

APPENDIX A
COMMENTS ON THE DRAFT SEIR



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

100 NORTH CANYONS PARKWAY • LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

March 10, 2021

Mr. Bruce Jensen, Senior Planner
Alameda County Community Development Agency
Planning Department
224 W. Winton Avenue, Suite 111
Hayward, CA 94544

Sent by e-mail to: bruce.jensen@acgov.org

Re: Draft SEIR for the Proposed Reclamation Plan Amendment for the Eliot Quarry Surface Mining Permit-23

Zone 7 Water Agency (Zone 7, or Zone 7 of the Alameda County Flood Control and Water Conservation District) has reviewed the referenced document in the context of Zone 7's mission to provide water supply, flood protection, and groundwater and stream management within the Livermore-Amador Valley. As you know, we have offered comments on SMP-23 in the past. We appreciate the County's engagement on those comments, which are incorporated by reference here. Additional comments on 2021 Draft SEIR are attached for your consideration.

We appreciate the opportunity to comment on this project. If you have any questions on this letter, please feel free to contact me at (925) 454-5005 or via email at erank@zone7water.com.

Sincerely,

Elke Rank

cc: Carol Mahoney, Amparo Flores, file

Attachments (2): Comments; Well data

1. LAVQAR AND ZONE 7/QUARRY AGREEMENTS

- a. **Consistency with LAVQAR.** As a general matter, Zone 7 agrees with the County's conclusion that all elements of the proposed Project must be consistent with the provisions of the Livermore-Amador Valley Quarry Area Reclamation (LAVQAR) Specific Plan. There are a number of provisions in LAVQAR indicating that mining operations must be consistent with the long-term use of the Chain of Lakes for water management purposes. Zone 7 is pleased that these provisions of LAVQAR are incorporated in the proposed Project. Zone 7 notes that the provisions of the agreements between Zone 7 and the quarry operators, which implement the directives in LAVQAR, should also be used to define the proposed Project, for all mining and reclamation activities must be consistent with those agreements.
- b. **Adequacy of Alternatives.** It should be noted that Alternative 4 does not abide by LAVQAR or the Zone 7/CEMEX agreement.

2. GROUNDWATER BASIN MANAGEMENT AND SLOPE STABILITY

- a. **Groundwater Sustainability Plan.** The project area lies over the Main Basin portion of Livermore Valley Groundwater Basin; as such, the underlying groundwater is subject to the management provisions of the basin's Alternative Groundwater Sustainability Plan (GSP), which was prepared by Zone 7 Water Agency and approved by the State Department of Water Resources pursuant to the Sustainable Groundwater Management Act of 2014 (SGMA). As the designated Groundwater Sustainability Agency (GSA), Zone 7 manages the basin pursuant to the GSP to ensure sufficient groundwater supplies and good groundwater quality within the groundwater basin. The groundwater basin is to be managed in such a manner as to avoid six SGMA-designated undesirable results, which include significant and unreasonable impacts to: (1) groundwater storage, (2) chronic lowering of groundwater levels, (3) surface water depletion, (4) seawater intrusion, (5) water quality and (6) land subsidence. As the GSA, Zone 7 looks forward to working with the County and with CEMEX on the proposed Project and protecting the groundwater basin from any of these undesirable results.
- b. **Localized Lowering of Water Levels.** The document should acknowledge that the evaluated impacts only refer to site specific analysis. The impacts of mining activities on the whole of the groundwater basin were not evaluated as a part of this analysis and could result in temporal impacts to the Amador Subarea, such as significant, localized drawdown of water levels. This drawdown has already exceeded the historic low water levels identified as a minimum threshold in the Alternative GSP and is being closely monitored by Zone 7.

- i). Recommended mitigation: The document should acknowledge that, in the event that Zone 7's monitoring detects potential impacts resulting from localized drawdown, steps will be taken to mitigate the situation through a course of action to be negotiated among Zone 7, CEMEX, and Alameda County.
- c. **Aquifer Recharge.** With regard to Impact 4.6-2 in the SEIR relating to interference with groundwater recharge, it is imperative that all recharge slopes maintain their capabilities to recharge the aquifer including the banks of the Arroyo Valle, which is a critical reach for Zone 7's recharge operations. Any decrease in the transmissivity (based on field samples and field inspections) of Lake A, Lake B, or Arroyo Valle should be mitigated by a similar increase in recharge capacity elsewhere.
 - i). Recommended mitigation: CEMEX should collect field samples of the active mining slopes and the arroyo at regular spatial intervals and during periodic inspections during mining, to be negotiated with Zone 7, to assess existing aquifer characteristics. If, during final design or during construction, an inspection of the slopes and verification samples determine a significant loss or a degradation of transmissivity, CEMEX will work with Zone 7 to identify a suitable alternative recharge capacity.
- d. **Mining Depth.** Previous mining activities in this pit have resulted in mining depths that exceeded LAVQAR and reclamation plans prior to corrective actions. Exceedance of mining depths may result in slope stabilities outside of what has been analyzed to date.
 - i). Recommended mitigation: In addition to the annual report submitted to the County, CEMEX should semi-annually survey mining pits/lakes (dry and ponded areas) and prepare a map (i.e., bathymetry map) and compare this map to the final approved extent of mining for each mining pit/lake. If these survey maps indicate mining at any location deeper than approved, CEMEX should highlight this area and stop mining in the pit/lake until a mitigation plan acceptable to County and Zone 7 is implemented.
- e. **Slope Stability at Lakes A and B.** Zone 7 is concerned about the slope stability at the east end of Lake B, and in particular evidence of roadway buckling. Installation of inclinometers to a depth of at least 200 feet is warranted to monitor potential slope movement. Past inclinometers for the Hwy 84 construction were much shallower than the clay layer. Mining and reclamation activities should be conducted in a way that doesn't reactivate Lake A/Lakeside Circle instability or create a new similar instability at Lake B. There are no lithologic data from the Lake B side along Isabel to show the presence or absence of the clay layer.
 - i). Recommended mitigation: CEMEX will install inclinometers to a depth of at least 200 feet to monitor potential slope movement, to be in place during mining and reclamation. The depth of the inclinometer should at least

intersect with where the clay layer at Lake A/Lakeside Circle would be expected under Isabel and at the east side of Lake B. Following reclamation, Zone 7 may request they remain in place and take ownership of this monitoring equipment.

- f. **Well Records.** Our records indicate there are 79 wells within the project boundaries including 2 single and 2 nested wells that are in Zone 7's groundwater monitoring program (see attached table and map). Please notify Zone 7 immediately if any other wells exist in the project area. All well locations should be field verified and noted on the plans. If any wells are to be decommissioned, a well destruction permit must be obtained from Zone 7 before starting the work. A Zone 7 drilling permit is also needed for any other water well or soil boring work that may be planned for this project. Drilling permit applications and the permit fee schedule can be downloaded from our website: www.zone7water.com, or requested by email sent to wellpermits@zone7water.com.

3. WATER QUALITY ASSESSMENT, MONITORING, AND REPORTING

- a. **Sentinel Wells.** Zone 7 agrees that the proposed sentinel wells are important to ensure proper groundwater quality management. As the Groundwater Sustainability Agency, Zone 7 should be consulted when determining their location, depth, and construction. As noted above, the driller must also contact Zone 7 prior to construction to obtain the proper well permits.
- b. **Water Quality Assessment.** Zone 7 has concerns about the methodology used to assess certain constituents of concern. The water quality assessment recommends iron mitigation but does not address other metals or constituents of concern, such as Hexavalent Chromium (Cr6). For example, the report uses 10ug/l as the Cr6 target to assess the impacts. Cr6 maximum contaminant level (MCL) of 10 ug/l was rescinded and that State is in the process of establishing new MCL, which could potentially be lower. Similarly, Zone 7's monitoring shows PFAS detections in groundwater and the State has yet to establish what the MCL will be for PFAS.

The water quality assessment was performed based on "average" concentrations of constituents of concern, without giving any consideration to maximum detected concentrations in the area. For example, utilizing average concentrations for Hexavalent Chromium (Cr6) indicates no need for any mitigation measures. But examples from where active mining has taken place, the maximum concentrations for location R24 is 17 ug/l and P42 is 9.6 ug/l. These indicate that some mitigation/monitoring is necessary in active pits – likely due to the release of metals such as chromium, iron, and manganese from the scraping of the surface of soils and rocks during mining.

Therefore, we have the following recommendations for additional mitigation measures:

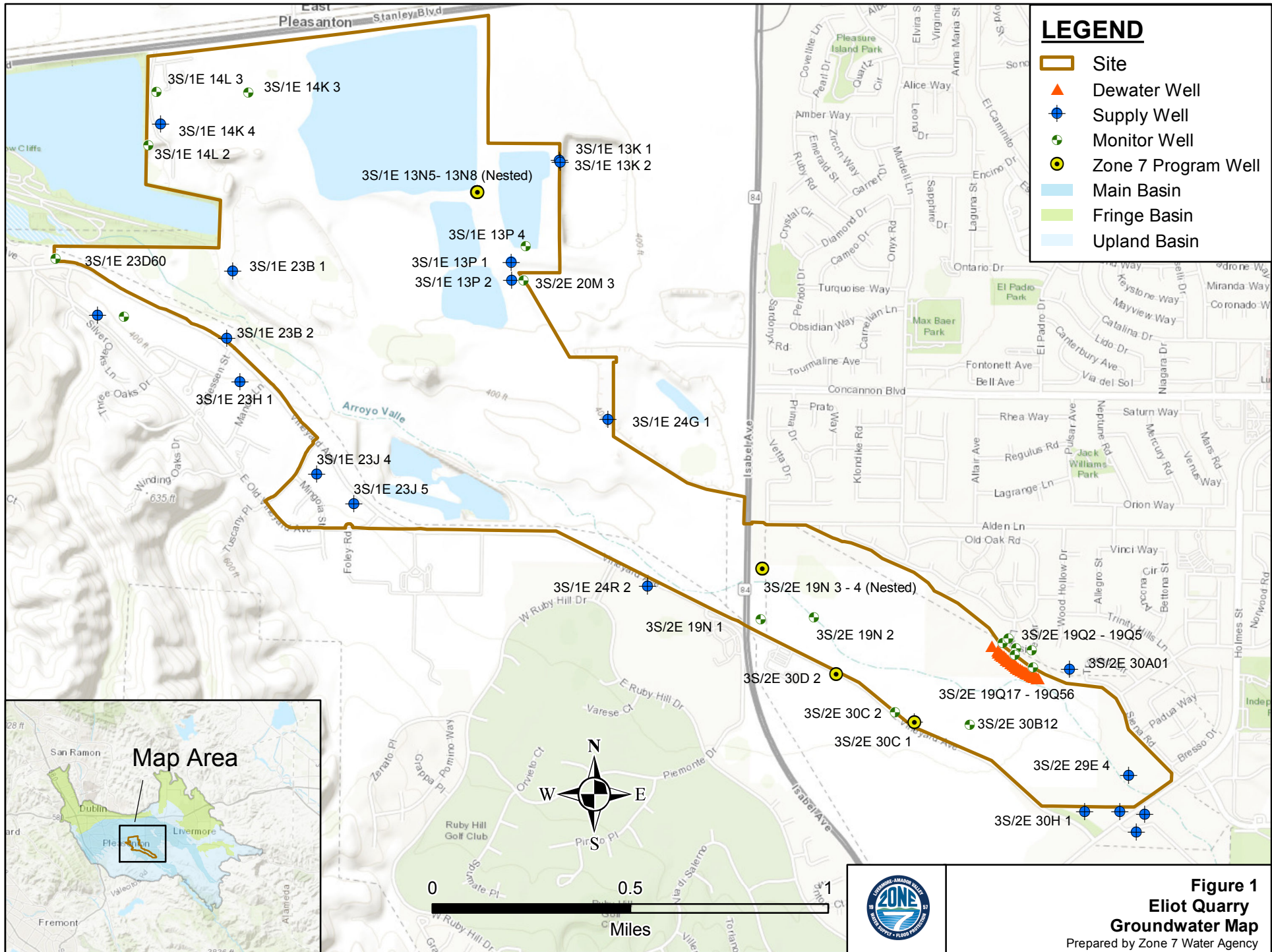
- i). Recommended mitigation: Flexibility should be built into the mitigation measures to address changes in MCLs and/or to address contaminants of emerging concern, such as Per- and Polyfluoroalkyl Substances (PFAS) and Hexavalent Chromium (Cr6).
- ii). Recommended mitigation: CEMEX to prepare an updated water quality assessment every five years to incorporate Zone 7 Groundwater Sustainability Plan updates and/or new or revised drinking water MCLs and mitigate any associated impacts.
- iii). Recommended mitigation: CEMEX to prepare a plan to monitor and remediate, pit-water or mining spoils that exceed the State's maximum contaminant levels. Zone 7 staff notes that in some cases, the remediation options benefit multiple metals, for example iron and chromium removal.
- iv). Recommended mitigation: When the State adopts a new MCLs or identifies constituents of concern, CEMEX to prepare an updated water quality assessment and mitigation plan.
- v). Recommended mitigation: Zone 7 currently samples existing monitoring wells and ponds at the project site annually for metals and minerals (and PFAS as needed) and CEMEX should adopt the same sampling schedule and parameters for the new sentinel monitoring wells.

4. FLOOD PROTECTION AND WATERSHED MANAGEMENT

- a. **Arroyo Valle realignment design.** The reclamation activities and realignment of Arroyo Valle should not result in lessening of the current flood control capacity of Arroyo Valle and the berms/levees should provide appropriate flood protection. Zone 7 has concerns about details of the draft designs related to the levee meeting a certain elevation. For example, it has not been analyzed how wide the levee needs to be between Arroyo Valle and Lake B under both static and dynamic conditions, including the downstream consequences resulting from a levee failure. Zone 7 looks forward to working with CEMEX to refine the final designs to address these concerns. In addition to slope stability, the final design should provide enough flexibility to incorporate any change in Lake del Valle operations due to climate change.
 - i). Recommended mitigation - CEMEX should continue working with Zone 7 Staff to finalize and receive approval of the designs that address any Zone 7 concerns, which should include the realignment of Arroyo Valle and proposed climate change operations at Lake Del Valle.
- b. **Water Diversion Facility from Arroyo Valle into future Chain-of Lakes via Lake A** – The reclamation activities include a draft design of the proposed water diversion from Arroyo Valle into Lake A and pipelines for connecting Lake A to Lake

B and Lake C for water management purpose. CEMEX should continue collaborating with Zone 7 to finalize the designs and obtain required regulatory permits for the diversion facility and pipelines connecting Lakes A, B and C.

- i). Recommended mitigation - CEMEX should continue working with Zone 7 Staff to finalize design and obtain regulatory permits for the water diversion facility and the connecting pipeline.
- c. **Bald Eagles.** Zone 7 has confirmed the presence of bald eagle nests in the Chain of Lakes area. The data has been reported to the California Natural Diversity Database.
- d. **Locally Appropriate Landscaping.** Zone 7 encourages the use of sustainable, climate-appropriate, and drought tolerant plants, trees and grasses that thrive in the Tri-Valley area. Find more information at: <http://www.trivalleywaterwise.com>.
- e. **Riparian Restoration.** Zone 7 encourages trees and shrubs uses in restoration efforts be propagated from locally sourced seeds, as close to the planting areas as possible. Density goals for mature trees should be consistent with local reference reaches and should not result in a reduction of flow capacity (near- or long-term) in the flood control channel.
- f. **Phytophthora Concerns.** Care should be given to avoid introduction of the Phytophthora pathogen to the area.



3S/1E 14L 3
 3S/1E 14K 3
 3S/1E 14K 4
 3S/1E 14L 2

3S/1E 13N5- 13N8 (Nested)
 3S/1E 13K 1
 3S/1E 13K 2

3S/1E 13P 4
 3S/1E 13P 1
 3S/1E 13P 2
 3S/2E 20M 3

3S/1E 23D60
 3S/1E 23B 1

3S/1E 23B 2
 3S/1E 23H 1

3S/1E 23J 4
 3S/1E 23J 5

3S/1E 24G 1

3S/1E 24R 2

3S/2E 19N 1

3S/2E 19N 3- 4 (Nested)

3S/2E 19N 2

3S/2E 19Q2 - 19Q5
 3S/2E 30A01

3S/2E 30D 2

3S/2E 19Q17 - 19Q56

3S/2E 30C 2

3S/2E 30B12

3S/2E 30C 1

3S/2E 29E 4

3S/2E 30H 1

Well Table - Eliot Quarry

Well Name	Category	SubCategor	Date Completed	Address	City	Driller	Permit ID	Well Report ID	Purpose
3S/1E 13P 4	well-static	unknown	<Null>				0		
3S/1E 14L 2	well-static	unknown	<Null>				0		
3S/1E 23C 1	well-static	unknown	<Null>				0		
3S/2E 20M 3	well-static	unknown	<Null>				0		
3S/1E 13K 1	well-supply	supply	1/18/1950	CAL ROCK PROPERTY AT ISABEL & STANLEY	Livermore	WESTERN WELL DRILLING	0		
3S/1E 13K 2	well-supply	supply	5/1/1931	CAL ROCK PROPERTY AT ISABEL & STANLEY	Livermore	GARCIA	0		
3S/1E 13P 1	well-supply	supply	11/18/1948	CAL ROCK PROPERTY AT ISABEL & STANLEY	Livermore		0		
3S/1E 13P 2	well-supply	supply	6/15/1933	CAL ROCK PROPERTY AT ISABEL & STANLEY		GARCIA	0		
3S/2E 30C 1	well-supply	supply	3/16/1995	E. VINEYARD AV & ISABEL AV	Livermore	GLENN MARTELL	95098		
3S/2E 30H 1	well-supply	supply	10/22/1969	750 VINEYARD			0		
3S/1E 13P 5	well-static	nested	11/2/2010	Cemex Mining Area	Livermore	Cascade Drilling	2010098		1 of 4 nested wells.
3S/1E 13P 6	well-static	nested	11/2/2010	Cemex Mining Area	Livermore	Cascade Drilling	2010098		2 of 4 nested wells.
3S/1E 13P 7	well-static	nested	11/2/2010	Cemex Mining Area	Livermore	Cascade Drilling	2010098		3 of 4 nested wells.
3S/1E 13P 8	well-static	nested	11/2/2010	Cemex Mining Area	Livermore	Cascade Drilling	2010098		4 of 4 nested wells.
3S/2E 19N 3	well-static	nested	7/27/2018	1544 Stanley Blvd		Cascade Drilling	2018051		Cemex Drilling 2018
3S/2E 19N 4	well-static	nested	7/27/2018	1544 Stanley Blvd		Cascade Drilling	2018051		Cemex Drilling 2018
3S/1E 14K 3	well-static	monitor	<Null>				0		
3S/1E 14L 3	well-static	monitor	<Null>				0		
3S/1E 23D60	well-static	monitor	6/24/2005	2512 VINEYARD AVE	Livermore	EBA ENGINEERING	24166	966027	
3S/2E 19N 1	well-static	monitor	4/5/2005	E. VINEYARD AVE & ISABEL AVE	Livermore	COTTON SHIRES	25047		
3S/2E 19N 2	well-static	monitor	4/22/2005	E. VINEYARD AVE & ISABEL AVE	Livermore	COTTON SHIRES	25052		
3S/2E 19Q 2	well-static	monitor	3/26/2002	LAKESIDE CIRCLE	Livermore	BERLOGAR GEOTECHNICAL	22148		
3S/2E 19Q 3	well-static	monitor	3/28/2002	LAKESIDE CIRCLE	Livermore	BERLOGAR GEOTECHNICAL	22148		
3S/2E 19Q 4	well-static	monitor	3/28/2002	LAKESIDE CIRCLE	Livermore	BERLOGAR GEOTECHNICAL	22148		
3S/2E 19Q 5	well-static	monitor	3/28/2002	LAKESIDE CIRCLE	Livermore	BERLOGAR GEOTECHNICAL	22148		
3S/2E 30B10	well-static	monitor	<Null>	LAKESIDE CIRCLE (LAKE A)	Livermore	COTTON SHIRES	26065		inclinometer w/ piezometer
3S/2E 30B11	well-static	monitor	<Null>	LAKESIDE CIRCLE (LAKE A)	Livermore	COTTON SHIRES	26065		inclinometer w/ piezometer
3S/2E 30B12	well-static	monitor	<Null>	LAKESIDE CIRCLE (LAKE A)	Livermore	COTTON SHIRES	26065		inclinometer w/ piezometer
3S/2E 30C 2	well-static	monitor	2/28/2002	VINEYARD AV & ISABEL AV	Pleasanton	PG&E	22039		
3S/2E 30D 2	well-static	monitor	6/18/1979	VINEYARD NR ISABEL RD.	Livermore		0		
3S/1E 23B 2	well-supply	irrigation	11/1/1962	2287 VINEYARD AVE	Pleasanton	JOE GIBSON	0		
3S/1E 23J 4	well-supply	irrigation	5/30/2006	1200 SAFRENO WAY	Pleasanton	Martell Water	26075	937678	
3S/1E 23J 5	well-supply	irrigation	5/12/2006	1201 MACHADO PL	Pleasanton	Martell Water	26076	937677	
3S/2E 29E 2	well-supply	irrigation	<Null>	E VALLECITOS RD	Livermore		0		
3S/2E 29E 4	well-supply	irrigation	11/2/1996	HOLMES ST. & ALDEN LN.	Livermore	GLENN MARTELL	96675	449424	
3S/1E 14K 4	well-supply	industrial	2/25/2016	1544 Stanley Blvd	Pleasanton	Gregg Drilling	2016007	e03007373	Supply for Office trailers
3S/1E 23B 1	well-supply	industrial	3/9/1939	STANLEY BLVD & EL CHARRO RD	Pleasanton	C&N PUMP & WELL	0		
3S/1E 24G 1	well-supply	industrial	9/10/1984	ISABEL AVE & CONCANNON BLVD	Pleasanton	GLENN MARTELL	0	237627	
3S/2E 29E 3	well-supply	domestic	<Null>	609 VALLECITOS RD	Livermore	Leite Bros	0		
3S/2E 19Q17	well-supply	dewater	<Null>	LAKESIDE CIR (LAKE A)	Livermore	SIERRA GEOTECHNICAL	26078		dewatering
3S/2E 19Q18	well-supply	dewater	<Null>	LAKESIDE CIR (LAKE A)	Livermore	SIERRA GEOTECHNICAL	26078		dewatering
3S/2E 19Q19	well-supply	dewater	<Null>	LAKESIDE CIR (LAKE A)	Livermore	SIERRA GEOTECHNICAL	26078		dewatering
3S/2E 19Q20	well-supply	dewater	<Null>	LAKESIDE CIR (LAKE A)	Livermore	SIERRA GEOTECHNICAL	26078		dewatering
3S/2E 19Q21	well-supply	dewater	<Null>	LAKESIDE CIR (LAKE A)	Livermore	SIERRA GEOTECHNICAL	26078		dewatering
3S/2E 19Q22	well-supply	dewater	<Null>	LAKESIDE CIR (LAKE A)	Livermore	SIERRA GEOTECHNICAL	26078		dewatering



March 12, 2021

Mr. Bruce Jensen, Senior Planner
Alameda County Community Development Agency
224 West Winton Avenue, Suite 111
Hayward, California 94544

RE: SMP-23 Reclamation Plan Amendment

Mr. Jensen,

Thank you for providing the City of Livermore the opportunity to respond to the Subsequent Environmental Impact Report (SEIR) to the *Livermore-Amador Valley Quarry Area Reclamation Specific Plan Environmental Impact Report* (LAVQAR EIR). It is our understating that the applicant, CEMEX, is applying to amend the current SMP 23 Reclamation Plan in response to the changed environmental and regulatory conditions.

At this time, the City has comments regarding the following topics:

1. Slope stability and residential safety
2. Impacts and Mitigations resulting from reclamation activities
3. Community amenities and trail connectivity

1. Slope Stability and Residential Safety

As stated in the project description, land uses adjacent to the project site include transportation corridors and residential development. Specifically, residential uses are also located in the city of Livermore north of Lake A. The nearest residential neighborhoods are contiguous to the northern boundary of Lake A, with the nearest home approximately 35 feet from the northwest corner of the Lake A property.

SEIR Section 4.4-Geology and Soils further acknowledges adjacent sanative uses and residential neighborhoods, as well as the past damages resulting from mining activities, and the corrective actions taken by CEMEX to remedy the situation. However, the SEIR classifies Impact 4.4-3: "Exposure of People or Structures to Seismic-Related Ground

Failure, Including Liquefaction, or Landslides” as No Impact and no mitigations measures are required or identified.

The City understands the methodology used to make this determination (i.e. modeling and technical analysis), as described in the SEIR. However, the City has documented substantial evidence of damage to private property and public infrastructure experienced as a result of liquefaction and landslide caused by mining and ground disturbances in and around Lake A. Specifically, this damage occurred on the northern side of Lake A in the proximity of Lakeside Circle. Recently, the City has observed and documented damage to Isabel Avenue and adjacent sound walls.

Therefore, the City contends the SEIR should find the impact “Less than Significant with Mitigation” and the SEIR should outline a mitigation program to ensure that reclamation activities do not undermine previous corrective action and/or cause additional damage. A mitigation program should:

- Establish a short-, mid-, and long-term monitoring program
- Describe actions necessary to address potential damages resulting from liquefaction and landslide caused by reclamation activities
- Identify the parties, either CEMEX or Alameda County, responsible for implementing actions including repair or replacement and/or compensation in the event damage occurs in adjacent neighborhoods to private property or to nearby public property or infrastructure as a result of liquefaction and landslide

2. Impacts and Mitigations Resulting from Reclamation Activities

The SEIR identifies mitigations in response to air quality, noise, and lighting. However, the City requests CEMEX modify the mitigations measures and include additional measures to further address community concerns.

Dust Control

SEIR Section 4.2-Air Quality acknowledges the harmful and hazardous effects of off road equipment including particulate matter (PM), such as dust. Further, the SEIR states in a footnote to Tables 4.2-3 and 4.2-4: “The Applicant would be required to implement BAAQMD’s best management practices for construction related fugitive dust emission controls”. The City request an additional mitigation measure requiring the preparation and approval of a Reclamation Dust Control Plan demonstrating compliance with BAAQMD’s best practices. In addition, the City requests the mitigation measure allow the City of Livermore an opportunity to review and accept the plan to ensure minimal impact to nearby and adjacent neighborhoods and other sensitive uses.

Noise and Lighting

SEIR Section 4.8-Noise establishes **Mitigation Measure 4.1-1**: “Daily Limitation of Construction Hours. All construction activities shall be limited to the hours of 7 am – 7 pm Monday through Friday, and 8 am – 5 pm on Saturday and Sunday”.

The City requests additional operational limits to reduce noise and light impacts to nearby homes and residents. The City proposes limiting activities consistent with the City of Livermore Municipal Code, Chapter 9.36 Noise, which limits excess noise of heavy machinery on Saturdays from 9am to 6 pm and prohibits such activities, which generate substantial noise, on Sunday.

SEIR Section 4.8-Noise establishes **Mitigation Measure 4.8-1a**: “Notice of Activities. All residences within 500 feet of the conduit and pipeline installation components of the proposed project should be provided notice of the pipeline installation schedule and informed that short-term periods of elevated daytime ambient noise levels could occur during that period”.

The City recommends the mitigation measure establishes a required notice timeframe; for example, “one week prior to construction activities”. In addition, the City requests the County and/or the applicant provide notice to the City of Livermore Community Development Department.

3. Community Amenities and Trail Connectivity

The SEIR describes the recent completion of a segment of the Shadow Cliffs to Del Valle Regional Trail (known as the Lake A Trail) by CEMEX in coordination with East Bay Regional Park District (EBRPD). The Lake A Trail is identified as T-11 in the Livermore Active Transportation Plan and the Livermore Area Recreation and Park District (LARPD) Master Plan. The City supports the extension of this trail along the southern portions of Lake B to Shadow Cliffs Regional Park as part of the Reclamation Plan Amendment and project description.

In addition to the Lake A Trail, Trail T-11, the Livermore Active Transportation Plan, LARPD Master Plan identify the South Livermore Valley Wine Trail alignment (Trail T-10) on the north side of Lake A. A portion of Trail T-10 is complete between Isabel Avenue (SR 84) and private property. The trail is incomplete from this private property eastward, approximately 2,400 linear feet, to Vallecitos Road. From Vallecitos Road, the existing trail follows Wetmore Rd through the South Livermore Valley. Trail T-10, when completed, will extend eight miles and provide numerous connections within the trail system. The Reclamation Plan Amendment process provides an opportunity to

complete a significant gap in the existing local trail network, provide a substantial community benefit, and increase connectivity within the Tri-Valley consistent with the proposed post-reclamation land use, the project objectives and County recreational policy 101.

The SEIR Project Description includes: “incorporate a public use pedestrian and bike trail, consistent with the *Specific Plan for Livermore-Amador Valley Quarry Area Reclamation* (LAVQAR) (Alameda County 1981), along the southern boundary of Lakes A and B near Vineyard Avenue”. The City’s position is that this element of the project description should be expanded to include” ... and trail T-10 on the north side of Lake A consistent with the Livermore Active Transportation Plan and LARPD Master Plan”.

Further, the Project Description includes the objective: “Reduce Vehicle Miles Traveled (VMT) and the related air emissions by retaining a local source of aggregate.” The City maintains that this objective should be broadened to include trail connectivity as alternative means of travel and include both the Lake A Trail to the south and Trail T-10 to the north.

In addition, SEIR Section 4.7 - Land Use and Planning, Table 4.7-1 Project Consistency with Local Planning Documents omits the City of Livermore Active Transportation Plan and the Livermore Area Recreation and Park Master Plan. The City recommends that these plans be included in the analysis because Lake A is within the recreational service area. Both plans identify trail T-10 on the north side of Lake A. The table further evaluates to project’s consistency with the East Alameda County Area Plan Policy 101, which states:

“The County shall encourage public water management agencies to explore recreational opportunities on watershed lands, particularly reclaimed quarries, where recreational use would not conflict with watershed protection objectives”.

Trail T-10 is also consistent with County Policy 101 and should be included in the Reclamation Plan Amendments and SEIR project description.

For the reasons stated above, the City requests Alameda County include the construction and use of Trail T-10 on the north side of Lake A, including any modification or removal of earthen berms to accommodate the trail design and based on community input, in the Reclamation Plan Amendment and SEIR. Additionally, the applicant should amend Appendix C-Lake A Landscape Plan and Attachment 7 Improvement Plans of the application to include the Trail T-10 alignment from its current terminus to Vallecitos Road.

We appreciate the opportunity to provide comments. If you have any questions, please contact Andy Ross, Senior Planner, at (925) 960-4475 or via email at: aaross@cityoflivermore.net.

Respectfully,

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

Steve Stewart, Planning Manager

cc.



7051 Dublin Boulevard
Dublin, CA 94568-3018

main (925) 828-0515
fax (925) 829-1180
www.dsrds.com

April 7, 2021

Mr. Bruce Jensen, Senior Planner
Alameda County Community Development Agency
Planning Department
224 W. Winton Avenue, Suite 111
Hayward, CA 94544
bruce.jensen@acgov.org

Subject: Support for Proposed CEMEX Reclamation Plan Amendment for the Eliot Quarry Facility

Dear Mr. Jensen,

The Dublin San Ramon Services District (DSRSD) supports the proposed CEMEX Reclamation Plan Amendment for the Eliot Quarry Facility provided that the comments submitted by the Zone 7 Water Agency (attached) are adequately addressed. DSRSD is one of four retailers in the Tri-Valley that purchases treated water from Zone 7 Water Agency.

DSRSD has long supported regional efforts to convert reclaimed gravel quarry pits located in the Livermore-Amador Valley into a "Chain of Lakes" that can be used for water storage, conveyance, and groundwater recharge management. The CEMEX Reclamation Plan for the Eliot Quarry Facility includes the conversion of Lakes A and B, which would be dedicated to the Zone 7 Water Agency once mining and reclamation activities are completed. These lakes are critical to achieving the long-term water supply benefits envisioned with the creation of a Chain of Lakes.

Founded in 1953, DSRSD serves 188,000 people, providing potable and recycled water service to Dublin and the Dougherty Valley area of San Ramon, wastewater collection and treatment to Dublin and south San Ramon, and wastewater treatment to Pleasanton (by contract). DSRSD also operates the Jeffrey G. Hansen Water Recycling Plant and the backbone recycled water distribution system on behalf of the San Ramon Valley Recycled Water Program. For more information about DSRSD, visit www.dsrds.com.

If you have any questions, please contact me at (925) 875-2200 or mcintyre@dsrds.com.

Sincerely,



Daniel McIntyre
General Manager

Attachment

cc: Valerie Pryor, General Manager, Zone 7 Water Agency, vpryor@zone7water.com
Guy Houston, CEMEX Field Representative, guyhouston@sbcglobal.net



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

100 NORTH CANYONS PARKWAY • LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

March 10, 2021

Mr. Bruce Jensen, Senior Planner
Alameda County Community Development Agency
Planning Department
224 W. Winton Avenue, Suite 111
Hayward, CA 94544

Sent by e-mail to: bruce.jensen@acgov.org

Re: Draft SEIR for the Proposed Reclamation Plan Amendment for the Eliot Quarry Surface Mining Permit-23

Zone 7 Water Agency (Zone 7, or Zone 7 of the Alameda County Flood Control and Water Conservation District) has reviewed the referenced document in the context of Zone 7's mission to provide water supply, flood protection, and groundwater and stream management within the Livermore-Amador Valley. As you know, we have offered comments on SMP-23 in the past. We appreciate the County's engagement on those comments, which are incorporated by reference here. Additional comments on 2021 Draft SEIR are attached for your consideration.

We appreciate the opportunity to comment on this project. If you have any questions on this letter, please feel free to contact me at (925) 454-5005 or via email at erank@zone7water.com.

Sincerely,

Elke Rank

cc: Carol Mahoney, Amparo Flores, file

Attachments (2): Comments; Well data

1. LAVQAR AND ZONE 7/QUARRY AGREEMENTS

- a. **Consistency with LAVQAR.** As a general matter, Zone 7 agrees with the County's conclusion that all elements of the proposed Project must be consistent with the provisions of the Livermore-Amador Valley Quarry Area Reclamation (LAVQAR) Specific Plan. There are a number of provisions in LAVQAR indicating that mining operations must be consistent with the long-term use of the Chain of Lakes for water management purposes. Zone 7 is pleased that these provisions of LAVQAR are incorporated in the proposed Project. Zone 7 notes that the provisions of the agreements between Zone 7 and the quarry operators, which implement the directives in LAVQAR, should also be used to define the proposed Project, for all mining and reclamation activities must be consistent with those agreements.
- b. **Adequacy of Alternatives.** It should be noted that Alternative 4 does not abide by LAVQAR or the Zone 7/CEMEX agreement.

2. GROUNDWATER BASIN MANAGEMENT AND SLOPE STABILITY

- a. **Groundwater Sustainability Plan.** The project area lies over the Main Basin portion of Livermore Valley Groundwater Basin; as such, the underlying groundwater is subject to the management provisions of the basin's Alternative Groundwater Sustainability Plan (GSP), which was prepared by Zone 7 Water Agency and approved by the State Department of Water Resources pursuant to the Sustainable Groundwater Management Act of 2014 (SGMA). As the designated Groundwater Sustainability Agency (GSA), Zone 7 manages the basin pursuant to the GSP to ensure sufficient groundwater supplies and good groundwater quality within the groundwater basin. The groundwater basin is to be managed in such a manner as to avoid six SGMA-designated undesirable results, which include significant and unreasonable impacts to: (1) groundwater storage, (2) chronic lowering of groundwater levels, (3) surface water depletion, (4) seawater intrusion, (5) water quality and (6) land subsidence. As the GSA, Zone 7 looks forward to working with the County and with CEMEX on the proposed Project and protecting the groundwater basin from any of these undesirable results.
- b. **Localized Lowering of Water Levels.** The document should acknowledge that the evaluated impacts only refer to site specific analysis. The impacts of mining activities on the whole of the groundwater basin were not evaluated as a part of this analysis and could result in temporal impacts to the Amador Subarea, such as significant, localized drawdown of water levels. This drawdown has already exceeded the historic low water levels identified as a minimum threshold in the Alternative GSP and is being closely monitored by Zone 7.

- i). Recommended mitigation: The document should acknowledge that, in the event that Zone 7's monitoring detects potential impacts resulting from localized drawdown, steps will be taken to mitigate the situation through a course of action to be negotiated among Zone 7, CEMEX, and Alameda County.
- c. **Aquifer Recharge.** With regard to Impact 4.6-2 in the SEIR relating to interference with groundwater recharge, it is imperative that all recharge slopes maintain their capabilities to recharge the aquifer including the banks of the Arroyo Valle, which is a critical reach for Zone 7's recharge operations. Any decrease in the transmissivity (based on field samples and field inspections) of Lake A, Lake B, or Arroyo Valle should be mitigated by a similar increase in recharge capacity elsewhere.
 - i). Recommended mitigation: CEMEX should collect field samples of the active mining slopes and the arroyo at regular spatial intervals and during periodic inspections during mining, to be negotiated with Zone 7, to assess existing aquifer characteristics. If, during final design or during construction, an inspection of the slopes and verification samples determine a significant loss or a degradation of transmissivity, CEMEX will work with Zone 7 to identify a suitable alternative recharge capacity.
- d. **Mining Depth.** Previous mining activities in this pit have resulted in mining depths that exceeded LAVQAR and reclamation plans prior to corrective actions. Exceedance of mining depths may result in slope stabilities outside of what has been analyzed to date.
 - i). Recommended mitigation: In addition to the annual report submitted to the County, CEMEX should semi-annually survey mining pits/lakes (dry and ponded areas) and prepare a map (i.e., bathymetry map) and compare this map to the final approved extent of mining for each mining pit/lake. If these survey maps indicate mining at any location deeper than approved, CEMEX should highlight this area and stop mining in the pit/lake until a mitigation plan acceptable to County and Zone 7 is implemented.
- e. **Slope Stability at Lakes A and B.** Zone 7 is concerned about the slope stability at the east end of Lake B, and in particular evidence of roadway buckling. Installation of inclinometers to a depth of at least 200 feet is warranted to monitor potential slope movement. Past inclinometers for the Hwy 84 construction were much shallower than the clay layer. Mining and reclamation activities should be conducted in a way that doesn't reactivate Lake A/Lakeside Circle instability or create a new similar instability at Lake B. There are no lithologic data from the Lake B side along Isabel to show the presence or absence of the clay layer.
 - i). Recommended mitigation: CEMEX will install inclinometers to a depth of at least 200 feet to monitor potential slope movement, to be in place during mining and reclamation. The depth of the inclinometer should at least

intersect with where the clay layer at Lake A/Lakeside Circle would be expected under Isabel and at the east side of Lake B. Following reclamation, Zone 7 may request they remain in place and take ownership of this monitoring equipment.

- f. **Well Records.** Our records indicate there are 79 wells within the project boundaries including 2 single and 2 nested wells that are in Zone 7's groundwater monitoring program (see attached table and map). Please notify Zone 7 immediately if any other wells exist in the project area. All well locations should be field verified and noted on the plans. If any wells are to be decommissioned, a well destruction permit must be obtained from Zone 7 before starting the work. A Zone 7 drilling permit is also needed for any other water well or soil boring work that may be planned for this project. Drilling permit applications and the permit fee schedule can be downloaded from our website: www.zone7water.com, or requested by email sent to wellpermits@zone7water.com.

3. WATER QUALITY ASSESSMENT, MONITORING, AND REPORTING

- a. **Sentinel Wells.** Zone 7 agrees that the proposed sentinel wells are important to ensure proper groundwater quality management. As the Groundwater Sustainability Agency, Zone 7 should be consulted when determining their location, depth, and construction. As noted above, the driller must also contact Zone 7 prior to construction to obtain the proper well permits.
- b. **Water Quality Assessment.** Zone 7 has concerns about the methodology used to assess certain constituents of concern. The water quality assessment recommends iron mitigation but does not address other metals or constituents of concern, such as Hexavalent Chromium (Cr6). For example, the report uses 10ug/l as the Cr6 target to assess the impacts. Cr6 maximum contaminant level (MCL) of 10 ug/l was rescinded and that State is in the process of establishing new MCL, which could potentially be lower. Similarly, Zone 7's monitoring shows PFAS detections in groundwater and the State has yet to establish what the MCL will be for PFAS.

The water quality assessment was performed based on "average" concentrations of constituents of concern, without giving any consideration to maximum detected concentrations in the area. For example, utilizing average concentrations for Hexavalent Chromium (Cr6) indicates no need for any mitigation measures. But examples from where active mining has taken place, the maximum concentrations for location R24 is 17 ug/l and P42 is 9.6 ug/l. These indicate that some mitigation/monitoring is necessary in active pits – likely due to the release of metals such as chromium, iron, and manganese from the scraping of the surface of soils and rocks during mining.

Therefore, we have the following recommendations for additional mitigation measures:

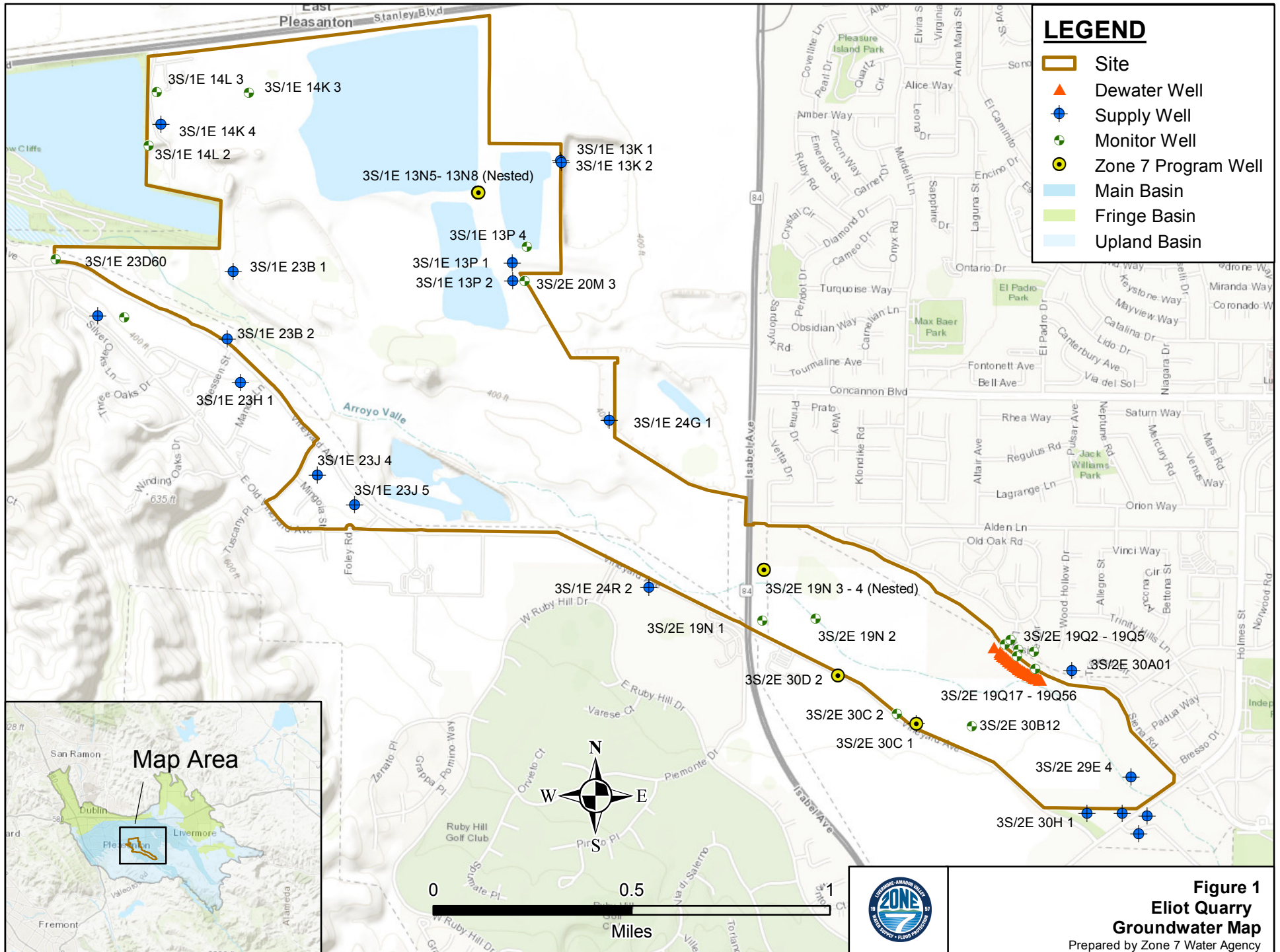
- i). Recommended mitigation: Flexibility should be built into the mitigation measures to address changes in MCLs and/or to address contaminants of emerging concern, such as Per- and Polyfluoroalkyl Substances (PFAS) and Hexavalent Chromium (Cr6).
- ii). Recommended mitigation: CEMEX to prepare an updated water quality assessment every five years to incorporate Zone 7 Groundwater Sustainability Plan updates and/or new or revised drinking water MCLs and mitigate any associated impacts.
- iii). Recommended mitigation: CEMEX to prepare a plan to monitor and remediate, pit-water or mining spoils that exceed the State's maximum contaminant levels. Zone 7 staff notes that in some cases, the remediation options benefit multiple metals, for example iron and chromium removal.
- iv). Recommended mitigation: When the State adopts a new MCLs or identifies constituents of concern, CEMEX to prepare an updated water quality assessment and mitigation plan.
- v). Recommended mitigation: Zone 7 currently samples existing monitoring wells and ponds at the project site annually for metals and minerals (and PFAS as needed) and CEMEX should adopt the same sampling schedule and parameters for the new sentinel monitoring wells.

4. FLOOD PROTECTION AND WATERSHED MANAGEMENT

- a. **Arroyo Valle realignment design.** The reclamation activities and realignment of Arroyo Valle should not result in lessening of the current flood control capacity of Arroyo Valle and the berms/levees should provide appropriate flood protection. Zone 7 has concerns about details of the draft designs related to the levee meeting a certain elevation. For example, it has not been analyzed how wide the levee needs to be between Arroyo Valle and Lake B under both static and dynamic conditions, including the downstream consequences resulting from a levee failure. Zone 7 looks forward to working with CEMEX to refine the final designs to address these concerns. In addition to slope stability, the final design should provide enough flexibility to incorporate any change in Lake del Valle operations due to climate change.
 - i). Recommended mitigation - CEMEX should continue working with Zone 7 Staff to finalize and receive approval of the designs that address any Zone 7 concerns, which should include the realignment of Arroyo Valle and proposed climate change operations at Lake Del Valle.
- b. **Water Diversion Facility from Arroyo Valle into future Chain-of Lakes via Lake A** – The reclamation activities include a draft design of the proposed water diversion from Arroyo Valle into Lake A and pipelines for connecting Lake A to Lake

B and Lake C for water management purpose. CEMEX should continue collaborating with Zone 7 to finalize the designs and obtain required regulatory permits for the diversion facility and pipelines connecting Lakes A, B and C.

- i). Recommended mitigation - CEMEX should continue working with Zone 7 Staff to finalize design and obtain regulatory permits for the water diversion facility and the connecting pipeline.
- c. **Bald Eagles.** Zone 7 has confirmed the presence of bald eagle nests in the Chain of Lakes area. The data has been reported to the California Natural Diversity Database.
- d. **Locally Appropriate Landscaping.** Zone 7 encourages the use of sustainable, climate-appropriate, and drought tolerant plants, trees and grasses that thrive in the Tri-Valley area. Find more information at: <http://www.trivalleywaterwise.com>.
- e. **Riparian Restoration.** Zone 7 encourages trees and shrubs uses in restoration efforts be propagated from locally sourced seeds, as close to the planting areas as possible. Density goals for mature trees should be consistent with local reference reaches and should not result in a reduction of flow capacity (near- or long-term) in the flood control channel.
- f. **Phytophthora Concerns.** Care should be given to avoid introduction of the Phytophthora pathogen to the area.



Well Table - Eliot Quarry

Well Name	Category	SubCategor	Date Completed	Address	City	Driller	Permit ID	Well Report ID	Purpose
3S/1E 13P 4	well-static	unknown	<Null>				0		
3S/1E 14L 2	well-static	unknown	<Null>				0		
3S/1E 23C 1	well-static	unknown	<Null>				0		
3S/2E 20M 3	well-static	unknown	<Null>				0		
3S/1E 13K 1	well-supply	supply	1/18/1950	CAL ROCK PROPERTY AT ISABEL & STANLEY	Livermore	WESTERN WELL DRILLING	0		
3S/1E 13K 2	well-supply	supply	5/1/1931	CAL ROCK PROPERTY AT ISABEL & STANLEY	Livermore	GARCIA	0		
3S/1E 13P 1	well-supply	supply	11/18/1948	CAL ROCK PROPERTY AT ISABEL & STANLEY	Livermore		0		
3S/1E 13P 2	well-supply	supply	6/15/1933	CAL ROCK PROPERTY AT ISABEL & STANLEY		GARCIA	0		
3S/2E 30C 1	well-supply	supply	3/16/1995	E. VINEYARD AV & ISABEL AV	Livermore	GLENN MARTELL	95098		
3S/2E 30H 1	well-supply	supply	10/22/1969	750 VINEYARD			0		
3S/1E 13P 5	well-static	nested	11/2/2010	Cemex Mining Area	Livermore	Cascade Drilling	2010098		1 of 4 nested wells.
3S/1E 13P 6	well-static	nested	11/2/2010	Cemex Mining Area	Livermore	Cascade Drilling	2010098		2 of 4 nested wells.
3S/1E 13P 7	well-static	nested	11/2/2010	Cemex Mining Area	Livermore	Cascade Drilling	2010098		3 of 4 nested wells.
3S/1E 13P 8	well-static	nested	11/2/2010	Cemex Mining Area	Livermore	Cascade Drilling	2010098		4 of 4 nested wells.
3S/2E 19N 3	well-static	nested	7/27/2018	1544 Stanley Blvd		Cascade Drilling	2018051		Cemex Drilling 2018
3S/2E 19N 4	well-static	nested	7/27/2018	1544 Stanley Blvd		Cascade Drilling	2018051		Cemex Drilling 2018
3S/1E 14K 3	well-static	monitor	<Null>				0		
3S/1E 14L 3	well-static	monitor	<Null>				0		
3S/1E 23D60	well-static	monitor	6/24/2005	2512 VINEYARD AVE	Livermore	EBA ENGINEERING	24166	966027	
3S/2E 19N 1	well-static	monitor	4/5/2005	E. VINEYARD AVE & ISABEL AVE	Livermore	COTTON SHIRES	25047		
3S/2E 19N 2	well-static	monitor	4/22/2005	E. VINEYARD AVE & ISABEL AVE	Livermore	COTTON SHIRES	25052		
3S/2E 19Q 2	well-static	monitor	3/26/2002	LAKESIDE CIRCLE	Livermore	BERLOGAR GEOTECHNICAL	22148		
3S/2E 19Q 3	well-static	monitor	3/28/2002	LAKESIDE CIRCLE	Livermore	BERLOGAR GEOTECHNICAL	22148		
3S/2E 19Q 4	well-static	monitor	3/28/2002	LAKESIDE CIRCLE	Livermore	BERLOGAR GEOTECHNICAL	22148		
3S/2E 19Q 5	well-static	monitor	3/28/2002	LAKESIDE CIRCLE	Livermore	BERLOGAR GEOTECHNICAL	22148		
3S/2E 30B10	well-static	monitor	<Null>	LAKESIDE CIRCLE (LAKE A)	Livermore	COTTON SHIRES	26065		inclinometer w/ piezometer
3S/2E 30B11	well-static	monitor	<Null>	LAKESIDE CIRCLE (LAKE A)	Livermore	COTTON SHIRES	26065		inclinometer w/ piezometer
3S/2E 30B12	well-static	monitor	<Null>	LAKESIDE CIRCLE (LAKE A)	Livermore	COTTON SHIRES	26065		inclinometer w/ piezometer
3S/2E 30C 2	well-static	monitor	2/28/2002	VINEYARD AV & ISABEL AV	Pleasanton	PG&E	22039		
3S/2E 30D 2	well-static	monitor	6/18/1979	VINEYARD NR ISABEL RD.	Livermore		0		
3S/1E 23B 2	well-supply	irrigation	11/1/1962	2287 VINEYARD AVE	Pleasanton	JOE GIBSON	0		
3S/1E 23J 4	well-supply	irrigation	5/30/2006	1200 SAFRENO WAY	Pleasanton	Martell Water	26075	937678	
3S/1E 23J 5	well-supply	irrigation	5/12/2006	1201 MACHADO PL	Pleasanton	Martell Water	26076	937677	
3S/2E 29E 2	well-supply	irrigation	<Null>	E VALLECITOS RD	Livermore		0		
3S/2E 29E 4	well-supply	irrigation	11/2/1996	HOLMES ST. & ALDEN LN.	Livermore	GLENN MARTELL	96675	449424	
3S/1E 14K 4	well-supply	industrial	2/25/2016	1544 Stanley Blvd	Pleasanton	Gregg Drilling	2016007	e03007373	Supply for Office trailers
3S/1E 23B 1	well-supply	industrial	3/9/1939	STANLEY BLVD & EL CHARRO RD	Pleasanton	C&N PUMP & WELL	0		
3S/1E 24G 1	well-supply	industrial	9/10/1984	ISABEL AVE & CONCANNON BLVD	Pleasanton	GLENN MARTELL	0	237627	
3S/2E 29E 3	well-supply	domestic	<Null>	609 VALLECITOS RD	Livermore	Leite Bros	0		
3S/2E 19Q17	well-supply	dewater	<Null>	LAKESIDE CIR (LAKE A)	Livermore	SIERRA GEOTECHNICAL	26078		dewatering
3S/2E 19Q18	well-supply	dewater	<Null>	LAKESIDE CIR (LAKE A)	Livermore	SIERRA GEOTECHNICAL	26078		dewatering
3S/2E 19Q19	well-supply	dewater	<Null>	LAKESIDE CIR (LAKE A)	Livermore	SIERRA GEOTECHNICAL	26078		dewatering
3S/2E 19Q20	well-supply	dewater	<Null>	LAKESIDE CIR (LAKE A)	Livermore	SIERRA GEOTECHNICAL	26078		dewatering
3S/2E 19Q21	well-supply	dewater	<Null>	LAKESIDE CIR (LAKE A)	Livermore	SIERRA GEOTECHNICAL	26078		dewatering
3S/2E 19Q22	well-supply	dewater	<Null>	LAKESIDE CIR (LAKE A)	Livermore	SIERRA GEOTECHNICAL	26078		dewatering



February 1, 2021

Bruce Jensen
County of Alameda
224 W Winton Ave, Ste 111
Hayward, CA 94544

Ref: Gas and Electric Transmission and Distribution

Dear Bruce Jensen,

Thank you for submitting the SMP-23 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



February 26, 2021

The Honorable Keith Carson
President, Alameda County Board of Supervisors
1221 Oak Street, Suite 536
Oakland, Ca. 94612

RE: CEMEX Reclamation and Trail Plan - Eliot Facility Application

Dear President Carson, Vice-President Miley and Supervisors Chan, Valle and Haubert:

The Pleasanton Chamber of Commerce is writing in support of the CEMEX Reclamation Plan Amendment for the Eliot Facility in the Tri-Valley communities of Alameda County, with the caveat that we would like to see increased efforts to mitigate the NOx emissions associated with the construction of the reclamation project as outlined in the EIR.

This long-term plan will ensure no mining adjacent to local residents, at the same time providing amenities such as open space, wildlife habitat restoration, pedestrian walking and bike trails. A world-class water conveyance system will be constructed to increase desperately needed water storage, flood protection and groundwater recharge which will then be owned and managed by the local Zone 7 water agency. CEMEX has profited from the use of Pleasanton's natural resources, and we are pleased to see a reinvestment of nearly \$32 million in our community for the reclamation of the Eliot Facility mining site.

Given the many public and private benefits associated with this project for our region, we support the County's approval of the CEMEX application with every effort being made to protect surrounding neighborhoods from unnecessarily high exposure to NOx emissions. Thank you for your attention to our request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Van Dorn".

Steve Van Dorn
President & CEO

CC: Bruce Jensen, Senior Planner, Alameda County Planning

www.pleasanton.org

777 Peters Avenue • Pleasanton, CA 94566 • Phone: (925) 846-5858 • Fax: (925) 846-9697



March 1, 2021

Supervisor Keith Carson, President
Alameda County Board of Supervisors
1221 Oak Street, Suite 536
Oakland, CA 94612

Re: CEMEX Reclamation & Trail Plan – Eliot Facility Application

Dear President Carson & Board Members:

On behalf of the Livermore Valley Chamber of Commerce, I am writing to express support of the CEMEX Reclamation Plan Amendment for the Eliot Facility located in the Livermore Valley in eastern Alameda County.

The Livermore Valley Chamber of Commerce, a business advocacy organization represents nearly 500 members from a cross-section of private/public and the non-profit sectors that employ nearly 20,000 workers. LVCC policy priorities include support for all infrastructure sufficient for a growing, vibrant and resilient economy. LVCC is a strong proponent of local jurisdictions – city and county- leading the region in adopting and executing policies that prepare and strengthen our communities for a 21st Century Economy.

The mining of natural resources, gravel mining in particular, has operated in the Livermore Valley region for generations, as long as the ranching and viticulture industries. In recent history, the materials mined at the Eliot Quarry have gone into construction in many major local and regional projects. This includes our I-580 and SR 84 highway improvements; the new Oakland Bay Bridge; and many local commercial zones, giving true meaning to “keeping it local”- providing jobs, revenues and minimizing impacts from greenhouse gas emissions and traffic that would otherwise result from suppliers coming from outside Alameda County and the SF Bay Area region.

CEMEX has developed a comprehensive and long-term plan with protections, enhancements and benefits to the environment and to local communities. At an estimated cost of \$32 million, CEMEX is making an unprecedented investment in the community. Most importantly, the plan includes a world-class water conveyance system to increase urgently needed water storage, flood protection and groundwater recharge, with ownership and management eventually transferred to the local Zone 7 Alameda County

Livermore Valley Chamber of Commerce
2157 First Street Livermore CA 94550
925.447.1606
www.livermorechamber.org

Flood Control and Water Conservation District (known as Zone 7 Water Agency). This will result in improved local water supply and flood control reliability for generations to come.

This plan ensures no mining adjacent to local residents; and provides amenities such as open space, wildlife habitat restoration, pedestrian walking and bike trails. CEMEX has taken extraordinary steps to ensure that the amended plan is environmentally superior to the existing 1987 plan. CEMEX has demonstrated its commitment to restore its property with early implementation of a trail segment along Lake A, improving access for pedestrians and bicyclists, and helping to close gaps in the regional trail system network. This plan will result in closing the gap through the Vineyard Avenue corridor connection between the cities of Livermore and Pleasanton and the Livermore Valley wine region, a popular and highly desirable amenity by locals and visitors.

CEMEX is requesting approval for the Reclamation Plan Amendment and is prepared to immediately begin implementing these amenities. Given the many public and private benefits associated with this project for our region, LVCC urges your approval of the CEMEX application as proposed.

Thank you for your considered deliberation and swift action on this matter. You are welcome to contact me with questions or comments.

Respectfully,

Dawn P. Argula

Dawn P. Argula
CEO & President

C: David Haubert, First District Supervisor, Alameda County
Debbie Haldeman, Cemex
Bruce Jensen, Alameda County Planning Department



Alameda Creek Alliance

P.O. Box 2626 • Niles, CA • 94536
Phone: (510) 499-9185
E-mail: alamedacreek@hotmail.com
Web: www.alamedacreek.org

March 12, 2021

Sent via e-mail on 3/12/21 to bruce.jensen@acgov.org

Mr. Bruce Jensen, Senior Planner
Alameda County Planning Department
224 W. Winton Avenue, Suite 111
Hayward, CA 94544

Re: SMP-23 Reclamation Plan Amendment SEIR

Please include these comments from the Alameda Creek Alliance on the SMP-23 Reclamation Plan Amendment SEIR. The Alameda Creek Alliance is a community watershed group with more than 2,000 members, dedicated to protecting and restoring the natural ecosystems of the Alameda Creek watershed. Our organization has been working to protect and restore streams in the Livermore-Amador Valley, including Arroyo del Valle, since 1997.

Arroyo del Valle Realignment and Enhancement

The Alameda Creek Alliance generally concurs that the realigned Arroyo del Valle stream channel, with a design maximizing diverse habitat features and plantings of native vegetation, will enhance and improve stream function and habitat values.

Arroyo del Valle Diversion Structure

The SEIR (2.5.10.1) describes the proposed Arroyo del Valle diversion structure as an "environmentally sensitive" in-channel, concrete grade-control structure, covered with rocks, to control grade to support diversion of surface flows into Lake A, through an infiltration bed. Calling a diversion system environmentally sensitive does not make it so. It includes a diversion dam, which can block and divert natural stream flow and impound water, which will have attendant impacts on stream hydrology and aquatic habitat.

Our scoping comments asked that the SEIR to evaluate how the diversion structure and its operation would alter the hydrology, surface flow, water quality, and habitat values of Arroyo del Valle in the project area, and further downstream in Arroyo de la Laguna and Alameda Creek. We asked that the SEIR discuss whether the diversion operation would be consistent with Regional Water Quality Control Board policies regarding impairment of natural stream flows. We asked for disclosure of the water rights (or any lack thereof) regarding proposed water diversions and storage at this facility. We also asked that the SEIR evaluate the potential for the diversion structure's water impoundment to create habitat conditions favorable for invasive predators of native fish and wildlife. It is not clear that the SEIR has fully evaluated these issues.

Fish Passage

The SEIR acknowledges and discusses the potential for return of anadromous fish to the watershed, including Arroyo del Valle in the vicinity of the project area. The proposed project would allow for some fish passage that would otherwise not occur, and the SEIR states that the diversion system was designed to meet CDFW requirements for anadromous fish passage and

screening. However, the SEIR acknowledges that the proposed project involves some interference with the possibility for fish to pass. The SEIR presumes that the diversion structure will need to meet state and federal requirements for anadromous fish passage and screening. The project proposes a fish bypass structure around the diversion dam and return flow channels from off-channel flow diversions to avoid trapping and stranding fish.

The SEIR states that under LAVQAR and the approved reclamation plan, the permittee is required to divert the first 500 cfs from Arroyo del Valle into Lake A. Yet the SEIR does not disclose whether this diversion will be conducted under a legal water right. The SEIR acknowledges that the diversion structure could reduce or eliminate flows downstream, with adverse impacts to aquatic habitat. The project description requires a minimum flow bypass, and the design will include the ability to control diversion bypass flows of up to 40 cfs in winter/spring and 15 cfs in summer/fall. The SEIR explains that Zone 7 Water Agency asked for this specific bypass flow capability, but does not explain how the flow criteria were developed, or whether they are adequate to reduce impacts to aquatic life downstream or meet CDFW and NMFS passage criteria for anadromous fish. The SEIR explains that the diversion will have fish screening in accordance with CDFW criteria, but that a variance may be requested for approach velocity restrictions during times of year when fish fry are not likely to be present (summer and fall). The SEIR states that fish screen criteria will be revisited during detailed design as part of consultation with CDFW and, if necessary, the National Marine Fisheries Service. It is absolutely necessary for NMFS and CDFW to have input on the fish screen criteria, design of the fish bypass structure, and bypass flows needed for anadromous fish, so that the project does not result in foreclosure of future potential for anadromous fish to utilize and migrate through the project area.

Agency Approvals Required

The SEIR notes that the following agency approvals may be required for the project: San Francisco Bay Regional Water Quality Control Board (Section 401 certification and Waste Discharge Requirements, as applicable); CDFW (a lake or streambed alteration agreement and possibly a California Endangered Species Act permit); National Marine Fisheries Service (Section 7 consultation; incidental take statement); U.S. Fish and Wildlife Service (Section 7 consultation; incidental take statement); and U.S. Army Corps of Engineers (Section 404 permit and NEPA compliance). The ACA concurs that approval and permits will be required from all of these agencies, due to presence of and impacts to state and federally listed species, impacts to jurisdictional waters and wetlands, and impacts to water quality.

The SEIR acknowledges that that ESA Section 7 consultation with NMFS will be required for this project once steelhead trout access to the upper watershed has been restored in 2021. The SEIR states that as part of the USACE 404 permit process, the permittee would undergo consultation with NMFS relating to potential listed fisheries. Yet elsewhere the SEIR says that consultation will occur “if determined to be necessary” and that the applicant will “potentially” obtain an incidental take statement for work associated with the Lake A diversion structure. The SEIR should explicitly state whether NMFS has determined that ESA Section 7 consultation is required. The ACA submitted with our project comment a 2016 letter from NMFS stating formal ESA consultation was not required at that time for the nearby Lehigh Hanson Arroyo Mocho Diversion Structure project regarding potential impacts to steelhead trout, but noted that consultation will be required once steelhead access to the upper watershed has been restored in 2021. As noted in the ACA comments and in the SEIR, volitional fish passage for steelhead trout into the watershed will indeed be completed by the end of 2021.

Deferred Mitigation Measures

Under the California Environmental Quality Act (CEQA), the purpose of an EIR is to provide public agencies and the public with detailed information about the likely significant environmental effects of a proposed project, and identify feasible mitigation measures to avoid

or substantially lessen significant effects. An EIR is inadequate if mitigation efforts largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR. Under CEQA, an agency cannot defer the formulation of mitigation measures without committing to specific performance criteria for judging the efficacy of the future mitigation measures.

The SEIR states that for feasible mitigation measures, the County would adopt a mitigation monitoring and reporting program (MMRP) at the time it certifies the EIR, to ensure that the applicant would comply with the adopted mitigation measures when the project is implemented. The MMRP would identify each of the mitigation measures and describe the party responsible for monitoring, the time frame for implementation, and the program for monitoring compliance. This is improper deferral of mitigation measures. The MMRP should be completed before certification of the EIR, and included with the SEIR, so that the public and regulatory agencies can determine whether proposed mitigation measures are adequate to avoid or substantially lessen significant effects, and will actually be implemented. For example, much of the mitigation for riparian habitat impacts will be accomplished by planting and establishing native plants in the realigned Arroyo del Valle creek reach. An MMRP is needed as part of the EIR so the public can evaluate the likely success of proposed riparian plantings in the realigned stream channel, and a detailed plan describing proposed monitoring of survival of plantings (especially during extended drought conditions), a watering program, and mitigation requirements should plantings fail.

Some of the specific mitigation measures for potentially significant impacts to biological resources are deferred. One of the mitigation measures in the SEIR for potential impacts to fish passage is Mitigation Measure 4.3-1a, Obtain Regulatory Entitlements and Authorizations. This consists of the applicant obtaining regulatory authorizations from the USACE, USFWS, NMFS, RWQCB, and CDFW. Mitigation Measures 4.3-1b for impacts to amphibians and reptiles, and 4.3-1b for impacts to raptors include, along with pre-construction surveys and other take avoidance measures, compliance with the mitigation requirements and conditions of any Section 1600 Lake and Streambed Alteration Agreement with CDFW. These regulatory agencies may require additional design elements and avoidance or mitigation measures as part of their permits, measures that are not currently included in the project. The SEIR even states that to the extent that regulatory permits require additional or different mitigation, those permits and associated conditions of approval would take precedence.

Increased Mitigation Needed for Riparian and Sycamore Woodland Impacts

The SEIR notes that the East Alameda County Conservation Strategy provides guidance for project-level permits, and that federal and state resource agencies participating in the EACCS intend it to be the blueprint for all mitigation and conservation in the study area, which includes the current project. As a general guideline, the EACCS standard for mitigation of sensitive habitats is protection of the same land cover type at a 3:1 ratio. That mitigation ratio can vary depending on the quality of habitat being lost and the rarity of the habitat type in the particular conservation zone, but reductions in the mitigation ratio would need to be justified through the CEQA process and in coordination with regulatory agencies.

CDFW and the Alameda Creek Alliance commented on the current project that impacts to special-status species should be mitigated, at a minimum, according to the EACCS mitigation standards. The SEIR calculates that 22.41 acres of wetland vegetation communities will be impacted by the project, primarily seasonal marsh and willow riparian habitats. The proposed mitigation ratio in the SEIR (Table 4.3-7, "Proposed Wetland Community Re-Establishment and Restoration Acreage") is only a 2:1 ratio, or 50.71 acres of restored or reestablished wetland vegetation habitat.

The project should include an additional 10 acres of restored or established riparian habitat. This could potentially be accomplished by extending riparian restoration downstream and

upstream of the project area, removing non-native invasive species such as giant reed and pampas grass and planting native riparian plants such as willows and sycamores. If this type of additional restoration adjacent to the project area is not feasible, the increased mitigation could instead be achieved by coordinating with Zone 7 Water Agency to remove or remediate concrete structures in Arroyo del Valle downstream of the project area which Zone 7 has identified as full or partial fish passage barriers.

The SEIR notes that 6.5 acres of sycamore woodland, identified by CDFW as a sensitive habitat type, occur in the project area. However, the SEIR does not appear to quantify the loss of sycamore woodland habitat in the project area resulting from the project or provide a sycamore replacement mitigation ratio. Sycamores should be replaced at a 3:1 mitigation ratio, given the rarity of the habitat type and the importance of sycamores for native wildlife such as trout, birds, and bats, and considering the benefits of streamside sycamores for aquatic habitat diversity and stream bank stabilization. The mitigation ratio should be 3:1 for sycamores regardless of the current status of sycamore trees, since as the SEIR notes, old and dying sycamore trees provide important roosting and nesting habitat for bats and birds. The SEIR does contain mitigation measures for special-status bat species, but these measures are designed only for avoidance of take; they do not mitigate for potential loss of bat roosting sites. Replacement of impacted sycamore trees at a 3:1 ratio could help mitigate for potential loss of bat roosting sites.

Alternatives Analysis

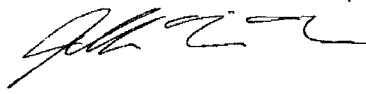
The SEIR evaluates and dismisses Alternative 4, Reduced Capacity of Lake A Diversion Structure Alternative. This alternative was designed to reduce potential impacts to biological resources by reducing the amount of water being diverted from Arroyo del Valle into Lake A. Under Alternative 4, the diversion structure capacity would be reduced from 500 cfs to 200 cfs, allowing significantly more water to be retained in Arroyo del Valle, which would be beneficial to biological resources in the restored Arroyo del Valle. While the proposed project has a low flow channel to ensure that at least 9 cfs are retained, Alternative 4 would allow for an additional 300 cfs of water (during higher water flows) to be retained in the Arroyo del Valle than envisioned in the proposed project. The SEIR acknowledges that the current version of the LAVQAR Specific Plan, the approved reclamation plan, and the contract between the Applicant and Zone 7, which call for a diversion structure of 500 cfs, could potentially be modified to facilitate additional water to be retained in Arroyo del Valle under Alternative 4. The diversion structure would be smaller than the proposed project, with fewer impacts to biological resources by ensuring that additional water is available for fish and aquatic wildlife for feeding or migration. Alternative 4 would also result in less impacts to waters of the U.S. than the proposed project because the design for the diversion structure infiltration bed would be smaller. The SEIR concludes that Alternative 4 would not meet all of the objectives of the proposed project, particularly the objectives of the LAVQAR and Zone 7 Agreement for implementation of the Chain of Lakes on the portions of land controlled by CEMEX. However, the SEIR acknowledges that these objectives could be met or altered through negotiations between Zone 7, the Applicant, and the Community Development Agency of Alameda County.

Environmentally Superior Alternative

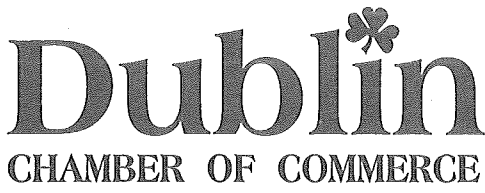
The SEIR concluded that Alternative 3, the Revised ADV Construction Phasing Alternative, is the environmentally superior alternative for the project. However, this is not supported by the analysis in the SEIR. Alternative 3 would have essentially similar impacts to the proposed project with regards to biological resources, greenhouse gas, geology and soils, hydrology and water quality. The SEIR notes that Alternative 4, the Reduced Capacity of Lake A Diversion Structure Alternative, would reduce the impacts on aesthetics, air quality, biological resources, geology and soils, greenhouse gas, hydrology and water quality, and noise. Alternative 4 is clearly the environmentally superior alternative. Alternative 4 would reduce impacts on biological resources and allow increased stream flow in Arroyo del Valle, as discussed above. The SEIR states that Alternative 4 would not meet all of the objectives of the proposed project, particularly

Objective 6, "carry out the objectives of the LAVQAR and Zone 7 Agreement for implementation of the Chain of Lakes on the portions of land controlled by CEMEX." The SEIR notes that Alternative 4 could be consistent with this objective, but would require negotiations between Zone 7, the Applicant and the Community Development Agency of Alameda County, and it is unclear whether Alternative 4 would be able to achieve Objective 6. The SEIR further states that alternatives analysis and conclusions reached regarding the environmentally superior alternative do not determine the ability of Alternative 4 to be an economically viable option for the Applicant. The alternatives analysis and conclusions seem flawed.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Miller", written in a cursive style.

Jeff Miller, Director
Alameda Creek Alliance



6300 Village Parkway, Suite 100
Dublin, California 94568
(925) 828-6200
info@dublinchamberofcommerce.org

www.dublinchamberofcommerce.org

March 17, 2021

The Honorable Keith Carson
President, Alameda County Board of Supervisors
1221 Oak Street, Suite 536
Oakland, Ca. 94612

RE: CEMEX Reclamation and Trail Plan - Eliot Facility Application

Dear President Carson, Vice-President Miley and Supervisors Chan, Valle and Haubert:

On behalf of the Dublin Chamber of Commerce, I am writing in support of the CEMEX Reclamation Plan Amendment for the Eliot Facility in the Tri-Valley communities of Alameda County.

This long-term plan will provide amenities such as open space, wildlife habitat restoration, and pedestrian and bike trails. A water conveyance system will be constructed to increase desperately needed water storage, flood protection and groundwater recharge which will then be owned and managed by the local Zone 7 Water Agency. CEMEX has taken steps to ensure the amended plan is environmentally superior to the existing plan.

CEMEX and the Eliot Facility have been a critical part of the infrastructure and economic activity in the Bay Area for more than one hundred years. Aggregate material from Pleasanton has supplied the Bay Bridge, BART and businesses, homes, roads and schools found in most of the Bay Area. Demand for new construction is projected to grow, and this demand should be met locally as opposed to being trucked and shipped from outside the region which increases costs and adds negative environmental impacts such as air pollution, greenhouse gas emissions, traffic congestion and added road maintenance.

CEMEX is requesting approval for the Reclamation Plan Amendment so they can immediately start implementing these amenities. At an estimated cost of \$32 million, CEMEX is investing in the community and we support CEMEX's efforts. Any delays in the approval process will only prevent implementation of these amenities.

Given the many public and private benefits associated with this project for our region, I urge the County to approve the CEMEX application as proposed. Thank you for your attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Inge Houston", written over a white background.

Inge Houston
President and CEO

CC: David Haubert, Alameda County Supervisor, District 1
Bruce Jensen, Senior Planner, Alameda County Planning



CALIFORNIA WATER SERVICE

1720 North First Street
San Jose, CA 95112-4598 Tel: (408) 367-8200

April 13, 2021

The Honorable Members
Alameda County Board of Supervisors
1221 Oak Street, Suite 536
Oakland, Ca. 94612

RE: CEMEX Reclamation and Trail Plan - Eliot Facility Application

Dear President Carson, Vice-President Miley, and Supervisors Chan, Valle, and Haubert:

I am writing on behalf of California Water Service (Cal Water) in support of the CEMEX Reclamation Plan Amendment for the Eliot Facility in the Tri-Valley communities of Alameda County.

This plan will ensure that no mining will occur adjacent to residents; while simultaneously providing amenities such as open space, wildlife habitat restoration, and pedestrian walking and bike trails. A world-class water conveyance system will be constructed to increase needed water storage, flood protection, and groundwater recharge. CEMEX has taken extraordinary steps to ensure that the amended plan is environmentally superior to the existing plan. All at no cost to the Tri-Valley communities.

CEMEX and the Eliot Facility have been a critical part of the infrastructure and economic activity in the Bay Area for over 100 years. Aggregate material from Pleasanton has supplied the Bay Bridge, BART, and businesses, homes, roads, and schools found in most of the Bay Area. Demand for new construction is projected to grow, and this demand should be met locally as opposed to being trucked and shipped from outside the region, which increases costs and adds negative environmental impacts such as air pollution, greenhouse gas emissions, traffic congestion, and added road maintenance.

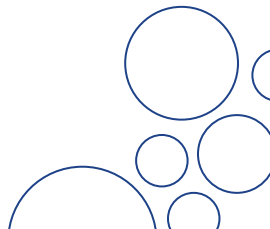
CEMEX is requesting approval for the Reclamation Plan Amendment so they can immediately start implementing these amenities. At an estimated cost of \$32 million, CEMEX is making an unprecedented investment in the community. Any delays in the approval process will only prevent implementation of these amenities.

Given the many public and private benefits associated with this project for our region, I urge the County to approve the CEMEX application as proposed. Thank you for your attention to this request.

Sincerely,
Sincerely,

A handwritten signature in black ink that reads "Justin Skarb". The signature is fluid and cursive.

Justin Skarb
Director of Community Affairs & Government Relations





We're training tomorrow's
skilled workforce today.
abcnorcal.org

April 29, 2021

The Honorable Jim Goff
Alameda County Planning Commission
224 West Winter Avenue, Ste. 111
Hayward, CA 94544

Dear Mr. Chairman and County Planning Commission,

As you are well aware, in the coming weeks the Commission will be considering CEMEX's amended reclamation plan. On behalf of the Associated Builders and Contractors Northern California Chapter (ABC NorCal) and its nearly 500 construction and construction related firms representing 21,000 essential merit shop construction workers and over 800 essential apprentices who have performed public works jobs throughout Northern California and predominately in the Bay Area for forty-five years, we are asking for your favorable consideration.

Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Alameda County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Bay Area region is projected to grow, requiring over 2 billion tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region, including from other countries.

Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, air pollution, traffic congestion and road maintenance. Transportation costs alone can increase 22 cents per ton for every additional mile traveled. As a consequence, these higher construction costs are passed on to businesses, homeowners and county taxpayers.

CEMEX has been an invaluable partner in providing the building material needed to grow the region's economy and the county's investments in public infrastructure. Aggregate from their Pleasanton Eliot Quarry has served the businesses, homes, roads and schools found in most neighborhoods.

Perhaps most importantly, CEMEX's amended reclamation plan is far superior to the current plan. CEMEX is devoting considerable resources to wildlife and habitat protection, a water conveyance system that will serve local ratepayers, and an expanded pedestrian and bicycle trail that will benefit their residential neighbors in Pleasanton and Livermore.

Essentially, CEMEX has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, all the while being mindful of being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Goehring". The signature is fluid and cursive, with a large loop at the end.

Nicole Goehring
V.P. Govt. and Community Relations
ABC NorCal

CC: The Honorable David Haubert, County Supervisor District One
The Honorable Nate Miley, County Supervisor District Four
Bruce Jensen, Senior Planner, Alameda County Community Development Agency

From: [Jensen, Bruce, CDA](#)
To: [Bruce Steubing](#); [Shelby Kendrick](#); [Robert S Grace](#); [Yasha Saber](#); [Tom Henry](#)
Subject: RE: SMP-23 Reclamation Plan Amendment SEIR
Date: Thursday, February 25, 2021 1:03:09 PM

Good afternoon folks – this email I just forwarded is the first “comment letter” we’ve received since the SEIR notification. It does not address the SEIR, it states that the writer supports the reclamation plan, but it also discusses a number of things that are either unrelated or only peripherally related to the mining or reclamation. These issues appear to mostly involve entities other than CEMEX or the County, instead the City of Livermore and Zone 7 in the future.

I would ask that if anyone sees an issue in the letter below that involves either the County or CEMEX directly, please alert me.

Thanks – Bruce Jensen

From: Jensen, Bruce, CDA
Sent: Thursday, February 25, 2021 1:02 PM
To: Bruce Steubing <bsteubing@benchmarkresources.com>; Shelby Kendrick <skendrick@benchmarkresources.com>; Robert S Grace <roberts.grace@cemex.com>; Yasha Saber <ysaber@compassland.net>; Tom Henry <thenry@daycartermurphy.com>
Subject: FW: SMP-23 Reclamation Plan Amendment SEIR

From: fabian@talk2fabian.com <fabian@talk2fabian.com>
Sent: Thursday, February 25, 2021 12:46 PM
To: Jensen, Bruce, CDA <bruce.jensen@acgov.org>
Subject: SMP-23 Reclamation Plan Amendment SEIR

Hi Sir,

We are homeowners on the side of Lake A. We would like to bring to the attention of the planning department two things that we would like to see considered moving forward.

1. We need a little bridge for pedestrians to cross safely on vallecitos because the bridge is dangerous currently.

2. The city, I believe maintains portion of the perimeter of Lake A, specifically the little berm or hill that backs to the homes on Lake A is in need of attention. The erosion of the slope and the dead trees should be addressed. We would also like to have access to the lake if possible as residents.

3. Would be nice if the trails had some low lighting incorporated either solar or into the path itself---<https://www.coregravel.ca/core-glow/products/>

We are in full support of the plan and look forward to seeing it completed.

Regards,

Fabian Moreno
915 Old Oak Rd Livermore CA. 94550
Text or Call -408-470-9956
Fax: (833) 955-1888

Have me call you back @
<https://calendly.com/talk2fabian/quick-call>

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