resulting from the required rate increases for the pay-as-you-go financing scheme, as compared to the affects of debt financing scenarios and alternative pay-as-you go methods. It should identify rate impacts at several time frames: immediate, short term (after 5 years), mid term (after 15 years), long term (after 30 years). The analyses should also be done after a full and complete reconciliation of encumbered and unencumbered fund balances at Zone 7.

H-4

In addition to the water quality and fiscal concerns outlined above, DSRSD also offers the following specific comments and needed corrections to the DEIR; organized by page number of the draft EIR:

Page S-3, Executive Summary: The project description should include a description of the project’s location and a map illustrating the same. Figure 2-1 is an example of the type of map that should be included in the summary.

H-5

Page S-6, Executive Summary: The alternatives discussion appears to be incomplete with respect to the “Improvements Project Only” Alternative. How does it differ from the project? The Project Description on page S-3 of the summary should distinguish the improvements and the expansion portions of the project.

H-6

Mr. O'Toole
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Page S-7, Executive Summary: The discussion of alternatives beginning on this page is generally confusing. The EIR needs to distinguish between those alternatives that are being analyzed in the EIR and those that were screened out of further analysis. It should have a clean list of each of these two types. Those alternatives that do not meet project objectives and substantially reduce one or more of the significant effects of the project should not be included in the alternatives being analyzed in depth. For example, the two "No Off-Peak Pumping Alternatives" should not be analyzed in depth.

H-7

Page 2-31, Construction. The discussion of construction activities does not disclose the potential service interruptions identified in Section 3.10. The description of construction should reconcile its statement that "implementation of facilities will be scheduled...to provide continual levels of delivery. No outages to SBA Contractors are anticipated" with the findings in Section 3.10.

H-8

Page 3.1-13, Regulatory Framework. This should include a description of DWR's current "Earthquake Preparedness and Response Plan" and its applicability to the facilities. It should also describe who is responsible for implementing the plan and how that is done.

Page 3.1-19, Mitigation Measure 3.1-1. This measure is needed in order to minimize service interruptions that may occur as a result of earthquake. It should offer more specific performance standards for inclusion in the Earthquake Preparedness and Response Plan relative to preparedness. Further, the measure should specify recovery actions that will be taken post-earthquake should inspections reveal that service interruptions are occurring or are imminent.

H-9

Page 3.10-6, Impact 3.10-1. This discussion should specify whether deliveries to DSRSD will be affected during project implementation, including supplies from Del Valle Reservoir.

H-10

Page 3.10-6, Mitigation Measure 3.10-1. This measure is rather vague as written. It should specify that the operational practices shall be undertaken in order to avoid interrupting the water service provided by SBA contractors and other affected agencies to their customers.

H-11

Chapter 6. Alternatives Analysis. This chapter appears incomplete. While not directly affecting any DSRSD facilities, DSRSD believes that it does not adequately meet the minimum requirements for the discussion of alternatives in an EIR.

The analysis needs to clearly identify those alternatives that are being analyzed in the EIR and those that were screened out of further analysis. In addition to the "No-Project Alternative", the EIR must consider a "reasonable range" of feasible alternatives that meet most project objectives and reduce one or more of its significant effects. Those alternatives that do not meet project objectives or reduce one or more of its effects should not be included in the alternatives being analyzed in depth. After reading this chapter, it is unclear whether there are any valid project alternatives other than the no-project alternative.

H-12

Section 6.2. Alternatives to the Project beginning on page 6-5 appears to include both alternatives for analysis and those that are being screened out. For example, the discussion of the "Improvements

H-13

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Project Only Alternative" on page 6-6 notes that it doesn't meet most of the project objectives. If that is the case, then it should not be included as an alternative for discussion. The discussions of the "Zone 7 Untreated Water Conveyance Alternatives Analysis Overview" beginning on page 6-7, the "Zone 7 Untreated Water Conveyance Study – Facility Descriptions" beginning on page 6-9, "Transmission Alternatives" beginning on page 6-22, and "Zone 7 Untreated Water Conveyance Study Conclusions" beginning on page 6-24 are confusing. The discussion is unclear regarding which, if any, of these potential alternatives is actually being selected.

H-13

Section 6.3. SBA Facility Alternatives suffers from the same problem. While professing to "constitute facility alternatives," it includes numerous potential alternatives that either do not meet project objectives or that have the same or worse environmental impacts as the project.

H-14

In conclusion, DSRSD supports DWR and Zone 7's forward-looking planning effort to increase future reliability and redundancy of the water supplies in order to improve water reliability and water quality to Zone 7 customers. Again, DSRSD believes any new water supply, treatment, or conveyance facility should be sized to serve the highest quality of water on a uniform basis to all of Zone 7 customers. In addition, DSRSD expects Zone 7 to develop an effective financing scheme to not only expedite the necessary improvements in a timely manner, but to also do so in a fiscally responsible manner that takes Zone 7's wholesale customers and the retail water customers' interests into account. We would expect the Final EIR to address the cumulative environmental effects of all of Zone 7 water supply and water quality projects, and how they interrelate with the SBA improvements project.

H-15

Sincerely,



DAVID K. BEHRENS
Principal Engineer

DKB:mb

cc: Dave Requa, DSRSD
Bert Michalczyk, DSRSD

H. RESPONSE TO: DAVID K. BEHRENS, DUBLIN SAN RAMON SERVICES DISTRICT, NOVEMBER 9, 2004

- H-1 Comment acknowledged. The actual text of the project objective cited by the commenter is provided below:

Provide Water Quality Benefits: Project implementation would provide additional conveyance capacity, allowing Zone 7 to import and recharge water with lower total dissolved solids during spring months. This is a key objective for Zone 7's groundwater management. Additionally, control of drainage currently entering the SBA canals and Bethany Forebay Inlet Channel would reduce sediment loads.

DWR is proposing facilities to meet Zone 7's 130 cfs conveyance capacity request. Proposed facilities would deliver untreated water from the State Water Project to turnouts for Zone 7 Water Agency. This provides the conveyance capacity for Zone 7 to meet its projected demand needs, including operational demands for water quality. Provision of additional capacity will provide Zone 7 the ability to import water supplies during periods of higher water quality. The commenter is referred directly to Zone 7 Water Agency for comments regarding Zone 7 operations, delivered water quality, and financing, including: the equalization of water quality within different Zone 7 retailer zones; financing of proposed improvements, and the long-term economics of the Tri-Valley area; and interrelation of projects proposed solely by Zone 7, including the Altamont Water Treatment Plant, Altamont Pipeline, the Water Quality Management Plan, and Well Master Plan, and their cumulative effect on delivered water quality.

- H-2 Comment acknowledged. Please refer to Response H-1.
- H-3 Comment acknowledged. Please refer to Response H-1.
- H-4 Comment acknowledged. Please refer to Response H-1.
- H-5 Comment acknowledged. An overview figure is not typically provided in the Summary. Please refer to Figure 2-1 in Section 2.0, Project Description, for an overview of facilities. No alterations to the text are required.
- H-6 Comment acknowledged. As stated in the DEIR (pp. 6-6 through 6-7), under the Improvements Project Only Alternative, DWR would implement the Improvements component of the Proposed Project to bring the existing capacity of the water conveyance system up to the SBA design capacity of 300 cfs. These improvements would be limited to improvements at the South Bay Pumping Plant to install a spare (45 cfs) pumping unit and connect it to the Stage 2 mainfold, improvements to the Stage 2 surge tank, and raising the lining of the Dyer Canal, Livermore Canal, Patterson Reservoir and Alameda Canal approximately 1.0 foot. No improvements to check structures, siphons or drainage overchutes would be implemented.

The Improvements component of the project could be implemented as a stand-alone project, and would avoid the majority of the impacts associated with the Proposed Project. However, this alternative would not meet several of the stated objectives such as providing the increased conveyance capacity (130 cfs) requested by Zone 7 to meet demands within its service area and providing off-peak power efficiency.

- H-7 Comment acknowledged. These alternatives were reviewed as potential locational and sizing alternatives as to their ability to reduce impacts and substantially meet the stated project objectives. These alternatives were not considered environmentally superior because they would result in similar levels of environmental impact as the Proposed Project, and, additionally would not meet one or more of the stated project objectives.
- H-8 Comment acknowledged. Construction activities would be limited to areas between the SBPP and Check 7, within the Zone 7 service area. Service downstream of this point would be maintained with supplies from Del Valle Reservoir, which would not be affected by construction activities. Similar to maintenance activities for the SBA implemented in 2001-2003, DWR would schedule construction outages during low demand periods to avoid service interruptions, and delivery outages downstream of Check 7 are not anticipated. No service disruptions within the Zone 7 service area are anticipated. In response to this comment, the text on DEIR p. 2-31 (Chapter 2, Project Description) has been revised as follows:

2.6.1 CONSTRUCTION SCENARIO

Construction activities for all components would require initial clearing and grading at each site to accommodate excavation and staging activities. The excavation and construction zone for each component would differ depending on the location and type of activity. Construction of the proposed facilities would require disturbance of primarily undeveloped land (i.e., grazing land) that is located immediately adjacent to existing facilities, or would be contained within DWR right of way. All disturbed areas would be restored to pre-construction conditions. Implementation of facilities will be scheduled, designed and phased to provide continual levels of delivery. ~~No outages to SBA Contractors are anticipated.~~

- H-9 Comment acknowledged. The SBA is included within DWR Delta Field Division's Earthquake Response Plan, which includes operational and inspection criteria to be implemented in the event of an earthquake. This Plan is on file at Delta Field Division, and available for review by appropriate entities, including Zone 7 Retailer Agencies. Measure 3.1-1 addresses the change from existing conditions as it relates to DWR's Response Plan; specifically, that new facilities would be constructed as part of the SBA system, and that these facilities would need to be included in operational shutdown and inspections following a seismic event. Any additional analysis of DWR's Response Plan is beyond the scope of this EIR. No additional analysis is required. DWR is implementing a Reliability Study of the SBA system, and invites DSRSD representatives to participate in this process, as appropriate.
- H-10 Comment acknowledged. Please refer to Response H.8. No service interruptions within the Zone 7 service area are anticipated.
- H-11 Comment acknowledged. Please refer to Response H.8. No service interruptions within the Zone 7 service area are anticipated.
- H-12 Comment acknowledged. The commenter is referred to DEIR p. 6-1, which describes CEQA requirements for alternatives analysis. In general, there are two types of alternatives that may be reviewed in an EIR: (1) alternatives *to* the project that are other projects entirely, or other approaches to achieving the project objectives rather than the

project or modified project; and (2) alternatives *of* the project that include modified project components, such as alternative project sites or processes and/or modified facilities, layout, size, and scale. The alternatives analysis phase of the project evaluated both types of alternatives in order to develop a reasonable range of alternatives for evaluation in the DEIR. The analysis presents a broad range of alternatives that have been examined in detail by Zone 7 and DWR. Each of these alternatives have the ability to meet most of the project objectives to a certain degree. As demonstrated by the DEIR analysis, these alternatives vary in their performance relative to the stated project objectives, their level of environmental impact, and their implementation feasibility. As noted in the DEIR, these alternatives would not substantially avoid or minimize environmental impacts identified for the proposed project, and they would not meet the stated project objectives to the same degree as the Proposed Project. As such, these alternatives are not considered environmentally superior. No additional review of alternatives is required.

- H-13 Comment acknowledged. The Improvements component of the project could be implemented as a stand-alone project, and would avoid the majority of the impacts associated with the Proposed Project. It represents an alternative that would rectify operational issues currently associated with delivery capacity of the SBA. However, this alternative would not meet the increased conveyance capacity requested by Zone 7. While not meeting this project objective, the Improvements Only Alternative does warrant analysis within the context of DWR's contractual obligation to meet the design capacity of the SBA.
- H-14 Comment acknowledged. The alternative selected for implementation is the SBA Enlargement.
- H-15 Comment acknowledged. Please refer to Response H-12.

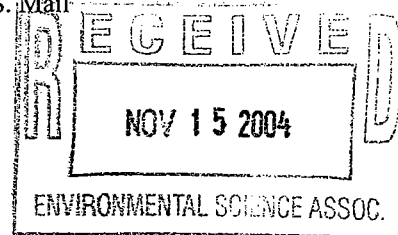
EAST BAY REGIONAL PARK DISTRICT

Via Fax (415) 896-0332 and U.S. Mail

November 12, 2004

Mr. Jim O'Toole
 Environmental Science Associates
 225 Bush Street, Suite 1700
 San Francisco, CA 94104

RE: DWR - South Bay Aqueduct Improvement and Enlargement Project
Draft Environmental Impact Report (DEIR)

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Dear Mr. O'Toole:

East Bay Regional Park District (EBRPD) has received the South Bay Aqueduct Improvement and Enlargement Project Draft Environmental Impact Report (DEIR) and would like to make the following comments.

EBRPD has previously commented on our agency's existing and proposed parkland and trails in the project area in letters dated Dec. 13, 1999, June 28, 2002, and Oct. 25, 2003, which are in the DEIR. Existing parkland includes the 2,035 acre Brushy Peak Regional Preserve, currently scheduled to open in conjunction with the Livermore Area Recreation and Park District (LARP) in Spring 2005, Bethany Reservoir as a proposed recreational area, and the proposed Brushy Peak to Bethany Reservoir Trail and South Bay Aqueduct Regional Trails.

Creating recreational opportunities in the expanding areas of Livermore and the Tri-Valley area is one of the many goals of our agency. The demand for recreation facilities and opportunities at Bethany Reservoir and Brushy Peak Preserve will increase with the construction of the Mountain House approved development, the current and anticipated residential expansion in the Tri-Valley region, and the opening of Brushy Peak Preserve. The development of the 67-mile long California Aqueduct Bikeway, which begins on the east side of Bethany Reservoir and is designated as a National Recreation Trail by the Department of the Interior, is consistent with the project purposes of the State Water Project: to provide for recreation enhancements under the Davis-Dolwig Act. These enhancements are to be planned and initiated concurrently with, and as a part of, the land acquisition program for other Department of Water Resources (DWR) project purposes (www.publicaffairs.water.ca.gov).

The proposed alignment of the expanded Brushy Creek pipeline project follows along the proposed EBRPD trail alignment known as the "Brushy Peak to Bethany Reservoir Regional Trail" on our 1997 Master Plan. According to page 3.4-3, the easement between the South Bay Pipeline Project and Dyer Canal will be expanded by 35 feet. This acquisition of additional right-of-way provides a significant opportunity to formalize public trail access along this alignment. The timing for such could coincide with the completion of trail connections into Brushy Peak

I-1**I-2**

Mr. J. O'Toole
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Preserve, in order to provide the public with specific destinations on a linear alignment and connect to the California Aqueduct Trail at Bethany Reservoir.

I-2

Any negotiations for future trail development would include detailed discussion of public safety, maintenance, police and fire patrols, etc. In addition, EBRPD would be available to discuss possible improvements of the access road/future trail alignment which could follow the contours via curvilinear alignment and outsliping of the surface drainage to minimize erosion and improve the trail user experience.

I-3

Continuing south along the South Bay Aqueduct (SBA) alignment, EBRPD is still very interested in presenting a proposal to Department of Water Resources (DWR) to explore public access opportunities via a trail feasibility study for a multi-use regional trail along the SBA maintenance road. A feasibility study would evaluate management issues, construction challenges, and would provide more detailed cost estimates to support grant funding opportunities toward proposed trail improvements at a future date.

Initially, EBRPD would be interested in studying potential trail development from the DWR back surge pool to Sycamore Grove Park in Livermore. The study would also evaluate potential phasing of the project to address likely high use areas first and extensions to more remote sites at a later date. Areas of evaluation could include safety fencing between open canal and service roads, road crossings and entrances, freeway undercrossings, transition bridges, power sources for gates, right of way evaluations, staging opportunities, and typical EBRPD trail development features such as overlaying the existing gravel roads with asphalt paving, placement of entry structures, gates, water fountains, benches, interpretive information, etc. These standards would be provided by our Design Department and would be tailored to DWR's management needs.

I-4

Page 3.4-41 – San Joaquin Kit fox has recently been observed at Brushy Peak and Vasco Caves Regional Preserves. Other occurrences have been documented west of the Altamont Landfill and at Bethany Reservoir. It appears that the project area between Brushy Peak and Bethany Reservoir provides significant habitat for kit fox. The DEIR proposes pre-construction surveys and closure of potential dens to minimize the potential for take during construction. On the basis that such mitigation can be implemented, the DEIR concludes that impacts to kit fox would be less than significant.

I-5

The above mitigation measures fail to mitigate for the permanent loss of 34 acres of kit fox habitat. The typically requested mitigation ratio for kit fox impacts is 3:1. Therefore, it appears that DWR should also provide for 112 acres of kit fox mitigation for the permanent loss of 34 acres of habitat. Such mitigation should not take place on existing DWR lands to be acquired for other purposes, but rather should take place on other lands to be acquired through fee title purchase and conserved for kit fox mitigation. Conservation easements over private lands do not necessarily provide adequate protection for impacted species, nor are such lands available for public access. This recommended approach to species impact mitigation should also apply for impacts to red-legged frog, tiger salamander, burrowing owl and pond turtle.

I-6

Page 3.4-9 – The figure on this page depicts some of the public open space areas within the SBA planning area. Brushy Peak Regional Preserve is actually considerably larger than mapped and includes the 408-acre former Dyer property, which is located within 1000 feet of the SBA. In addition, the figure depicts, but does not label, the District's 725-acre Vasco Caves Regional Preserve.

I-7

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Page 3.4-24 – In addition to the existing State Recreational Area designation for 388-acres of DWR lands at Bethany Reservoir, the District has also identified Bethany Reservoir in its 1997 Master Plan as a proposed Regional Recreation Area. The District currently operates other State Parks and State Recreational Areas through agreements with the Department of Parks and Recreation (DPR). The District's Master Plan also shows that three proposed regional trail corridors would converge at Bethany Reservoir. These include two segments of the National DeAnza Trail and Brushy Peak to Bethany Reservoir Trail.

In considering use of existing DWR lands for proposed conservation easements, the DEIR must also address the impacts that conservation easement restrictions may have on the District's plans to expand the existing facilities at Bethany Reservoir and to develop new trail corridors through portions of the proposed conservation easement areas. It is our belief that existing public lands at Bethany Reservoir already under use for public access and recreation should not be encumbered or restricted by conservation easements that may preclude or restrict the District's planned expansion or development of recreation in the Bethany Reservoir area. As previously stated in our comments, we recommend that DWR seek to acquire additional lands for the purposes of mitigating impacts to biological resources.

I-8

Page 3.11-13 – The subject visual simulation should also include the planned Altamont Water Treatment Plant within the "constructed view" picture to fully capture the cumulative visual impact of planned and improved projects in the area.

I-9

Thank you for this opportunity to comment. Please contact Terry Noonan, EBRPD Acting Trail Development Program Manager at (510) 544-2602 should you have any questions.

Sincerely,



for Robert E. Doyle
Assistant General Manager
Land Division
(jp/tn:rb)

cc: F. Errico, LAPRD
E. Brown, City of Livermore
D. Quigley
B. Olson, EBRPD

I. RESPONSE TO: ROBERT B. DOYLE, EAST BAY REGIONAL PARK DISTRICT, NOVEMBER 12, 2004

I-1 Comment acknowledged. DWR recognizes East Bay Regional Park District's (EBRPD) role in creating recreational opportunities in the Livermore and Tri-Valley area. It should be noted that the Davis-Dolwig Act (Water Code sections 11900-11925) establishes the policy that recreation and the enhancement of fish and wildlife are to be provided by appropriations from the General Fund, as opposed to funded by State Water Contractors through the issuance of General Obligation Bonds.

I-2 Comment acknowledged. DWR will be acquiring 35 feet of pipeline easement between the South Bay Pumping Plant and the Dyer Canal backsurge pool to include the new Stage 3 Brushy Creek Pipeline. This easement would be consistent with the current pipeline easement over private properties, and would be limited to access and maintenance of DWR facilities only. No private property acquisition is proposed along the Stage 3 Brushy Creek Pipeline. Acquisition of easement for other purposes, such as establishment of recreational access, is not currently proposed as part of the SBA Improvement and Enlargement Project. It should be noted that construction of the Stage 3 Brushy Creek Pipeline would not preclude EBRPD or other agencies from developing the "Brushy Peak to Bethany Reservoir Regional Trail" along this alignment, and that the California Department of Parks and Recreation is authorized to design, construct, operate and maintain the recreation facilities at the SWP facilities, except boating facilities, which are the responsibility of the California Department of Boating and Waterways subject to DWR's approval.

I-3 Comment acknowledged. Please refer to Response I-2. The commenter raises some of the issues associated with recreational trail establishment and maintenance. These include public safety, maintenance, police and fire patrols, etc, which are raised within the context of future negotiations between DWR and recreational agencies. Additionally, the commenter discusses improvement of a future recreational trail alignment following topographic contours to minimize erosion and improve trail user experience. These types of design criteria, while appropriate for a recreational trail, are not applicable to the design of a water conveyance pipeline. This demonstrates the varying issues related to these two types of projects.

It should be noted that additional issues beyond those identified by the commenter are associated with the construction, operation, and maintenance of recreational trail systems. These include security at DWR facilities within the context of the level of public access provided by recreational trails. Additionally, the acquisition of additional easement rights from private property owners to provide for recreational access along the pipeline route, or along alternative routes that more closely follow natural topography, and the funding of this easement acquisition, would need to be addressed. As such, this type of recreational project would need to be developed and analyzed separately by recreational agencies.

I-4 Comment acknowledged. DWR looks forward to reviewing appropriately funded proposals to explore recreational opportunities along the SBA.

I-5 Comment acknowledged. In addition to Mitigation Measure 3.3-3a which requires surveys, closure of dens and other measures to prevent impacts to San Joaquin kit foxes, please refer to Mitigation Measure 3.3-3b, which establishes mitigation ratios for providing compensatory mitigation in the event of temporary and/or permanent losses of

kit fox habitat. On the basis of these measures, the DEIR concludes that impacts would be reduced to a less than significant level.

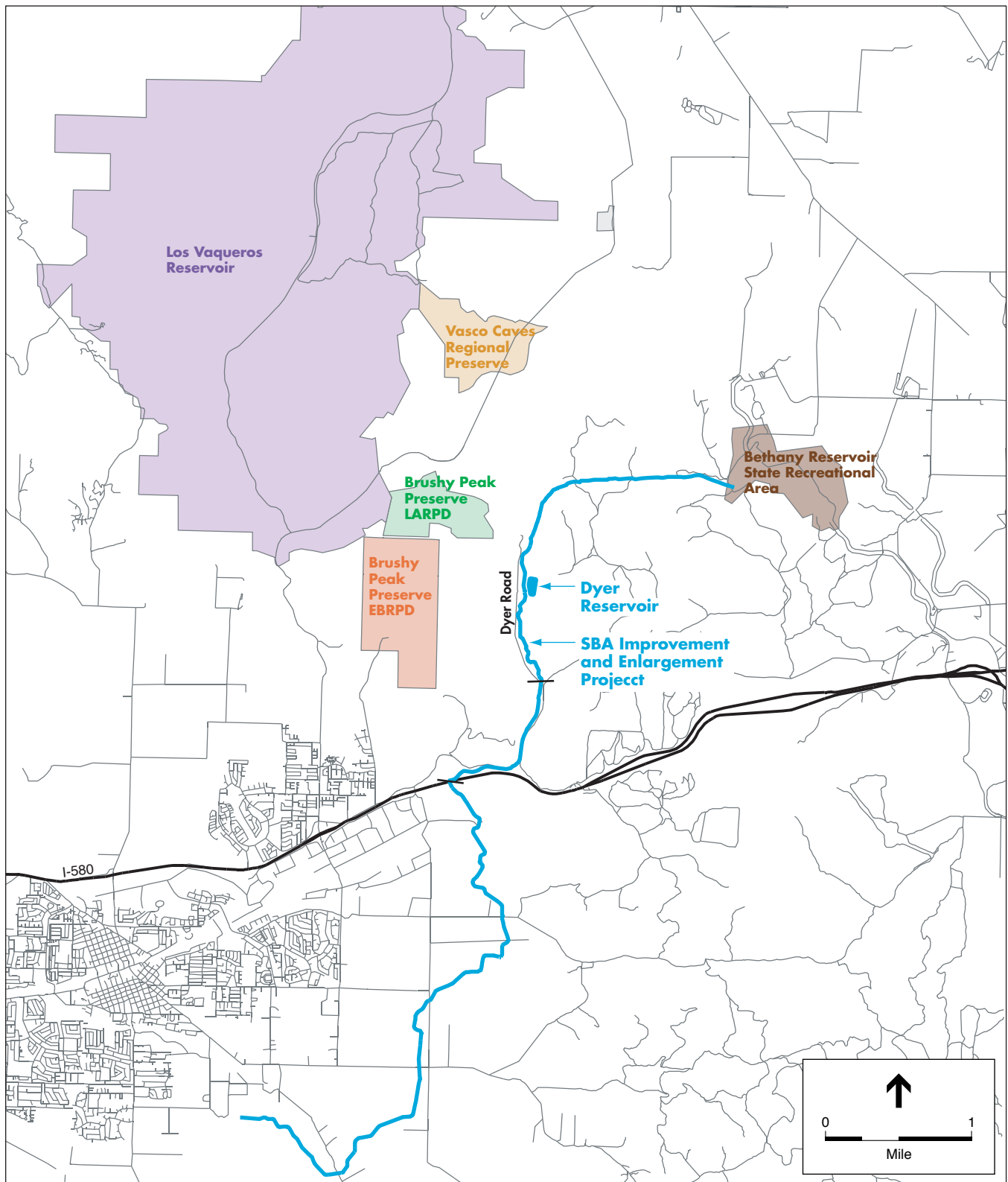
- I-6 Comment acknowledged. Mitigation Measure 3.3-3b specifies that compensatory mitigation for impacts to kit fox may be provided through one, or a combination of, the following mechanisms:
- Establishment of conservation easement on lands currently owned by DWR adjoining Bethany Reservoir.
 - Participation in an approved mitigation bank program;
 - Establishment of conservation easement or purchase of private lands to be set aside as managed kit fox habitat.

Similar mitigation measures have been established for impacts to California red-legged frog, California tiger salamander, and burrowing owl. Impacts to pond turtles will be mitigated through implementation of Measure 3.3-7a.

DWR proposes to implement the most cost effective mitigation acceptable to regulatory agencies. DWR is available to discuss partnering opportunities to provide funding for private property acquisitions that could include public access.

- I-7 Comment acknowledged. **Figure 3.4-2** utilized the best available information from EBRPD at the time of publication. In response to this comment, **Figure 3.4-2** has been revised to show Vasco Caves Regional Preserve. Impact 3.4-3 identifies the nearest recreational facilities or lands as approximately 2,000 feet from the SBA corridor and indicates that these properties would not be directly affected by construction activities. Although Brushy Peak preserve holdings may include lands that are closer to the SBA corridor, as identified by the commenter, these lands are still approximately 1,000 feet from the anticipated construction corridor, and would not be directly affected by construction activities or long-term operations. As such, this information does not change the impact analysis or conclusions of the DEIR.
- I-8 Lands surrounding Bethany Reservoir and the reservoir itself (totaling 608 acres) are owned in fee title by the Department of Water Resources. The reservoir and existing facilities, and approximately 388 acres of surrounding land under DWR ownership are a designated State Recreational Area (SRA), and DWR has a lease agreement with the California Department of Parks and Recreation (CDPR) for recreational rights on this land. The right to develop recreational facilities on these parcels was transferred to DPR from DWR in Agreement No. R-50201, dated May 18, 1977. As part of this agreement, “Operational Zones” comprising approximately 62 acres were established around the 4 dams along the eastern side of Bethany Reservoir, and are excluded from recreational use.

To date CDPR has not utilized this right to develop recreational facilities on lands around Bethany except on portions of land immediately adjacent to the reservoir. CDPR has developed limited recreational facilities along the northeastern shore of Bethany Reservoir, including two parking areas equipped with picnic cabanas, portable toilets, a boat launch ramp, and wheelchair accessible ramps for fisherman. Additionally, the California Aqueduct Recreational Trail begins at the access road to the reservoir, and extends along the eastern shoreline of the reservoir. No other recreational facilities are located within the 388 acres of land surrounding the reservoir, and these remaining lands



SOURCE: East Bay Regional Park District, 1997

DWR SBA Improvement and Enlargement Project / 202456 ■

Figure 3.4-2

Recreational Easements within
Vicinity of SBA Project Corridor

are currently leased for grazing purposes. Planning documents for Bethany Reservoir were prepared in the early 1970's and identified additional recreational facilities (CDPR, 1973). These facilities have not been developed, and CDPR currently does not have plans to implement identified facilities, or to update facility planning (Gould, 2004). Although EBRPD operates other State Recreational Areas through agreement with CDPR, no current agreement exists at Bethany Reservoir.

In meetings with DWR, CDPR has recognized the ownership rights of DWR, and views improvements or increased biological resource management on lands surrounding the reservoir as a potential recreational benefit. CDPR requested that conservation easements not directly exclude passive recreational uses. While CDPR recognizes the need to limit access within biologically sensitive areas, staff requested that conservation easements not explicitly restrict all recreational use of the conservation area. Rather, establishment of conservation easements that do not conflict with areas immediately surrounding the reservoir, and that provide opportunity for limited passive recreation, such as docent-led tours, would provide for multiple uses that are consistent with biological goals of the conservation easement.

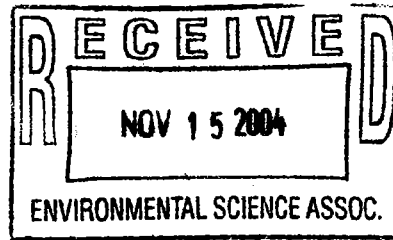
The DEIR (pp. 3.4-24 through 3.4-25) discusses the secondary effects to recreational uses in the event that a conservation easement is established at Bethany Reservoir for biological resource mitigation. Establishment of the easement would not preclude recreation use. Consistent with CDPR requests, it is anticipated that the conservation easement could be established to allow recreational opportunities for passive daytime recreational uses, such as recreational trail access or guided tours, consistent with the conservation easement objectives. In light of the lack of planned or funded recreational facilities within the SRA, the availability of acreage beyond that anticipated to meet conservation easement needs, and the ability to allow for passive recreational activities within conservation easements, this potential secondary impact is considered less than significant.

- I-9 Comment acknowledged. Section 3.11 of the DEIR analyzed the visual impacts resulting from the SBA Improvement and Enlargement Project on the existing and constructed views. Potential cumulative impacts to visual resources were analyzed in Chapter 5, including discussion of proposed facilities along Dyer Road. This analysis concluded that although the Proposed Project would contribute to alteration of long-range views, this alteration is not significant due to distance, intervening topography and revegetation of facility embankments. As such, its contribution to cumulative visual impacts is less than significant. Visual rendering of additional projects within the Brushy Peak viewshed is not required.



Livermore Area
Recreation & Park District
An independent special district

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General Manager
Timothy J. Barry

November 9, 2004

Sent via facsimile and US Mail

Department of Water Resources
C/O Jim O'Toole, Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, California 94104

Dear Mr. O'Toole:

RE: Livermore Area Recreation and Park District – Draft Environmental
Impact Report for the Aqueduct Improvement and Enlargement Project

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Aqueduct Improvement and Enlargement Project. Specific comments related to information contained in the Draft Environmental Impact Report (DEIR) as well as on the specific mitigation measures proposed are attached and organized by Chapter, Section and Page Number.

The attached comments focus most directly on the proposed project's impact on recreational facilities, both existing and proposed. In general, LARPD is concerned at the lack of discussion in the EIR regarding the long-term effects of SBA improvements on the proposed Brushy Peak to Del Valle Regional Multi-Use Trail. Although this trail facility is proposed as an East Bay Regional Park District Trail, it will provide local and regional access from major recreational facilities in South Livermore to Brushy Peak, with connections along the way to the proposed Iron-Horse Regional Trail and proposed trails on Patterson Pass and Tesla Roads.

J-1

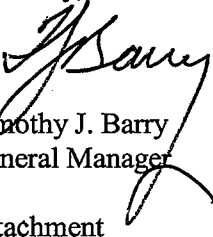
The EIR contains some discussion on possible short-term disturbance impacts related to project construction, however, it does not provide information on whether the canal improvements would preclude development of a trail in the future. The discussion indicates improvements will be limited to canal embankments and roadways, but does not discuss how these improvements could affect using these roads as a multi-use trail facility in the future. The EIR should consider whether the proposed improvements along the canal will affect development of a trail along aqueduct service roads, as well as whether the proposed improvements and enlargement of the Aqueduct could actually facilitate trail development.

J-2

Department of Water Resources
Page 2

Staff is available to answer any questions or clarify any of the comments that have been provided to you if needed. Please contact Susan Frost, Principal Planner with the City of Livermore at (925) 960-4450 with any questions regarding the above or attached comments or any other assistance we can provide. The City of Livermore is providing planning services by contract to the Livermore Area Recreation and Park District.

Sincerely,



Timothy J. Barry
General Manager

Attachment

South Bay Aqueduct Improvement/Enlargement Draft EIR Livermore Area Recreation and Park District Comments

Section 3.3 Biological Resources

Page 3.3-31, County Regulations, Goals, and Policies

- Reference LARPD Master Plan goals and policies in relation to resources.

“Livermore Area Recreation and Park District – 1995 Master Plan

Goal: Encourage the preservation of environmentally sensitive areas, unique plant communities, wildlife habitats and corridors, watershed lands and flood plain setbacks along creeks and arroyos. (Master Plan, page 2);

Policy: Work actively with other agencies on promoting acquisition and preservation of open space, natural resources, unique visual resources and on establishing land trusts.

J-3

Pages 3.3-36, 41, 45, 49, 54: Mitigation Measures 3.31b, 3.3-2c, 3.3-3b, 3.3-4c, 3.3-6b

- This section includes several mitigation measures to purchase or set aside land as mitigation for loss of habitat of native vegetation and endangered species such as San Joaquin Kit Fox, California Red-Legged Frog, and Burrowing Owl, along the project corridor. As indicated in our comment letter on the Notice of Preparation, LARPD wants to ensure that all mitigations are undertaken locally.

Please include language in these mitigation measures that indicates DWR will work with local agencies, such as LARPD, to identify opportunities to provide mitigation land locally.

J-4

Section 3.4 Land Use, Planning and Recreation

Page 3.4-8, Table 3.4-2, Recreational Facilities

- Table should include not only existing but proposed facilities as well. Revise Table to include proposed Recreational Facilities along project corridor including Brushy Peak to Del Valle Trail and Ironhorse Trail.

J-5

Page 3.4-13, County and Local Regulations, Goals and Policies

- Reference LARPD Master Plan goals and policies in relation to Land Use and Planning

Goal: Take an active role in land use changes and in master planning new facilities that affect District boundaries, revenues and resources;

Goal: Coordinate with planning agencies to include and expand District parks and pathways according to Master Plan;

Policy: Work actively with other agencies on promoting acquisition and preservation of open space, natural resources, unique visual resources and on establishing land trusts;

J-6

Policy: Work cooperatively with local, state and federal agencies on a safe multi-use trail system for the Livermore area that will interconnect with existing and future residential, commercial, large business and recreation areas.

J-6

Page 3.4-15, Significance Criteria: Conflict with established recreational, educational, religious, or scientific uses in the area.

- This significance criteria should include not only “established” recreational, educational, religious, or scientific uses in the area, but “proposed” as well.

The intent of this section analyzing impacts on land use and planning policy, as suggested in CEQA Section 15065 and Appendix G, is to determine potential impacts, not only short-term but cumulatively in relation to past, present and probable future projects. An evaluation of potential conflicts “with existing or designated land uses, or land use policies,” inherently, also involves evaluating proposed long-term projects reflecting or implementing those land use policies. Without analysis regarding “proposed” facilities, it is unclear how cumulative impacts can be determined.

J-7

Page 3.4-18, Impact 3.4-2: Project construction could result in long-term effects to existing land uses in the vicinity of proposed facilities.

- Analysis of long-term effects should take into consideration not only “existing” land uses but also “proposed.” Analysis is not complete without discussion of potential impacts to proposed recreational facilities in vicinity or along aqueduct.

J-8

Page 3.4-20, Canal Improvements: “the extension of embankments and linings of the Dyer, Livermore, and Alameda Canals would result in no impact to existing or planned land use and no mitigation is required.

- Discussion makes the statement that there is no impact to existing or planned land uses, but doesn’t identify existing or planned land uses in the immediate vicinity of the three canals mentioned. There is no discussion/details as to why this conclusion regarding no impact was reached.

J-9

Pages 3.4-20 and 3.4-21, Canal Overcrossings, Canal Check Structures and Siphons, and Patterson Reservoir.

- These subsections offer no additional or more detailed analysis as to why there is no impact, long-term, on existing/proposed land uses.

J-10

Page 3.4-21, Impact 3.4-3: Project construction could result in short-term disturbance of recreational facility uses.

- Discussion does not address proposed long-term recreational facilities, such as the Brushy Peak to Del Valle Trail along the aqueduct, and impact of project improvements on future construction of such a facility.

J-11

First paragraph - simply states that future planned facilities do not have an implementation date and may not be open to public while project is underway. This discussion should address whether proposed improvement could possibly *preclude* development of the Brushy Peak to Del Valle trail, or conversely whether improvements might facilitate development of a regional trail.

J-11

Third Paragraph – discusses informal agreement with LARPD and Walker family to allow supervised public access to Brushy Peak for interpretive tours. This information should also be included and discussed in the Traffic and Circulation section as a potential short-term impact.

J-12

Page 3.4-23, Mitigation Measures, Measure 3.4-3a: Implement Measure 3.4-1a.

- This mitigation measure should specify basic components of Traffic Control Plan to be developed including requirement for public noticing to affected residents and agencies such as LARPD, and also list requirements or measure proposed maintain access etc. Current mitigation measure is too vague.

J-13

Section 3.11 Visual Resources

Page 3.11-5, Regulatory Framework, Plans and Policies

- Include LARPD goals/policies related to visual resources:

“Livermore Area Recreation and Park District – 1995 Master Plan

Goal: Encourage the preservation of environmentally sensitive areas, unique plant communities, wildlife habitats and corridors, watershed lands and flood plain setbacks along creeks and arroyos. (Master Plan, page 2);

Policy: Support the preservation of unique visual resources and the protection of sensitive view sheds, and encourage the preservation of archaeologically, Paleontologically, historically and culturally significant areas.”

J-14

Page 3.11.9, Dyer Reservoir:

- Include a mitigation measure in conjunction or following Measure 3.11-1b requiring public notification of pending construction and potential nighttime glare – should include measure requiring public notification to residents on Dyer Road and to local affected agencies (such as LARPD and EBRPD) in advance of pending construction that includes construction times and any specific dates when nighttime construction may occur.

J-15

Page 3.11-12, Mitigation Measure 3.11-1b: DWR shall use design elements to enhance visual integration...

- Identify what design elements will be used. Are these design elements in relation to building design or landscaping? Will these design elements be applied to all above ground facilities or only the pumping station as indicated in the text?

J-16

Section 5 Cumulative Impacts

Page 5-9, *Livermore Valley Projects*

- Doesn't address planned long-term recreational facilities (i.e. Brushy Peak to Del Valle Trail along aqueduct). Potential cumulative impacts cannot be determined without knowledge of or information on planned projects in vicinity of projects.

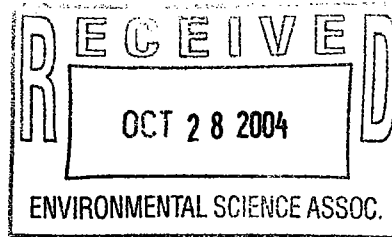
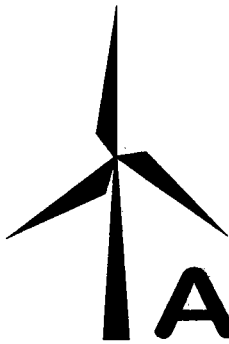
J-17

SF/TB/sf

J. RESPONSE TO: TIMOTHY J. BARRY, LIVERMORE AREA
RECREATION & PARK DISTRICT, NOVEMBER 9, 2004

- J-1 Comment acknowledged. The DEIR (pp. 3.4-21 through 3.4-23) discusses the long-term effects of the SBA Improvement and Enlargement Project on all proposed recreational facilities identified in Table 3.4-3, including the Brushy Peak to Del Valle Regional Trail. As stated in the DEIR (pp. 3.4-21 through 3.4-23), implementation of the Proposed Project would not preclude future use of the SBA project corridor from recreational use.
- J-2 Comment acknowledged. As stated on DEIR p. 3.4-23, the proposed improvements along the Dyer, Livermore, and Alameda canals and the Patterson Reservoir would be limited to DWR right-of-way and would not affect existing or future recreational uses or preclude the future use of the alignment as a recreational corridor. Please refer to Response G-14.
- J-3 Comment acknowledged. DWR is not bound by the goals and policies established by LARPD. No additional analysis is required.
- J-4 Comment acknowledged. Please refer to Response I-6.
- To the degree feasible, and within the context of regulatory permits, the mitigation measures described by the commenter would be implemented on local lands. No modification of the measure is necessary.
- J-5 Table 3.4-3 includes proposed recreational facilities along the project corridor, including the Brushy Peak to Del Valle Trail & Iron horse Trail. Please refer to Response G-11.
- J-6 Comment acknowledged. DWR is not bound by the goals and policies established by LARPD. No additional analysis is required.
- J-7 Proposed recreational facilities are included in the DEIR analysis (see Table 3.4-3). Please refer to Response G-16 for a discussion of cumulative environmental impact analysis.
- J-8 Please refer to Response G-13.
- J-9 Please refer to Response G-14.
- J-10 Please refer to Response G-14.
- J-11 Please refer to Response G-15.
- J-12 Please refer to Response G-15.
- J-13 The Traffic Control Plan for the project will be developed in accordance with Alameda County encroachment permit requirements. These requirements include noticing of local agencies and nearby residents and businesses. Additionally, the Traffic Control Plan will include measures to maintain access in areas adjacent to the project area.
- J-14 Comment acknowledged. DWR is not bound by the goals and policies established by LARPD. No additional analysis is required.

- J-15 Comment acknowledged. DWR will provide appropriate noticing regarding construction schedule and duration. Nighttime construction is not proposed; therefore, noticing in anticipation of these activities is not appropriate. Rather, as noted in Section 3.7, Noise and Vibration, it is anticipated that site finish work may require construction to extend beyond daylight hours. In the event that construction scheduling requires extended nighttime work, to the extent possible, appropriate notice would be given to affected residences and agencies.
- J-16 Comment acknowledged. Mitigation measure 3.11-1b refers to the design elements in relation to building design for the South Bay Pumping Plant. The South Bay Pumping Plant would be designed to be consistent with existing facilities, including use of earth-tone paint and non-reflective surfaces. As stated on DEIR p.3.11-9, the Stage 3 Surge Tank would be similar in design and visual appearance as both the Stage 1 and Stage 2 tanks.
- J-17 Please refer to Response G-16.



Altamont Winds Inc.

26 October 2004

sent via mail

Department of Water Resources
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, California 94104

Attention: Mr. Jim O'Toole

Subject: **COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT**
Department of Water Resources
South Bay Aqueduct Improvement and Enlargement Project

Dear Mr. O'Toole:

Thank you for the opportunity to provide comments on the Department of Water Resources' ("DWR") Draft Environmental Impact Report dated September 2004 ("DEIR") for the South Bay Aqueduct Improvement and Enlargement Project ("Project").

We wish to inform you that we own and operate wind energy generating facilities in the Altamont Pass Wind Resource Area ("APWRA") that may be directly impacted by the proposed Project. We also own an interest in Altamont Infrastructure Company LLC ("AIC"), an entity that owns and operates wind energy infrastructure facilities in the APWRA that may also be directly impacted by the proposed Project.

Our comments are as follows.

1. Coordination of Construction Activities (pages S-26 & 3.4-15 to 3.4-18). In addition to the DWR coordinating access to wind turbine facilities with wind farm operators, the DWR needs to coordinate all aspects of its Project construction activities with wind farm operators, land owners, and other entities that use the properties impacted by the Project, to preclude or minimize any disruptions to the business activities that are carried out on such properties.

K-1

Furthermore, the DEIR does not mention security during construction. We are concerned about unauthorized access to our wind turbine facilities and the potential for theft and vandalism. Please provide details of the security program to be implemented during construction.

2. Loss of Two Wind Turbines (pages S-27 & 3.4-18 to 3.4-21). We acknowledge that the DWR will provide replacement compensation for the removal of two wind turbines located along

K-2

the Stage 3 Brushy Creek Pipeline route. Please identify which two wind turbines these are and exactly where they are located.

K-2

3. Utilities Disruptions (pages S-38 to S-39 & 3.10-6 to 3.10-7). We acknowledge the detailed study plan that the DWR will employ to mitigate temporary, planned or accidental disruption to utility services. Our business, however, relies heavily on the electrical and communications utilities to produce and transmit wind energy. The DWR should take appropriate measures to avoid all accidental utilities disruptions and plan temporary disruptions for low/non-wind days. In addition, the DWR should reimburse us for any and all lost revenues we might suffer due to disruptions in utility services.

K-3

4. Displacement of Two Wind Turbines (pages S-40 & 3.10-8 to 3.10-9). The DWR proposes to relocate two wind turbines that will be displaced by construction of the Stage 3 Brushy Creek Pipeline. First of all, please confirm that these two wind turbines are not the same wind turbines that will be permanently removed—the subject matter of our comment number 2, above. Secondly, please identify which two wind turbines these are and exactly where they are located. Finally, there are many legal and contractual matters involved with the relocation of permitted wind turbines (county permits, resource agency intervention, land owner royalties, power purchase agreements, etc.) and relocation is not likely to be as straight-forward a task as the DEIR implies. We disagree that “no mitigation measures are required” for this issue, and whether the wind turbines can ultimately be relocated or not, the owner/operator of the wind turbines must be compensated for any and all resulting temporary or permanent loss of energy revenues. We wish to point out, also, that the estimated temporary lost energy production stated in the DEIR of 0.32 kilowatt hours (“kWh”) per year for these two wind turbines is grossly understated—this would represent only approximately six seconds of lost production for one of our 100 kW wind turbines operating at full output.

K-4

K-5

5. South Bay Pumping Plant (“SBPP”) Improvements (pages 2-8 to 2-13). The DEIR states that either the existing 70-kV transmission line serving the SBPP will need to be enlarged or construction of a new 230-kV transmission line will necessary, with the choice of which up to the discretion of PG&E. Please identify where enlargement of the 70-kV transmission line and where the construction of a new 230-kV transmission line are contemplated. We are concerned about possible encroachment on, and impacts to, our existing wind turbines and access roads in R3E, T2S, Section 3.

K-6

We are also considered about the possible encroachment on, and impacts to, our existing wind turbines in R3E, T2S, Section 3 from the 3- and 4-acre spoil areas shown in Figure 2-3. These spoil areas and the potential boundary of the construction zone appears to conflict with the locations of several of our wind turbines and access roads in the southeast corner of Section 3.

K-7

6. Dyer Reservoir (pages 2-17 to 2-22). The DEIR states that the embankment heights along the west and south sides of the reservoir will range from 10 to 25 feet and a large spoil fill area will be located east of the reservoir. We did not see any mention in the DEIR of the concerns we raised in our October 23, 2003 letter about these matters. We are concerned that the embankments can create a structural blockage to wind flow and affect the local shear, and thus energy capture, for wind turbines immediately downwind—our wind turbines in R3E, T2S, Sections 8 and 18, for example. The excess material to be deposited on the east side of the reservoir can also impact local topography and change existing wind flow and wind turbine performance. The potential wind flow and wind turbine performance impacts should be studied

K-8

Department of Water Resources - Comments to DEIR, 26 October 2004

3

in the final environmental impact report, and any appropriate mitigation measures likewise addressed.

K-8

The access road that will need to be re-routed around the northern end of the reservoir in order to maintain access to land uses to the east should be engineered and constructed to accommodate the types of heavy equipment and vehicles used to service wind farm operations, as well as the other land uses in the area.

K-9

Your careful consideration of the above comments will be appreciated. Thank you.

Please contact me at 925.388.0072 if you have any questions.

Sincerely,

Windpower Partners 1987 LP, a California limited partnership
Windpower Partners 1988 LP, a California limited partnership
by Altamont Winds Inc., their General Partner


William L. Damon
Vice President

cc: Mr. Bob Szymanski, Altamont Winds Inc.

K. RESPONSE TO: WILLIAM L. DAMON, ALTAMONT WINDS, INC.,
OCTOBER 26, 2004

- K-1 Comment acknowledged. DWR will coordinate construction activities with wind farm operators, land owners, and other entities that use the properties impacted by the Proposed Project, to minimize disruptions to the business activities that are carried out on such properties.

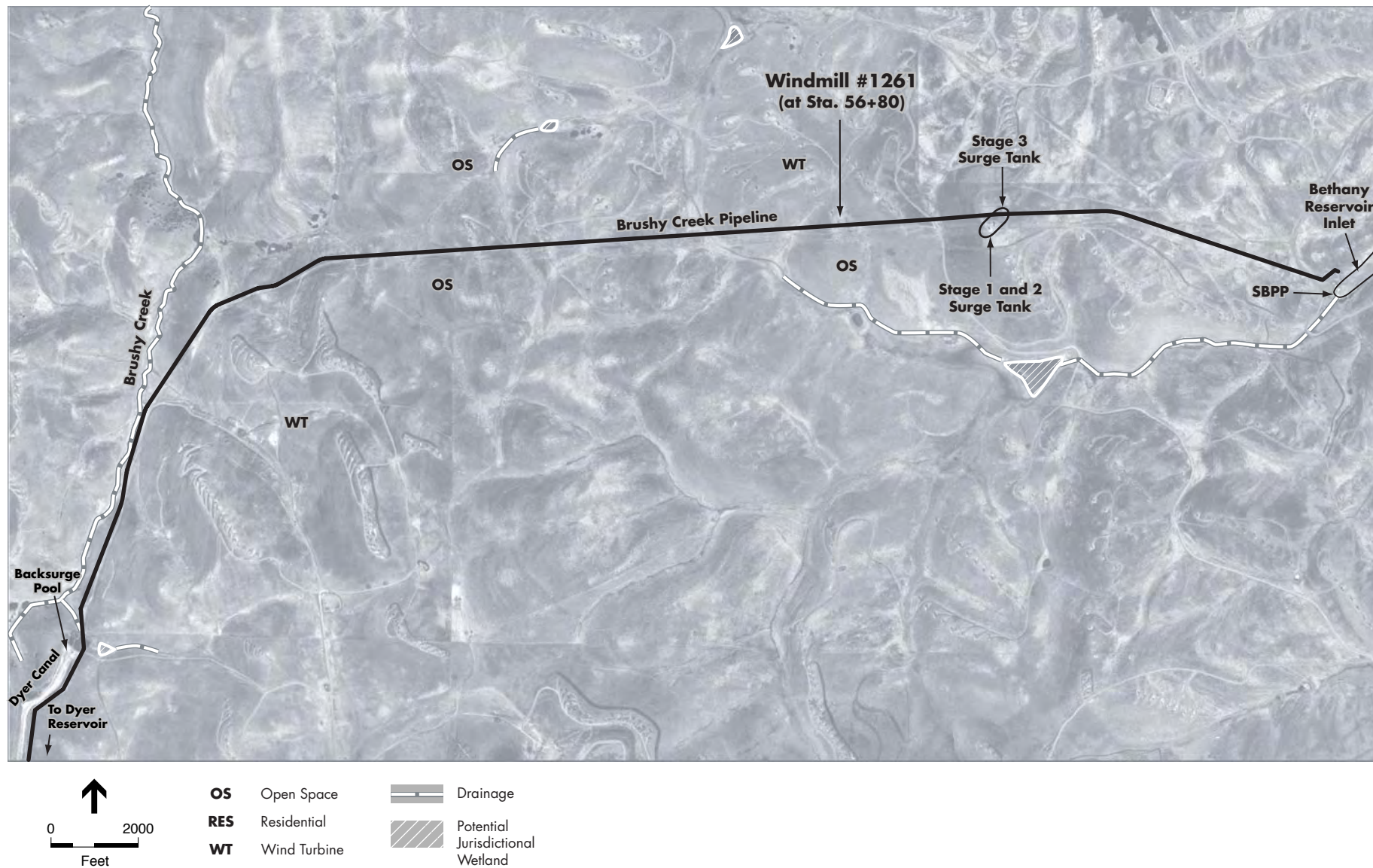
DWR will continue to maintain security of their facilities during construction activities. During construction, all access gates will be closed and locked outside the normal work hours. The presence of DWR staff will be increased significantly during normal work hours due to the construction activities. A DWR inspector will be on-site full-time at the South Bay Pumping Plant and at the Dyer Reservoir whenever significant construction activities occur. Work along the pipeline alignment would also be monitored by a DWR inspector. DWR operations staff would also have a higher than normal presence in this area due to construction activities.

- K-2 Comment acknowledged. DWR will be removing one wind turbine (Windmill #1261, near Station 56+80) from operation during construction of the Stage 3 Brushy Creek Pipeline (see **Figure K-1**).
- K-3 Comment acknowledged. DWR will take appropriate measures to avoid accidental utility disruptions and will coordinate temporary disruptions with utility companies. Compensation for any accidental or planned temporary losses of service will be negotiated with utility companies. DWR has commenced discussions and negotiations with utility companies regarding monetary compensation for disruptions.
- K-4 Comment acknowledged. The Proposed Project will only displace one wind turbine, which is the same wind turbine that will be permanently removed. In response to this comment, the second paragraph on DEIR p.3.4-19 has been revised as follows:

Stage 3 Brushy Creek Pipeline implementation and easement acquisition would require the removal of ~~two~~ one power-generating wind turbine located along the pipeline route. DWR would negotiate with the wind turbine owner to provide appropriate compensation for the removal of ~~these two~~ this one tower. As the Altamont Foothill area is extensively developed with wind turbine towers, the removal of ~~two~~ one tower would not affect wind power generation. DWR compensation for removal, as established in **Measure 3.4-2a**, would be consistent with ECAP Policy 174, which requires mitigation for conflicts between new land uses and wind energy operations. Implementation of this measure would reduce potential impacts to less than significant.

In response to this comment, Measure 3.4-2a has been revised as follows:

Measure 3.4-2a: DWR shall negotiate with wind turbine operators to provide replacement compensation for the loss of one~~two~~ turbines along the Stage 3 Brushy Creek Pipeline. This negotiation shall occur as part of permanent right-of-way acquisition for the pipeline route.



DWR SBA Improvement and Enlargement Project / 202456 ■

SOURCE: Department of Water Resources; Environmental Science Associates

Figure K-1
Wind Turbine to be Removed
Along Stage 3 Brushy Creek Pipeline

In response to this comment, the text on DEIR pp.3.10-8 and 3.10-9 has been revised as follows:

Impact 3.10-4: Construction operations could require the displacement of ~~one~~^{two} power generation wind turbines in the Altamont Pass area. Less than Significant.

Construction of the Stage 3 Brushy Creek Pipeline would require the removal of ~~one~~^{two} existing wind turbines. ~~This~~^{These} turbines represents ~~one~~^{two} out of approximately 7,000 power generating turbines located in the Altamont Pass Wind Resource Area that extends through Alameda and Contra Costa counties. ~~All 7,000 wind turbines produce approximately 1,100 kilowatt hours of electricity annually. The removal of the two turbines by the project would result in the temporary reduction of total wind turbine energy output by approximately 0.32 kilowatt hours per year.~~

~~DWR proposes to relocate the two turbines and restore their operation to offset a potential long term reduction of energy output. DWR shall coordinate with turbine's owners and Alameda County planning authorities regarding wind turbine relocation to assure compatibility under Policy 173 of the East County Area Plan as discussed in detail in~~ **Section 3.4, Land Use, Planning and Recreation.**

Furthermore, DWR will consult with the County to develop and implement appropriate mitigation measures as required under Policy 174 of the East County Area Plan.

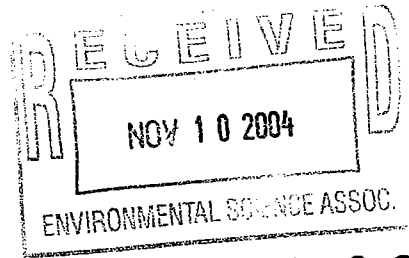
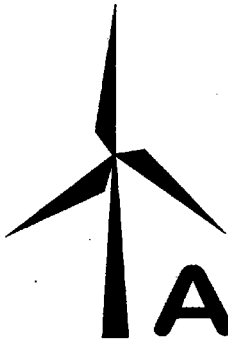
~~The relocation of the wind turbines would result in a temporary reduction of electricity supplies. However, The reduction of less than one kilowatt hour per year. The loss of a single wind turbine would represent a minor reduction of present annual output of 1,100 kilowatt hours, and the resulting additional demand on other electricity suppliers in the region would be less than significant. Electrical generation output in the region would be restored upon completion of relocation operations. Therefore, no mitigation is required.~~

Mitigation Measures

~~No mitigation measures are required. Implement **Measure 3.4-2a.**~~

- K-5 Comment acknowledged. Relocation of the turbine will no longer be included in the project. As stated in Mitigation Measure 3.4-2a, compensation for the loss of the wind turbine will be provided to the utility companies by DWR. Please refer to Response K-4.
- K-6 Comment acknowledged. Figure 2-2 of the DEIR shows the existing 230-kV transmission lines near the South Bay Pumping Plant. A new 230-kV transmission line drop will be extended from the existing power line approximately 300 feet to the South Bay Pumping Plant. The new transmission line is not anticipated to affect wind turbines and access roads in R3E, T2S, Section 3.

- K-7 Comment acknowledged. The 3- and 4-acre spoil sites in DEIR Figure 2-3 are preliminary and will be sited to avoid impacts to wind turbines and access roads in R3E, T2S, Section 3.
- K-8 Comment acknowledged. Dyer Reservoir is proposed on the western flank of an alluvial valley along Dyer Road. Wind turbine facilities are sited on the ridgelines west and east of this valley. The wind turbines to the west of the proposed Dyer Reservoir are located at an elevation of approximately 1,145 feet above mean sea level (msl), and wind turbines to the east of the proposed reservoir are located at an elevation of between 1,100 feet to 1,260 feet above msl. These wind turbines are sited to capture prevailing easterly wind flow across the Altamont foothills into the Central Valley. The prevailing wind flow across this valley is from ridgeline to ridgeline, with lower wind speeds and increased turbulence occurring lower within the valley.
- The proposed reservoir would be located approximately 3,000 feet west of the wind turbines in R3E, T2S, Section 8 and approximately 6,000 feet east of the wind turbines in R3E, T2S, Section 18. The reservoir finished embankment elevation would be approximately 825 feet above mean sea level. Finish embankments would be approximately 25 feet above current ground elevation. Due to the reservoir's location in the valley and distance from the existing wind turbines, the proposed reservoir is not anticipated to have any affect on energy capture for wind turbines on ridgelines in R3E, T2S, Sections 8 and 18.
- K-9 Comment acknowledged. Consistent with the current access road, the relocated access road will be engineered and constructed to accommodate the types of heavy equipment and vehicles used to service wind farm operations, as well as the other land uses in the area.



Altamont Winds Inc.

09 November 2004

sent via mail

Department of Water Resources
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, California 94104

Attention: Mr. Jim O'Toole

Subject: **COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT**
Department of Water Resources
South Bay Aqueduct Improvement and Enlargement Project

Dear Mr. O'Toole:

Further to the comments provided in our letter dated October 26, 2004, we have another comment to submit concerning the Department of Water Resources' ("DWR") Draft Environmental Impact Report dated September 2004 ("DEIR") for the South Bay Aqueduct Improvement and Enlargement Project ("Project").

This additional comment is as follows.

7. Stage 3 Surge Tank (pages 2-3, 2-13 and 2-16). The construction of a third surge tank (Stage 3) 100 feet tall, approximately 100 feet north of the existing Stage 2 surge tank, along with increasing the height of the Stage 2 surge tank to 115 feet, raises a concern that these structures may impact the performance of our wind turbines immediately downwind in R3E, T2S, Section 3. The Stage 3 surge tank will be closer to our wind turbines and positioned more directly upwind than the existing surge tanks, and the Stage 2 surge tank will become a taller obstacle. The surge tanks can create a structural blockage to wind flow and affect the local shear, and thus energy capture, of our nearby wind turbines immediately downwind. The potential wind flow and wind turbine performance impacts should be studied in the final environmental impact report, and any appropriate mitigation measures likewise addressed, including compensation for any resulting reduced energy production and revenues.

Your careful consideration of the above comment will be appreciated.

Thank you.

L-1

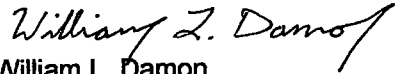
Department of Water Resources - Comments to DEIR, 09 November 2004

2

Please contact me at 925.388.0072 if you have any questions.

Sincerely,

Windpower Partners 1987 LP, a California limited partnership
Windpower Partners 1988 LP, a California limited partnership
by Altamont Winds Inc., their General Partner

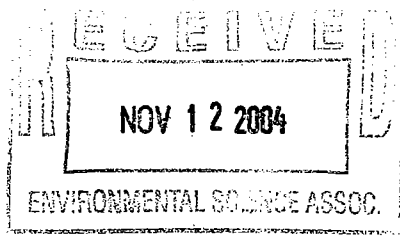


William L. Damon
Vice President

cc: Mr. Bob Szymanski, Altamont Winds Inc.

L. RESPONSE TO: WILLIAM L. DAMON, ALTAMONT WINDS, INC.,
NOVEMBER 9, 2004

- L-1 Comment acknowledged. The Stage 3 Surge Tank would be located approximately 1,000 feet north of the wind turbines in Section 10 and approximately 1,100 feet south of the wind turbines in R3E, T2S, Section 3. The Stage 3 Surge Tank would be a cylindrical structure, similar to the two existing surge tanks. The new tank would not be directly upwind of the wind turbines identified by the commenter. The cylindrical shape of the surge tank means that it would have a small physical affect on winds, primarily some slowing of the wind as it flows around the structure, but detrimental wind effects, such as wind blockage or turbulence are not anticipated to occur. Similarly, the incremental increase of the Stage 2 Surge Tank by 10 to 15 feet, would not be anticipated to have detrimental wind effects. Therefore, installation of the Stage 3 Surge Tank and improvements to the Stage 2 Surge Tank would not significantly affect energy capture of the nearby wind turbines in Section 10 and in R3E, T2S, Section 3.



4008 Dyer Rd.
Livermore, CA 94551
925-371-5325
gina@acornnmr.com

Oct. 27, 2004

Department of Water Resources
Division of Engineering
P.O. Box 942836
Sacramento, CA 94236-0001
Attn: Terry Becker, Bonderson Building, Room 313-A

Re: South Bay Aqueduct Improvement And Enlargement Project

Dear Mr. Becker,

As part of its South Bay Aqueduct Improvement And Enlargement Project, DWR proposes to build a 27-acre, asphalt-lined pit for water storage, referred to as Dyer reservoir. This reservoir is to be located just east of Dyer Rd. in the middle of the area designated as Section 17. Development on this land is prohibited by the terms of Conditional Use Permit C-5512, the Altamont Landfill and Resource Recovery Facility (ALRRF) - Class II Expansion Project (Expansion) (herein referred to as "C-5512") which states that *"The operator shall set aside a total of 750 acres for biological habitat mitigation and buffer area in Sections 15, 16, 17 and 21"*.

M-1

DWR proposes that equivalent offsite land could be substituted to compensate for loss of part of this buffer area. This is not an acceptable solution, as offsite land does not satisfy the stated purpose, which is to establish a buffer between Dyer Rd and the landfill. C-5512 also contains requirements for additional, unspecified off-site mitigation land, but this particular 750 acres is separately and specifically defined. C-5512 contains no provision for any circumstances under which the 750 acres could be reduced in size or "traded" for alternate land.

M-2

DWR representatives stated at last night's meeting that the terms of C-5512 are "subject to interpretation". I can find no ambiguity in the permit condition *"The operator shall set aside in perpetuity, by recorded deed, the 750 acres of Sections 15, 16, 17 and 21"*. The intent is clear that this specific 750 acres would remain undeveloped.

M-3

The EIR states "The reservoir would be a low-maintenance, "passive" use, compatible with the purpose of the buffer lands". Neither C-5512 nor the lawsuit settlement makes any exception for "passive use" (whatever that means).

M-4

The EIR states that Section 17 already contains water and wind turbine infrastructure, implying that this somehow sets a precedent for construction of the Dyer reservoir. The canal and windmills and are irrelevant, as both pre-date C-5512.

M-5

Mitigation measure 3.4-2b states:

"DWR shall negotiate with Waste Management Incorporated (WMI) to ensure that easement acquisition does not preclude WMI from meeting its mitigation obligation as identified in C-5512".

In a letter to Zone 7, regarding Zone 7's plan for the Altamont Pipeline, Chris Bazar (Alameda County Community Development Agency Planning Department) referred to C-5512 in writing:

"Feasible mitigation measures that have been made conditions of approval are not subject to change by any party without additional CEQA review; the requirements of the condition must be either implemented, or the physical ability to implement the condition must be maintained until it is feasible to do so."

M-6

Therefore, DWR and WMI do not have the authority, by themselves, to modify the terms of C-5512 to obtain an easement to allow construction of Dyer reservoir. The lawsuit settlement agreement states "each Party shall have the contractual right to seek enforcement of the provisions of this Agreement". It seems clear that any modification to the terms of the agreement would also require consent by all parties to the lawsuit. The EIR is deficient in its description of the process that would be required before development in Section 17 could proceed.

I notice that none of the simulated constructed views of Dyer reservoir include either the lights or the 8-foot cyclone fence that will be part of it. These illustrations are not an accurate depiction, constituting a deficiency of the EIR.

M-7

The EIR acknowledges, in Impact 5.1, that the cumulative impact of the Altamont Water Treatment Plant, the Altamont Pipeline Project, the Altamont Landfill Expansion, and the SBA Improvement and Enlargement project is significant and unavoidable, and only partially reduced with mitigation.

M-8

Construction of the proposed Dyer reservoir should not be allowed to proceed.

Sincerely,



Virginia W. Miner, Ph.D.

M. RESPONSE TO: VIRGINIA W. MINER, OCTOBER 27, 2004

- M-1 Comment acknowledged. Conditional Use Permit (CUP) C-5512 issued to Waste Management of Alameda County (WMAC), Inc. by the Alameda County Board of Supervisors does not prohibit development within Section 17. Conditions 16-27 requires WMAC to set aside 750 acres of mitigation for biological resource impacts “in Sections 15, 16, 17, and 21, substantially as depicted in Exhibit 1.” As discussed on DEIR p. 3.4-20, these four sections comprise approximately 2,560 acres of land. With the existing landfill (230 acres) and approved landfill expansion area (250 acres), approximately 2,000 acres of land are available within these four sections to meet this mitigation requirement. Due to the reduced scale of the expansion approved under C-5512, the areas available within Sections 15, 16, 17, and 21 to meet the 750 acre mitigation obligation are depicted in **Figure D-3** (see Response D-3).

As stated on DEIR p. 3.4-19, implementation of Dyer Reservoir would result in the temporary disturbance of 45 acres of open space area, and the permanent loss of 27 acres associated with the reservoir structure. The areas temporarily disturbed will be restored following construction, and the permanent loss of 27 acres is not anticipated to preclude or affect WMAC’s ability to meet its mitigation obligation as established under C-5512. As established in Mitigation Measure 3.4-2b, DWR shall negotiate with WMAC to ensure that easement acquisition does not preclude WMAC from meeting its mitigation obligation as identified in C-5512 and other regulatory permits. This may include identification of appropriate lands to offset open space acreage permanently removed from acreage.

- M-2 Comment acknowledged. As noted in Condition 16 of C-5512, the stated purpose of the 750 acres is to provide biological resource mitigation for landfill expansion. This acreage amount is calculated based upon the provision of compensatory mitigation at a 3:1 ratio, using the disturbance area of the proposed landfill expansion.

Buffer lands are identified in C-5512 Exhibit 1 (**Figure D-1**), between active land fill operations and the property line on the northern, eastern and southern boundaries of the property. Construction of Dyer Reservoir at the western end of WMAC’s property would not alter the buffer between active landfill operations and the WMAC property boundary. As such, this use is not inconsistent with the provision of a buffer between active landfill operations and the WMAC property boundary.

- M-3 Comment acknowledged. Please refer to Response M-1 and D-3.

- M-4 Comment acknowledged. Buffer lands are identified in C-5512 Exhibit 1 (**Figure D-1**), between active land fill operations and the property line on the northern, eastern and southern boundaries of the property. Construction of Dyer Reservoir at the western end of WMAC’s property would not alter the buffer between active landfill operations and the WMAC property boundary. As such, this use is not inconsistent with the provision of a buffer between active landfill operations and the WMAC property boundary.

- M-5 Comment acknowledged. Existing infrastructure referenced in the DEIR, including Dyer Canal and windfarm facilities, represent the existing physical conditions of land use along Dyer Road. These facilities are relevant to the CEQA analysis for Land Use, which requires examination of the change in existing conditions associated with project implementation. The conditions of C-5512 are also relevant to the CEQA analysis for

Land Use and are discussed in the DEIR. However, as noted in the DEIR, no conservation easement has been established under C-5512 in Sections 15, 16, 17, and 21.

- M-6 Comment acknowledged. Please refer to Response D-3.
- M-7 Comment acknowledged. Visual simulations present the proposed facilities from varying public view locations to establish the change in short-range and long-range views, approximate facility scale, and pre- and post-project visual conditions. They do not represent a depiction of final design, and facilities necessary to support the reservoir, such as fencing and emergency lighting cannot be fully depicted in visual simulations due to the status of facility design. However, these simulations accurately depict the size, scale and location of the proposed reservoir facility, and provide an adequate basis for analysis of visual resource impacts. As such, no additional analysis is required.
- M-8 Comment acknowledged. No response necessary.

March 29, 2004

Mr. John Squires
California Department of Water Resources
1416 9th Street
Sacramento CA 95814

Subject: South Bay Aqueduct Enlargement Project- Regional Trail Element

Dear Mr. Squires

We are writing to support the inclusion of a regional trail along the South Bay aqueduct as part of the South Bay Aqueduct expansion project scheduled for completion in 2008. This trail element has been shown on regional trail maps including the City of Livermore Trail Master Plan and the East Bay Regional Park master plans. The SBA trail continues to have strong regional support.

The Tri-Valley Vision 2010 Project is a program of the Tri-Valley Business Council. It was developed in 1999 through a year long process that involved over 250 people. The regional vision has initiatives in agriculture and open space; economic vitality, education; community planning and housing; and regional mobility. One of the key objectives of our agriculture and open space initiative is the connectivity of local and regional trail systems into a regional network. Our Parks and Trails Subcommittee has developed plans outlining this potential regional network which includes a trail around the rim of the Livermore Amador Valley. We have attached our Vision 2010 Trail Vision. Please note that the South Bay Aqueduct element is an important part of our vision to connect a trail around the rim of the Livermore-Amador Valley by 2010.

We understand the importance of protecting our water delivery facilities and believe that the added security provided by East Bay Regional Park's routine trail patrols will make the SBA a safer facility. EBRP has an excellent management track record. EBRP also currently manages Lake del Valle, an important storage reservoir for the South Bay Aqueduct

N-1

N-2

The SBA Enlargement Project offers opportunities to accomplish key segments of regional trails in the EBRP 1997 master trail plan including Brushy Peak to Bethany Reservoir, Brushy Peak to Del Valle Reservoir, and Iron Horse Regional trails. The completion of these trails within the decade is a vital part of the Vision 2010 plan to enhance the working landscape of our region.

Thank you for your consideration of our support.

Sincerely



Becky Dennis
Chair
Agriculture & Open Space Committee
Tri-Valley Vision 2010 Project



Tom O'Malley
President
Tri-Valley Business Council

cc:

Dublin City Council
Livermore City Council
LARPd -General Mgr.& Board
Pleasanton City Council
Alameda County Supervisor Scott Haggerty
East Bay Regional Park District GM , & Board

Comment Letter N

Regional Trail Routes

The Golden Valley

Golden Valley
Rim Route

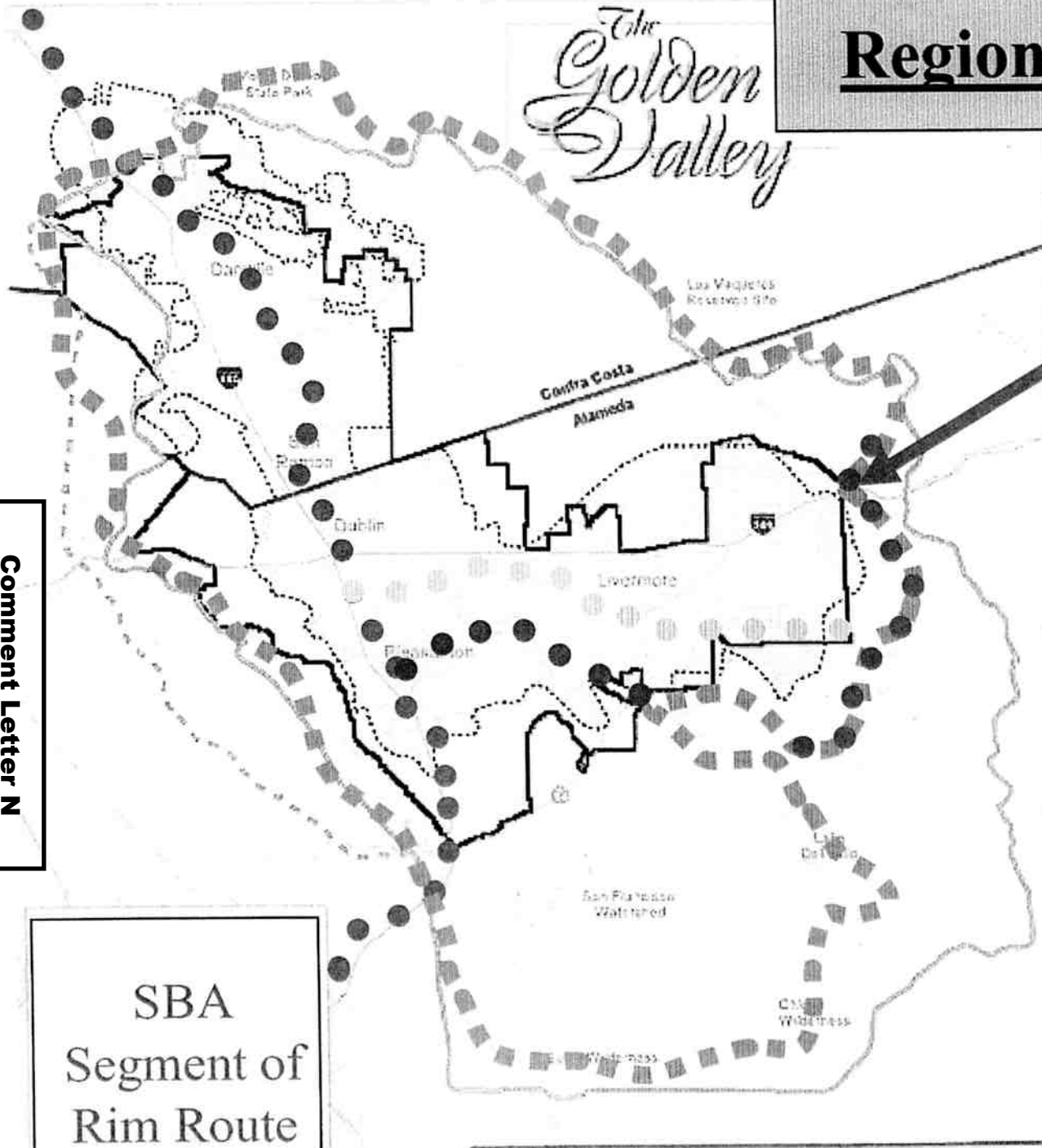
SBA Trail

Danville to Sunol

Arroyo Valle
Pleasanton to
Lake del Valle

Comment Letter N

SBA
Segment of
Rim Route



- N. RESPONSE TO: TRI-VALLEY BUSINESS COUNCIL, MARCH 29, 2004
- N-1 Comment acknowledged. DWR recognizes the Tri-Valley Business Council's efforts in working towards implementation of a regional trail. As stated on page 3.4-23 of the DEIR, the Proposed Project would not preclude development of a regional trail system.
- N-2 Comment acknowledged. Please refer to Response I-3. Security is one of several issues related to the provision of recreational trails along the SBA. However, regarding regional trails, as stated in the DEIR (pp. 3.4-21 through 3.4-23), implementation of the Proposed Project would not preclude future use of the SBA project corridor from recreational use.
- N-3 Comment acknowledged. DWR looks forward to reviewing appropriately funded proposals to explore recreational opportunities along the SBA. Implementation of the SBA Improvement and Enlargement Project would not preclude the development of the Brushy Peak to Bethany Reservoir, Brushy Peak to Del Valle Reservoir, and Iron Horse Regional trails.



ALTAMONT LANDFILL & RESOURCE RECOVERY FACILITY

10840 Altamont Pass Road
Livermore, CA 94550-9745
(925) 455-7300
(925) 455-7381 Fax

November 12, 2004

California Department of Water Resources
c/o Jim O'Toole
Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, California 94104

Subject: Comments on the South Bay Aqueduct Improvement and
Enlargement Project Environmental Impact Report.

Dear Mr. O'Toole:

Thank you for the opportunity to comment on the draft Environmental Impact Report (EIR).

The principal concern of Waste Management of Alameda County, Inc. (WMAC) is the siting of the Dyer Reservoir in Section 17 within the boundary of the Altamont Landfill and Resource Recovery Facility (ALRRF). The EIR notes under Section 3.4.1 (pages 3.4-3 and 3.4-4) that the proposed reservoir is located on property owned by Waste Management. (The EIR incorrectly identifies Waste Management, Inc. as the property owner when it is actually owned by WMAC.) This portion of the WMAC property is an area identified as the principal mitigation area for the approved Fill Area 2 at the ALRRF and has been specifically designated in the Conditional Use Permit (CUP), issued by the County of Alameda, for approval of the Fill Area 2 project. Section 17 has been identified as the principal conservation area in permit applications to the U.S. Army Corps of Engineers, California Department of Fish and Game, Central Valley Regional Water Quality Control Board, and the U.S. Fish and Wildlife Service.

O-1

There is a compelling public need to initiate the Fill Area 2 project because the existing landfill will reach capacity within the next two years. Consequently, WMAC is very concerned that Dyer Reservoir element of the project could delay the start of Fill Area 2 construction. WMAC is willing to work with the agencies toward an acceptable plan to acquire and use this portion of the ALRRF property. However, in the interim, we must continue to develop acceptable mitigation for the area to allow for Fill Area 2 development to proceed. Should the agencies oppose alternative mitigation measures, or if negotiations result in significant

O-2

delays, WMAC will not be willing to agree to the acquisition and siting of the reservoir on the ALRRF property.

O-2

If you have any questions, please feel free to call me at 925-455-7350.

Sincerely,

Waste Management, Inc.

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

Kenneth Lewis
District Manager
Altamont Landfill and Resource Recovery Facility

cc: Andrew Kenefick, WMI
Guy Petraborg, WMI
Richard Meredith, Padre Associates

- O. RESPONSE TO: KENNETH LEWIS, WASTE MANAGEMENT
ALTAMONT LANDFILL & RESOURCE RECOVERY FACILITY,
NOVEMBER 12, 2004
- O-1 Comment acknowledged. DWR recognizes that the proposed Dyer Reservoir would be located within Section 17, on property owned by Waste Management of Alameda County (WMAC). Please refer to Responses D-3 and M-1.
- O-2 Comment acknowledged. DWR recognizes WMAC's need to initiate the Fill Area 2 project due to impending landfill capacity issues. DWR looks forward to working with WMAC toward project implementation in a manner that meets both DWR and WMAC scheduling requirements.

SOUTH BAY AQUEDUCT
IMPROVEMENT AND ENLARGMENT PROJECT

PUBLIC MEETING

7:00 p.m.

Tuesday, October 26th, 2004

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BY: JUDY LARRABEE, SHORTHAND REPORTER

CLARK REPORTING

2161 SHATTUCK AVENUE, SUITE 201

BERKELEY, CALIFORNIA 94704

(510) 486-0700

1 PRESENT: Jim O'Toole, ESA

2 Leslie Moulton, ESA

3 Terry Becker, Dept. of Water Resources

4 Lisa Nunes, ESA

5 (Presentation by Jim O'Toole, 7:10 to 7:35)

6 MR. O'TOOLE: That concludes our presentation.

7 Now we'd like to open it up to public comment. We have
8 some public speaker cards. We have a court reporter
9 here to record comments. You guys can come up to the
10 podium or provide comments from your seat if you feel
11 more comfortable. We also have written comment cards,
12 and of course we encourage you in addition to submit
13 your comments in writing. Both the oral comments
14 received tonight and written comments will be responded
15 to in writing in the final EIR.

16 Questions or comments? We can take speaker cards,
17 or we can take a moment to digest all that information.
18 You guys are comfortable?

19 MS. MINER: My name is Virginia Miner. Explain
20 to me how you're going to get around the previous
21 commitment of the piece of property upon which you
22 intend to build Dyer reservoir.

23 MR. O'TOOLE: This is the Waste Management
24 commitment. As is described in the EIR, Waste
25 Management is identified --

1 MS. MINER: Where in the EIR is that?

2 MR. O'TOOLE: That's in the Land Use section.
3 There's a discussion on it.

4 MS. MINER: Can you be more specific?

5 MS. MOULTON: I'll flip through it and find it
6 for you.

7 MS. MINER: It's a somewhat intimidating
8 document.

9 MR. O'TOOLE: There's a discussion in the Land
10 Use section regarding Waste Management's obligation
11 under its permits to provide conservation easement for
12 the expansion of its reservoir which identifies Section
13 17 as well as other sections on Waste Management Inc.'s
14 property --

15 MS. MOULTON: Page 3.4-19.

16 MR. O'TOOLE: -- as having the ability to
17 provide that conservation easement line that's
18 established under its permit.

19 In terms of implementation, DWR would likely go
20 discuss with both Alameda County and Waste Management
21 the need for the proposed project and come to an
22 agreement with Waste Management Inc. to provide some
23 level of compensation for acquisition of the property
24 and/or easement within Section 17.

25 The way that the CUP is formulated, it doesn't

1 obligate Waste Management Inc. to specifically use
2 Section 17. It identifies Section 17 and several other
3 sections as potential mitigation and/or buffer lands.

4 MS. MINER: I disagree. It definitely
5 specifically identifies several sections -- including
6 17 -- as mitigation and buffer zone. There is no -- for
7 example, it could be this piece of property. It
8 specifically identifies that piece of property.

P-2

9 MR. O'TOOLE: So in that context, can we ask
10 that you provide a specific comment that we can then log
11 in in order to respond to that?

12 MS. MINER: I'll write it in. These are
13 comments I've already wrote a year ago.

14 So I'm still curious to know how you -- you
15 obviously think that this isn't an impediment and I'd
16 like to know why. You don't see this as a commitment?

P-3

17 MR. O'TOOLE: I see, based on the review of the
18 CUP and discussions with the parties --

19 MS. MINER: The CUP?

20 MR. O'TOOLE: The Conditional Use permit --
21 with the provision of adequate compensatory
22 mitigation ---

23 MS. MINER: Explain what compensatory
24 mitigation would be.

P-4

25 MR. O'TOOLE: So that would be potentially off

1 site or on site additional lands to meet the 27-acre
2 loss of the easement that was identified.

3 MS. MINER: Explain how an off site piece of
4 property could be a buffer between Dyer Road and the
5 landfill.

P-5

6 MR. O'TOOLE: It depends on how the final
7 conservation easement for the landfill is established.
8 So there's currently no conservation easement
9 established for the landfill. They are in the process
10 of negotiating for that.

11 MS. MINER: Unless a commitment was made and
12 exists, and there's an obligation with the ability to
13 perform on that contract must be maintained.

14 MR. O'TOOLE: So that would be -- I'm presuming
15 that's your comment then.

16 MS. MINER: Absolutely. There was a lawsuit
17 over the landfill expansion, as you undoubtedly know.
18 Part of the settlement of the lawsuit was it designated
19 that piece of property would not be developed. I just
20 don't understand how another public agency can come in
21 and say, "If we didn't make the promise, then we don't
22 have to honor it."

P-6

23 MR. O'TOOLE: So we'll be providing written
24 response to that comment.

25 MS. MINER: So that's all you have to say? You

1 don't have an explanation for why it's not a significant
2 issue?

3 MR. O'TOOLE: Well, in terms from a CEQA
4 analysis standpoint it's not significant.

5 MS. MINER: It's a legal issue. There's a
6 legal issue. There's a Conditional Use Permit. The
7 permit was granted on the grounds that this would be
8 done. And there was a lawsuit as part of the settlement
9 lawsuit. And I do not see how you can change the terms
10 of the settlement of the lawsuit without the agreement
11 of all parties involved in a lawsuit.

P-7

12 MR. O'TOOLE: Well, to date, the conservation
13 easement has not been established.

14 MS. MINER: It doesn't matter. I have a letter
15 from Chris Bazar from the County Planning Agency that
16 says even if it hasn't happened, the ability to perform
17 on that obligation must be maintained.

18 MR. O'TOOLE: Absolutely.

19 MS. MINER: So it doesn't matter.

20 MS. MOULTON: I think the intent is that as
21 it's being formally established, there will be some
22 negotiation of how do we compensate for the fact of 27
23 acres out of this large area.

24 So I understand that you don't --

25 MS. MINER: It's smack between the homes on

1 Dyer Road and the landfill, and that's precisely the
2 piece of property where new grounds would never be
3 developed. And a 27-acre asphalt pit meets my
4 definition of development.

5 Are there going to be fences or lights or buildings
6 on site that are not there now?

P-8

7 MR. O'TOOLE: I don't believe there will be any
8 buildings, but there will likely be fencing and
9 emergency lighting. Is that correct?

10 MR. BECKER: Terry Becker from the Department
11 of Water Resources. There will be inlets and outlets,
12 concrete inlet and outlet structures as part of the
13 reservoir.

14 MR. O'TOOLE: But no building structure.

15 MR. BECKER: No separate building structure
16 planned.

17 MR. O'TOOLE: That's correct.

18 MS. MINER: And fences and lights?

19 MR. BECKER: We do not plan to have nighttime
20 lighting. There will be lights on the facilities so
21 that if repairs, maintenance is required, there will be
22 an ability to light the facility.

23 MS. MINER: So they would not be on unless
24 there's a problem?

25 MR. BECKER: Yes.

1 MS. MINER: And fences?

2 MR. BECKER: Fences. The area immediately
3 around the reservoir will be fenced.

4 MS. MINER: And how high will the fence be?

5 MR. BECKER: 8-foot chain link fence.

6 MS. ST. JOHN: I'm Melissa St. John. I'm the
7 coordinator for Altamont Landfill. I'm not directly
8 involved in the project, but my understanding is that
9 Waste Management has the same interpretation that ESA
10 and DWR has in terms of the mitigation lands.

11 This area was identified as potential mitigation
12 lands and Waste Management is open to negotiation for
13 compensatory lands.

14 MR. QUIGLEY: My name is Dick Quigley. I read
15 the EIR. I have a copy and scratched it all up. Know
16 that the comments that I'm going to make before you are
17 my own, and I thank you. They are not any force or
18 groups that I serve unless I share their written
19 comments, and I will.

20 Thank you for allowing the public comment on your
21 draft document. I applaud efforts and ideas to build a
22 20 percent larger water conveyance system with upgrades.

23 The State Water Project has been called the
24 lifeline in California. I would add that it's the
25 heartbeat for the Livermore Valley.

1 I salute the mission of the Department of Water
2 Resources which on their website states is "to manage
3 the water resources of California in cooperation with
4 other agencies to benefit the state's people and to
5 protect, restore and enhance the natural and human
6 environments."

7 I'll share with you briefly that I had the pleasure
8 for several years of being a member of the Tri Valley
9 Business Council Working Landscape Plan for agricultural
10 enhancement, open space, and including the Water Task
11 Force Committee.

12 And as recent as last Wednesday, I enjoyed
13 attending a seminar in Hayward where the Tri Valley
14 Council business manager Christine Macy made a
15 presentation which I just briefly want to share a bit,
16 because business leaders, including supervisor Scott
17 Haggerty, was in the room as was the press. And key
18 points, key emphasis points, kind of, I think, dovetail
19 into your EIR draft.

20 And they were first, trails, non-vehicular
21 activity. That was first. Second, agricultural
22 tourism. And third, the SBA, or the South Bay Aqueduct
23 as a resource to deliver source water from the Delta.

24 Her presentation, I think, would be worthy of
25 inclusion in the South Bay Aqueduct Notice of

1 Availability EIR comment period, and I'm going to try to
2 encourage her to send it to you in a timely fashion.

P-10

3 And I mentioned it to key business leaders who were
4 listening to the presentation, some city council members
5 and some key city planners, and the park district folks.

6 As a long time trail user and as a member of trail
7 groups and as a active department trail volunteer, I'm
8 concerned that the trail support letters from a number
9 of agencies within this document don't seem to be
10 recognized or addressed.

11 I note, first a 10/22/03 City of Livermore letter;
12 A 11/03 Livermore Park and Recreation letter; third, a
13 October 25/03 East Bay Regional Park District letter;
14 Fourth, a 6/28/01 East Bay Regional Pack District
15 letter; fifth, 12/13/99 East Bay Regional Park District
16 letter.

P-11

17 And additionally I'm aware of a November 10th, '04
18 letter of support for trails, connecting guests from a
19 Vision 2010 Leadership Group, for which I'm a member,
20 and a letter dated 6/13/03 addressed to Zone 7 from the
21 City of Pleasanton. Both of these letters I have copies
22 and I'll provide with my written comments.

23 It seems to me that the project seeks to increase
24 the flow of source water from the Delta and Bethany
25 Reservoir, both heavy recreational areas for which there

1 is a state recreational policy and transport, that
2 source water to Lake Del Valle which is another large
3 recreational area where trails and recreational
4 amenities are in abundance.

5 The SBA planned increased corridor also gets very
6 close to Brushy Peak, which is jointly owned and not yet
7 open, jointly owned by Livermore Park and Recreation and
8 East Bay Regional Park District. And I believe it will
9 open soon to the public.

10 Its staging areas I can tell you are currently
11 under construction, as well as Vasco Caves and Los
12 Vacqueros reservoir. And I have a map here of the area
13 which is a bigger rendition of one which is in your EIR
14 document.

15 And very briefly, just to give you a sense, here is
16 Los Vacqueros Reservoir. Here is Brushy Peak that East
17 Bay Regional owns. Here's Brushy Peak at the top that
18 LARPD owns. Here's is Vasco Caves. Here is Bethany
19 Reservoir. Here is Del Valle. Here is the planned
20 corridor extension as I understand it. This is a
21 picture of one of my favorite recreational areas, Del
22 Valle, which has an abundance of trails.

23 Bethany Reservoir, according to State Parks
24 Information, has 27 serves recently, 27,011 visitor days
25 were reported in Fiscal Year 2003. California

1 Department of Parks and Recreations manages Bethany
2 Reservoir, and the uses of Bethany are boating, power
3 and sail, windsurfing, fishing, picnicking.

4 Body contact recreation is allowed by State Water
5 Project Reservoirs as long as it is compatible with
6 public health and safety requirements. And I'm not
7 suggesting that for the SBA at all, not at all. It's
8 just policy.

9 Lake Del Valle accommodates about 360,000 a year --
10 I believe a little bit more now -- but 360 is a good
11 hard working number. The South Bay Aqueduct is the
12 pumping delivery system used to fill and maintain Lake
13 Del Valle and provide water supply to the Livermore,
14 Dublin, Pleasanton communities as well as agriculture
15 and grow our grapes and our crops.

16 EIR planning folks may be overly concerned about
17 security post-911 because I don't see responses to these
18 letters. The first one says from the 2010 Leadership
19 Group, "The SBA Enlargement Project offers opportunities
20 to accomplish key segments of the Regional Trail Plans
21 in the East Bay Regional Park District 1997 Master Trail
22 Plan, including Brushy Peak to Bethany Reservoir, Brushy
23 Peak to Del Valle Reservoir and the Iron Horse Regional
24 Trails. The completion of these trails within the
25 decade is a vital part of Division 2010 Plan to enhance

1 the vitality of our region."

2 A City of Livermore 10/22/03 letter, which is in
3 your doc says, "a multiuse trail adjacent to the
4 aqueduct alignment is supported by the East Bay Regional
5 Park District, Livermore Park and Recreation. And a
6 regional trail along the alignment would provide access
7 from South Livermore area to Brushy Peak. Several
8 trails planned by the City of Livermore would also
9 connect these potential regional trail. The draft EIR
10 should consider opportunities for providing this
11 regional trail in conjunction with the planned aqueduct
12 improvements."

13 Most of these letters that I've referred to will
14 say those same things. So out of time respect, I will
15 just refer to the dates.

16 The one that I thought was really superb was one
17 from the city of Pleasanton. And I happened to be at a
18 trails meeting last night. And the general manager of
19 Pleasanton Parks and Recreation Jim Wolff was
20 embarrassed when we were talking about this meeting
21 tonight. He says, "Dick, we sent a letter and the
22 letter was dated June 13th. But it went to Zone 7
23 instead of -- " Jim, I guess, you.

24 And it reads, "Dear Mr. Stevens, (who was at that
25 time President of Zone 7 Board of Directors) "The city

1 of Pleasanton Parks and Recreation Commission
2 understands that Zone 7 water agencies are working with
3 California Department of Water Resources on expanding
4 the South Bay Aqueduct between Altamont Pass Road and
5 Mines Road in Livermore, and that the project is
6 currently in the preliminary design stage. The
7 Commission requests that your agency consider adding
8 trails to the expanded aqueduct.

9 "The number of people using the existing trails in
10 the region has gone each year. Trail users enjoy the
11 ability to walk, run, ride bicycles while experiencing
12 the outdoors. New trails along the aqueduct would
13 provide additional recreational opportunities for Tri
14 Valley residents as well as provide information about
15 the purpose and the benefits of the aqueduct (I would
16 add water for interpretive; we just did an experiment,
17 an exercise last week on the World Wide One Monitor a
18 Day with high schools. It was pervasively important for
19 kids. It was in the paper.) If you have any questions
20 about this, contact the city."

21 It appears to me that the EIR planning folks again
22 may be overly concerned about security post-911. I
23 would argue that source water originates in both
24 recreational and navigatable waters, the Delta and
25 Bethany Bay. It goes through a conveyance system to

1 another high-use recreational facility. Both have
2 trails and recreation, and yet it appears that the EIR
3 is silent on the issue. And I just don't believe this
4 is right and I request you to either speak to it or fix
5 it, please.

P-13

6 You have been officially asked by me to include
7 opening of the regional trails by a number of agencies
8 and groups, as I have mentioned. Please respond to the
9 community trails request and include the trail in the
10 project.

P-14

11 The environmental document is a good document. We
12 need the water. We need the project. But the people
13 need trails. The trail groups think they're healthy,
14 wealthy and wise. We've got obesity problems. People
15 need to get out and walk.

16 I can tell you that Lawrence Livermore Laboratory,
17 where I work and reside, is right here, and we have
18 people that bike and hike up to Del Valle every day. We
19 have people who bike up to the Patterson Treatment Plant
20 every day.

21 And again I say to you that this is source water.
22 The quality of the water through the corridor has not
23 been fixed. The EIR doesn't say that, in my opinion,
24 well enough. We haven't improved the quality of water
25 until they get either to Patterson Pass or with the Del

P-15

1 Valle treatment facilities.

P-15

2 So please let the community know that, and please
3 put in a trail mitigation plan. Because other agencies
4 in the correspondence that you've received -- and it is
5 in the EIR boldly, other than the two that are missing
6 that I will share -- aren't spoken to. Thank you very
7 much.

8 MS. MOULTON: Are you going to submit that this
9 evening?

10 MR. QUIGLEY: I'll give you a copy this
11 evening, sure. This is on several websites as is this.
12 So thank you very much.

13 MS. MOULTON: Yes. Thank you. Other comments?

14 MS. MINER: Since we're on the subject, is
15 there an intention to make a public trail along the
16 canals along Dyer Road?

P-16

17 MR. O'TOOLE: As part of this project, there is
18 no proposal to include a recreational trail on either
19 the SBA aqueduct or as part of the proposed facilities.

20 To respond to some of those comments a little bit,
21 there is a discussion of recreational facilities in the
22 area in the land use section.

23 And Mr. Quigley, I appreciate your messages. I
24 tried to send you an e-mail in response to that today.
25 I'm not sure if you received it. But there is a

1 discussion of the existing recreational facilities in
2 the study section of land use, and then there is a
3 discussion of potential impacts for those facilities on
4 page 3, 4, 21, 22 and 23.

5 There is no direct impact on existing recreational
6 facilities associated with the proposed project. We
7 have a pretty comprehensive list of the proposed
8 facilities in the area and the proximity of the SBA
9 facilities to them. And so there is no identification
10 of specific mitigation because there is no specific
11 impact to recreational facilities.

12 In response to your question though, there is a
13 conclusion that the proposed project does not affect or
14 preclude the use of the South Bay Aqueduct Corridor at
15 some point in the future by recreational interests, but
16 that that is part of some other project process that DWR
17 and those recreational interests would need to enter on.

18 MR. QUIGLEY: Jim, let me just kind of take
19 exception. Knowing the cost as you well do and I well
20 do and others in this room well do about the cost of an
21 EIR, and my dear friends at park districts know that
22 very well, and they've asked specifically and very
23 succinctly and kind of told you that those trails are in
24 their master trail plans.

25 Well, the city, the agencies that our water serves,

1 to put the line in now that they asked that are on their
2 plans and put it in this project, it's timely because
3 the project won't be completed until 2008 or 2009. It
4 embraces \$100 million of public funds, and other public
5 agencies have said, "Help us out. Put the line in."

6 I know that water needs a custodian, an agency
7 custodian like East Bay or other park districts to take
8 over the recreation responsibilities of patrolling and
9 monitoring and stewardship of the linear working
10 landscape called a trail. That can happen over time.
11 It's timely to put that message, some paragraph
12 verbiage, clearly in the EIR. And believe me, I tried
13 to find it.

14 MR. O'TOOLE: It's tough.

15 MR. QUIGLEY: Please, please, make it easy for
16 us and please make it easy for those folks who took the
17 time to write the letters and ask it and share their
18 plans, because to make this successful, multi-agencies
19 got to work together. They got to hold hands and do it
20 right. Please.

21 MS. MOULTON: Would that come under the heading
22 of mitigation?

23 MR. O'TOOLE: No.

24 MS. MOULTON: Since there is no impact, there
25 is no nexus. But there's no community request. So this

P-17

1 would be sort of an add-on.

2 MR. QUIGLEY: Many pages of the document are
3 occupied in protecting species and environmental -- just
4 a lot of the book, a lot of pages.

5 I was very careful to salute the mission of the
6 DWR, which is to manage the water resources of
7 California in cooperation with other agencies to benefit
8 the state's people. The people.

9 Critters. I love them. That's why I'm on trails,
10 but they don't pay taxes. We need to protect them, but
11 we need to protect our people.

12 It's really important, folks. We need to protect
13 the people. So as long as I'm around trails and around
14 water -- and I am and you know it -- I'm going to carry
15 this message because our ratepayers want it. Our
16 ratepayers are those that are getting the cities and the
17 Park and Recreation to write the letters that are in
18 your EIR. So please.

19 MS. MINER: Can you go back to the Conditional
20 Use Permit for the Landfill Expansion? "The operator,
21 meaning landfill, shall set aside in perpetuity by
22 recorded deed the 750 acres of Section 15, 16, 17, and
23 21."

24 I do not see the word "potential" in there
25 anywhere. It doesn't sound vague. It doesn't sound

P-18

1 impossible. It's very definite and very specific.

2 MS. MOULTON: You're reading from the EIR?

3 MS. MINER: This is the Conditional Use Permit.

4 MR. O'TOOLE: We'll need to review that issue
5 further in order to respond.

6 MS. MINER: It seems like you've gone awfully
7 far down this road to not have addressed a fairly
8 significant problem. It leads me to believe that in
9 fact you have solved it but you're not telling me why
10 you think you've solved it. There's obviously been some
11 discussion between various meetings he's involved in,
12 and there's some kind of an agreement that we can get
13 around this.

14 That's my take. Has there been any?

15 MR. O'TOOLE: Not to my knowledge.

16 MS. MOULTON: As he said before, the
17 interpretation is that there was room to work this out
18 within the context of those commitments. You're on
19 record saying you don't read it that way.

20 MS. MINER: It seems to me that you have to
21 have an agreement among all the parties in the lawsuit.
22 It's a part of the settlement of a lawsuit. It's a
23 legal binding agreement that says that this sort of
24 thing shouldn't happen.

25 MS. MOULTON: Any other comments?

1 MR. QUIGLEY: I did some historical research I
2 could share with you for groundbreaking with the Del
3 Valle dam. I kind of go back historically when South
4 Bay Aqueducts first started in '62 and we had presidents
5 come out here and bless it. We had Governor Brown in
6 '66 bless the groundbreaking of Del Valle. The value of
7 recreation -- and I cite from the-then William E.
8 Bourne, Director of the Department of Water Resources
9 State of California: "The value of recreation and the
10 importance of leisure activities to our well being has
11 often been documented nearly 50 years ago." And I'm
12 reading 50 years ago. 50 more years.

13 A report went to the then-governor of California
14 Hiram M. Johnson from the Recreation Inquiry Committee.
15 And they quoted from the governor in 1914: "As the 19th
16 century was the century of the machine, so the 20th
17 century will be the century of man. Our interests will
18 center about the individual as a living, responsible
19 factor in the community in the spirit of conserving the
20 human spirit and resources, potentially aiding,
21 preserving and fostering the leisure time of the
22 individual and community."

23 And I might add for security. I want to suggest
24 you think about we've got a local astronaut in space
25 right now, Leroy Chiao. And we've got the technology to

1 allow him to vote in space on November 2nd. We've got
2 technology -- if security post-911 is the short-term
3 aberration that DWR is concerned about, I truly believe
4 that those should be addressed the document. They seem
5 to me to be secretive.

6 MS. MOULTON: Your comments were on security.

7 MR. QUIGLEY: Yes. Voting from space is an
8 example.

9 MS. MOULTON: If there aren't other questions
10 or comments, I really appreciate your coming in, for
11 giving us your input this evening. Sounds like we can
12 expect written comment from both of you. You've given
13 us your thoughts tonight.

14 The comment period is open until November 12. So
15 we've still got two and a half weeks to go.

16 MR. O'TOOLE: Written comments will be due by
17 November 12th and I appreciate your coming out tonight
18 even though the World Series is on.

19 So thanks for attending. That closes our public
20 meeting.

21 (Whereupon, the meeting was adjourned at 8:10 p.m.)

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REPORTER'S CERTIFICATE

I, JUDITH L. LARRABEE, a Hearing Shorthand Reporter in the State of California, duly authorized to administer oaths, hereby certify:

That I am a disinterested person herein; that the foregoing public meeting was reported by me in shorthand, and thereafter transcribed by means of computer-aided transcription.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have thereunto set my hand on this sixth day of November, 2004.

Judith L. Larrabee, Shorthand Reporter

P. **RESPONSE TO: PUBLIC HEARING TRANSCRIPT,
OCTOBER 26, 2004**

A public hearing was held to provide interested persons with an opportunity to comment verbally or in writing on the Draft EIR and the Proposed Project. Three people provided comments during the public hearing, and a transcript of the public hearing is provided on the following pages. Julia Casamajor provided a written comment, stating “I am for every path improvement available.” Virginia Miner and Dick Quigley provided oral comments, which have been responded to below.

- P-1 Comment acknowledged. Please refer to Response M-1.
- P-2 Comment acknowledged. Please refer to Responses M-1 and M-4.
- P-3 Comment acknowledged. Please refer to Responses M-1 and M-4.
- P-4 Comment acknowledged. Compensatory mitigation would be off-site or on-site mitigation provided by DWR to offset open space acreage permanently utilized by Dyer Reservoir.
- P-5 Comment acknowledged. Please refer to Response M-2.
- P-6 Comment acknowledged. Please refer to Response D-3.
- P-7 Comment acknowledged. Please refer to Response D-3.
- P-8 Comment acknowledged. Construction of the proposed Dyer Reservoir would include concrete inlet and outlet structures, fencing, and emergency lighting; no separate building structures are being proposed. The area immediately around the reservoir will be enclosed by an 8-foot chain link fence. The lighting will only be used in the event of an emergency or if repairs or maintenance are necessary at night.
- P-9 Comment acknowledged. The commenter applauds DWR’s efforts and ideas to build a larger water conveyance system with upgrades.
- P-10 Comment acknowledged. The presentation has been included in this Final EIR and follows the responses to the public hearing comments.
- P-11 Comment acknowledged. The commenter submitted a letter from the Tri-Valley Business Council (see Letter N). In addition, DWR received comment letters from the City of Livermore (see Letter G), East Bay Regional Park District (see Letter I) and Livermore Area Recreation and Park District (see Letter J). All letters have been addressed in this Final EIR; please refer to their individual responses. The City of Pleasanton letter, referenced by the commenter and submitted to the Zone 7 Board of Directors in 2003, has been included in this Final EIR and follows the responses to the public hearing comments; DWR recognizes the City of Pleasanton’s desire for new trails along the SBA.

DWR recognizes that several agencies have identified recreational trails along the SBA at a Master Plan level. However, the commenter is referred to Section 2.4 of the DEIR, which establishes the Project Objectives. Recreational improvements along the SBA constitute a separate project, and are not currently proposed as part of the SBA

- Improvement and Enlargement Project. Although several agencies have identified a trail route at a conceptual level, no specific facility or funding proposals have been developed to date, and substantial feasibility and project development analysis would be necessary in order to develop this concept to a level that would be adequate for analysis under CEQA. Please refer to Responses I-1 through I-4.
- P-12 Comment acknowledged. See Response P-11.
- P-13 Comment acknowledged. Security is one of several issues related to the provision of recreational trails along the SBA. However, regarding regional trails, as stated in the DEIR (pp. 3.4-21 through 3.4-23), implementation of the Proposed Project would not preclude future use of the SBA project corridor from recreational use. Please refer to Responses I-1 through I-4 which discuss issues related to trail implementation along the SBA.
- P-14 Comment acknowledged. The Proposed Project does not include a recreational trail on either the SBA or as part of the proposed facilities. DWR looks forward to reviewing appropriately funded proposals to explore recreational opportunities along the SBA.
- P-15 Comment acknowledged. The SBA provides a raw water source that is treated prior to distribution to customers. Please refer to Response P-13 regarding recreational facilities.
- P-16 Comment acknowledged. Please refer to Response P-14.
- P-17 Comment acknowledged. Please refer to Responses P-13 and P-14.
- P-18 Comment acknowledged. Please refer to Response M-1.

THE CITY OF



June 13, 2003

Mr. William R. Stevens, President
Board of Directors
Zone 7 Water Agency
5997 Parkside Drive
Pleasanton, CA 94588-5127

Subject: Letter in Support of Adding Trails to the South Bay Aqueduct

Dear Mr. Stevens:

The City of Pleasanton's Parks and Recreation Commission understands that Zone 7 Water Agency is working with the California Department of Water Resources on expanding the South Bay Aqueduct between Altamont Pass Road and Mines Road in Livermore, and that the project is currently in the preliminary design stage.

The Commission requests that your agency consider adding trails to the expanded Aqueduct. The number of people using existing trails in the region has grown each year. Trail users enjoy the ability to walk, run and ride bicycles while experiencing the outdoors. New trails along the Aqueduct would provide additional recreational opportunities for Tri-Valley residents, as well as provide public information about the purpose and benefits of the Aqueduct.

If you have any questions about this letter of support, please contact Fan Ventura, Management Analyst in the Parks and Community Services Department, at (925) 931-5348.

Sincerely,

Jerry Thorne
Chairperson
Parks and Recreation Commission

c: City Council
Parks and Recreation Commissioners
City Manager
Director of Parks and Community Services
Management Analyst, F. Ventura

PARKS AND COMMUNITY SERVICES

Community Services
200 Old Bernal Avenue
(925) 931-5340
Fax: 931-5477

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

Parks Maintenance
3333 Busch Road
(925) 931-5569
Fax: 485-9287

The Working Landscape Plan



Kristine C. Mazzei

Agriculture Enhancement Plan

Project Manager, Tri-Valley Business Council

Introductions



Kristine's role in the Working
Landscape Plan

Introduction to the
Tri-Valley Business Council

Publications & More Info:
www.trivalley.org

Steering Committee of the Tri-
Valley Ag Water Task Force

Dawn Argula, Supervisor Hagerty's Office
Bob Baltzer, Friends of Livermore, Measure D
Gene Broadman, North Livermore landowner
Sharon Burnham, Tri-Valley Conservancy
Harriet Cole, Tri-Valley Conservancy
Ken Ellis, TKG International, North Livermore
business and agricultural landowner
Mike Gatzman, agriculture economist
Larry Gosselin, Equestrian operation owner,
Collier Canyon agricultural landowner
Chris Gray, Supervisor Hagerty's Office
Jon Harvey, Sierra Club, Measure D
Terry Huff, USDA Natural Resources Conservation
Service
Kristine Mazzei, Project Manager for the TVBC
Tom O'Malley, President of the TVBC
Tom Reitter, Livermore City Council
Mary Selkirk, Center for Collaborative Policy
Joan Seppala, Livermore Independent newspaper,
Measure D
Al Spotorno, Rancher, Pleasanton ag landowner
Steve Stewart, City of Livermore Planner
Karen Sweet, Alameda County Resource
Conservation District, Livermore rancher
Kristin Weiss, Staff to the TVBC
Phil Wente, Wente Vineyards, Chair of the TVBC

Kristine's role in the Working
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Steering Committee of the Tri-
Valley Ag Water Task Force

Why are we here?

- Review the Working Landscape Plan.
- Ask you to include financing for a portion of this plan in your open space funding program.

Outline of today's presentation...

- Background
 - ◆ Tri-Valley Working Landscape Plan Overview
 - ◆ The Path to the Working Landscape Plan
 - ◆ Community Benefits
- Key Programs
 - ◆ Working Landscape Enhancement Programs
 - ◆ Irrigated Agriculture Greenbelt Expansion
- Financial Evaluation
 - ◆ Estimated Costs of Plan Implementation
 - ◆ Potential Financing Strategies
- Opportunity for Q&A

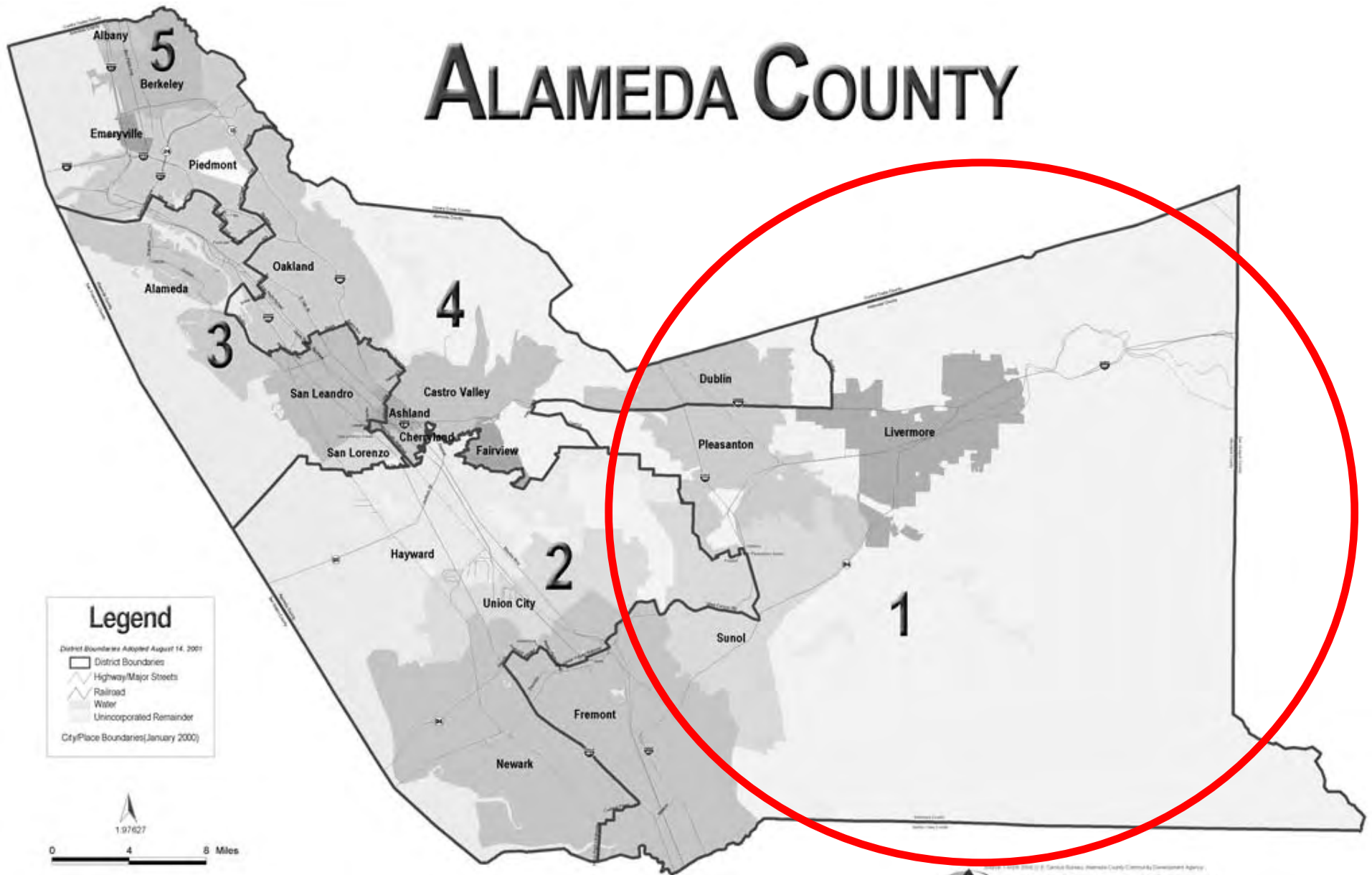
Working Landscape Plan Overview

- What is the Working Landscape?
- Where is the Tri-Valley Working Landscape?



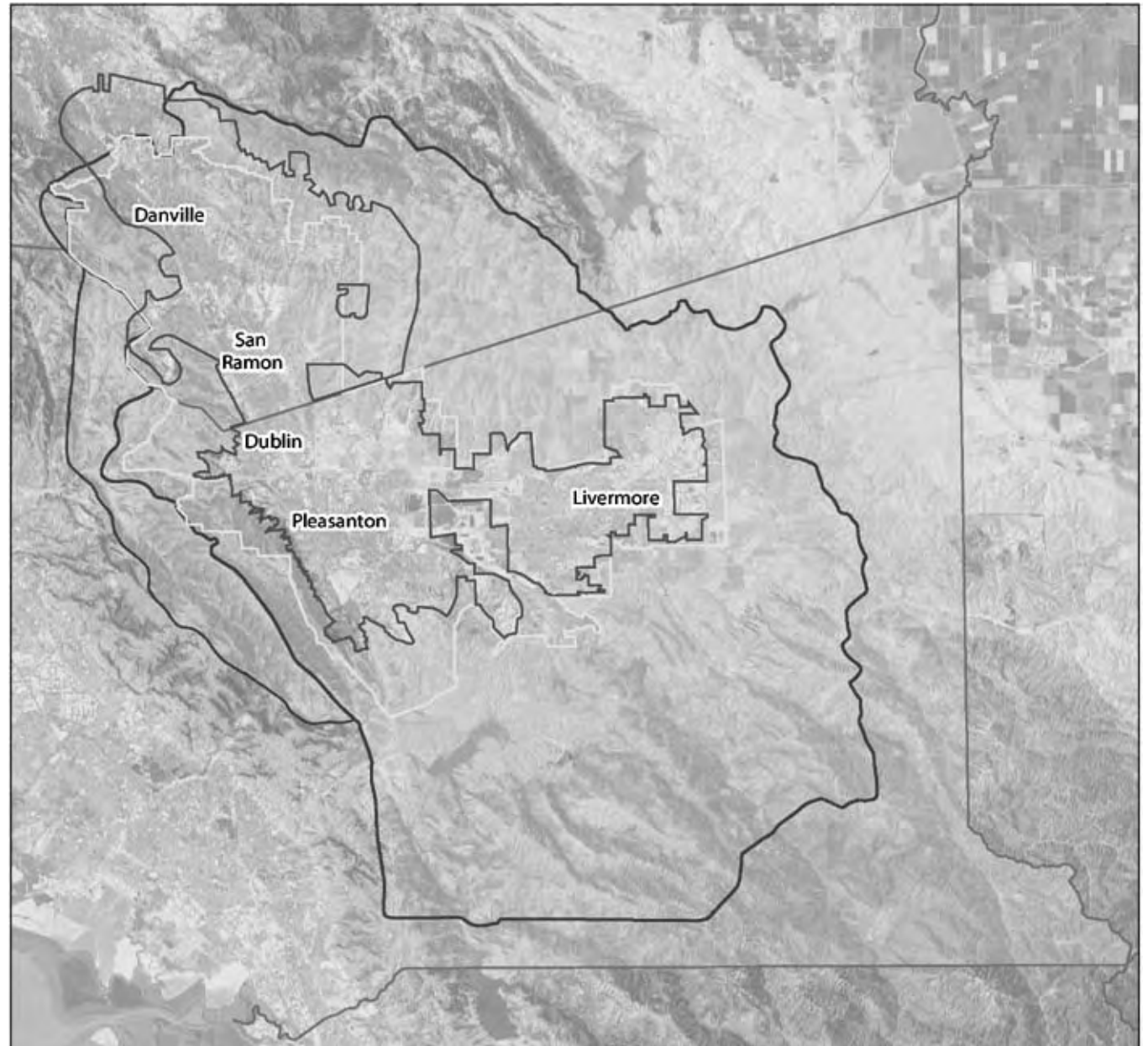
Productive Lands in Harmony with a Healthy Environment

ALAMEDA COUNTY



Tri-Valley Working Landscape

Acres:
266,000



Working Landscape Plan Overview

- How can we preserve and enhance the Working Landscape for the future?
- How does this Working Landscape Plan accomplish these goals?



The Path to the Plan...

- Efforts sponsored by the Tri-Valley Business Council and the Conservation Partnership.



The Path to the Plan...

- Efforts sponsored by the Tri-Valley Business Council and the Conservation Partnership.
- Concurrent and related planning efforts:
 - ◆ November 2000: Alameda County voters pass Measure D. The Initiative centers on agriculture and open space preservation and spells out the details for a North Livermore Intensive Agriculture Program
 - ◆ December 2002: adoption of the North Livermore Urban Growth Boundary Initiative
 - ◆ Alameda County General Plan Updates: Ag Element
 - ◆ Livermore's Transfer of Development Credit Program
 - ◆ Key Agricultural Easement activity

Community Benefits



- Urban Community Benefits
- Economic Vitality Benefits
- Benefits to the Ag Community
- Benefits to the Land & Natural Resources

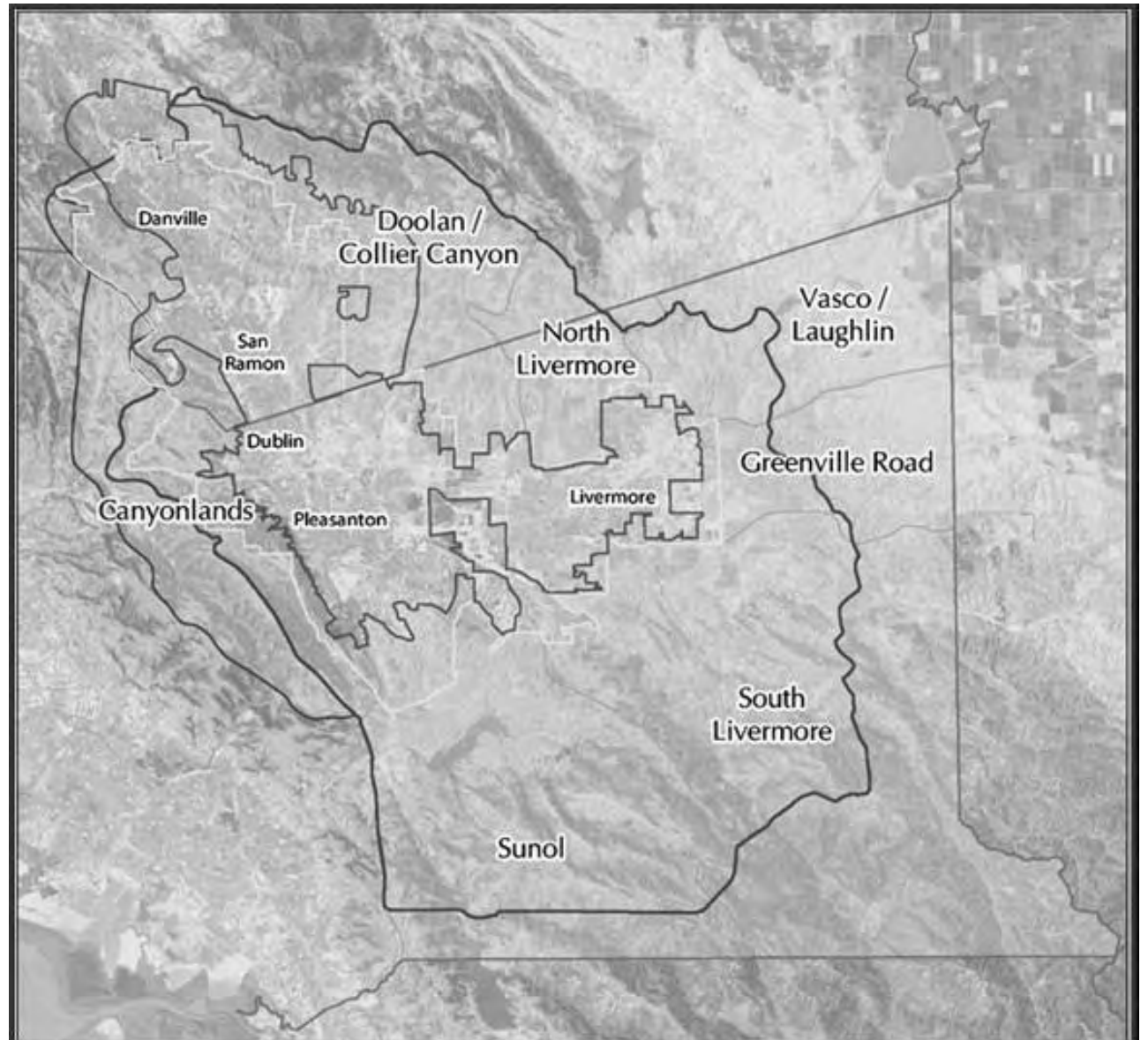
You have the background...

- Definition of the Tri-Valley Working Landscape
- Understanding of planning and policy history

Now we will move on to the actual Working Landscape Plan...

- Working Landscape Enhancement Programs
- Irrigated Agriculture Greenbelt Expansion

Working Landscape Enhancement Programs



Working Landscape Enhancement Programs

1) Agriculture, Conservation and Trail Easements

◆ Prioritization of projects based on community support for various selection criteria:

- Agricultural Heritage values
- Habitat values
- Importance for trail linkages
- Agricultural Viability
- Land management practices
- Proximity to Urban Growth Boundaries
- Proximity to other protected areas
- Utilization by Species of Special Concern (feeding/breeding/nesting/etc)
- Properties of strategic importance to local jurisdictions
- Part of a scenic viewshed
- Recreation value
- Multi-use trails

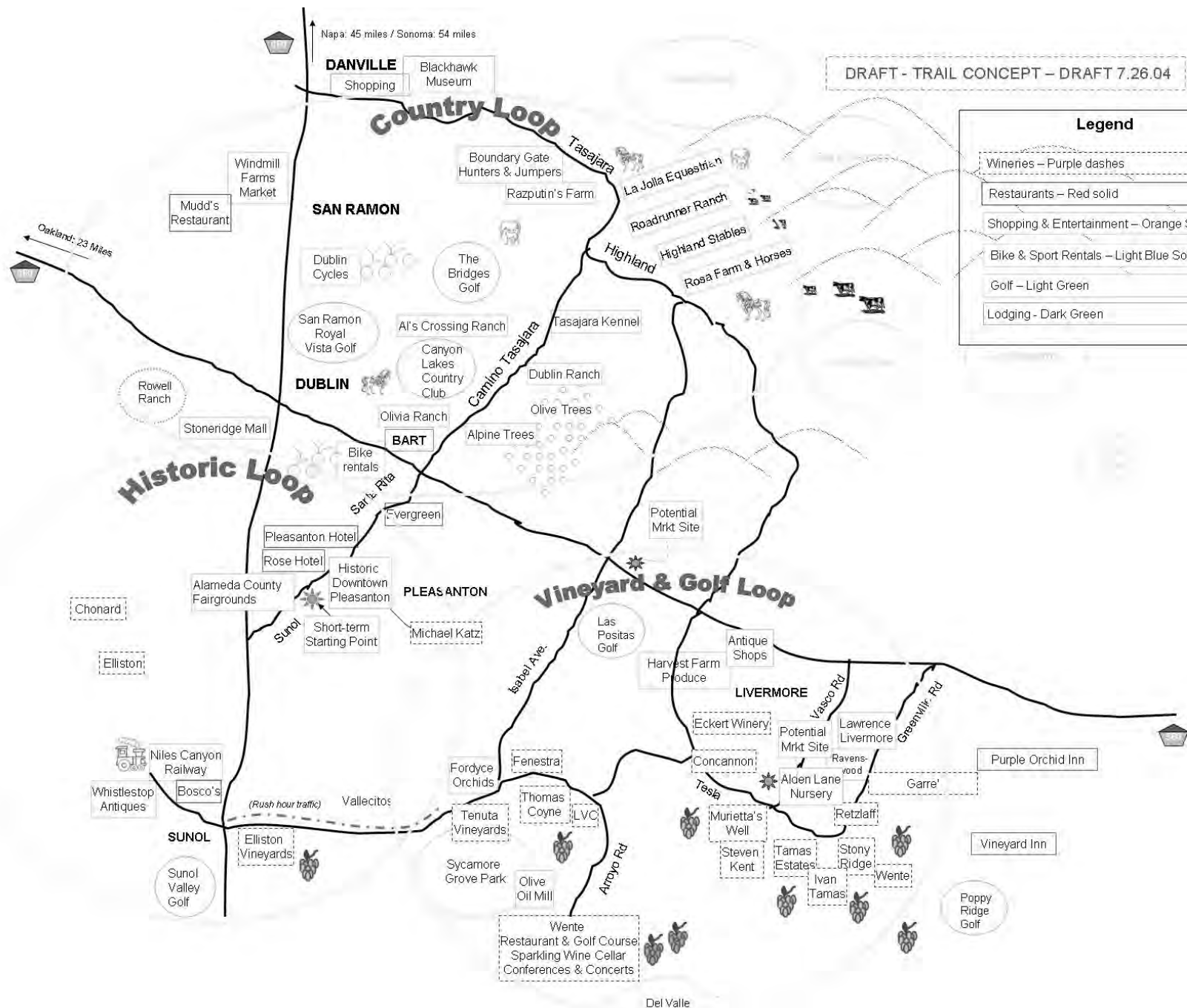
Working Landscape Enhancement Programs (cont.)

2) Agricultural Enterprise Incubation Programs

- ◆ Includes providing assistance with loan financing, technical information, and business planning.

3) Agritourism and Marketing Support

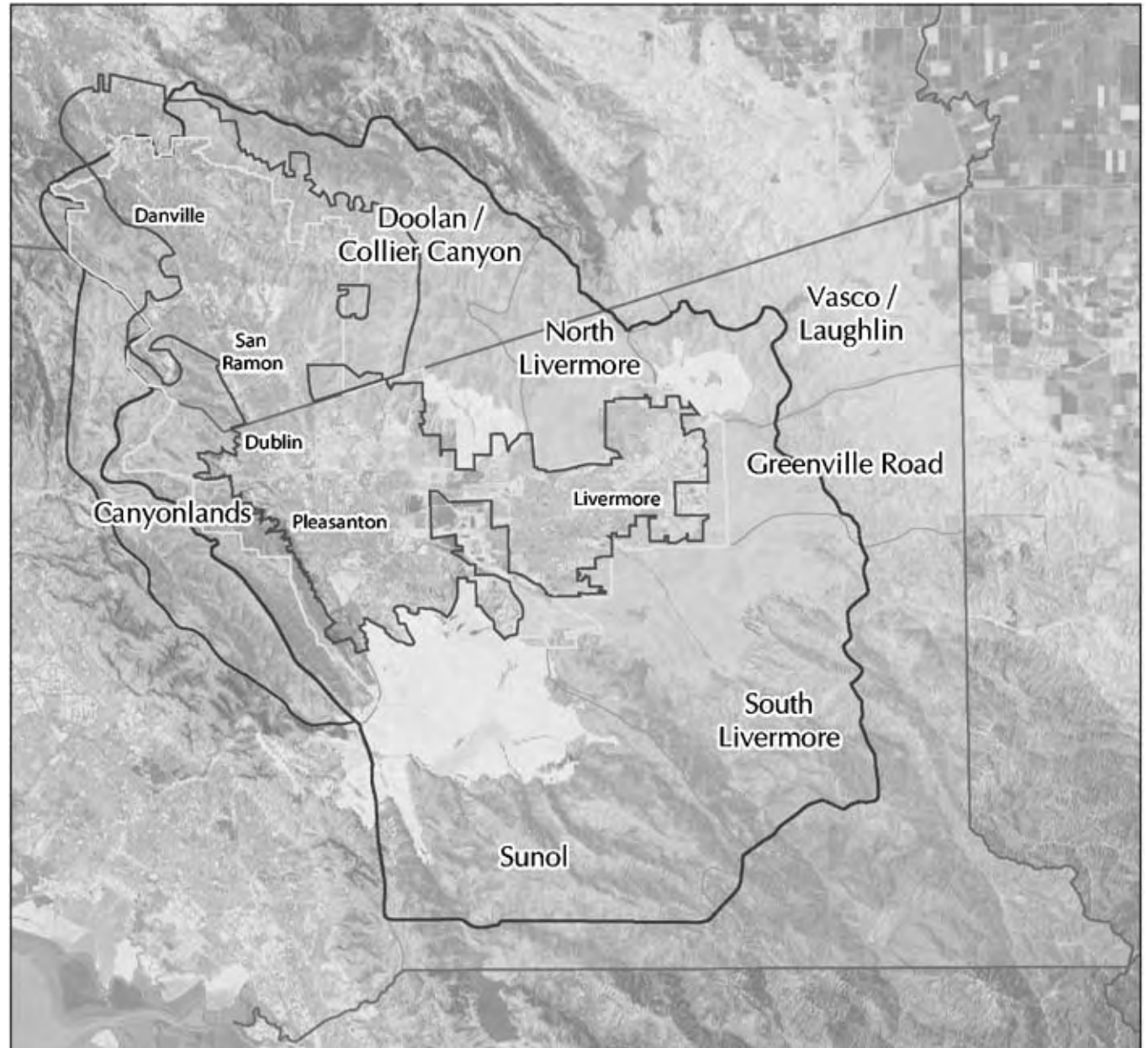
- ◆ Develop polished agritourism map, and a vision for future activities.
- ◆ Local branding of ag products, and marketing.
- ◆ Signage along an “agritourism trail.”
- ◆ The maintenance of an agritourism program through an appropriate local organization.



Irrigated Agriculture Greenbelt Expansion

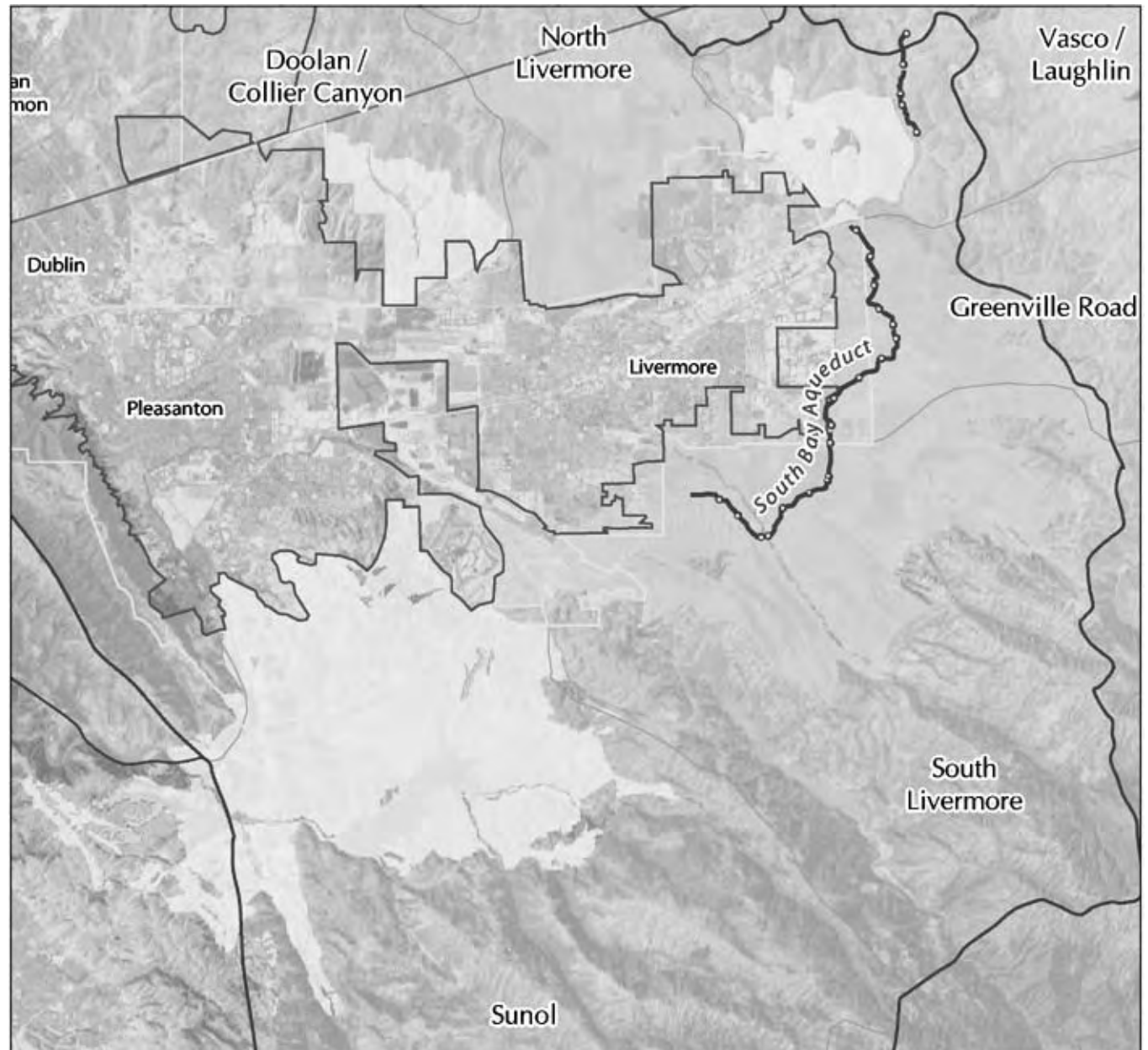
- History of Irrigated Agriculture
- Opportunities in the South Livermore and Greenville Road sub regions
 - ◆ Approx. 1000 acres in South Livermore sub region
 - ◆ Approx 2-3000 acres in the Greenville Road sub region
- Opportunities in North Livermore
 - ◆ Approx. 6-7000 acres suitable for irrigated ag greenbelt

Estimate of Potentially Irrigable Land– Drip Irrigation



Goals for new Irrigated Greenbelt– Drip Irrigation

South
Livermore &
Greenville
Road: 3,000
North
Livermore:
6,000



Expansion of the South Livermore and Greenville Irrigated Greenbelt

■ Opportunities:

- ◆ Close to the South Bay Aqueduct, which provides the easiest access to surface water.
- ◆ Connected with an established zone of irrigated agriculture and an existing wine trail.
- ◆ Additional irrigated agriculture would enable the fulfillment of the South Livermore Plan.
- ◆ Lawrence Livermore National Laboratories provides a nearby consumer-base for ag products.

■ Challenges:

- ◆ There is not as much relatively flat acreage available as compared to North Livermore.
- ◆ If done as a stand alone project there would be economy of scale issues.

Creation of a North Livermore Irrigated Ag Greenbelt

- North Livermore Intensive Ag Program Draft EIR
- Opportunities:
 - ◆ Implementation of the North Livermore Intensive Agriculture Program under Measure D. Adding a new level of protection to the properties that is not afforded through the Urban Growth Boundary alone.
 - ◆ Fulfillment of the Livermore Initiative.
 - ◆ North Livermore is accessible from major transportation corridors, which opens up small farming operations to new consumer markets.
- Challenges:
 - ◆ There is an increased need for new infrastructure to complete this project.



If we build it, will they plant?

- In 2004 Gatzman Consulting Services completed an economic evaluation of 26 potential crops feasible for Tri-Valley production based upon:
 - ◆ soil conditions
 - ◆ slope restrictions,
 - ◆ methods of irrigation application,
 - ◆ water quality limitations,
 - ◆ parcel size, and
 - ◆ the restrictions of Measure D (which limits certain farm-related structures, like greenhouses).

Profit Potential

CROP	INCOME OVER A 5 % RETURN (1)	Ac. Ft. REQUIRED (2)	FUNDS AVAILABLE PER Ac. Ft. (3)	INCOME OVER A 10 % RETURN (1)	Ac. Ft. REQUIRED (2)	FUNDS AVAILABLE PER Ac. Ft. (3)
Chardonnay	\$ 83	1.80	\$ 46			
Cabernet Sauv.	\$ 215	1.60	\$ 134			
Table Grapes	\$ 1,486	2.23	\$ 666	\$ 458	2.23	\$ 205
Pistachios	\$ 1,029	3.19	\$ 323	\$ 355	3.19	\$ 111
Apples—G.S.	\$ 1,705	2.34	\$ 729	\$ 450	2.34	\$ 192
Olives—Oil	\$ 5,214	2.93	\$ 1,780	\$ 3,707	2.93	\$ 1,265
Mandarin Oranges	\$ 8,422	2.78	\$ 3,029	\$ 6,678	2.78	\$ 2,402
Sweet Cherries	\$ 29	2.33	\$ 12			
Boysenberries	\$ 27,668	3.23	\$ 8,566	\$ 26,339	3.23	\$ 8,154
Raspberries	\$ 1,431	3.49	\$ 410			
Blueberries	\$ 3,095	3.16	\$ 979	\$ 1,089	3.16	\$ 345
Bell Peppers	\$ 723	2.41	\$ 300	\$ 133	2.41	\$ 55
Chili Peppers	\$ 899	1.21	\$ 743	\$ 29	1.21	\$ 24
Cilantro	\$ 479	1.12	\$ 428			
F. M. Tomatoes	\$ 747	2.65	\$ 282	\$ 178	2.65	\$ 67

- (1) Funds available to pay a connection fee after deducting the respective returns on investment (5% or 10%) from net accrued income on a PER ACRE BASIS
- (2) Acre feet of water required for profitable crops in the Livermore Valley
- (3) Funds available to pay a connection fee after deducting the respective returns on investment (5% or 10%) from net accrued income on a PER ACRE FOOT BASIS

Region-wide water conservation programs

- Reduction of overall usage of water in urban and rural areas.
- Partner with local agencies to implement new programs based on Best Practices.
- Sample strategies.
 - ◆ New irrigation technology.
 - ◆ Water Efficient Appliance credits.

How Much will the Overall Working Landscape Plan Cost to Implement?

Cost (millions)	Program
<i>Working Landscape Enhancement Programs</i>	
\$150	To purchase agriculture, conservation, and trail easements. A portion of the funding could also support the maintenance of the easement agreements, and necessary restoration projects on the properties.
\$8	To develop a revolving loan guarantee program to help finance the initiation of new and innovative agricultural enterprises.
\$2	To create agritourism programs to improve awareness of publicly accessible agricultural enterprises and recreation opportunities available on the working landscape. This money would support the development of an agritourism trail map, appropriate signage, public outreach, and the maintenance of an agritourism-focused program within an appropriate local organization.
\$160	Total
<i>Costs of Irrigated Agriculture Greenbelt Expansion</i>	
\$83.11	Acquisition of farming-dedicated irrigation water and associated agriculture infrastructure expansion.
\$10	Region-wide water conservation programs and efforts, and the continued evaluation and development of potential reclaimed water usage to benefit the agricultural landscape.
\$93.11	Total
\$253.11	TOTAL

Explanation of Water Costs

Connection Fee + Water Use Fee



This is a ONE TIME fee.

Current Estimate:
\$4600/af

This is a REGULAR fee.

Integrated into crop
profitability analyses.

Current Estimate: \$300/af

Estimate of Water Costs

- Cost estimates are from Zone 7's April 2001 study.
- \$83.11 Million would cover the following costs for 18,100 acre feet (af) of new irrigation water for the region:
 - ◆ **creating the water supply** (this involves buying water from the State contractors)
 - ◆ **developing the water conveyance** (this entails a necessary expansion of the South Bay Aqueduct)
 - ◆ **installing a water transmission system** (this infrastructure moves water from the aqueduct to the agricultural operations)

Potential for Returning Value for the \$83.11 Million Investment

- Incremental Change In Property Tax Values.
 - ◆ For 9000 irrigated agricultural acres the incremental change could annually create \$1.5 M of new property taxes to benefit the community at large.
- Mechanisms could be developed to encourage landowners to voluntarily donate a portion of the value of conservation easements in lieu of repaying all of the water connection fees.
 - ◆ If landowners across 9000 acres donated \$2000/acre of value, the community would save \$18 M in easement funding for other agreements.
- Half of the \$83.11 Million could be paid back to the Working Landscape funding program through water user connection fees.
 - ◆ It is possible to expect ag operations to repay half of their \$4600/af connection fees over a reasonable period of time. This \$41.55 Million could be re-circulated into the funding program to support other goals.

Potential to Return Value for the \$83.11 M

If these scenarios were implemented over 20 years the investment could provide the following economic benefits:

- ◆ Ability to recirculate **\$41.55 M** through the open space funding program.
- ◆ Ability to save **\$18 M** to direct towards more land preservation goals.
- ◆ Additional **\$30 M** in property taxes to benefit community at large.

TOTAL = \$89.55 Million in Value to the Community

Potential Financing Strategies

- Alameda County-Wide Funding Initiative
- Dougherty Valley Settlement Agreement
- Infrastructure Mitigation Fees
- Transfer of Development Credit Ordinance
- Altamont Landfill Settlement Agreement

Conclusions

- We are asking you to support the \$83 M one-time water infrastructure investment.
- The WLP provides an innovative approach to balance working landscape preservation with economic enhancement.
- This plan builds buy-in from the business and agricultural communities.
- The investment in irrigated greenbelt expansion has the potential to return agricultural, environmental, and economic value to the community.

Additional comments from
Steering Committee Members

Funding Task Force Q &A

Thank You!

www.trivalley.org