# ELIOT QUARRY (SMP-23)
# RECLAMATION PLAN AMENDMENT

## FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

*CHAPTERS 1—7 AND APPENDICES*

State Clearinghouse No. 2019060144

**JUNE** | 2021

Lead Agency
Alameda County, Community Development

BENCHMARK RESOURCES

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**Lead Agency**
Alameda County, Community Development
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# 1—INTRODUCTION

# 1—INTRODUCTION

## 1.1 OVERVIEW OF THE PROJECT AND ENVIRONMENTAL REVIEW PROCESS

This final subsequent environmental impact report (SEIR) has been prepared by Alameda County (County), the lead agency under the California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq.; California Code of Regulations [CCR] Title 14 Section 15000 et seq. [CEQA Guidelines]) pursuant to 14 CCR section 15162, to evaluate the potentially significant environmental effects associated with an amendment to RMC Pacific Materials, LLC's ("CEMEX's" or "the applicant's") approved 1987 reclamation plan for the Eliot Quarry (the "approved reclamation plan") (Lone Star Industries, Inc. 1986), which is the proposed project. The proposed project is a modification of an approved reclamation plan and a modification to Surface Mining Permit 23 (SMP-23) for a vested mining operation. Except as outlined below, the applicant proposes no change to any fundamental element of the existing operation (e.g., mining methods, processing operations, production levels, truck traffic, hours of operation).

Eliot Quarry is an approximately 920-acre sand and gravel mining operation located within the unincorporated area of Alameda County, between the cities of Livermore and Pleasanton, south of Stanley Boulevard and north of Vineyard Avenue (as shown in Figure 1-1, "Regional Location," and Figure 1-2, "Site Location"). The applicant's mining operation at the Eliot Quarry site is vested due to pre-1957 mining and the issuance of various County mining permits, as documented in the County Quarry Permits Q-1 (1957), Q-4 (1957), and Q-76 (1969). Changes in circumstances at the site and in applicable regulatory requirements necessitate preparation of an amended reclamation plan that addresses these changes and provides reclamation objectives that can be feasibly accomplished and permitted by regulatory agencies. In considering the application and the discretionary action of approving the proposed reclamation plan amendment, the County is required to conduct environmental review pursuant to CEQA.

The approved reclamation plan envisions mining the Lakes A and B areas to create two large waterbodies for future operation and management by the Alameda County Flood Control and Water Conservation District, Zone 7 (hereafter referred to as "Zone 7"). Lakes A and B are to be part of a larger "Chain of Lakes" that consist of a series of reclaimed gravel quarry pits converted into nine lakes (Lakes A through I), linked in a series, and used to store and convey seasonal and flood water and recharge groundwater. Under the approved reclamation plan, the natural channel of the Arroyo del Valle (ADV) would be mined out and flow through Lakes A and B via tall concrete spillways at Vallecitos Road and Isabel Avenue and via a concrete and riprap apron at the downstream end of Lake B. The approved reclamation plan also includes an optional lake (Lake J) near the current processing plant site.

The applicant seeks to amend the approved reclamation plan to include changes that are more sensitive to the environment and surrounding community while fulfilling the intent of the *Specific Plan for the Livermore-Amador Valley Quarry Area Reclamation* (LAVQAR Specific Plan) (Alameda County 1981). The LAVQAR Specific Plan comprises the 3,820 acres designated for "Sand and Gravel Quarry" use between Pleasanton and Livermore in the Livermore-Amador Valley. The key concept of the LAVQAR Specific Plan is the shaping of pit areas, which will eventually contain water, into a "Chain of Lakes" during the course of mining over the 50- to 60-year period that sand and gravel reserves are expected to last in the quarry area. The Chain of Lakes is intended to provide a surface water storage and conveyance system to replace a portion of the preexisting subsurface water storage and conveyance system feeding the

groundwater basin. Connecting conduits between the lakes and structures necessary to capture and carry local runoff waters will be provided by the mine operators at no cost to the public through Zone 7. At the conclusion of mining, water from ADV will be capable of being diverted into the Chain of Lakes, and a bypass channel for that watercourse will also be provided to maintain downstream flows necessary to Zone 7 and Alameda County Water District.

The proposed project serves to adjust reclamation boundaries and contours, enhance drainage and water conveyance facilities, incorporate a pedestrian and bike trail, and achieve current surface mining reclamation standards. The planned postmining end uses are water management, open space, and agriculture (nonprime).

Consistent with prior approvals, the project would develop Lakes A and B, which are the first two lakes in the Chain of Lakes pursuant to the LAVQAR Specific Plan. Upon reclamation, Lakes A and B, along with their appurtenant water conveyance facilities, would be dedicated to Zone 7 to store and convey surface water and manage the recharge of groundwater.

Unlike the approved reclamation plan, under the proposed project the ADV would remain separate from the Chain of Lakes. Lake A reclamation would include installation of a surface water diversion from the ADV to Lake A. No further mining would occur in Lake A. A water pipeline conduit would connect water from Lake A to both Lakes B and C. (Lake C is being developed on a neighboring property by Vulcan Materials Company and is not within the project site.) A conduit would also connect Lake C to Lake B. Lake B would include an overflow outlet to allow water to flow back into the ADV when Lake B water levels are high.

To facilitate the southerly progression of mining within Lake B, the project includes realigning and restoring an approximately 5,800-linear-foot reach of the ADV. The proposed ADV realignment would result in an enhanced riparian corridor that flows around, rather than through Lake B (as currently anticipated under the approved reclamation plan). The ADV realignment to the south of the Lakes was contemplated as a possibility in the LAVQAR Specific Plan and was subject to environmental review in the prior EIR in 1981.

Outside of Lakes A and B, reclamation treatment for other disturbed areas, including the excavation of a Lake J (not part of the Chain of Lakes), processing plant sites, and process water ponds, would involve backfilling and/or grading to return those areas to open space and/or agriculture. Lake J would be backfilled before final reclamation as part of ongoing mining and processing operations. Post-reclamation, the applicant would continue to own the areas of the property used for open space and/or agriculture (CEMEX 2019).

A complete description of the proposed project is provided in Chapter 2, "Project Description," of the Draft SEIR, which is available on the County Neighborhood Preservation and Sustainability Department website at: http://nps.acgov.org/Eliot.page?. The Draft SEIR was circulated for public review and comment between January 27, 2021, and March 12, 2021 (State Clearinghouse Number 2019060144).


SOURCES: ESRI World Shaded Relief accessed Jan. 2020, ESRI World Topographic Map accessed Jan. 2020; ESRI World Streetmap, 2009; compiled by Benchmark Resources in 2020

Project Location
City Boundary
County Boundary
Major Highway
Major Road

BENCHMARK RESOURCES

N

0 2.5 5 10 Miles

**Regional Location**
ELIOT QUARRY SMP-23 SEIR
**Figure 1-1**

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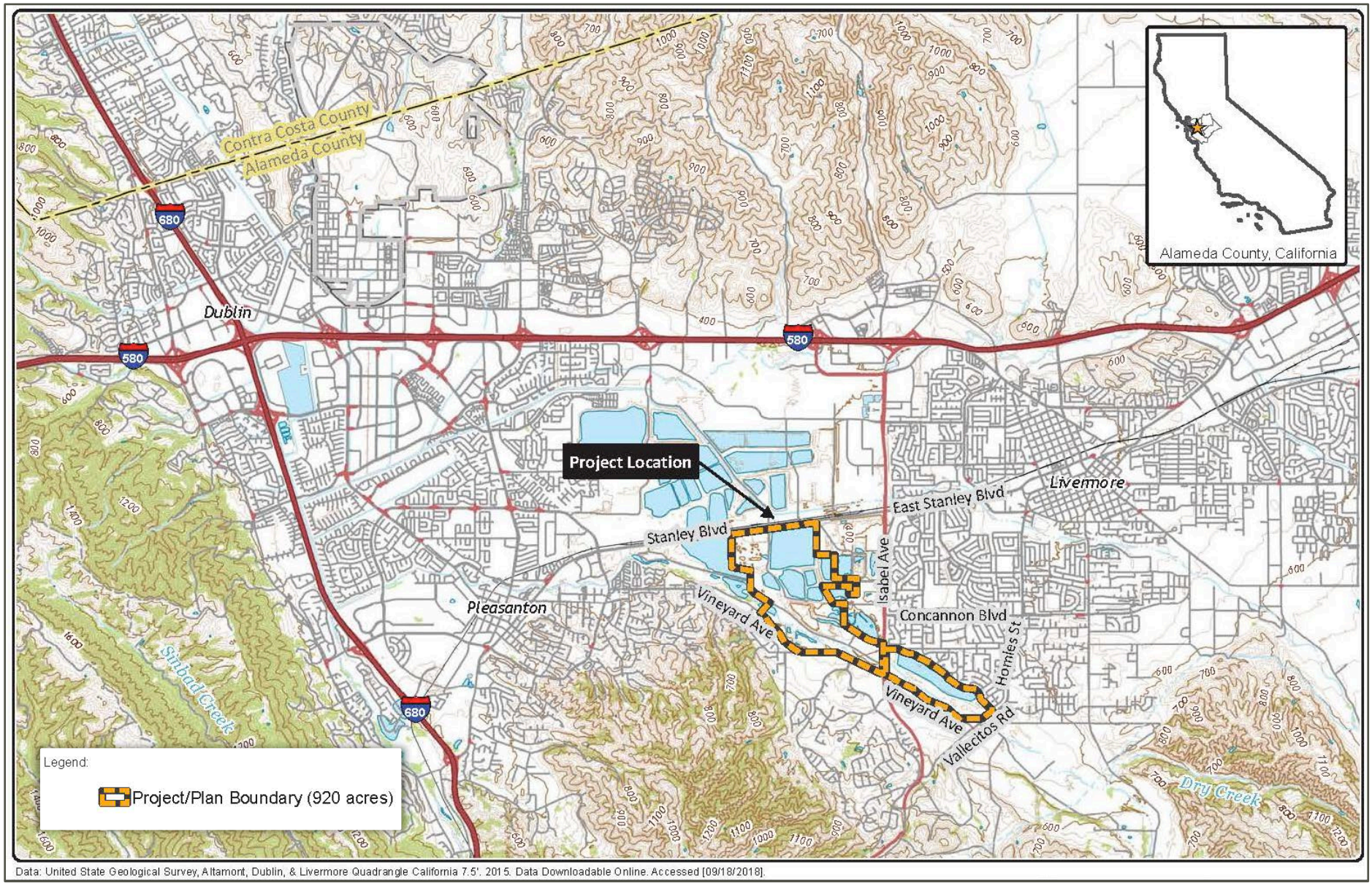


SOURCE: CEMEX 2019, Project Description; modified by Benchmark Resources in 2020.

NOTE: Figure is not printed to scale.

**Site Location**

ELIOT QUARRY SMP-23 SEIR

**Figure 1-2**

BENCHMARK RESOURCES

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## 1.2 FINAL SEIR REQUIREMENTS

This Final SEIR provides responses to comments received on the Draft SEIR. Section 15132 of the CEQA Guidelines requires that the Final SEIR consist of:

- The Draft SEIR or a revision of the draft;
- Comments and recommendations received on the Draft SEIR either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft SEIR;
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency.

This Final SEIR for the proposed project has been prepared to provide responses to comments received on the Draft SEIR and is to be used in conjunction with, rather than in place of, the Draft SEIR. Therefore, the information in this Final SEIR, which incorporates the Draft SEIR including its appendices, fulfills state and County CEQA requirements for a complete SEIR.

Chapter 3, "Draft SEIR Errata," of this Final SEIR provides revisions for clarification or amplification of information in the record. In no instances do the errata provide substantial new information or indicate a new impact or increase in the severity of an impact identified in the Draft SEIR.

## 1.3 USE OF THE SEIR IN THE DECISION-MAKING PROCESS

The SEIR is an informational document designed to inform the public of the significant environmental effects of a project, identify possible ways to minimize or mitigate the significant effects, and describe reasonable alternatives to the project.

The County will use the SEIR, together with economic, social, and technical information, to decide whether to approve the discretionary entitlements being requested. The County has made this Final SEIR available prior to hearings on proposed project approval or denial to provide an opportunity for agency and public review of the complete SEIR before decisions are made. In addition, the County provided responses to comments to each of the agencies commenting on the Draft SEIR 10 days before the first County Planning Commission hearing to consider certification of the Final SEIR.

The County reviews proposed mining use permits, reclamation plans, and financial assurance estimates before considering their approval. The proposed project would be regulated by the County in accordance with the *Alameda County Surface Mining Ordinance* and the California Surface Mining and Reclamation Act (PRC § 2710 et seq.).

The SEIR (consisting of this Final SEIR and the Draft SEIR which is incorporated by reference) reviews the environmental consequences of the proposed project, as described in Section 3.0 of the Draft SEIR. The County will use the SEIR, along with other information, in its consideration of the Reclamation Plan Amendment application.

Before rendering decisions on the discretionary actions, the County must certify that:

- The SEIR has been completed in compliance with CEQA,
- The SEIR was presented to the decision-making body of the Lead Agency,
- The information in the SEIR was reviewed and considered before approving the project, and

- The SEIR reflects the Lead Agency's independent judgment and analysis.

Should the County approve the proposed project, a statement of findings would be adopted for each significant environmental impact of the proposed project, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effects as identified in the Final EIR;
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; and/or
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final SEIR.

The Lead Agency must adopt, in conjunction with the findings, a program for reporting or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen impacts (CEQA Guidelines § 15091[d]). These measures must be fully enforceable through conditions of approval, agreements, or other measures in a program referred to as the Mitigation Monitoring and Reporting Program (MMRP), which shall be prepared in advance of a public hearing on the proposed project.

In addition, because of the significant and unavoidable impacts identified in the SEIR, the County must adopt a statement of overriding considerations for those impacts to approve the proposed project. The statement of overriding considerations would set forth the specific reasons why the benefits of the project outweigh the unavoidable significant environmental impacts. The statement of overriding considerations and the findings must be adopted by the County decision-making body following its decision at a public hearing.

## 1.4 SIGNIFICANT AND UNAVOIDABLE IMPACTS

The analysis determined that environmental impacts for the following issues would remain significant after implementation of all feasible mitigation:

- Impact 4.2-1: Conflict with or Obstruct Implementation of the Applicable Air Quality Plan (significant and unavoidable);
- Impact 4.2-2a: Result in a Cumulatively Considerable Net Increase of Any Criteria Pollutant for which the Project Region is Non-Attainment Under an Applicable Federal or State Ambient Air Quality Standard: $NO_x$ (significant and unavoidable);
- Impact 7-2a: Impacts that are Individually Limited but Cumulatively Considerable: Conflict with Air Quality Plan (significant and unavoidable); and
- Impact 7-2b: Impacts that are Individually Limited but Cumulatively Considerable: Criteria Pollutant NOx (significant and unavoidable).

# 2—CEQA PUBLIC REVIEW PROCESS

# 2—CEQA PUBLIC REVIEW PROCESS

## 2.1 PURPOSES OF PUBLIC REVIEW

The California Environmental Quality Act (CEQA) Guidelines Section 15201 states:

> Public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities. Such procedures should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency.

Alameda County (County) has invited public input during the Subsequent Environmental Impact Report (SEIR) preparation processing, including providing opportunities to review and comment during the scoping process and during Draft SEIR circulation, as discussed further in Section 2.2, below.

CEQA (California Public Resources Code [PRC] § 21082.2(b)) explains that, "Statements in an environmental impact report and comments concerning an environmental impact report shall not be determinative of whether the project may have a significant effect on the environment." According to CEQA, it is the responsibility of the lead agency decision makers to "determine whether a project may have a significant effect on the environment based on substantial evidence in the record." Substantial evidence is defined as facts, fact-related reasonable assumptions, and expert opinion. "Substantial evidence" does not include arguments, speculation, unsubstantiated opinion or narrative, clearly erroneous evidence, or socioeconomic impacts not related to the physical environment (PRC § 21080(e), 21082.2(a), 21082.2(c), and CEQA Guidelines § 15384).

## 2.2 PUBLIC REVIEW PERIOD AND NOTIFICATIONS

In accordance with both the specific requirements and the intent of CEQA, the environmental review process for the proposed project has included substantial opportunities for public and agency review and comment on the environmental evaluations. The public review process for the proposed project SEIR has included the following opportunities:

- June 18, 2019 to July 18, 2019: SEIR Public Scoping and Notice of Preparation of SEIR Review Period
- June 26, 2019: Public Scoping Meeting for SEIR
- January 27, 2021 to March 12, 2021: 45-day Draft SEIR public review period
- Public Meeting via Zoom on the Draft SEIR, March 3, 2021

This Final SEIR or notices of its availability have been provided to commenting agencies, organizations, and individuals made available via the County website at: http://nps.acgov.org/Eliot.page? or electronic form via USB prior to proposed project hearings before County decision makers. The County provided responses to comments to each of the agencies commenting on the Draft SEIR 10 days before the first County Planning Commission hearing to consider certification of the Final SEIR.

## 2.3 SUMMARY OF PUBLIC INPUT AND APPROACH TO RESPONSES

Comments were received from three public agencies, seven private organizations, and one individual. Each comment set (i.e., letter or e-mail) is included in Appendix A, "Comments on the Draft SEIR," of this Final SEIR. A list of the agencies and individuals who submitted comments is provided in the table of contents of this Final SEIR.

Comments addressed a range of issues, including the content and analysis of the Draft SEIR. Comments addressing the adequacy of the SEIR or issues relevant to the environmental review included the following topics:

- Air quality,
- Biological resources,
- Geology and Soils,
- Hydrology and water quality,
- Noise, and
- Utilities.

These comments were responded to with the level of detail appropriate to the comment and issue. In some cases, the County decided that it was appropriate to revise information in the Draft SEIR to correct, clarify, or amplify information. These revisions are presented as errata in Chapter 3, "Draft SEIR Errata," of this Final SEIR.

Some issues raised in comments did not speak to the adequacy of the Draft SEIR or did not otherwise address environmental issues. These comments are included in the administrative record by virtue of their submittal to the County and will be considered by County decision makers. However, the Final SEIR need not, and does not, respond in detail to non-environmental issues raised in comments. Responses to these issues in this Final SEIR are limited to identifying that the comment does not raise an environmental issue and noting that decision makers will consider the issue separate from the environmental review process.

# 3—DRAFT SEIR ERRATA

## 3.1 OVERVIEW

In reviewing and responding to comments on the Draft SEIR, Alameda County (County) determined that revisions to portions of the Draft SEIR text were warranted to correct, clarify, or amplify certain information. CEQA Guidelines § 15088 provides that where the response to comments makes important changes in the information contained in the text of the Draft SEIR, the Lead Agency should either revise the text in the body of the EIR or include marginal notes showing that the information is revised in the response to comments.

Section 3.2 of this Final SEIR provides revisions to the Draft SEIR as deemed necessary based on consideration of issues raised in comments on the Draft SEIR. Revisions to the Draft SEIR text are shown as *errata*, consisting of an excerpt of the Draft EIR text with changes represented with added text shown in underline (example) and deleted text show in strikethrough (~~example~~).

None of the changes provided in Section 3.2 of this Final SEIR contain significant new information. The inclusion of this information in the Final SEIR does not deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect. The Final SEIR does not identify any new significant impacts or substantial increases in the severity of any environmental effects identified in the Draft SEIR. Therefore, recirculation of the Draft SEIR is not required (see CEQA Guidelines § 15088.5).

## 3.2 ERRATA

This section contains errata to the Draft SEIR; each is preceded by a brief explanation of the purpose of the change to the Draft SEIR text.

### 3.2.1 Errata to Draft SEIR Executive Summary, p.ES-5

***Explanation***

Revisions have been made to Draft SEIR, Chapter ES, "Executive Summary," to address an inadvertent misnumbering of the project objectives. The objectives numbers, accurately portrayed in other areas of the Draft SEIR, have been updated in the Executive Summary as follows.

***ERRATA***

The reclamation plan amendment provides site-specific actions designed to meet the applicable statutory and regulatory requirements. The proposed project includes the following objectives:

1) Address the requirements of Condition 7 of County Resolution No. 12-20.
2) Realign and restore an approximately 5,800-foot reach of the Arroyo del Valle (ADV) resulting in an enhanced riparian corridor that flows south of, rather than through (as currently anticipated in SMP-23), Lake B.
3) Maximize the extraction of the remaining available on-site sand and gravel resources through the anticipated reclamation end date of 2056, including a change in the final bottom elevation of excavation in Lake B to 150 feet msl.
4) Continue to supply the regional demands for Portland Cement Concrete (PCC) grade aggregate.

~~4)~~5) Reduce Vehicle Miles Traveled (VMT) and the related air emissions by retaining a local source of aggregate.

~~5)~~6) Carry out the objectives of the LAVQAR and Alameda County Flood Control and Water Conservation District, Zone 7 (hereafter referred to as "Zone 7") Agreement for implementation of the Chain of Lakes on the portions of land controlled by CEMEX.

~~6)~~7) Implement a public use pedestrian and bike trail on the southern perimeter of the CEMEX property.

~~7)~~8) Implement the proposed reclamation plan amendment to establish end uses of water management, open space, and nonprime agriculture in accordance with the California Surface Mining and Reclamation Act (SMARA) (Public Resources Code 2710, et seq.).

***END OF ERRATA***

### 3.2.2 Errata to Draft SEIR Summary Table ES-1

***Explanation***

Revisions have been made to Draft SEIR, Chapter 4, "Environmental Analysis," (see errata Sections 3.2.3 through 3.2.20 below for a discussion of these revisions). These changes modified the language of Mitigation Measures 4.1-1, 4.2-1, 4.2-2, 4.3-1e, 4.6-3, and 4.8-1a and updated relevant cross references. The following errata incorporate these revisions to Table ES-2, "Summary of Project Impacts and Mitigation Measures." In addition, all mitigation measure language has been updated to replace "Applicant" with "Permittee," which better reflects the nature of CEMEX as they would no longer be the Applicant if the project is approved and instead would be the Permittee.

## *ERRATA*

**TABLE ES-1**
**SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES**

| Impact | Significance Before Mitigation | Mitigation Measures | Significance After Mitigation[1] |
|---|---|---|---|
| **AESTHETICS/VISUAL RESOURCES** | | | |
| **Impact 4.1-1:** Substantial Degradation of the Approved Visual Character or Quality of the Site and Its Surroundings | LS | None required. | LS |
| **Impact 4.1-2:** Creation of a New Source of Substantial Light and Glare That Would Adversely Affect Day or Nighttime Views in the Area | PS | **Mitigation Measure 4.1-1:** All ~~construction~~ reclamation-related construction activities shall be limited to the hours of 7 a.m. – 7 p.m. Monday through Friday, and ~~8~~ 9 a.m. – ~~5~~ 6 p.m. on Saturday. Reclamation construction activity shall be prohibited on ~~and~~ Sundays.[1] | LS |
| **AIR QUALITY** | | | |
| **Impact 4.2-1:** Conflict with or Obstruct Implementation of the Applicable Air Quality Plan | S | **Mitigation Measure 4.2-1**: Off-road Equipment Plan. The Permittee shall implement the following to reduce project NOx emissions:<br>a) Develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in Lake A reclamation and the Lake B realignment of the Arroyo del Valle would achieve a fleet-average 20 percent NOx reduction compared to the most recent ARB fleet average for the duration of these reclamation activities. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as such become available. The plan shall be submitted to the County within 90 days of project approval.<br>The Alameda County Community Development Agency would be responsible for ensuring compliance. | SU |

[1] Applies to reclamation activities; does not apply to vested mining and processing activities.

**LS** = Less than Significant; **PS** = Potentially Significant; **S** = Significant; **SU** = Significant and Unavoidable

| Impact | Significance Before Mitigation | Mitigation Measures | Significance After Mitigation[1] |
|---|---|---|---|
| **Impact 4.2-2b:**<br>Result in a Cumulatively Considerable Net Increase of Any Criteria Pollutant for which the Project Region is Non-Attainment Under an Applicable Federal or State Ambient Air Quality Standard: ROG, CO, $SO_X$, $PM_{10}$, and $PM_{2.5}$ | LS | None required~~.~~, but the following Mitigation Measure has been added at the request of the City of Livermore.<br><br>**Mitigation Measure 4.2-2**: Update Dust Control Plan.<br>Within 90 days of proposed project approval, the Permittee shall update its existing 2015 Dust Control Plan to address changes that would occur as a result of the proposed project. The new plan shall comply with BAAQMD best practices and be approved by the County. | LS |
| **BIOLOGICAL RESOURCES** | | | |
| **Impact 4.3-1a:**<br>The Project Could Result in Direct Effects or Loss of Habitat for Special-Status Wildlife Species: Lake A Reclamation and Diversion Structure Construction | PS | [Mitigation Measures 4.3-1a, 4.3-1b, 4.3-1c, 4.3-1d, 4.3-1f, 4.3-1g, and 4.3-1h remain unchanged.]<br><br>**Mitigation Measure 4.3-1e**: Loggerhead Shrike<br>To avoid and minimize potential impacts to loggerhead shrike, the following shall apply:<br><br>1. If reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) is to commence within 200 feet of suitable nesting habitat during the nesting season (February 15-August 31), then a qualified biologist shall conduct a pre-construction survey for loggerhead shrike nests in all suitable shrubs and trees that are within 200 feet from the construction activities. The survey shall occur within 30 days prior to the commencement of ground disturbing activities. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.<br>2. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the Planning Department prior to the commencement of ground disturbing activity. If no active nests are found during the survey, then no further mitigation would be required.<br>3. If nesting individuals are found, then an exclusion zone shall be established within 200 feet of the active nest(s) until a qualified biologist determines that the young of the year are no longer reliant upon the nest.<br>4. Comply with the mitigation requirements and conditions of any Section 1600 Lake and Streambed Alteration Agreement (Agreement) with the California Department of Fish and Wildlife for project reclamation | LS |

**LS** = Less than Significant; **PS** = Potentially Significant; **S** = Significant; **SU** = Significant and Unavoidable

| Impact | Significance Before Mitigation | Mitigation Measures | Significance After Mitigation[1] |
|---|---|---|---|
| | | activities, as applicable to the loggerhead shrike. If there is a conflict between the terms of mitigation items 1, 2, or 3 above and the Agreement, then the Permittee shall abide by the terms of the Agreement. | |
| **Impact 4.3-2a:**<br>The Project Could Result in Loss of Riparian Habitat or Sensitive Natural Community: Lake A Reclamation and Diversion Structure Construction | PS | [Mitigation Measures 4.3-1a and 4.3-2a remain unchanged.]<br><br>**Mitigation Measure 4.3-2b**: Riparian Habitat<br>Within one year of the commencement of reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) associated with the construction of the Lake A diversion structure, realigned Arroyo del Valle, or other areas identified as riparian habitat in the project biological resources assessment report, the ~~applicant~~ Permittee shall mitigate for any permanent riparian impacts at a minimum 1:1 ratio, unless the regulatory permit process results in a different ratio. The implementation of mitigation for the loss of riparian habitat may be addressed separately for each phase of reclamation (e.g., Lake A diversion structure or realigned Arroyo del Valle). Exact acreage per phase shall be determined in consultation with CDFW and other applicable regulatory requirements. Mitigation shall be accomplished by complying with the following:<br><br>1. Enter into and comply with the mitigation requirements and conditions of a Section 1600 Lake and Streambed Alteration Agreement (Agreement) with CDFW.<br>2. If the Agreement results in less than a 1:1 mitigation ratio for loss of riparian habitat, then the ~~applicant~~ Permittee shall demonstrate that the riparian habitat which went unmitigated/uncompensated as a result of permitting has been mitigated through other means. Acceptable methods include purchase of credits from a mitigation bank or creation/preservation of on-site or off-site riparian habitats through the establishment of a permanent conservation easement, subject to the approval of the Planning Department. | LS |
| **Impact 4.3-3a:**<br>The Project Could Have a Substantial Adverse Effect on State or Federally Protected Wetlands: Lake A Reclamation and Diversion Structure Construction | PS | **Mitigation Measure 4.3-3:** 1:1 Wetland Compensation Ratio<br>Prior to the commencement of reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) associated with the construction of the Lake A diversion structure, realigned Arroyo del Valle, or in other areas identified as containing wetlands in the project aquatic resource | LS |

**LS** = Less than Significant; **PS** = Potentially Significant; **S** = Significant; **SU** = Significant and Unavoidable

| Impact | Significance Before Mitigation | Mitigation Measures | Significance After Mitigation[1] |
|---|---|---|---|
| | | delineation report, the ~~applicant~~ Permittee shall mitigate for direct and indirect wetland impacts at a 1:1 ratio, unless the regulatory permit process results in a different ratio. The implementation of mitigation for the loss of wetlands may be addressed separately for each phase of reclamation (e.g., Lake A diversion structure or realigned Arroyo del Valle). Exact acreage per phase shall be determined prior to initiating that phase based on the verification of the preliminary jurisdictional determination by the USACE and other applicable regulatory requirements. Mitigation shall be accomplished by complying with the following:<br>a) Obtain and comply with the mitigation requirements and conditions of a Section 404 Permit(s) and Section 401 Water Quality Certification(s) for reclamation activities, as applicable.<br>b) If regulatory permitting processes result in less than a 1:1 compensation ratio for loss of wetlands, then the ~~applicant~~ Permittee shall demonstrate that the wetlands which went unmitigated/uncompensated as a result of permitting have been mitigated through other means. Acceptable methods include purchase of credits from a mitigation bank or creation/preservation of on-site or off-site wetlands through the establishment of a permanent conservation easement, subject to the approval of the Planning Department. | |
| **HYRDROLOGY AND WATER QUALITY** | | | |
| **Impact 4.6-1d:**<br>Violation of Water Quality Standards or Waste Discharge Requirements or Substantial Degradation of Surface Water or Groundwater Quality Regarding Reclamation of Lake B | PS | **Mitigation Measure 4.6-2:** Implementation of Adaptive Management Program for Iron. The Permittee shall implement the Adaptive Management Program for Iron (see Appendix F-6 to the SEIR), which will be incorporated into conditions of approval.<br><br>**Mitigation Measure 4.6-3:** Install Lake B Groundwater Monitoring Wells.<br>The Permittee shall install ~~two or~~ up to three groundwater monitoring wells on Lake B perimeter. ~~after~~ Permittee shall consult~~ation on locations~~ with Zone 7 regarding the location and specifications of these wells. ~~to inform MM 4.6-3 actions.~~ The Permittee shall provide documentation to the County that they have conducted a good faith effort of coordinating with Zone 7 regarding the amount and location of the groundwater monitoring wells. | LS |

**LS** = Less than Significant; **PS** = Potentially Significant; **S** = Significant; **SU** = Significant and Unavoidable

| Impact | Significance Before Mitigation | Mitigation Measures | Significance After Mitigation[1] |
|---|---|---|---|
| **Impact 4.6-5:** Conflict with or Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan | PS | **Implement Mitigation Measures 4.6-1** (see Impact 4.6-1a), 4.4-1 (see Impact 4.4-4), 4.6-2, 4.6-3 (see Impact 4.6-1d), and 4.6-4 (see Impact 4.6-3d). | LS |
| **NOISE** | | | |
| **Impact 4.8-2:** Construction Noise Impacts Relative to Existing Ambient Conditions | PS | **Implement Mitigation Measure 4.1-1** (see Impact 4.1-2).<br><br>**Mitigation Measure 4.8-1a:** All residences within 500 feet of the conduit and pipeline installation components of the proposed project and the City of Livermore Community Development Department 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 notice shall be sent no less than one week prior to construction activities.<br><br>**Mitigation Measure 4.8-1b:** Mufflers. All mobile equipment shall be fitted with mufflers consistent with manufacturers recommendations & shall be well maintained. | LS |
| **OTHER CEQA TOPICS** | | | |
| **Impact 7-2b:** Impacts that are Individually Limited but Cumulatively Considerable: Criteria Pollutants ROG, CO, $SO_x$, $PM_{10}$, and $PM_{2.5}$ | LS | None required~~.~~, but the following Mitigation Measure has been added at the request of the City of Livermore.<br><br>**Mitigation Measure 4.2-2**: Update Dust Control Plan (see Impact 4.2-2b). | LS |
| **Impact 7-3:** Environmental Effects which will Cause Substantial Adverse Effects on Human Beings | PS | **Implement Mitigation Measures 4.1-1, 4.2-1** (see Impact 4.2-1), **4.2-2** (see Impact 4.2-2b), **4.4-1, 4.4-2, 4.4-3, 4.4-4** (see Impact 4.4-1), **4.5-1a, 4.5-1b, 4.5-1c, 4.5-1d, 4.5-1e, 4.5-1f, 4.5-1g, 4.5-1h** (see Impact 4.5-1), **4.6-1** (see Impact 4.6-1a), **4.6-2** (see Impact 4.6-1d), **4.6-3** (see Impact 4.6-3d), **4.8-1a, and 4.8-1b** (see Impact 4.8-2). | LS |

***END OF ERRATA***

**LS** = Less than Significant; **PS** = Potentially Significant; **S** = Significant; **SU** = Significant and Unavoidable

### 3.2.3 Errata to Draft SEIR Section 4.1, "Aesthetics and Visual Resources," p. 4.1-24

#### *Explanation*

Revisions have been made to Draft SEIR Section 4.1, "Aesthetics and Visual Resources," to address a comment on the Draft SEIR regarding noise and lighting made by the City of Livermore (see Chapter 4, "Response to Comments," Comments 2-3 and 2-4). These changes modified the language of Mitigation Measure 4.4-1, "Daily Limitation of Construction Hours," which also applies to Section 4.8, "Noise," (see Section 3.2.19 of this Final SEIR, below). The following errata incorporate these revisions.

#### *ERRATA*

**Mitigation Measure 4.1-1:** Daily Limitation of Construction Hours.

*All ~~construction~~ reclamation-related construction activities shall be limited to the hours of 7 a.m. – 7 p.m. Monday through Friday, and ~~8~~ 9 a.m. – ~~5~~ 6 p.m. on Saturday. Reclamation construction activity shall be prohibited on ~~and~~ Sundays.*

#### *END OF ERRATA*

### 3.2.4 Errata to Draft SEIR Section 4.2, "Air Quality," p. 4.2-20

#### *Explanation*

Revisions have been made to Draft SEIR Section 4.2, "Air Quality," to add enforceability language to Mitigation Measure 4.2-1. The change requires the Permittee to submit the Off-road Equipment Plan to the County within 90 days of project approval. The following errata incorporate these revisions.

#### *ERRATA*

**Level of Significance Before Mitigation:** Significant.

**Mitigation Measure 4.2-1:** Off-road Equipment Plan

*The Permittee ~~applicant~~ shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in Lake A reclamation and the Lake B realignment of the Arroyo del Valle would achieve a fleet-average 20 percent NOx reduction compared to the most recent ARB fleet average for the duration of these reclamation activities. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as such become available. The plan shall be submitted to the County within 90 days of project approval.*

*The Alameda County Community Development Agency would be responsible for ensuring compliance.*

**Significance After Mitigation:** Significant and Unavoidable.

#### *END OF ERRATA*

### 3.2.5 Errata to Draft SEIR Section 4.2, "Air Quality," p. 4.2-22

#### *Explanation*

Revisions have been made to Draft SEIR Section 4.2, "Air Quality," to address a comment on the Draft SEIR made by the City of Livermore (see Chapter 4, "Response to Comments," Comment 2-2). These changes modified the language of Impact 4.2-4b analysis and added new Mitigation Measure 4.2-2, "Update Dust Control Plan." The following errata incorporate these revisions.

***ERRATA***

**Impact 4.2-2b: Result in a Cumulatively Considerable Net Increase of Any Criteria Pollutant for which the Project Region is Non-Attainment Under an Applicable Federal or State Ambient Air Quality Standard: ROG, CO, $SO_X$, $PM_{10}$, and $PM_{2.5}$**

As stated in Impact 4.2-2a above, proposed project operations associated with reclamation would emit criteria air pollutants, including ROG, $NO_X$, CO, $SO_X$, $PM_{10}$, and $PM_{2.5}$ from construction equipment and from mobile equipment and motor vehicles associated with excavation, grading/fill, and construction of water management facilities at Lakes A and B.

Table 4.2-3 presents the daily criteria air pollutants and ozone precursor emissions analysis. Table 4.2-4 presents the annual criteria air pollutants and ozone precursor emissions analysis. The modeling results from ~~*the*~~ the *Air and Greenhouse Gas Emissions Study*~~'s~~ (Appendix C-1) indicate that project criteria pollutant emissions are below applicable BAAQMD thresholds of significance for CEQA except for daily emissions of $NO_X$. Therefore, the proposed project's estimated ROG, CO, $SO_X$, $PM_{10}$, and $PM_{2.5}$ emissions would constitute a less than significant impact.

Despite the less than significant impact, the County would require Mitigation Measure 4.2-2 to further reduce potential impacts from $PM_{10}$ and $PM_{2.5}$ emissions.

**Level of Significance:** Less than Significant.

**Mitigation Measure:** None required, but the following Mitigation Measure has been added at the request of the City of Livermore.

**Mitigation Measure 4.2-2:** Update Dust Control Plan

*Within 90 days of proposed project approval, the Permittee shall update its existing 2015 Dust Control Plan to address changes that would occur as a result of the proposed project. The new plan shall comply with BAAQMD best practices and be approved by the County.*

***END OF ERRATA***

### 3.2.6 Errata to Draft SEIR Section 4.3, "Biological Resources," p. 4.3-15

#### *Explanation*

Revisions have been made to Draft SEIR Section 4.3, "Biological Resources," in response to comments received from the Alameda Creek Alliance (see Chapter 4, Comments 7-6, 7-7, and 7-8). These changes modified the language of the Environmental Setting regarding special status fish species. The following errata incorporate these revisions into Section 4.3.1.8 of the Draft SEIR.

***ERRATA***

Essential Fish Habitat (EFH) was designated as part of the 1996 revisions to the federal Magnuson-Stevens Act which refined the focus of fish management by emphasizing the need to protect fish habitat. EFH is defined as "*…those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity*." Until recently, the project area was presumed to not contain suitable aquatic habitat for coho salmon (*Oncorhynchus kisutch*), steelhead or other important or sensitive fish species due to the historic and ongoing disturbance to aquatic features within the project reach and downstream movement barriers that prevent fish from accessing the area. As barriers to fish passage are removed by Zone 7 and others,

the potential for steelhead to be present during project activities in the ADV may exist (Hanson et. al. 2004, as cited in Foothill Associates 2019). For this reason, ~~if determined to be necessary,~~ the Permittee ~~will~~ would be required to consult with the NMFS (pursuant to Section 7 of the Endangered Species Act) and ~~potentially~~ obtain an incidental take statement for work associated with the Lake A diversion structure and realignment of the ADV.

***END OF ERRATA***

### 3.2.7 Errata to Draft SEIR Section 4.3, "Biological Resources," p. 4.3-35

***Explanation***

Revisions have been made to Draft SEIR Section 4.3, "Biological Resources," in response to a comment received from the Alameda Creek Alliance (see Chapter 4, Comment 7-13). These changes amplified the analysis in Impact 4.3-1a to provide additional information regarding impacts to sycamore woodland, as also described in Response 7-13 (Arbor Day Foundation 2021). The following errata incorporate these revisions into Section 4.3.4.2, p. 4.3-35 of the Draft SEIR.

***ERRATA***

**Installation of Berms Between the ADV and Lake A**

Berms would be installed between Lake A and the ADV to reduce the potential for the ADV to overtop and for flood waters to flow into Lake A during reclamation operations and in future reclaimed conditions (see page 13 of Appendix B-1). An approximately 50-linear foot portion of berm to be constructed along the ADV at Lake A near Vallecitos Road would impact approximately 0.045-acre of sycamore woodland. See also a discussion of the Lake A Landscaping Plan, "Implementation of a Landscaping Plan," regarding proposed replacement of the impacted sycamore woodland habitat, provided below.

. . .

**Implementation of a Landscape Plan**

The proposed project also includes an updated landscape plan for Lake A that features California native drought tolerant tree, shrub, and grass species that are well-adapted to Alameda County. The species chosen for inclusion in the seed mixes are intended to be self-sustaining without dependence on irrigation, or ongoing applications of soil amendments or fertilizers, provided that planting takes place in the fall and subsequent rainfall is not abnormally low. As such, irrigation should not be needed. See Appendix B-2, "Lake A Landscape Plan," and B-3, "Lake A Landscape Plan Functions and Values Memo" for full list of species and their proposed locations as part of restoration. Table 4 in Appendix B-2 also provides a detailed list of the seed mix for revegetation.

Some elderberry bushes (not occupied by valley elderberry longhorn beetle) are located in the Lake A area near the access road (see Figure 4.3-1), but these bushes would remain and are not located in an area that would be impacted by project activities. The Lake A Landscape~~e~~ing Plan also includes planting and temporary irrigation of approximately 2,500 trees and shrubs and hydroseeding 53 acres of land in the Lake A area. Of the approximately 2,500 trees and shrubs, 49 new sycamore trees are proposed to replace the 0.045-acre sycamore woodland habitat that would be impacted by an approximately 50-linear foot portion of a proposed berm. The proposed ratio of replacement sycamore acreage (at maturity) to acreage impacted can be calculated using

the canopy spread of a mature sycamore, which ranges from 40 to 70 feet in diameter (Arbor Day Foundation 2021). To be conservative, the calculation will use a radius of 20 feet (half the diameter of lowest in the range), which would result in an area of 1,256 square feet per tree. When multiplied by 49, the number of proposed replacement trees, the result is 61,544 square feet, or 1.41 acres. The ratio of the proposed replacement tree acreage of 1.41 acres (at minimum) to the impacted 0.045-acre of existing sycamore woodland could therefore be simplified to approximately 634:1.

The ~~plan~~ Lake A Landscaping Plan also features a low maintenance, low water use design that is exempt from State of California Model Water Efficient Landscape Ordinance requirements and was designed specifically to ensure compatibility with the reclaimed end use of water management to be operated by Zone 7 (see page 14 of Appendix B-1) (Helix 2020a). Furthermore, the Lake A landscaping plan uses current revegetation methods and standards to update the approved reclamation plan with a low maintenance, low water use design (CEMEX 2019).

***END OF ERRATA***

### 3.2.8 Errata to Draft SEIR Section 4.3, "Biological Resources," p. 4.3-39

***Explanation***

Revisions have been made to Draft SEIR Section 4.3, "Biological Resources," in response to a comment received from the Alameda Creek Alliance regarding impacts to sycamore woodland (see Chapter 4, Comment 7-13). These changes modify the analysis in Impact 4.3-1a to incorporate additional information regarding impacts to sycamore woodland, as provided in Section 3.2.7, above. The following errata incorporate these revisions into Section 4.3.4.2, p. 4.3-35 of the Draft SEIR.

***ERRATA***

Vegetation within this community also provides potential nesting habitat for various bird species (Foothill Associates 2019). Therefore, Lake A reclamation activities would result in a loss of habitat for special status species which potentially reside in these communities.

Although these elements would result in some habitat and surface disturbance, the disturbance or removal would overall enhance wildlife habitat by providing substantial new landscaping with native species to compensate for any existing habitat removal, the majority of which is comprised of non-native species. Furthermore, the diversion structure, including the intake (fitted with a screen to prevent fish capture or trapping), a low-head diversion dam to control water levels in the channel, a bypass structure for fish passage, a flow control structure, a conduit into Lake A, and the infiltration bed would be subject to Mitigation Measure 4.3-1a, "Obtain Regulatory Entitlements and Authorizations," which requires the ~~Applicant~~ Permittee to obtain regulatory entitlements and authorizations from the USACE, RWQCB, and CDFW.

In addition, although the approximately 50-linear foot portion of berm to be constructed along the ADV at Lake A near Vallecitos Road would impact approximately 0.045-acre of sycamore woodland habitat, the proposed Lake A Landscaping Plan includes replacing this impacted area with 49 sycamore trees. The 49 new trees would result in 1.41 acres of new habitat, thereby replacing the removed area at an approximately 634:1 ratio. No further mitigation beyond Mitigation Measure 4.3-1a is required for this impact.

Finally, impacts on special status wildlife and plant species resulting from reclamation activities would be further reduced to a less than significant level with Mitigation Measures 4.3-1b through 4.3-1h, each of which provide more than one avoidance or minimization measure specific to the group of species or habitat in question. Therefore, this impact would be less than significant with mitigation incorporated.

***END OF ERRATA***

### 3.2.9 Errata to Draft SEIR Section 4.3, "Biological Resources," p. 4.3-41

***Explanation***

A minor revision has been made to Mitigation Measure 4.3-1e, "Loggerhead Shrike," in Draft SEIR Section 4.3, "Biological Resources," to correct the required window of time for surveys to occur prior to reclamation-related ground disturbing activities.

***ERRATA***

***Mitigation Measure 4.3-1e:*** *Loggerhead Shrike*

*To avoid and minimize potential impacts to loggerhead shrike, the following shall apply:*

1. *If reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) is to commence within 200 feet of suitable nesting habitat during the nesting season (February 15-August 31), then a qualified biologist shall conduct a pre-construction survey for loggerhead shrike nests in all suitable shrubs and trees that are within 200 feet from the construction activities. The survey shall occur within 3<u>0</u> days prior to the commencement of ground disturbing activities. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.*
2. *The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the Planning Department prior to the commencement of ground disturbing activity. If no active nests are found during the survey, then no further mitigation would be required.*
3. *If nesting individuals are found, then an exclusion zone shall be established within 200 feet of the active nest(s) until a qualified biologist determines that the young of the year are no longer reliant upon the nest.*
4. *Comply with the mitigation requirements and conditions of any Section 1600 Lake and Streambed Alteration Agreement (Agreement) with the California Department of Fish and Wildlife for project reclamation activities, as applicable to the loggerhead shrike. If there is a conflict between the terms of mitigation items 1, 2, or 3 above and the Agreement, then the ~~Applicant~~ <u>Permittee</u> shall abide by the terms of the Agreement.*

***END OF ERRATA***

### 3.2.10 Errata to Draft SEIR Section 4.3, "Biological Resources," pp. 4.3-55 to 4.3-56

***Explanation***

A minor revision has been made to Mitigation Measure 4.3-2b, "Riparian Habitat," in Draft SEIR Section 4.3, "Biological Resources," to clarify that the required 1:1 ratio may be overridden if the regulatory permit process results in a different required ratio.

***Mitigation Measure 4.3-2b:*** *Riparian Habitat*

*Within one year of the commencement of reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) associated with the construction of the Lake A diversion structure, realigned Arroyo del Valle, or other areas identified as riparian habitat in the project biological resources assessment report, the ~~applicant~~ Permittee shall mitigate for any permanent riparian impacts at a minimum 1:1 ratio, unless the regulatory permit process results in a different ratio. The implementation of mitigation for the loss of riparian habitat may be addressed separately for each phase of reclamation (e.g., Lake A diversion structure or realigned Arroyo del Valle). Exact acreage per phase shall be determined in consultation with CDFW and other applicable regulatory requirements. Mitigation shall be accomplished by complying with the following:*

1. *Enter into and comply with the mitigation requirements and conditions of a Section 1600 Lake and Streambed Alteration Agreement (Agreement) with CDFW.*
2. *If the Agreement results in less than a 1:1 mitigation ratio for loss of riparian habitat, then the ~~applicant~~ Permittee shall demonstrate that the riparian habitat which went unmitigated/uncompensated as a result of permitting has been mitigated through other means. Acceptable methods include purchase of credits from a mitigation bank or creation/preservation of on-site or off-site riparian habitats through the establishment of a permanent conservation easement, subject to the approval of the Planning Department.*

***END OF ERRATA***

### 3.2.11 Errata to Draft SEIR Section 4.3, "Biological Resources," pp. 4.3-58 to 4.3-59

#### *Explanation*

A minor revision has been made to Mitigation Measure 4.3-2b, "Riparian Habitat," in Draft SEIR Section 4.3, "Biological Resources," to clarify that the required 1:1 ratio may be overridden if the regulatory permit process results in a different required ratio.

**Mitigation Measure 4.3-3:** 1:1 Wetland Compensation Ratio

*Prior to the commencement of reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) associated with the construction of the Lake A diversion structure, realigned Arroyo del Valle, or in other areas identified as containing wetlands in the project aquatic resource delineation report, the ~~applicant~~ Permittee shall mitigate for direct and indirect wetland impacts at a 1:1 ratio, unless the regulatory permit process results in a different ratio. The implementation of mitigation for the loss of wetlands may be addressed separately for each phase of reclamation (e.g., Lake A diversion structure or realigned Arroyo del Valle). Exact acreage per phase shall be determined prior to initiating that phase based on the verification of the preliminary jurisdictional determination by the USACE and other applicable regulatory requirements. Mitigation shall be accomplished by complying with the following:*

a) *Obtain and comply with the mitigation requirements and conditions of a Section 404 Permit(s) and Section 401 Water Quality Certification(s) for reclamation activities, as applicable.*
b) *If regulatory permitting processes result in less than a 1:1 compensation ratio for loss of wetlands, then the ~~applicant~~ Permittee shall demonstrate that the wetlands which went unmitigated/uncompensated as a result of permitting have been mitigated through other means. Acceptable methods include purchase of credits from a mitigation bank or creation/preservation*

*of on-site or off-site wetlands through the establishment of a permanent conservation easement, subject to the approval of the Planning Department.*

***END OF ERRATA***

### 3.2.12 Errata to Draft SEIR Section 4.4, "Geology and Soils," p. 4.4-19 and 4.4-20

***Explanation***

Revisions have been made to Draft SEIR Section 4.4, "Geology and Soils," to address Zone 7 comments on the Draft SEIR requesting installation of an inclinometer (see Final SEIR Chapter 4, Comment 1-8). This change modified impact analysis for Impact 4.4-1 and Impact 4.4-2. The following errata incorporate these revisions.

***ERRATA***

**Impact 4.4-1: Exposure of People or Structures to Potential Substantial Adverse Effects, Including the Risk of Loss, Injury, or Death as a Result of Rupture of a Known Fault**

The project site is not located within a State-designated Alquist-Priolo Earthquake Fault Zone (Geocon 2019a). No faults are on-site, and the nearest fault is 3 miles southeast of the site. The project area is in a seismically active area, with the potential for moderately strong ground shaking from sources such as the Greenville Fault. The project includes changes to the design of approved structures (e.g., spillways, underground conveyance pipes, berms). However, no new structures are proposed and no structures would be located on a fault; thus, no new risk would be introduced.

In addition, per the slope stability analysis (see Appendix E-1), the proposed slopes on-site would achieve the required factors of safety under static and seismic conditions (Geocon 2019a). Furthermore, the County would implement a Condition of Approval requiring installation of an inclinometer to a depth that extends to at least the proposed mining depth to ensure the health, safety, and welfare of users of State Route (SR) 84 and neighbors that live in Livermore. Therefore, the project's potential to introduce substantial adverse effects as a result of rupture of a known fault is less than significant and no mitigation is required.

**Level of Significance:** Less than significant.

**Mitigation Measures:** None required.

**Impact 4.4-2: Exposure of People or Structures to Potential Substantial Adverse Effects, Including the Risk of Loss, Injury, or Death as a Result of Strong Seismic Ground Shaking**

As discussed in Impact 4.4-1, above, no new structures are proposed and the proposed slopes on-site would achieve the required factors of safety under static a) seismic conditions (Geocon 2019a)~~;~~. Furthermore, the County would implement a Condition of Approval requiring installation of an inclinometer to a depth that extends to at least the proposed mining depth to ensure the health, safety, and welfare of users of SR 84 and neighbors that live in Livermore. ~~t~~Thus, no new risk would be introduced. Therefore, this impact is considered less than significant, and no mitigation is required.

**Level of Significance:** Less than significant.

**Mitigation Measures:** None required.

***END OF ERRATA***

### 3.2.13 Errata to Draft SEIR Section 4.4, "Geology and Soils," p. 4.4-20

***Explanation***

Revisions have been made to Draft SEIR Section 4.4, "Geology and Soils," to address Zone 7 comments on the Draft SEIR requesting additional surveying and installation of an inclinometer (see Final SEIR Chapter 4, Comments 1-7 and 1-8). These changes modified impact analysis for Impact 4.4-3. The following errata incorporate these revisions.

***ERRATA***

**Impact 4.4-3: Exposure of People or Structures to Seismic-Related Ground Failure, Including Liquefaction, or Landslides**

Portions of the site are mapped as having either the potential for liquefaction or landslides. As described in Impact 4.4-1, the project includes no new structures, and the proposed slopes on-site would achieve the required factors of safety under static and seismic conditions (Geocon 2019a and Geocon 2019b). Therefore, this impact would be less than significant, and no mitigation is required.

In response to Zone 7's March 3, 2021 comment letter, the County would also implement two new Conditions of Approval (COAs), the first of which would require installation of an inclinometer to a depth that extends to at least the proposed mining depth to ensure the health, safety, and welfare of users of SR 84 and neighbors that live in Livermore. The second COA would require CEMEX to survey the bottom of the dry mining pits on a semi-annual basis to ensure approved mining depths are not exceeded, which could result in slope stabilities outside of what has been analyzed to date. It should be noted that these COAs address vested mining activity that is not part of the proposed project. In addition, a COA shall be required that prior to final reclamation sign-off by the County, CEMEX shall have a geotechnical report prepared to establish that the final reclamation slope on the east wall of Lake B meets the Factors of Safety that are required by SMARA.

**Level of Significance:** Less than significant.

**Mitigation Measures:** None required.

***END OF ERRATA***

### 3.2.14 Errata to Draft SEIR Section 4.4, "Geology and Soils," p. 4.4-23

***Explanation***

Revisions have been made to Draft SEIR Section 4.4, "Geology and Soils," to address Zone 7 comments on the Draft SEIR requesting additional surveying and installation of an inclinometer (see Final SEIR Chapter 4, Comments 1-7 and 1-8). These changes modified impact analysis for Impact 4.4-5. The following errata incorporate these revisions.

***ERRATA***

**Impact 4.4-5: Be Located on a Geologic Unit or Soil That Is Unstable, or That Would Become Unstable as a Result of the Project, and Potentially Result in On- or Off-Site Landslide, Lateral Spreading, Subsidence, Liquefaction, or Collapse**

Impact 4.4-3, above, discusses the potential for the project to result in impacts associated with liquefaction and landslides and concludes that these potential impacts are less than significant. Further, the risk of settlement caused by earthquakes by densification of dry alluvium material at the site is considered to be low because the existing alluvial materials are generally dense, consolidated, and somewhat cemented. As discussed at Impact 4.4-1, the proposed slopes on-site would achieve the required factors of safety under static and seismic conditions (Geocon 2019a and Geocon 2019b). Therefore, this impact would be less than significant.

In response to Zone 7's March 3, 2021 comment letter, the County would also implement two new Conditions of Approval (COAs), the first of which would require installation of an inclinometer to a depth that extends to at least the proposed mining depth to ensure the health, safety, and welfare of users of SR 84 and neighbors that live in Livermore. The second COA would require the Permittee to survey the bottom of the dry mining pits on a semi-annual basis to ensure approved mining depths are not exceeded, which could result in slope stabilities outside of what has been analyzed to date. However, these COAs address vested mining activity that is not part of the proposed project. In addition, a COA shall be required that prior to final reclamation sign-off by the County, CEMEX shall have a geotechnical report prepared to establish that the final reclamation slope on the east wall of Lake B meets the Factors of Safety required by SMARA.

**Level of Significance:** Less than significant.

**Mitigation Measures:** None required.

***END OF ERRATA***

### 3.2.15 Errata to Draft SEIR Section 4.6, "Hydrology and Water Quality," p. 6.4-92 and 6.4-93

***Explanation***

Revisions have been made to page 6.4-92 and 6.4-93 of Draft SEIR Section 4.6, "Hydrology and Water Quality," in response to a request made by Zone 7 to adopt their same sampling schedule and parameters. This change modified the impact analysis to include a discussion about a new COA that would require the Permittee to adopt Zone 7's sampling schedule and parameters as requested. In addition, Mitigation Measure 4.6-3 language has been revised to make the measure more enforceable. The following errata incorporate these revisions.

***ERRATA***

Once mining is completed, there would be no significant impact related to mixing of groundwater from the lower and upper aquifers with the implementation of design features discussed above and the adoption of Mitigation Measure 4.6-2, which would eliminate or reduce any impacts to water quality standards or waste discharge requirements or substantial degradation to surface water or groundwater quality due to iron. In addition, ~~two or~~ up to three groundwater well monitoring locations would be added on the perimeter of Lake B to monitor groundwater quality, as required by Mitigation Measure 4.6-3. Finally, in response to comments made by Zone 7 in its March 3, 2021

letter, the Permittee has agreed to abide by a condition of approval that would require CEMEX to adopt the same sampling schedule and parameters used by Zone 7 for the proposed sentinel monitoring wells until such time as reclamation is complete and Lakes A and B are transferred to Zone 7. For these reasons, the potential impact associated with elevated iron concentrations in reclaimed lakes at the project site and water quality in the Upper and Lower Aquifers is considered less than significant with mitigation incorporated.

**Level of Significance:** Potentially significant.

**Mitigation Measures:**

***Mitigation Measures:*** *Implement Mitigation Measure 4.6-1 (see Impact 4.6-1a, above).*

***Mitigation Measure 4.6-2:*** Implementation of Adaptive Management Program for Iron

*The Permittee shall implement the Adaptive Management Program for Iron (see Appendix F-6 to the SEIR), which will be incorporated into conditions of approval.*

***Mitigation Measure 4.6-3:*** Install Lake B Groundwater Monitoring Wells

*The Permittee shall install ~~two or~~ up to three groundwater monitoring wells on Lake B perimeter. ~~after~~ Permittee shall consult~~ation on locations~~ with Zone 7 regarding the location and specifications of these wells. ~~to inform MM 4.6-3 actions.~~ The Permittee shall provide documentation to the County that they have conducted a good faith effort of coordinating with Zone 7 regarding the amount and location of the groundwater monitoring wells.*

***END OF ERRATA***

### 3.2.16 Errata to Draft SEIR Section 4.6, "Hydrology and Water Quality," p. 6.4-104

#### *Explanation*

Revisions have been made to Draft SEIR Section 4.6, "Hydrology and Water Quality." These changes modified the cross references to mitigation measures to accurately reflect the intended measures discussed. The following errata incorporate these revisions.

***ERRATA***

To prevent any disruption to the silt caused by conveyance of water from Lake A to Lake B, with associated erosion and sedimentation, implementation of Mitigation Measure 4.6-~~3~~4 is required. Mitigation Measure 4.6-~~3~~4 requires implementation of one of two options to convey water around the Lake B silt storage area, including a high-density polyethylene (HDPE) pipe connected to the Lake B pipeline turnout or a lined channel across the top of the compacted backfill surface of the silt storage facility at the east end of Lake B. With the implementation of Mitigation Measure 4.6-~~3~~4, erosion and siltation impacts due to conveyance of water from Lake A to Lake C and Lake A to Lake B would be less than significant.

***END OF ERRATA***

### 3.2.17 Errata to Draft SEIR Section 4.6, "Hydrology and Water Quality," p. 6.4-105

***Explanation***

Revisions have been made to Draft SEIR Section 4.6, "Hydrology and Water Quality." These changes modified the cross references to mitigation measures to accurately reflect the intended measures discussed. The following errata incorporate these revisions.

***ERRATA***

In addition, the overflow outlet flow path and apron would be lined with riprap to mitigate the potential for erosion to occur. This stable pathway would ensure that construction of the Lake B spillway would have a less than significant impact on erosion, siltation, surface runoff that would result in flooding, polluted runoff, or impeded or redirected flood flows. However, as noted above, the conveyance of water from Lake A to Lake B could result in a significant impact in this regard. As a result, Mitigation Measure 4.6-~~34~~34, below, is required to reduce this impact to a less than significant level.

***END OF ERRATA***

### 3.2.18 Errata to Draft SEIR Section 4.6, "Hydrology and Water Quality," p. 6.4-109

***Explanation***

Revisions have been made to Draft SEIR Section 4.6, "Hydrology and Water Quality." These changes modified the cross references to mitigation measures to accurately reflect the intended measures discussed. The following errata incorporate these revisions.

***ERRATA***

**Impact 4.6-5: Conflict with or Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan**

Unlike the previous thresholds of significance that require impact statements for each major component of the proposed project, this impact statement applies to the entire site and each component. Zone 7's Alternative Plan requires implementation of the Chain of Lakes to comply with the Sustainable Groundwater Management Plan. The proposed reclamation plan is a component of the implementation of the Chain of Lakes. The ~~Applicant~~ Permittee would continue to adhere to all applicable plans, permits, and regulations governing water quality. During construction related to reclamation, the ~~Applicant~~ Permittee would comply with its NPDES permit (NPDES No. CAG982001), effective January 1, 2021, and Mitigation Measure 4.6-1, discussed above, which includes obtaining a Stormwater General Permit with an associated SWPPP that would require BMPs for construction. Therefore, the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and impacts would be less than significant.

**Level of Significance:** Potentially Significant

**Mitigation Measure:** Implement Mitigation Measures 4.6-1 (see Impact 4.6-1a, above), 4.4-1 (see Section 4.4), 4.6-2, ~~and~~ 4.6-3 (see Impact 4.6-1d), and 4.6-4 (see Impact 4.6-3d).

***END OF ERRATA***

### 3.2.19 Errata to Draft SEIR Section 4.8, "Noise," p. 4.8-20

#### *Explanation*

Revisions have been made to Draft SEIR Section 4.8, "Noise," to address a comment on the Draft SEIR made by the City of Livermore (see Chapter 4, "Response to Comments," Comment 2-3), as well as correct mitigation naming consistency. The change modified the language of Mitigation Measure 4.4-1, "Daily Limitation of Construction Hours," which originally appears in Draft SEIR Section 4.1 and is repeated in Section 4.8. The following errata incorporate these revisions.

#### *ERRATA*

In addition, construction noise is exempt from the requirements of the Alameda County and City of Livermore noise standards provided construction activities are limited to the hours of 7 a.m. – 8 p.m., Monday through Friday, and 8 a.m. – 8 p.m. on Saturday or Sunday. However, if construction activities were to occur during nighttime hours after 8 p.m., such activities would not be exempt from the local noise standards and the applicable nighttime noise level standards would be exceeded at the residences to the south of Vineyard Avenue. As a result, this nighttime noise impact is considered potentially significant. This impact would be reduced to less than significant with implementation of Mitigation Measure 4.1-1, "~~Hourly~~ Daily Limitation of Construction ~~Activities~~ Hours," which is described in Section 4.1, "Aesthetics and Visual Resources," of this SEIR.

**Level of Significance:** Potentially significant.

**Mitigation Measure 4.1-1:** Daily Limitation of Construction Hours
*(see Section 4.1, "Aesthetics and Visual Resources," of this SEIR)*

*All ~~construction~~ reclamation-related construction activities shall be limited to the hours of 7 a.m. – 7 p.m. Monday through Friday, and ~~8~~ 9 a.m. – ~~5~~ 6 p.m. on Saturday. Reclamation construction activity shall be prohibited on ~~and~~ Sundays.*

**Significance after Mitigation:** Less than significant.

#### *END OF ERRATA*

### 3.2.20 Errata to Draft SEIR Section 4.8, "Noise," p. 4.8-22

#### *Explanation*

Revisions have been made to Draft SEIR Section 4.8, "Noise," to address a comment on the Draft SEIR made by the City of Livermore (see Chapter 4, "Response to Comments," Comment 2-4), as well as correct mitigation naming consistency. This change modified the language of Mitigation Measure 4.8-2, "Notice of Activities." The following errata incorporate these revisions.

#### *ERRATA*

***Mitigation Measure**: Implement Mitigation Measure 4.1-1, "~~Hourly~~ Daily Limitation of Construction ~~Activities~~ Hours" (see Section 4.1, "Aesthetics and Visual Resources," of this SEIR)*

***Mitigation Measure 4.8-1a:** Notice of Activities*

*All residences within 500 feet of the conduit and pipeline installation components of the proposed project and the City of Livermore Community Development Department 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 notice shall be sent no less than one week prior to construction activities.*

***END OF ERRATA***

### 3.2.21 Errata to Draft SEIR Chapter 7, "Other CEQA Topics," p. 7-3

***Explanation***

Revisions have been made to Draft SEIR Chapter 7, "Other CEQA Topics," to address a new mitigation measure, as discussed in Section 4.3.3. These changes modified impact analysis and mitigation for Impact 7-2b. The following errata incorporate these revisions.

***ERRATA***

**Impact 7-2b: Impacts that are Individually Limited but Cumulatively Considerable: Criteria Pollutants ROG, CO, $SO_X$, $PM_{10}$, and $PM_{2.5}$**

Section 4.2, "Air Quality," and Chapter 5, "Cumulative Impacts," of this SEIR evaluate the proposed project's potential impacts to air quality, including an evaluation of cumulatively considerable increases of criteria pollutants. As described in Section 4.2 and Chapter 5, proposed project operations associated with reclamation would emit criteria air pollutants, including reactive-organic gases (ROG), $NO_X$, carbon monoxide (CO), sulfur oxides ($SO_X$), respirable particulate matter ($PM_{10}$), and particulate matter ($PM_{2.5}$) from construction equipment and from mobile equipment and motor vehicles associated with excavation, grading/fill, and construction of water management facilities at Lakes A and B.

Section 4.2 presents the daily and annual criteria air pollutants and ozone precursor emissions analyses. The modeling results from *the Air and Greenhouse Gas Emissions Study's* (Appendix C-1) indicate that project criteria pollutant emissions are below applicable BAAQMD thresholds of significance for CEQA except for daily emissions of NOx. Therefore, the proposed project's estimated ROG, CO, $SO_X$, $PM_{10}$, and $PM_{2.5}$ emissions would constitute a less than significant impact.

Despite the less than significant impact, the County would require Mitigation Measure 4.2-2 to further reduce potential impacts from $PM_{10}$ and $PM_{2.5}$ emissions.

**Level of Significance:** Less than Significant.

**Mitigation Measure:** None required, but the following Mitigation Measure has been added at the request of the City of Livermore, as originally presented in Section 4.2, "Air Quality."

**Mitigation Measure 4.2-2:** Update Dust Control Plan

*Within 90 days of proposed project approval, the Permittee shall update its existing 2015 Dust Control Plan to address changes that would occur as a result of the proposed project. The new plan shall comply with BAAQMD best practices and be approved by the County.*

***END OF ERRATA***

### 3.2.22 Errata to Draft SEIR Chapter 7, "Other CEQA Topics," p. 7-5

***Explanation***

Revisions have been made to Draft SEIR Chapter 7, "Other CEQA Topics," to address a new mitigation measure, as discussed in Section 4.3.3, and mitigation measure naming consistency for Mitigation Measure 4.4-1. These changes modified relevant mitigation measures for Impact 7-3. The following errata incorporate these revisions.

***ERRATA***

The SEIR and Initial Study jointly state that the proposed project's impacts on greenhouse gas emissions, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, transportation/traffic, and utilities would be less than significant or less than significant with mitigation incorporated.

**Level of Significance Before Mitigation:** Potentially Significant.

**Mitigation Measures:** Relevant mitigation measures required to reduce most of this impact to a less than significant level include:

- Mitigation Measure 4.1-1: ~~Hourly~~ Daily Limitation of Construction ~~Activities~~ Hours. See Section 4.1, "Aesthetics and Visual Resources."
- Mitigation Measure 4.2-1: Off-road Equipment Plan. See Section 4.2, "Air Quality."
- Mitigation Measure 4.2-2: Update Dust Control Plan
- Mitigation Measure 4.4-1: Erosion Control Plan. See Section 4.4, "Geology and Soils."
- Mitigation Measure 4.4-2: Berm and Embankment Grading.
- Mitigation Measure 4.4-3: Embankment Fill Slope Geometry
- Mitigation Measure 4.4-4: Cut Slope of Lake B Adjacent to Realigned ADV
- Mitigation Measure 4.5-1a: Idling Times. See Section 4.5, "Greenhouse Gas Emissions."
- Mitigation Measure 4.5-1b: Idling Times for Diesel-powered Equipment.
- Mitigation Measure 4.5-1c: Equipment Maintenance.
- Mitigation Measure 4.5-1d: Alternative Fuel Plan.
- Mitigation Measure 4.5-1e: Local Building Materials.
- Mitigation Measure 4.5-1f: Recycle or Reuse Construction and Demolition Materials.
- Mitigation Measure 4.5-1g: On-site material hauling.
- Mitigation Measure 4.5-1h: Generator Alternative Fuel.
- Mitigation Measure 4.6-1: Development of SWPPP. See Section 4.6, "Hydrology and Water Quality."
- Mitigation Measure 4.6-2: Implementation of Adaptive Management Program for Iron
- Mitigation Measure 4.6-3: Conveyance to Avoid Lake B Silt Storage Area
- Mitigation Measure 4.8-1a: Notice of Activities. See Section 4.8, "Noise."
- Mitigation Measure 4.8-1b: Mufflers.

***END OF ERRATA***

### 3.2.23 Errata to Draft SEIR Appendix A-3, "Comments on NOP"

***Explanation***

The Draft SEIR Appendix A-3, "Comments on the NOP," inadvertently excluded a comment letter from NMFS. This comment letter is included in Final SEIR Appendix B, "Errata to Comments on the NOP," to include the letter in the record. No errata are needed below to incorporate this revision. See Appendix B of the Final SEIR.

# 4—RESPONSE TO COMMENTS

# 4—RESPONSE TO COMMENTS

## 4.1 INTRODUCTION

This section of the Final Subsequent Environmental Impact Report (Final SEIR) for the Eliot Quarry (Surface Mining Permit 23 [SMP-23]) Reclamation Plan Amendment Project (proposed project) provides specific responses to each issue raised in comments on the Draft SEIR. Comment letters are ordered as received from agencies, organizations, and individuals. Each comment letter has been assigned a number and the individual comments/issues within each letter are assigned sequential subnumbers (e.g., 1-1, 1-2). An index that lists each commenter and the number assigned to the comment letter is provided on the following pages.

The text of each comment/issue is reproduced using `courier new font` and is followed by the County's response numbered to correspond with each respective comment. All comment letters are also provided in the SEIR original form in Appendix A, "Comments on Draft SEIR," where the comment letters are numbered in the upper right corner of the first page to correspond to the numbering used in this section. Note that the reproduction of comments in this section is intended to reflect the text of the comment letters. Formatting; font emphases (e.g., underline, bold, all capital); and graphics, tables, and other attachments are not necessarily reflected in the reproduced text here and are noted in brackets in certain instances in this section. The County has reviewed all original comment letters on the SEIR with original formatting, font emphasis, graphics, tables, and other attachments. Reviewers interested in the content of a specific comment letter should see Appendix A for a reproduction of the original letter.

The County has provided a response to all comments received during public circulation of the Draft SEIR. In every instance, each comment was carefully considered for its contribution of information regarding environmental impacts and other issues relevant to the County's CEQA review of the project. In general, all comments concerning an environmental issue pertaining to analysis in the Draft SEIR receive a response that either (1) summarizes the information provided in the SEIR and directs the commenter to the section(s) of the SEIR providing that information or (2) provides additional clarifying information concerning the environmental issue raised by the commenter.

In some instances, information in comments was incorporated into the Final SEIR to amplify the impact analysis or mitigation measures, or to otherwise clarify the information presented. In none of these instances did the additional information incorporated to this Final SEIR result in identifying a new significant impact or an increase in the severity of a significant impact identified in the Draft SEIR. Thus, while these revisions amplify and clarify information based on certain comments, these revisions do not result in requiring the County to recirculate the SEIR for public review and comment before certification.

If the comment did not address an environmental issue (e.g., opposition or support of the project), a response is provided noting that this comment does not pertain to an environmental issue. All comments will be considered by County decision makers for the SEIR deliberations in approval or denial of the entitlements requested for the project.

## 4.2 COMMENT LETTERS

Table 4-1, "Comment Letters," lists the comment letters and provides the numbering and order used to organize the comment letters received.

**TABLE 4-1**
**COMMENT LETTERS**

| Commenter | Comment Letter No. |
|---|---|
| **AGENCIES** | |
| Alameda County Flood Control and Water Conservation District, Zone 7, Elke Rank | 1 |
| City of Livermore, Steve Stewart, Planning Manager | 2 |
| Dublin San Ramon Services District, Daniel McIntyre, General Manager | 3 |
| **ORGANIZATIONS** | |
| Pacific Gas and Electric Company, Plan Review Team | 4 |
| Pleasanton Chamber of Commerce, Steve Van Dorn | 5 |
| Livermore Valley Chamber of Commerce, Keith Carson | 6 |
| Alameda Creek Alliance, Jeff Miller | 7 |
| Dublin Chamber of Commerce, Inge Houston | 8 |
| California Water Service | 9 |
| Associated Builders and Contractors, Inc., Northern California Chapter, Nicole Goehring | 10 |
| **INDIVIDUALS** | |
| Fabian Moreno | 11 |

## 4.3 AGENCIES

### Alameda County Flood Control and Water Conservation District, Zone 7, Elke Rank; March 3, 2021

### Comment 1-1

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 fro (sic) your consideration.

### Response 1-1

The County appreciates Zone 7's review and input throughout the life of the proposed project. The responses to comments in this Final SEIR are limited to comments provided on the adequacy of the Draft SEIR. Furthermore, this Final SEIR supersedes prior Notices of Availability (NOAs) and Notices of Preparation (NOPs). Comments on prior NOAs and NOPs were considered in the environmental analysis and included in Appendix A, "Initial Study and NOC/NOP," of the Draft SEIR. Therefore, no further response is required.

### Comment 1-2

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.

### Response 1-2

The responses to comments in this Final SEIR are limited to comments provided on the adequacy of the Draft SEIR. The comment that Zone 7 agrees that the proposed project must be consistent with LAVQAR is noted. This is not a comment on the adequacy of the Draft SEIR, and no further response is required. However, the County also notes that existing Condition of Approval (COA) 4 currently requires CEMEX to comply with LAVQAR. Regarding Zone 7's comment that it's private agreement between CEMEX and Zone 7 should be used to define the proposed project has been defined based on the Permittee's application, technical reports, and subsequent environmental evaluations, which is appropriate for the purposes of CEQA.

### Comment 1-3

b. Adequacy of Alternatives. It should be noted that Alternative 4 does not abide by LAVQAR or the Zone 7/CEMEX agreement.

### Response 1-3

The Draft SEIR notes that the current version of LAVQAR, the approved reclamation plan, and contract between CEMEX and Zone 7 call for diverting 500 cubic feet per second (cfs) (Draft SEIR pp. 2-17; 6-10). In addition, the Draft SEIR acknowledges that Alternative 4 may not meet all of the proposed project objectives, particularly Objective 6, which provides: "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." (Draft SEIR p. 6-10). As a result, consistency of Alternative 4 with this objective would require negotiations between Zone 7, CEMEX, and the Community Development Agency of Alameda County. Therefore, Alternative 4 would not be able to achieve Objective 6. However, for clarification, the approved reclamation plan calls for the re-routing of the Arroyo Del Valle (ADV) through Lake A. The 1988 Zone 7 agreement and the LAVQAR 500 cfs requirement are for the pipeline from the ADV at Lake A into Lake C (LAVQAR p. 4; Zone 7 Agreement p. 4). Thus, the proposed project diversion structure from the *separated* ADV is not the same diversion as described in the 1988 Zone 7 agreement or LAVQAR.

### Comment 1-4

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.

### Response 1-4

The comment notes that the proposed project area lies over the Main Basin portion of the Livermore Valley Groundwater Basin, which is subject to the Alternative Sustainable Groundwater Management Plan. The Draft SEIR acknowledges that the Chain of Lakes must comply with the Alternative Groundwater Sustainability Plan and the proposed reclamation plan is a component of the implementation of the Chain of Lakes. In addition, the proposed project would continue to adhere to all applicable plans, permits, and regulations, including the Sustainable Groundwater Management Plan (Draft SEIR p. 4.6-109).

### Comment 1-5

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.

### Response 1-5

The comment states that the impacts of mining activities on the whole of the groundwater basin were not evaluated. As the Draft SEIR explains, mining and processing at the project site are subject to vested rights. Therefore, these activities are not subject to discretionary decisions by the County (Draft SEIR p. 2-1). Rather, the proposed project is limited to analyzing the potential impacts associated with revisions to the approved reclamation plan (Draft SEIR pp. 2-1 to 2-2). In addition, the proposed project would comply with Zone 7's Alternative Sustainable Groundwater Management Plan. The Draft SEIR also evaluated the potential for reclamation to deplete groundwater supplies (Impacts 4.6-2a through 4.6-2d). The Draft SEIR concluded that these potential impacts would be less than significant (Draft SEIR pp. 4.6-93 to 4.6-100). Thus, the proposed project would have a less than significant impact as a result of conflict with a sustainable groundwater management plan (Draft SEIR p. 4.6-109). Therefore, no further mitigation is required.

In addition, while Zone 7 has the responsibility for ensuring safe drinking water, the County also has responsibility of ensuring the health, safety, and welfare of the community. Towards that end, the County has included Mitigation Measures 4.6-2, "Implementation of Adaptive Management Program for Iron," which includes groundwater monitoring (see Appendix F-6, "Adaptive Management Program for Water Quality Regarding Iron," of the Draft SEIR), and 4.6-3, "Install Lake B Groundwater Monitoring Wells," which requires installation of up to three groundwater monitoring wells and consultation with Zone 7 regarding the location and specifications of these wells. Mitigation Measure 4.6-3 (Draft SEIR p. 4.6-93; Final SEIR Chapter 3, "Draft SEIR Errata," Section 3.2.15).

### Comment 1-6

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.

### Response 1-6

As noted in Impact 4.6-2a through 4.6-2d, the proposed project would not result in significant impacts related to the depletion of groundwater supplies or interference with groundwater recharge as a result of revisions to the approved reclamation plan (Draft SEIR pp. 4.6-93 to 4.6-99). Furthermore, the Water Supply Assessment states that the proposed project is anticipated to enhance recharge of the groundwater aquifers in the region and reduce evaporative loss of groundwater (Draft SEIR, Appendix F-7, "Water Supply Assessment," p. 6). In addition, the proposed project would continue to adhere to all applicable plans, permits, and regulations, including the Sustainable Groundwater Management Plan (Draft SEIR p. 4.6-109). No further mitigation is required.

### Comment 1-7

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.

### Response 1-7

As noted on the Draft SEIR, the proposed project would conform to LAVQAR, the County General Plan, seismic safety standards, and other applicable plans and regulations (Draft SEIR p. 4.4-16). In addition, proposed slopes would achieve the required factors of safety under static and seismic conditions (Draft SEIR pp. 4.4-19 to 4.4-20; Appendix E-1, "Geotechnical Investigation SMP-23 Reclamation," pp. 6 to 12). The County will add a condition of approval that CEMEX survey the bottom of the dry mining pits on a semi-annual basis (see Chapter 3, Sections 3.2.11 and 3.2.12 of this Final SEIR). A bathymetric survey would not be meaningful as the active mining pits are mined in a dry (temporarily dewatered) condition. No further mitigation is required, as the potential impacts are already less than significant.

### Comment 1-8

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.

### Response 1-8

As noted in the Draft SEIR, a Factor of Safety analysis was used to determine slope stability (Draft SEIR p. 4.4-16). The proposed slopes would achieve the required factors of safety under static and seismic conditions (Draft SEIR pp. 4-4-19 to 4.4-20; Appendix E-1, pp. 6 to 12). A recent investigation by CEMEX and PG&E has determined a slope instability issue adjacent to the western slope of Lake B. While it is generally agreed the instability is not related to mining or reclamation at the project Site, CEMEX is engineering and constructing a buttress to address this issue. In addition, the reclamation plan design also calls for a significant backfill of the east end of Lake B to elevation 340 mean sea level (msl), which would further buttress and significantly reduce the height of the slope at the east end of Lake B as compared to existing conditions. A condition of approval requiring installation of an inclinometer to a depth, as requested by Zone 7, that extends to at least the proposed mining depth shall be required to ensure the health, safety, and welfare of users of State Route (SR) 84 and neighbors that live in Livermore. In addition, a condition of approval shall be added to the project approval that prior to final reclamation sign-off by the County, CEMEX shall have a geotechnical report prepared to establish that the final reclamation slope on the east wall of Lake B meets the Factors of Safety required by SMARA.

### Comment 1-9

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.

### Response 1-9

The comment that Zone 7 is requesting notification of any other existing wells in the project area is noted. In addition, the proposed project would comply with applicable regulatory requirements, including permit applications required by Zone 7. The proposed project would be conditioned to require that all known wells within the reclamation plan boundary be added to a reclamation plan map that would be incorporated into the final approved reclamation plan for the site.

### Comment 1-10

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.

### Response 1-10

The comment that Zone 7 agrees that the proposed sentinel wells are important is noted. In addition, the proposed project would comply with applicable regulatory requirements, including permit applications required by Zone 7, which would provide the opportunity for Zone 7 to review proposed locations, depths, and constructed parameters.

### Comment 1-11

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.

### Response 1-11

To address Zone 7's concerns regarding the constituents of concern, the County first points to the Draft SEIR, which includes data collected for maximum concentrations of total chromium (Draft SEIR pp. 4.6-59 to 61). As noted in Appendix F-3, "Focused Water Quality Assessment for Lake B," of the Draft SEIR, the average chromium concentration was 2.6 μg/L for the 1980-2019 period, and no sampling locations had an average concentration above the minimum threshold for potential undesirable results, as defined by the Alternative Sustainable Groundwater Plan (10 μg/L) (Draft SEIR, Appendix F-3, pp. 18-19). In addition, all on-site wells maximum concentrations for total chromium were below 10 μg/L (Draft SEIR Tables 4.6-5, 4.6-6). Wells R3, R24, 19D7, and 29F4 are all located offsite, which means that readings from these locations are not relevant to the proposed project because on-site wells are more representative of the hydrologic conditions at the project site (Draft SEIR Figure 4.6-22, "Well Sampling Locations"). This sampling also conservatively assumes that all detected chromium is hexavalent chromium (Draft SEIR p. 4.6-65).

Second, Figure 2 of Zone 7's 2020 PFAS Potential Source Investigation contains a map showing no exceeded PFAS response levels in the Lake B area (Jacobs 2020). Third, on April 16, 2021, Kleinfelder took focused water quality samples at Lake B to test specifically for both PFAS and Chromium 6. The samples were collected from two locations near dewatering pumps at the base of the pit (i.e., where groundwater is present). PFAS and Chromium 6 were not detected in laboratory results, as shown in the Kleinfelder memorandum and laboratory results provided in Appendix C, "Laboratory Results for PFAS and Cr6."

The current State maximum contaminant level (MCL) for total chromium is 50 parts per billion (California Water Boards 2021). There are no sampling locations on the project site or in the vicinity that are near the State MCL (Draft SEIR p. 4.6-91). Finally, Chromium 6 would not persist in a natural groundwater environment (Wilbur et. al. 2012). As a result, the potential impact would be less than significant after the incorporation of mitigation, and no additional mitigation is required. However, CEMEX has agreed to abide by a condition of approval that would require CEMEX to adopt the same sampling schedule and parameters used by Zone 7 for the proposed sentinel monitoring wells until such time as reclamation is complete and Lakes A and B are transferred to Zone 7. See revisions in Section 3.2.15 of this Final SEIR.

### Comment 1-12

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.

### Response 1-12

The Draft SEIR acknowledges the existing flow regime and floodplain. This includes an analysis of peak discharges for a range of conditions (Draft SEIR pp. 4.6-45 to 4.6-51). A Hydrologic Engineering Centers River Analysis System (HEC-RAS) model was peer reviewed by the County and incorporated in the Draft SEIR analysis of the potential for the proposed project to result in flooding on or offsite (Draft SEIR p. 4.6-69). Impact 4.6-3 considers the potential for the proposed project to cause impacts due to flooding or redirecting flood flows (Draft SEIR pp. 4.6-100 to 4.6-106). As explained in Impact 4.6-3b, potential impacts due to additional runoff or impeding or redirecting flood flows would be less than significant after implementation of Mitigation Measure 4.6-1 and compliance with regulatory permits. No further mitigation is required.

Regarding climate change, the system is designed with freeboard following Alameda County's Hydrology and Hydraulics Manual, Code of Federal Regulations, Title 44, Section 65.10(b) Chapter I (10–1–2002 edition), which calls for a minimum of 3 feet above the water surface of the base flood. The sufficiency of freeboard is described throughout the Hydraulic Design Study, which is included as Appendix F-1, "Hydraulic Design Study," of the Draft SEIR. Table 3-2 of the Hydraulic Design Study shows that 100-year storm (base flood for floodplain management) peak discharge from Del Valle Reservoir is 4,500 cfs. The channel has been designed to convey 7,000 cfs (55 percent greater capacity than the existing peak discharge to convey flood flows).

Climate change is expected to reduce flows over time, not to increase them. Precipitation over California is expected to decrease by as much as 15 percent within 20 to 30 years (Halper 2017). Thus, any freeboard, and therefore ADV capacity, would increase. However, scientific data indicates that climate change may cause the increase in intensity of short-term storm events. To the extent that climate change affects operations at the Del Valle Reservoir, the ADV design is expected to handle these changes and, as required by County flood conveyance and SMARA's 20-year, one hour standard, the proposed channel design can accommodate additional short-term intense storm events, as supported by Appendix D, "Brown and Caldwell Technical Memorandum, October 12, 2020."

### Comment 1-13

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.

### Response 1-13

The recommended mitigation is not an enforceable action. Furthermore, COA-7f already requires CEMEX to file an application to amend the approved reclamation plan (such as the proposed project) that addresses the "need to coordinate the planning, design, and construction of all water conveyance structures between Lakes A, B and C with adjacent mine operator, property owners and the Zone 7 Water Agency." Also, existing COA-15 requires CEMEX to file an annual report on compliance with COAs, changed circumstances at the site, and efforts to address any issues of non-compliance with the County and Zone 7. Finally, potential impacts associated with the water diversion facility from the ADV to Lake A and for connecting Lake A to Lake B and Lake C would be reduced to less than significant levels after incorporation of mitigation measures (See Draft SEIR pp. 4.6-76 to 4.6-80; 4.6-100). No further mitigation is required.

### Comment 1-14

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.

### Response 1-14

The comment that Zone 7 has confirmed the presence of bald eagle nests in the Chain of Lakes area is noted. The Draft SEIR acknowledges that ruderal grassland mapped at the project site provides foraging habitat for raptors and nesting birds, including bald eagle (Draft SEIR p. 4.3-8). In addition, the Draft SEIR acknowledges that bald eagles are known to be present or have a high potential to occur at the project site (Draft SEIR pp. 4.3-15 and 4.3-34). As a result, the Draft SEIR included Mitigation Measure 4.3-1c to avoid and minimize potential reclamation impacts to nesting raptors, including bald eagle (Draft SEIR p. 4.3-40).

### Comment 1-15

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.

### Response 1-15

The comment that Zone 7 encourages the use of sustainable, climate-appropriate, and drought tolerant plants is noted. The Draft SEIR describes the implementation of a landscape plan that would feature California native drought tolerant tree, shrub, and grass species that are well-adapted to Alameda County (Draft SEIR pp. 4.3-36 and 4.3-39; Draft SEIR Appendix B-2, "Lake A Landscape Plan").

### Comment 1-16

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.

### Response 1-16

The comment that Zone 7 encourages trees and shrubs used in restoration efforts be propagated from locally sourced seeds is noted. The Draft SEIR explains that restoration associated with the realignment of

the ADV would include removal of invasive species and replanting with native riparian species (Draft SEIR pp. 4.3-44 to 4.3-45). In addition, see Response 1-12, above, regarding flow capacity of the realigned ADV.

### Comment 1-17

f. Phytophthora Concerns. Care should be given to avoid introduction of the Phytophthora pathogen to the area.

***Note**: The Alameda County Flood Control and Water Conservation District, Zone 7 letter also included two attachments, one a graphic and the second being a well data table, which provided no comments regarding the proposed project and can be viewed in-full via Appendix A, "Comments on the Draft SEIR."*

### Response 1-17

The comment that introduction of the Phytophthora pathogen to the area should be avoided is noted. In addition, addressing the Phytophthora pathogen is a typical requirement in Streambed Alteration Agreements, one of which would be required for the ADV realignment under Mitigation Measures 4.3-1a, 4.3-1b, 4.3-1c, 4.3-1e, 4.3-1f, 4.3-1g, 4.3-2a, and 4.3-2b (Draft SEIR pp. ES-6, 2-42, 4.3-55 to 57).

## City of Livermore, Steve Stewart; March 12, 2021

### Comment 2-1

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 (sic) 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

### Response 2-1

As noted in the Draft SEIR, mining in Lake A was discontinued in 2005 and construction activities to address potential Lake A slope stability issues were completed in 2008 pursuant to a County reviewed and approved Corrective Action Plan (Draft SEIR p. 4.4-19). The proposed project does not include additional mining in Lake A. Thus, the Draft SEIR analysis is limited to the potential impacts resulting from revisions to the Reclamation Plan and associated reclamation-related construction impacts. Proposed revisions to the previously approved reclamation plan include reducing the final surface area of Lake A from 208-acres to 81-acres with limited earthmoving (Draft SEIR p. 4.4-18).

Separately, Caltrans has acknowledged the following in a memorandum dated April 17, 2020, and signed by Caltrans' Chief for the Branch C Office of Geotechnical Design (Momenzadeh and Nesbitt, pers. comm., 2020):

> "It is our opinion that the settlement in the north bound lane of Route 84 may be the result of poor compaction of the underground utilities. The settlement of the south bound lanes may be due to poor compaction during construction."

In their memorandum, Caltrans recommended repair for the observed roadway settlements by injecting polyurethane foam into the subgrade to strengthen the supporting foundation soils and lift the roadway.

In addition, potential slope failure was evaluated under static and seismic conditions in the Draft SEIR, which incorporates reports by Geocon Consulting (Draft SEIR p. 4.4-16). The County retained Questa Engineering Corporation to peer review those geotechnical reports (Draft SEIR pp. 4.4-1 and 4.4-17). The proposed slopes on-site as part of the reclamation plan revisions would achieve the required factors of safety under static and seismic conditions (Draft SEIR p. 4.4-20). Thus, the Draft SEIR no-impact conclusion is supported by substantial evidence, and no additional mitigation is required (14 CCR § 15126.4, subd. (a)(3); *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 778).

As noted above, no mining will take place in Lake A. Therefore, it is not reasonably foreseeable that there will be a potentially significant impact necessitating a mitigation program as recommended. However, the CEMEX has agreed to be subject to a condition of approval that requires installation of an inclinometer to a depth that extends to at least the proposed mining depth in area adjacent to the eastern end of Lake B to ensure for the health, safety, and welfare of users of State Route (SR) 84 and neighbors that live in Livermore. See also Response 1-8, above.

### Comment 2-2

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.

### Response 2-2

The proposed project would not exceed the Bay Area Air Quality Management District (BAAQMD) emission thresholds for dust (i.e., particulate matter [PM]) (Draft SEIR Tables 4.2-3 and 4.2-4). Thus, as discussed in Impact 4.2-2b, the proposed project would have a less-than-significant impact resulting from PM emissions (Draft SEIR p. 4.2-22). While additional mitigation is not legally required for a less-than-significant impact (14 CCR § 15126.4, subd. (a)(3)), an additional mitigation measure will be added that requires the applicant to update its 2015 Fugitive Dust Control Plan for the facility to specifically address project reclamation activities. See revisions in Sections 3.2.2, 3.2.4, 3.2.5, 3.2.21, and 3.2.22 of this Final SEIR. The 2015 Fugitive Dust Control Plan can be found at the following link:

http://nps.acgov.org/npsdust.page?.

### Comment 2-3

Noise and Lighting

3a 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.

### Response 2-3

Since the proposed project is not located in the City of Livermore, city requirements do not apply. As noted in the Draft SEIR, the proposed revisions to the approved reclamation plan would fall under the category of temporary construction (Draft SEIR pp. 4.8-16 and 4.8-20). Pursuant to the City of Livermore General Plan, temporary construction activities are exempt from noise standards described in Policy N-1.5 if conducted between the hours of 7:00 a.m. and 8:00 p.m. In addition, the Draft SEIR considered median and maximum noise levels as a result of temporary construction activities (Draft SEIR Table 4.8-8). Construction noise impacts relative to existing ambient conditions would be less than significant with mitigation incorporated (Draft SEIR pp. 4.8-22 to 4.8-23). Regardless of the above, Mitigation Measure 4.1-1 will be revised to limit reclamation-related construction activities to the hours of 9 a.m. to 6 p.m. on Saturdays and prohibit such activities on Sundays. See revisions in Sections 3.2.2, 3.2.3, and 3.2.19 of this Final SEIR.

### Comment 2-4

3b 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.

### Response 2-4

See Response 2-3, above. In addition, although the potential noise impacts would already be less than significant with mitigation incorporated, the applicant has agreed to a revision to Mitigation Measure 4.8-1a to specify that notice to residences within 500 feet of the conduit and pipeline installation components and the City of Livermore Community Development Department would occur one week prior to construction activities. See revisions in Sections 3.2.2 and 3.2.20 of this Final SEIR.

### Comment 2-5

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 Trial 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 trial 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 form its current terminus to Vallecitos Road.

### Response 2-5

The comment that the city supports the extension of the Lake A Trail is noted.

The project site is located in unincorporated Alameda County and subject to the East County Area Plan and LAVQAR (Draft SEIR p. 4.7-2). In addition, as noted in the comment, a primary objective for the proposed project is to comply with the requirements of LAVQAR (Draft SEIR pp. 2-13 to 2-14, Objective 6). In addition, Objective 6, which aims to reduce Vehicle Miles Traveled (VMT) by retaining a local source of aggregate addresses potential impacts, relates to the implementation of the LAVQAR. The proposed project revisions do not introduce new or increased sources of VMT (Draft SEIR, Appendix A-1, "Initial Study," pp. 41 to 42, 45 to 46). Increasing alternative means of travel is not a project objective requested by the applicant. Finally, the proposed revisions to the approved reclamation plan do not implicate any potentially significant impacts regarding recreation (Draft SEIR, Appendix A-1, pp. 43 to 44). Thus, requiring completion of a recreational trail on the north side of Lake A as part of the revisions to the approved reclamation plan would be contrary to legal requirements that mitigation have a nexus and rough proportionality to project impacts (*Nollan v. California Coastal Commission* [1987] 483 U.S. 825; *Dolan v. City of Tigard* [1994] 512 U.S. 374; 14 CCR § 15126.4, subds. [a][3]-[4]). No further revisions to the project objectives are required, as the northerly trail is not part of the proposed project.

Although the proposed project is located within the Livermore Area Recreation and Park Master Plan, which identifies a proposed trail segment north of Lake A, the location of the trail extension is not on CEMEX property. CEMEX cannot include in a reclamation plan work on lands that it does not own, control, or otherwise have a right to encumber by a reclamation entitlement. However, subject to project approval,

and not as a requirement of the County approval, CEMEX intends to make an approximately 630-linear foot segment to connect trail between Lakeside Circle and Traviso Circle, around the horse ranch North of Lake A.

### Dublin San Ramon Services District; April 7, 2021

#### Comment 3-1

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.

#### Response 3-1

The County appreciates the input provided by the DSRSD. The comment supporting the proposed project is noted. The attached comments from Zone 7 have been responded to as shown Responses 1-1 through 1-17, above.

#### Comment 3-2

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.dsrsd.com.

#### Response 3-2

The comment describing DSRSD's reasoning for support of the proposed project is noted.

## 4.4 ORGANIZATIONS

### Pacific Gas and Electric Company, Plan Review Team; February 1, 2021

#### Comment 4-1

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.

### Response 4-1

The additional information regarding the PG&E's application process is noted and has been forwarded to CEMEX representatives.

### Comment 4-2

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.

### Response 4-2

Electrical power from PG&E would be needed for operating the flow control diversion gate. It is assumed that electrical power is available at the east boundary of the project site from a pole or manhole. CEMEX would request PG&E to provide electrical power for the following loads: (a) actuator for the 84-inch slide gate, and (b) flow measurement and/or water level instruments. Controls for the diversion would consist of simple buttons and indicators; there would not need to be a control panel that provides functions such as automatic control or remote control via telemetry. All electrical and control equipment would be suitable for outdoor and mounted on a rack that would be raised to an elevation above the 100-year flood level (See Draft SEIR Appendix F-1, p. 5-6). In addition, as noted on page 7-6 of the Draft SEIR, "Energy use related to the proposed project would be similar to the use under the approved reclamation plan. In addition, reclamation activities would use less energy than the mining and processing activities currently occurring on-site. Thus, no impact would occur related to this issue."

### Comment 4-3

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 851filing 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.

***Note**: The PG&E letter also included two attachments, Attachment 1—Gas Facilities and Attachment 2—Electronic Facilities, which provided no comments regarding the project and can be viewed in-full via Appendix A, "Comments on the Draft SEIR."*

### Response 4-3

The comment that an engineering deposit and CPUC Section 851 filing may be required is noted. These requirements have been forwarded to Applicant team.

### Pleasanton Chamber of Commerce, Steve Van Dorn; February 26, 2021

### Comment 5-1

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.

### Response 5-1

The County appreciates the Pleasanton Chamber of Commerce's review and input on the proposed project. The Draft SEIR determined oxides of nitrogen (NOx) emissions would result in significant and unavoidable impacts because reducing these emissions to a less than significant level would require operations to be limited to shorter windows compared to typical 8 to 10 hour days, which would extend the life of reclamation, thereby also potentially increasing emissions over an extended life of the project (pp. 4.2-19 through 4.2-22, 5-11, and 5-12).

The Draft SEIR analyzed two alternatives aimed at further reducing NOx emissions. The Reduced Daily Reclamation Activity Alternative, which would alter the schedule as discussed in the paragraph above, was considered but rejected because the alternative would be infeasible and ineffective (Draft SEIR Section 6.4.2.4, p. 6-7). The Revised ADV Construction Phasing Alternative (Alternative 3), which would alter the reclamation schedule of the ADV realignment and restoration (Draft SEIR Section 6.4.3.3, p. 6-9) to reduce NOx emissions. The Draft SEIR determined this to be the environmentally superior alternative (Draft SEIR Section 6.6, p. 6-21). Further, as noted in Response 2-3, above, Mitigation Measure 4.1-1 will be revised to limit reclamation-related construction activities which generate substantial noise to the hours of 9 a.m. to 6 p.m. on Saturdays and prohibit such activities on Sundays. Although NOx emissions would still occur outside of these hours as the measure does not prohibit all activity, limiting larger, noisier equipment would likely result in a slight reduction in NOx emissions as well. These reductions would reduce NOx emissions to the maximum extent feasible.

## Livermore Valley Chamber of Commerce, Dawn Argula; March 1, 2021

### Comment 6-1

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 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.

### Response 6-1

The County appreciates the input received from the Livermore Valley Chamber of Comment. The comment supporting the proposed project is noted.

### Alameda Creek Alliance, Jeff Miller; March 12, 2021

### Comment 7-1

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.

### Response 7-1

The County appreciates the review and input provided by the Alameda Creek Alliance (ACA). Section 4.3, "Biological Resources," of the Draft SEIR specifically addresses the Arroyo del Valle Diversion Structure and potential impacts on species and aquatic habitat (Draft SEIR Section 4.3.4.2, Impacts 4.3-1a, 4.3-2a). While the diversion structure would include a low-head diversion dam, an infiltration bed and bypass structure for fish passage would also be included as part of the structure (Draft SEIR p. 4.3-35). The structure design would support steelhead and trout recovery and passage that would otherwise not occur if the proposed project were not implemented (Draft SEIR p. 4.3-46). As noted in the Draft SEIR, the currently approved reclamation plan envisions two 40-foot-high concreate spillways and the rerouting of the ADV through Lakes A and B, which would prevent fish passage (Draft SEIR p. 2-29). Furthermore, the applicant would be required to obtain regulatory entitlements and authorizations from a variety of agencies (Mitigation Measure 4.3-1a), including from the United States Army Corps of Engineers (USACE), United States Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW). Compliance with regulatory permits and requirements is a well-accepted CEQA mitigation measure (14 CCR § 15126.4, subd. [a][1][B]; *Oakland Heritage Alliance v. City of Oakland* [2011] 195 Cal.App.4th 884, 906 ["a condition requiring compliance with regulations is a common and reasonable mitigation measure"]).

### Comment 7-2

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.

**Response 7-2**

The comment states that "[I]t is not clear that the SEIR has fully evaluated" the issue regarding the ADV diversion structure. However, the comment does not identify specific deficiencies in the Draft SEIR or analysis. As noted above, the diversion and screening structure would be subject to several regulatory requirements and authorizations (Mitigation Measure 4.3-1a), and Section 4.3 of the Draft SEIR specifically addresses potential impacts on species and aquatic habitat (Draft SEIR Section 4.3.4.2, Impacts 4.3-1a, 4.3-2a, pp. 4.3-34 to 4.3-43 and 4.3-51 to 4.3-56).

The Draft SEIR also addresses sensitive habitats within the project site and the ADV. In its current condition, the ADV "is a highly degraded and disturbed system that hosts an abundance of non-native invasive species" (Draft SEIR p. 4.3-12). In addition, the reclaimed surface area of Lake A will be reduced to 81-acres, as compared to 208-acres in the approved reclamation plan, and the final surface area of Lake B will be reduced from a final surface area of 208-acres compared to 243-acres in the approved reclamation plan. (Draft SEIR pp. 2-1 to 2-2.) Thus, the proposed project would reduce the potential to create habitat conditions favorable for invasive species compared to existing conditions and those that would occur under the approved reclamation plan conditions.

Section 4.6, "Hydrology and Water Quality," also addresses the ADV Diversion Structure and its potential impacts on surface and groundwater resources (Draft SEIR Section 4.6.5.2, Impacts 4.6-1a and 4.6-2a). The infiltration gallery has been designed to create a low flow channel to ensure that at least 8 cfs of water stays in the ADV to ensure a minimum flow is retained within the ADV; it would also contain a gravel bed to screen out potential sedimentation that could otherwise be discharged from the ADV to Lake A (Draft SEIR p. 4.6-79). Regarding potential violation of water quality standards or potential degradation of surface or groundwater quality, the Draft SEIR concludes that potential impacts to water quality standards or waste discharge requirements or substantial degradation to surface water or groundwater quality would be reduced to a level of less than significant by adherence to requirements of a construction SWPPP and implementation of erosion control measures (Mitigation Measures 4.4-1 and 4.6-1; see Draft SEIR p. 4.6-80). In addition, there would be no substantial depletion of groundwater supplies or interference with groundwater recharge associated with the Lake A diversion structure. (Draft SEIR p. 4.6-93).

Following completion of the proposed project, Zone 7 would take control of Lake A, Lake B, Pond C, Pond D and the related levees, conduits, and diversion structures (Draft SEIR p. 2-29). As a result, the proposed project would still achieve prior commitments to provide for water storage and water conveyance under reclaimed conditions (Draft SEIR p. 2-2).

The comment also notes ACA's scoping comment requesting information regarding water rights. Diversions would be subject to the water rights of Zone 7. ACWD and Zone 7 share rights to storm water in the ADV (Draft SEIR p. 4.6-72). Zone 7 jointly holds water rights to divert up to 60,000 acre-feet per year (Draft SEIR, Appendix F-7, p. 12). In addition, a routing study would be required to show how water would

be routed through the chain of lakes and how the system would be operated under various conditions, such as wet year, dry year, flood, and drought (Draft SEIR p. 4.6-67).

Whether Zone 7 has water rights is a legal issue that a CEQA analysis does not evaluate or determine as CEQA analysis is limited to the physical conditions that exist within the area which will be affected by the proposed project (Cal. Pub. Res. Code § 21060.5). The environmental impacts of the proposed diversion structure have been analyzed as required by CEQA, regardless of Zone 7's water rights.

### Comment 7-3

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.

### Response 7-3

As noted in Response 7-2, above, diversions would be subject to the water rights of Zone 7. Furthermore, whether Zone 7 has water rights is a legal issue that a CEQA analysis does not evaluate or determine. The environmental impacts of the proposed diversion structure have been analyzed as required by CEQA, regardless of Zone 7's water rights.

### Comment 7-4

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.

### Response 7-4

Fish passage and exclusion design criteria are described in Section 5.1.1 of the *Hydraulic Design Study*, included as Appendix F-1 of the Draft SEIR. Specific criteria are described in the study as follows:

- Fish passage: Cross-channel structures should include a passable flow bypass structure, and off channel flow diversions should include return flow channels to avoid trapping.

- Bypass flows: Zone 7 requested that the ADV diversion allow for controlled diversion bypass flows of up to 40 cfs in winter/spring and 15 cfs in summer/fall (Winey, pers. comm., 2013).
- Fish screening: CDFW criteria require fish screens to be sized such that the approach velocity entering the screen does not exceed 0.33 foot per second (ft/s) for all self-cleaning screens located in on-stream installations. For screens without automatic cleaning, the approach velocity is limited to one-fourth of the self-cleaning screens. Fish screens are typically sized by dividing the desired diversion flow (e.g., 500 cfs) and the limiting approach velocity (e.g., 0.33 ft/s), which results in the minimum area of fish screen required. For example, a 500 cfs diversion limited to 0.33 ft/s approach velocity would require at least 1,515 square feet ($ft^2$) of fish screen. The U.S. Bureau of Reclamation (USBR) recommends the use of a 10 percent safety factor, which would increase the required area in this example to 1,667 $ft^2$ (USBR 2006).

Brown and Caldwell, the engineering consultant, recognizes that design criteria would be reviewed as part of consultation with CDFW and NMFS. It may be feasible to request a variance from CDFW for the approach velocity restrictions during certain times of year when fish fry are not present. The consultant investigated several options for diversion, screening, and conveyance and evaluated potential options with respect to feasibility, cost, and performance. They found that the fish exclusion mechanism is the key differentiating feature among the alternatives because that component is the primary driver for the diversion system size, flow capacity, and construction and maintenance costs. The selected alternative uses a wide gravel bed with an infiltration gallery to meet fish screening requirements. In addition, the edge of the infiltration bed nearest to the ADV would be set at an elevation of 434 feet, or approximately 1 foot above the channel bottom to allow for sedimentation. The top surface of the gravel infiltration bed would be sloped at 0.5 percent, sloping down toward ADV so that fish would move back toward the mainstream channel as water levels drop and not be entrapped (Draft SEIR Appendix F-1, pp. 5-3 to 5-6).

The applicant also sought input from CDFW regarding the proposed design concept for the fish bypass. On January 13, 2016, the applicant received an email from Marcia Grefsrud, Environmental Scientist, of CDFW stating: "Requiring fish passage is not necessary at this time, but the currently proposed rocky ramp/chute should be a satisfactory option should fish passage become viable in the future." (Grefsund, pers. comm., 2016). Nevertheless, the details of the bypass will be submitted to CDFW for formal review as part of a Notification package for a Lake and Streambed Alteration, as required by Mitigation Measure 4.3-1a (Draft SEIR p. 4.3-9).

### Comment 7-5

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.

### Response 7-5

As stated in Response 7-1, above, the proposed diversion structure would be subject to several regulatory requirements and authorizations (Mitigation Measure 4.3-1a), including from the USACE, USFWS, NMFS, RWQCB, and CDFW. Compliance with regulatory permits and requirements is a well-accepted CEQA

mitigation measure (14 CCR § 15126.4, subd. [a][1][B]; *Oakland Heritage Alliance v. City of Oakland* [2011] 195 Cal.App.4th 884, 906 ["a condition requiring compliance with regulations is a common and reasonable mitigation measure"]).

Also, as stated in Response 7-4, the applicant sought input from CDFW regarding the proposed design concept for the fish bypass. On January 13, 2016, the applicant received an email from Marcia Grefsrud of CDFW stating: "Requiring fish passage is not necessary at this time, but the currently proposed rocky ramp/chute should be a satisfactory option should fish passage become viable in the future." Nevertheless, the details of the bypass will be submitted to CDFW for formal review as part of a Notification package for a Lake and Streambed Alteration, as required by Mitigation Measure 4.3-1a (Draft SEIR p. 4.3-39).

### Comment 7-6

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.

### Response 7-6

The comment stating that the ACA concurs approval and permits from the RWQCB, CDFW, NMFS, USFWS, and USACOE are required is noted.

### Comment 7-7

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.

### Response 7-7

Clean Water Act permitting under Section 404 would trigger consultation with NMFS under Section 7 of the Endangered Species Act (ESA) (See *North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* (2013) 216 Cal.App.4th 614, 647). The Draft SEIR acknowledges that special status anadromous fish could return to the upper Alameda Creek watershed by 2021 (Draft SEIR p. 4.3-15). The County and Applicant understand that consultation with NMFS is required. See revisions in Section 3.2.6 of this Final SEIR.

### Comment 7-8

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.

### Response 7-8

See Response 7-7, above. The County and Applicant understand that consultation with NMFS is required.

### Comment 7-9

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.

### Response 7-9

The mitigation measures contained in this Final SEIR are feasible and contain performance standards and measurable standards that allow for the judging of the efficacy of mitigation measures that would be fully implemented in the future. Compliance with regulatory permits and requirements is a well-accepted CEQA mitigation measure (14 CCR § 15126.4, subd. [a][1][B]; *Oakland Heritage Alliance v. City of Oakland* [2011] 195 Cal.App.4th 884, 906 ["a condition requiring compliance with regulations is a common and reasonable mitigation measure"]). Therefore, the mitigation measures contained in this Final SEIR are legally adequate.

### Comment 7-10

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.

### Response 7-10

All proposed mitigation measures for the project are set forth in the Draft SEIR. CEQA does require the lead agency to adopt a reporting or monitoring program upon project approval (Cal. Pub. Res. Code § 21081.6). However, as the MMRP should reflect any revisions in the Final EIR, there is no requirement that the MMRP be made available for public review before project approval. (*Christward Ministry v. County of San Diego* (1993) 13 Cal.App.4th 31, 49 ["Nothing in CEQA or the Guidelines requires the mitigation monitoring plan to be in the EIR"].) Despite no requirement to circulate the MMRP prior to project approval, the County has included a draft MMRP to this Final SEIR as Appendix E, "Mitigation Monitoring and Reporting Program." The MMRP is subject to change prior to project approval, but revisions to mitigation measures as outlined in Chapter 3 of this Final SEIR have been incorporated into Appendix E.

### Comment 7-11

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.

### Response 7-11

As the comment notes, regulatory authorizations would be required from several agencies to implement the proposed project (see Mitigation Measure 4.3-1a in the Draft SEIR). As explained in Responses 7-1, 7-5, and 7-9, above, compliance with regulatory requirements is a well-accepted CEQA mitigation measure and does not constitute improper deferral of mitigation (*North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* [2013] 216 Cal.App.4th 614, 647). "[W]hen a public agency has evaluated the potentially significant impacts of a project and has identified measures that will mitigate those impacts, the agency does not have to commit to any particular mitigation measure in the EIR, as long as it commits to mitigating the significant impacts of the project" (*Oakland Heritage Alliance v. City of Oakland* [2011] 195 Cal.App.4th 884, 906). All potentially significant impacts associated with the revisions to the approved reclamation plan would be reduced to less than significant after the incorporation of mitigation, except for potential impacts associated with daily NOx emissions. In addition, the County is requiring biological mitigation at a minimum 1:1 ratio (Draft SEIR p. 4.3-58; Final SEIR Section 3.2.10 and 3.2.11). Wetland habitats would be re-established or restored at a ratio of 2.26:1 (Draft SEIR p. 4.3-52). If the other agencies require higher ratios, those would control (Draft SEIR p. 4.3-55).

### Comment 7-12

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.

### Response 7-12

The County has not adopted the East Alameda County Conservation Strategy (EACCS), and thus the EACCS is not binding on the County or the proposed project. Furthermore, as the comment notes, the EACCS guidance recognizes that mitigation ratios can vary, depending on the quality of habitat being lost. The current condition of the ADV is "a highly degraded and disturbed system that hosts an abundance of nonnative invasive species" (Draft SEIR p. 4.3-12). Furthermore, the Draft SEIR analyzes the potential loss of riparian habitat and reaches a finding that potential impacts would be less-than-significant, with mitigation incorporated (Draft SEIR pp. 4.3-56 to 58). Thus, no further mitigation is required for a less-than-significant impact.

### Comment 7-13

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.

### Response 7-13

Regarding sycamore woodland impacts, a total of 6.50 acres of sycamore woodland were mapped within the Lake A area (See Draft SEIR Figure 4.3-1, "Revised Biological Communities," and Appendix D-2, "BRA Addendum," at Attachment A, p. C-3). This community is comprised of small, isolated patches of sycamores in varying degrees of health (with the majority of the trees being in poor health) that appear to be located in the vicinity of previous alignments of the ADV (Draft SEIR p. 4.3-10). Other than placement of a 50-linear foot portion of berm to be constructed along the ADV at Lake A near Vallecitos Road, project reclamation activities would not occur in the sycamore woodland area.

The Draft SEIR recognizes these potential impacts and includes numerous mitigation measures to protect the special status species that may utilize sycamore and other trees for nesting purposes (Draft SEIR Section 4.3.4.2, Impact 4.3-1a, Table 4.3-5, at p. 4.3-34; and Mitigation Measures 4.3-1a thru 4.3-1h at pp. 4.3-39 thru 4.3-43). Moreover, the proposed Lake A Landscape Plan (Draft SEIR Appendix B-2, "Lake A Landscape Plan"), which is a component of the proposed project design, specifies the planting of 49 new sycamore trees in the Lake A area as part of reclamation.

The proposed project would impact approximately 0.045-acre of sycamore woodland and include 49 replacement sycamore trees (See Draft SEIR Appendix B-1, "Proposed Reclamation Plan Amendment," at Sheet R-4, Lake A Reclamation Plan). The proposed ratio of replacement sycamore acreage (at maturity) to acreage impacted can be calculated using the canopy spread of a mature sycamore, which ranges from 40 to 70 feet in diameter (Arbor Day Foundation 2021). To be conservative, the calculation will use a radius of 20 feet (half the diameter of lowest in the range), which would result in an area of 1,256 square feet per tree. When multiplied by 49, the number of proposed replacement trees, the result is 61,544 square feet, or 1.41 acres. The ratio of the proposed replacement tree acreage of 1.41 acres (at minimum) to the impacted 0.045-acre of existing sycamore woodland could therefore be simplified to approximately 634:1. Therefore, no revisions to mitigation measures are required. However, Section 4.3, "Biological Resources," of the SEIR has been revised to clarify the details discussed above, as shown in Sections 3.2.7 and 3.2.8 of this Final SEIR.

### Comment 7-14

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.

### Response 7-14

The proposed project involves revisions to the approved reclamation plan, which is subject to LAVQAR. Thus, meeting the requirements of the LAVQAR is a critical objective of the project (Draft SEIR p. 2-13 to 2-14). Zone 7 submitted a comment letter on the Draft SEIR dated March 10, 2021 (see Comment 1-2, above), which addresses the proposed project's consistency with the LAVQAR:

> 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.

In addition, the Zone 7 comment letter states: "It should be noted that Alternative 4 does not abide by LAVQAR or the Zone 7/CEMEX agreement." The approved reclamation plan calls for the removal of the ADV, which would be routed through Lake A. The 1988 Zone 7 agreement and LAVQAR call for a diversion structure from the ADV at Lake A into Lake C capable of diverting 500 cfs of flow. Zone 7 has apparently extrapolated the Lake A to Lake C pipeline 500 cfs to the ADV diversion structure. The approved reclamation plan has no diversion structure because the ADV was designed to run through Lake A and not be separate. The Zone 7 interpretation of LAVQAR is incorrect. The biological benefits of Alternative 4 are described in the Draft SEIR and County decisionmakers will decide to include Alternative 3 and/or 4 as part of the decision-making process.

### Comment 7-15

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.

### Response 7-15

All potential proposed project impacts would be less than significant, or less than significant with mitigation incorporated, with the exception of impacts related to NOx emissions (Draft SEIR Table 6-1). Alternative 4 does not reduce potentially significant and unavoidable NOx impacts, whereas Alternative 3 results in reduced daily NOx impacts (14 CCR § 15126.6). In addition, as noted in the responses to comment regarding alternatives analysis (Responses 1-3 and_8-14, above), Zone 7 has indicated that it does not support Alternative 4 and Alternative 4 is inconsistent with LAVQAR. However, the County acknowledges that although Alternative 3 is the Environmentally Superior Alternative, Alternative 4 also is more environmentally sensitive than the proposed project. The biological benefits of Alternative 4 are described in the Draft SEIR, and County decisionmakers will decide to include Alternative 3 and/or 4 as part of the decision-making process.

### Dublin Chamber of Commerce, Inge Houston; March 17, 2021

### Comment 8-1

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.

### Response 8-1

The County appreciates the review and input provided by the Dublin Chamber of Commerce. The comment in support of the proposed project is noted and will be provided to the decisionmakers (the Planning Commission and/or the Board of Supervisors).

## California Water Service; Justin Skarb, April 13, 2021

### Comment 9-1

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.

### Response 9-1

The County appreciates the input provided by the California Water Agency. The comment supporting the proposed project is noted and will be provided to the decision makers.

## Associated Builders and Contractors, Inc., Northern California Chapter, Nicole Goehring, April 29, 2021

### Comment 10-1

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.

### Response 10-1

The County appreciates the input provided by ABC NorCal. The comment supporting the proposed project is noted and will be provided to the decision makers.

## 4.5 INDIVIDUALS

### Fabian Moreno; February 25, 2021

### Comment 11-1

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.

### Response 11-1

The County appreciates the input provided by the commenter. The comment requesting a pedestrian bridge on Vallecitos Road falls outside of the permitting process for the proposed project. The County recommends working with CEMEX directly. However, the County notes the commenter's opinion that there is a need for a pedestrian bridge at Vallecitos Road in the project vicinity.

### Comment 11-2

2. The city, I believe maintains portion of the permiter (sic) 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.

### Response 11-2

The comment requesting addressing of erosion and dead trees in the vicinity of Lake A is noted and will be forwarded to the City of Livermore for its consideration.

### Comment 11-3

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.

### Response 11-3

The comment expressing neighbor interest in trail lighting and support for the proposed project is noted.

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# 5—LIST OF PREPARERS

# 5—LIST OF PREPARERS

## 5.1 LEAD AGENCY STAFF

**Alameda County**
Community Development Agency
Neighborhood Preservation and Sustainability Department
224 West Winton Avenue, Suite 111
Hayward, CA 94544-1215

- Bruce Jensen, Senior Planner, Alameda County Community Development Agency, Planning Department

## 5.2 CONSULTANTS AND OTHER INDIVIDUALS INVOLVED IN THE PREPARATION OF THE EIR

### 5.2.1 EIR Consultant

**Benchmark Resources**
2515 East Bidwell Street
Folsom, CA 95630

- Bruce Steubing, Principal and Project Director
- Andrew Heinemann, State Licensed Geologist
- Shelby Kendrick, Analyst
- Mark Hernandez, Graphics Production
- Katharina McKillip, Document Production Manager

### 5.2.2 EIR Subconsultants

**Questa Engineering Corp.**
Box 70356
1220 Brickyard Cove Road, Suite 206
Pt. Richmond, CA 94807

- Willard N. Hopkins, C.E.G.

**Saxelby Acoustics LLC**
915 Highland Pointe Drive, Suite 250
Roseville, CA 95678

- Luke Saxelby, Principal

**Yorke Engineering, LLC**
31726 Rancho Viejo Road, Suite 218
San Juan Capistrano, CA 92675

- Sara J. Head, Principal Scientist
- Anne McQueen, Principal Engineer

**Stillwater Sciences**
2855 Telegraph Ave, Suite 400
Berkeley, CA 94705

- Christian Braudrick, Senior Geomorphologist
- Nathanial Bulter, Environmental Engineer
- Meghan Keever, Senior Botanist

# 6—REFERENCE AND RESOURCES

# 6—REFERENCES AND RESOURCES

References quoted from the Draft SEIR can be found in Chapter 9, "References and Resources," of the Draft SEIR. The following references and resources pertain to the Final SEIR only.

### Chapter 1, "Introduction"


Alameda County. 1981 (November 5). *Specific Plan for Livermore-Amador Valley Quarry Reclamation.* Adopted November 5, 1981. Hayward, CA.

CEMEX Construction Materials Pacific, LLC (CEMEX). 2019 (March). *Eliot Quarry SMP-23 Reclamation Plan Amendment (CA Mine ID No. 91-01-0009) County Application.* Volumes 1 and 2. Folsom, CA. Prepared by Spinardi Associates, Piedmont, CA, and Compass Land Group, McClellan, CA.

Lone Star Industries, Inc. 1986 (October 13). *Reclamation Plan*. Pleasanton, CA. Prepared by Bissell and Karn, Inc., San Leandro, CA.


### Chapter 2, "CEQA Review"


Association of Environmental Professionals (AEP). 2021. *2021 California Environmental Quality Act (CEQA) Statute and Guidelines.* Palm Desert, CA. Available at: https://www.califaep.org/statute_and_guidelines.php. Accessed April 23, 2021.


### Chapter 3, "Draft SEIR Errata"


Arbor Day Foundation. 2021. "California Sycamore: *Platanus recemosa.*" Tree Guide. Available at: https://www.arborday.org/trees/treeguide/TreeDetail.cfm?ItemID=1080. Accessed April 27, 2021.


### Chapter 4, "Response to Comments"


AEP. 2021. *2021 California Environmental Quality Act (CEQA) Statute and Guidelines.* Palm Desert, CA. Available at: https://www.califaep.org/statute_and_guidelines.php. Accessed April 23, 2021.

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California Water Boards. 2021 (March). Chromium-6 Drinking Water MCL. Updated March 29, 2021. Available at: https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Chromium6.html Accessed April 14, 2021.

Grefsrud, Marcia. 2016 (January 13). Environmental Scientist, California Department of Fish and Wildlife (CDFW). Electronic communication to Yasha Saber of Compass Land Group, LLC regarding no impact to anadromous or native fisheries.

Halper, Evan. 2017 (December 5). "California climate study shows worsening drought." *Tribune Washing Bureau.* Available at: https://www.recorder.com/California-climate-study-shows-worsening-drought-14151201. Accessed April 14, 2021.

Jacobs. 2020 (December 4). PFAS Potential Source Investigation. Technical memorandum prepared for Zone 7 Water Agency. Available at: http://www.zone7water.com/pfas-information. Accessed May 11, 2021.

Momenzaden, Mahmood, and David Nesbitt. 2020 (April 17). Chief and Transportation Engineer (respectively) at Caltrans Office of Geotechnical Design-West. Memorandum to Lea Budu, Caltrans District Office Chief. Subject: Maintenance Recommendation – Roadway Settlement.

Wilbur S., Abadin H., Fay M., et al. 2012 (September 6). *Toxicological Profile for Chromium*. "Potential For Human Exposure." Atlanta, GA: Agency for Toxic Substances and Disease Registry. Available at: https://www.ncbi.nlm.nih.gov/books/NBK158852/. Accessed May 28, 2021.

Winey, Colleen. 2013 (August 16). Electronic communication regarding Arroyo Del Valle diversion bypass flows. Collee Winey, Geologist of Zone 7 Water Agency to Nathan Foged, Engineer of Brown and Caldwell.

U.S. Bureau of Reclamation, Department of the Interior. 2006 (April). *Fish Protection at Water Diversions: A Guide for Planning and Designing Fish Exclusion Facilities*. Water Resources Technical Publication.

# 7—ACRONYMS

# 7—ACRONYMS

| | |
|---|---|
| ACA | Alameda Creek Alliance |
| ACWD | Alameda County Water District |
| ADV | Arroyo del Valle |
| BAAQMD | Bay Area Air Quality Management District |
| BMPs | best management practices |
| Cal. App. | California Appellate Decision |
| CCR | California Code of Regulations |
| CDFW | California Department of Fish and Wildlife |
| CEQA | California Environmental Quality Act |
| cfs | cubic feet per second |
| CO | carbon monoxide |
| COA | Condition of Approval |
| County | Alameda County |
| CPUC | California Public Utilities Commission |
| DSRSD | Dublin San Ramon Services District |
| EACCS | East Alameda County Conservation Strategy |
| EFH | Essential Fish Habitat |
| EIR | Environmental Impact Report |
| ESA | Federal Endangered Species Act |
| $ft^2$ | Square feet |
| ft/s | feet per second |
| GSA | Groundwater Sustainability Agency |
| HDPE | High-density polyethylene |
| HEC-RAS | Hydrologic Engineering Centers River Analysis System |
| LAVQAR Specific Plan | Livermore-Amador Valley Quarry Area Reclamation Specific Plan |

| | |
|---|---|
| LAVQAR EIR | Livermore-Amador Valley Quarry Area Reclamation Specific Plan Environmental Impact Report |
| MM | mitigation measure |
| MMRP | mitigation monitoring and reporting plan |
| msl | mean sea level |
| NEPA | National Environmental Policy Act |
| NMFS | National Marine Fisheries Service |
| $NO_x$ | oxides of nitrogen |
| NOA | notice of availability |
| NOP | notice of preparation |
| NPDES | National Pollutant Discharge Elimination System |
| PCC | Portland Cement Concrete |
| PG&E | Pacific Gas and Electric Company |
| $PM_{10}$ | respirable particulate matter |
| $PM_{2.5}$ | particulate matter |
| PRC | Public Resources Code |
| ROG | reactive organic gases |
| RWQCB | Regional Water Quality Control Board |
| SEIR | subsequent environmental impact report |
| SMARA | Surface Mining and Reclamation Act |
| SMP | surface mining permit |
| $SO_x$ | sulfur oxides |
| SR | State Route |
| Subd. | subdivision |
| SWPPP | Stormwater Pollution Prevention Plan |
| SWRCB | State Water Resources Control Board |
| USBR | U.S. Bureau of Reclamation |
| USACE or USACOE | U.S. Army Corps of Engineers |

| | |
|---|---|
| USFWS | U.S. Fish and Wildlife Service |
| VMT | vehicle-miles traveled |
| Zone 7 | Zone 7 Water Agency |

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# APPENDICES

# 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 fro 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

Elke Rank
cc: Carol Mahoney, Amparo Flores, file

Attachments (2): Comments; Well data

1707142v2

## 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.

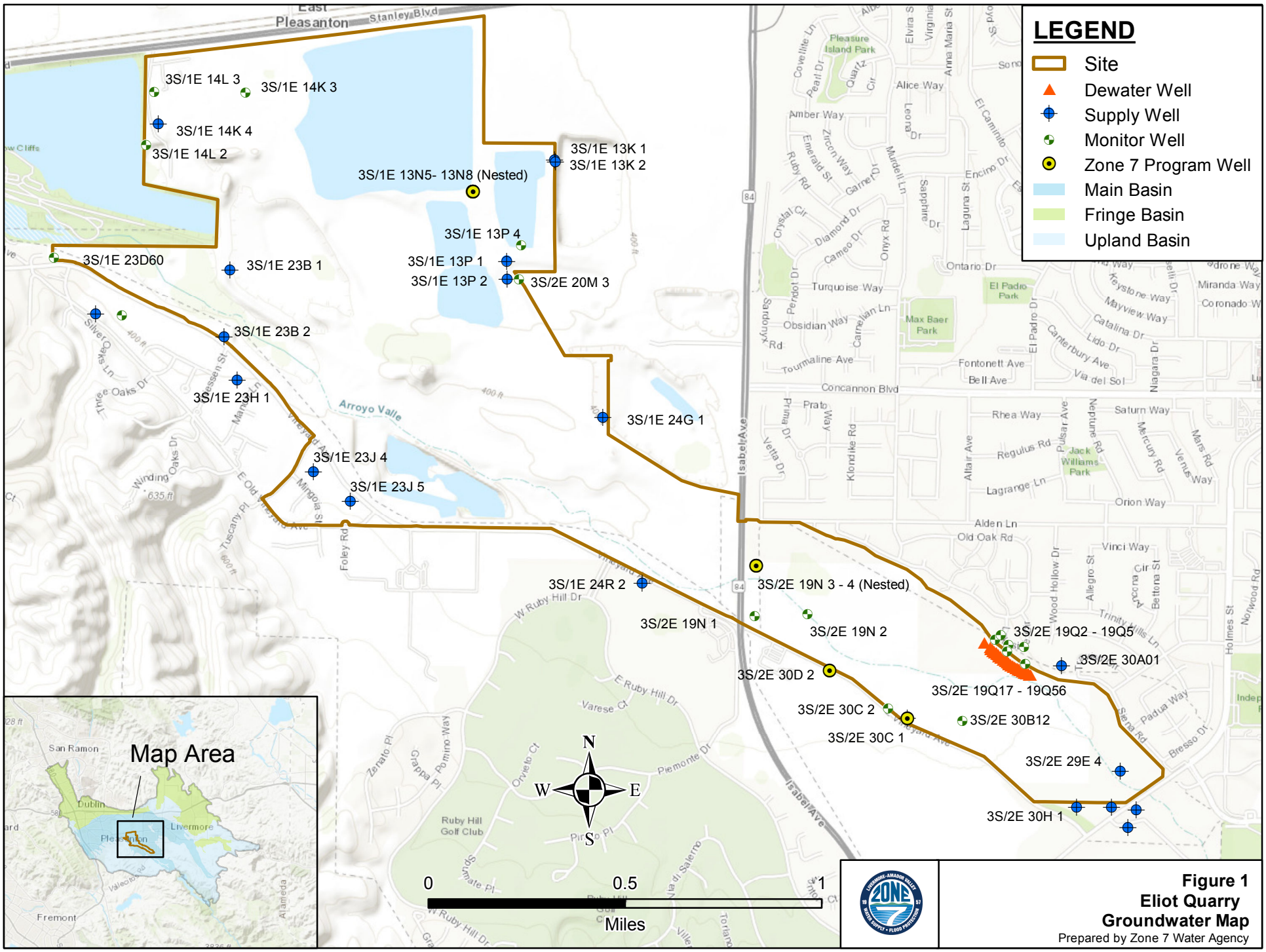
i). Recommended mitigation - CEMEX should continue working with Zone 7 Staff to finalize design and obtain regulatory permits for the water diversion facility and the connecting pipeline.

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.


LEGEND
Site
Dewater Well
Supply Well
Monitor Well
Zone 7 Program Well
Main Basin
Fringe Basin
Upland Basin
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 24G 1
3S/1E 23J 4
3S/1E 23J 5
3S/1E 24R 2
3S/2E 19N 3 - 4 (Nested)
3S/2E 19N 1
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
Map Area
N
W
E
S
0
0.5
1
Miles
Figure 1
Eliot Quarry
Groundwater Map
Prepared by Zone 7 Water Agency

Run date: March 2021 by Zone 7 Water Agency

# 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 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 3S/2E 19Q23 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q24 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q25 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q26 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q27 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q28 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q29 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q30 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q31 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q32 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q33 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q34 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q35 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q36 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q37 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q38 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q39 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q40 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q41 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q42 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q43 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q44 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q45 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q46 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q47 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q48 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q49 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q50 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q51 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q52 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q53 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q54 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q55 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q56 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |

LIVERMORE
CALIFORNIA

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 Trial 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 trial 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 form 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,

Steve Stewart, Planning Manager

cc.

Dublin San Ramon Services District
Water, wastewater, recycled water

7051 Dublin Boulevard
Dublin, CA 94568-3018

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

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

Elke Rank
cc: Carol Mahoney, Amparo Flores, file

Attachments (2): Comments; Well data

1707142v2

## 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.

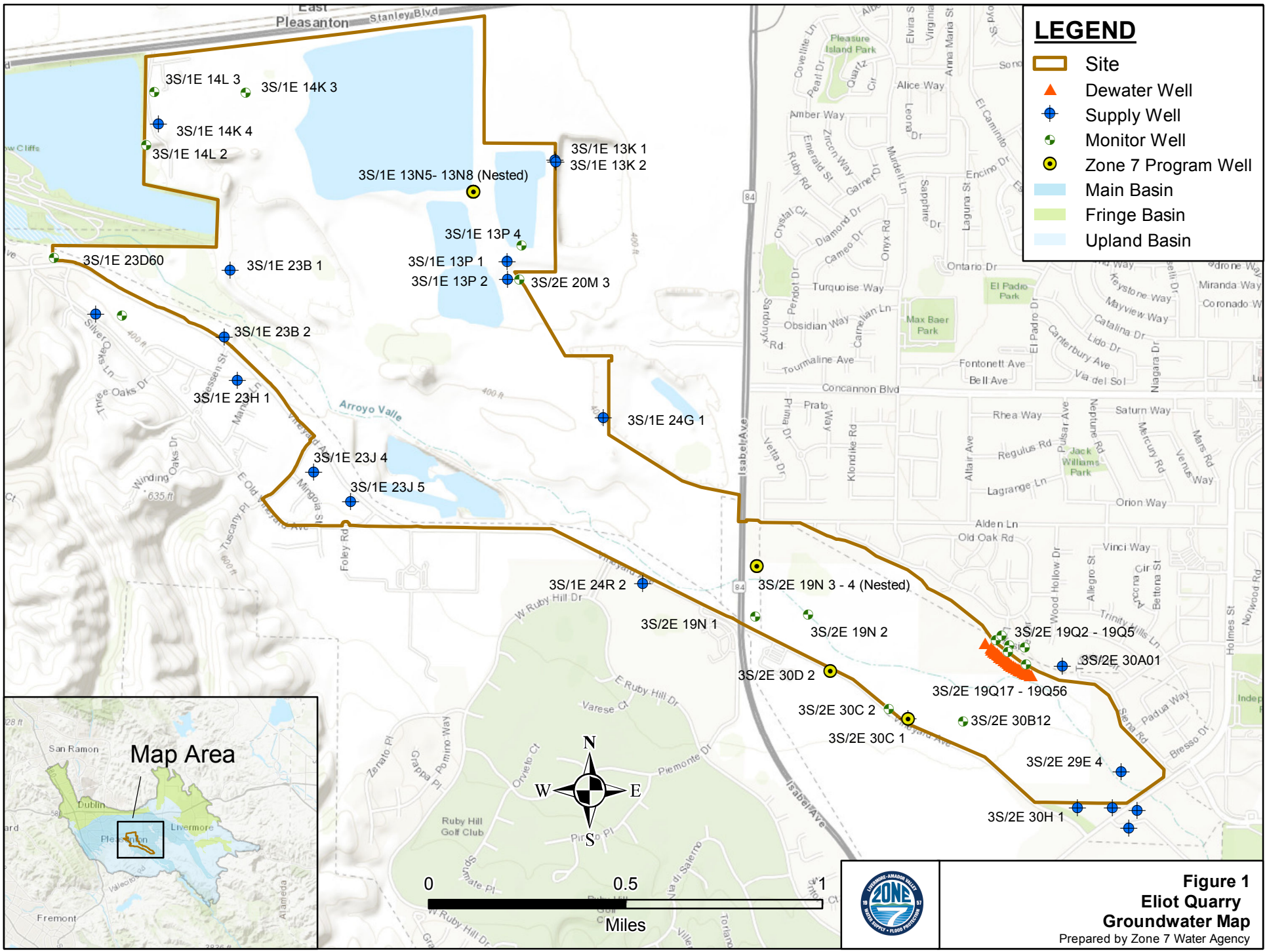
i). Recommended mitigation - CEMEX should continue working with Zone 7 Staff to finalize design and obtain regulatory permits for the water diversion facility and the connecting pipeline.

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.


LEGEND
Site
Dewater Well
Supply Well
Monitor Well
Zone 7 Program Well
Main Basin
Fringe Basin
Upland Basin
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 24G 1
3S/1E 23J 4
3S/1E 23J 5
3S/1E 24R 2
3S/2E 19N 3 - 4 (Nested)
3S/2E 19N 1
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
Map Area
N
W
E
S
0
0.5
1
Miles
Figure 1
Eliot Quarry
Groundwater Map
Prepared by Zone 7 Water Agency

Run date: March 2021 by Zone 7 Water Agency

# 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 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 3S/2E 19Q23 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q24 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q25 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q26 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q27 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q28 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q29 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q30 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q31 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q32 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q33 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q34 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q35 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q36 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q37 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q38 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q39 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q40 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q41 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q42 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q43 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q44 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q45 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q46 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q47 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q48 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q49 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q50 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q51 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q52 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q53 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q54 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q55 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |
| 3S/2E 19Q56 | well-supply | dewater | <Null> | LAKESIDE CIR (LAKE A) | Livermore | SIERRA GEOTECHNICAL | 26078 | dewatering |

Pacific Gas and Electric Company

**Plan Review Team**
Land Management

PGEPlanReview@pge.com

*6111 Bollinger Canyon Road 3370A*
San Ramon, CA 94583

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 851filing 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

Pacific Gas and Electric Company

**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° +/- 15°). 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&'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.

PLEASANTON CHAMBER of COMMERCE

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,

Steve Van Dorn
President & CEO

CC: Bruce Jensen, Senior Planner, Alameda County Planning

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

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

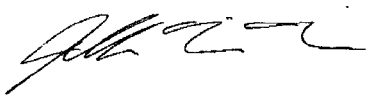
The SEIR evaluates and dismisses Alternative 4, Reduced Capacity of Lake A Diversion Structure Alternative. This alternative was designed to reduce potential impacts to biological resources by reducing the amount of water being diverted from Arroyo del Valle into Lake A. Under Alternative 4, the diversion 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,



Jeff Miller, Director
Alameda Creek Alliance

Dublin
CHAMBER OF COMMERCE

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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,

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,

Justin Skarb
Director of Community Affairs & Government Relations

Associated Builders and Contractors, Inc.
Northern California Chapter

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.

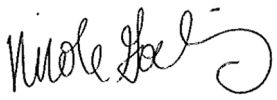
CEMEX has been an invaluable partner in providing the building material needed to grow the region's economy and the county's investments in public infrastructure. Aggregate from their Pleasanton Eliot Quarry has served the businesses, homes, roads and schools found in most neighborhoods.

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,



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 permiter 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

# APPENDIX B

ERRATA TO COMMENTS ON THE NOP

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

July 19, 2019 **Refer to NMFS No:** INQ-2019-00207

Danielle Mullen
San Francisco District, Regulatory Division
450 Golden Gate Avenue
4th Floor, Suite 1111
San Francisco, California 94102-3404

Re: Public Notice: CEMEX Eliot Facility Arroyo del Valle Realignment Project (SMP-23) (Corps File No. 2015-00216S)

Dear Ms. Mullen:

Thank you for providing NOAA' s National Marine Fisheries Service (NMFS) with an opportunity to comment on the June 21, 2019, Public Notice regarding the CEMEX Eliot Facility Arroyo del Valle Realignment Project (SMP023) (Corps File No. 2015-00216S). RMC Pacific Materials, LLC has submitted an application to the U.S. Army Corps of Engineers (Corps) for a permit to construct this project pursuant to the provisions of Section 404 of the Clean Water Act (33 USC §1344). NMFS offers the following comments on the proposed realignment of approximately one mile of the Arroyo del Valle channel, including restoration of native aquatic vegetation and a complex mosaic of restored and connected wetland habitats.

NMFS has reviewed the figures attached to the Corps' Public Notice, and we support the proposed restoration of Arroyo del Valle. As a large tributary stream to Alameda Creek, Arroyo del Valle could serve an important role in the restoration of threatened Central California Coast steelhead (*Oncorhynchus mykiss*) in the Alameda Creek watershed. At present, access for anadromous fish into Alameda Creek is blocked by a large grade control structure in the Alameda Creek Flood Control Channel approximately 10 miles upstream of San Francisco Bay (*i.e.*, the BART Weir). Thus, under current conditions, there are no listed anadromous fish or designated critical habitat under the jurisdiction of NMFS in Arroyo del Valle. However, efforts are actively underway to restore fish passage in lower Alameda Creek and it is anticipated that threatened CCC steelhead will again have access to the upper watershed, including Arroyo del Valle, as early as 2021.

NMFS recommends the Arroyo del Valle realignment/restoration component of the CEMEX Eliot Facility Project incorporate stream habitat restoration elements beneficial to supporting the freshwater life stages of steelhead as well as benefitting other native fish and riparian plant communities. The restoration design should contain alternating riffles, pools, and pool-tails with suitable gravel for use as spawning substrate for steelhead. Large woody debris (logs, rootwads), boulders, and coarse substrate in the restored creek will add beneficial complexity for rearing juveniles by providing shelter and cover. Additionally, creating and allowing stream connection to off-channel and floodplain habitat creates areas of low water velocity refugia for juvenile steelhead, as well as providing areas to feed and grow. NMFS staff is available to assist with the

development of the channel restoration design and would appreciate the opportunity to review the full set of stream restoration plans prior to the Corps' permitting of the project.

The Public Notice does not specify when project construction is expected to occur. Please note that CCC steelhead will likely have access to the upper Alameda Creek watershed, including this project site, as early as 2021. If the project is not completed by 2020, threatened CCC steelhead may be affected by construction activities and consultation pursuant to section 7 of the Endangered Species Act with NMFS would be necessary.

Please contact Andrew Trent, North-Central Coast Office in Santa Rosa at 707-578-8553, or andrew.trent@noaa.gov if you have any questions concerning this letter.

Sincerely,

Gary Stern
San Francisco Bay Branch Chief
North-Central Coast Office

cc: Jennifer Siu, EPA Region 9, San Francisco, CA
Sean Cochran, CDFW, Santa Rosa, CA
Brian Wines, SF Bay Regional Water Quality Control Board, Oakland, CA
Joseph Terry, USFWS, Sacramento, CA
Copy to ARN File #151422WCR2019SR00150

# APPENDIX C

LABORATORY RESULTS FOR PFAS AND CR6

# MEMORANDUM

TO: Project File

FROM: Crandon Connelly

DATE : May 5, 2021

SUBJECT: Cursory Data Quality Review

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Kleinfelder has conducted a cursory review of one data package provided by Torrent Laboratory, Inc. of Milpitas, California for the analysis of 2 groundwater samples collected on April 16th of 2021. Table 1 below summarizes the sample delivery groups (SDGs), sample identifications (IDs), and analytical methods.

**Table 1: Sample and Analysis Summary**

| SDG | Sample ID | Analytical Method |
|---|---|---|
| 2104112 | GW-1 | USEPA 7199 for hexavalent chromium<br>PFAS by DoD QSM 5.3 |
| | GW-2 | |

Notes:
DoD QSM 5.3: United States Department of Defense Quality Systems Manual version 5.3
PFAS: perfluoroalkyl substances
USEPA: United States Environmental Protection Agency Method

Samples were collected by Kleinfelder and delivered directly to the laboratory under customary chain of custody (COC) protocols. The samples were collected using containers and procedures compliant with the analytical methods. Samples were received by the lab in condition and at a temperature below 6 ° Celsius.

All samples were analyzed within method specified holding times.

All lab quality control (QC) samples reported for PFAS by DoD QSM 5.3 were reported within DoD QSM 5.3 limits. It was noted that the quality control tables listed a default range of 70-130% for all laboratory control spike recoveries while the DoD QSM 5.3 Table C-44 lists specific limits for most analytes. The recoveries were checked against analytes listed in DoD QSM 5.3 Table C-44 and were within the range. There were additional analytes reported that are not included in DoD QSM 5.3 Table C-44. These analytes were reported within the lab specified limits with the following exception. The analyte GenX, which is a trade name for a technology used to make high performance fluoropolymers using the ammonium salt of hexafluoropropylene oxide dimer, recovered slightly low at 68.1% (limit is 70-130%).

Reported QC samples for USEPA 7199 were within range.

The minor lab quality control outlier noted above indicates that the detection limit for GenX may be considered an estimated value, slightly biased low. The quality of the data for GenX and all other analytical data reviewed indicate the date is usable for decision making, reporting, and project objectives.




**KLEINFELDER** 2882 Prospect Park Dr., Suite 200, Rancho Cordova, CA 95670 p | 916.366-1701 f | 916.366-7013

Kleinfelder (San Jose)
2011 N Capitol Ave
San Jose, California 95132
Tel: 4085867611
Fax: 4085867688

RE: Eliott Quarry

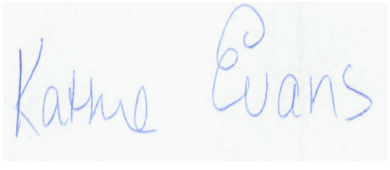
Work Order No.: 2104112

Dear Curtis Conti:

Torrent Laboratory, Inc. received 2 sample(s) on April 16, 2021 for the analyses presented in the following Report.

All data for associated QC met EPA or laboratory specification(s) except where noted in the case narrative.

Torrent Laboratory, Inc. is certified by the State of California, ELAP #1991. If you have any questions regarding these test results, please feel free to contact the Project Management Team at (408)263-5258; ext 204.



Kathie Evans
Project Manager

April 23, 2021
Date

**Date:** 4/23/2021

**Client:** Kleinfelder (San Jose)

**Project:** Eliott Quarry

**Work Order:** 2104112

## CASE NARRATIVE

Unless otherwise indicated in the following narrative, no issues encountered with the receiving, preparation, analysis or reporting of the results associated with this work order.

Unless otherwise indicated in the following narrative, no results have been method and/or field blank corrected.

Reported results relate only to the items/samples tested by the laboratory.

This report shall not be reproduced, except in full, without the written approval of Torrent Laboratory, Inc.

Analytical Comment for PFAs, Note:The % recovery for GEN-X in the LCS is outside of laboratory control limits. QSM 5.3 does not have control limits for GEN-X. The outlier will be considered in the next control chart update. No corrective action is required.

## Sample Result Summary

**Report prepared for:** Curtis Conti
Kleinfelder (San Jose)

**Date Received:** 04/16/21
**Date Reported:** 04/23/21

**GW-1** 2104112-001

| Parameters: | Analysis Method | DF | MDL | PQL | Results | Unit |
|---|---|---|---|---|---|---|

**All compounds were non-detectable for this sample.**

**GW-2** 2104112-002

| Parameters: | Analysis Method | DF | MDL | PQL | Results | Unit |
|---|---|---|---|---|---|---|

**All compounds were non-detectable for this sample.**

Torrent LABORATORY, INC.

## SAMPLE RESULTS

**Report prepared for:** Curtis Conti
Kleinfelder (San Jose)

**Date/Time Received:** 04/16/21, 11:00 am
**Date Reported:** 04/23/21

| | | | |
|---|---|---|---|
| **Client Sample ID:** | GW-1 | **Lab Sample ID:** | 2104112-001A |
| **Project Name/Location:** | Eliott Quarry | **Sample Matrix:** | Groundwater |
| **Project Number:** | 20220173.001A | | |
| **Date/Time Sampled:** | 04/16/21 / 9:45 | | |
| **SDG:** | | | |

| | | | | | |
|---|---|---|---|---|---|
| **Prep Method:** | 7199/218.6-WP | **Prep Batch Date/Time:** | 4/16/21 | 6:13:00PM | |
| **Prep Batch ID:** | 1130985 | **Prep Analyst:** | BJAY | | |

| Parameters: | Analysis Method | DF | MDL | PQL | Results | Q | Units | Analyzed | Time | By | Analytical Batch |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Hexavalent Chromium | SW7199 | 1 | 0.083 | 0.50 | ND | | ug/L | 04/17/21 | 0:47 | BJ | 455870 |

Torrent LABORATORY, INC.

## SAMPLE RESULTS

**Report prepared for:** Curtis Conti
Kleinfelder (San Jose)

**Date/Time Received:** 04/16/21, 11:00 am
**Date Reported:** 04/23/21

| | | | |
|---|---|---|---|
| **Client Sample ID:** | GW-1 | **Lab Sample ID:** | 2104112-001B |
| **Project Name/Location:** | Eliott Quarry | **Sample Matrix:** | Groundwater |
| **Project Number:** | 20220173.001A | | |
| **Date/Time Sampled:** | 04/16/21 / 9:45 | | |
| **SDG:** | | | |

| | | | |
|---|---|---|---|
| **Prep Method:** | PFAS-W-QSM 5.3 | **Prep Batch Date/Time:** | 4/21/21 6:30:00PM |
| **Prep Batch ID:** | 1131007 | **Prep Analyst:** | TOMA |

| Parameters: | Analysis Method | DF | MDL | PQL | Results | Q | Units | Analyzed | Time | By | Analytical Batch |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 4 2 FTS | QSM 5.3 Table B-15 | 1 | 3.56 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| 6 2 FTS | QSM 5.3 Table B-15 | 1 | 3.77 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| 8 2 FTS | QSM 5.3 Table B-15 | 1 | 6.01 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| 10:2 Fluorotelomer sulfonic acid | QSM 5.3 Table B-15 | 1 | 1.36 | 4.96 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorobutanoic acid | QSM 5.3 Table B-15 | 1 | 3.17 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluoropentanoic acid | QSM 5.3 Table B-15 | 1 | 2.61 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorobutane sulfonic acid | QSM 5.3 Table B-15 | 1 | 4.07 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorohexanoic acid | QSM 5.3 Table B-15 | 1 | 2.88 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluoropentane sulfonoic acid | QSM 5.3 Table B-15 | 1 | 2.81 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluoroheptanoic acid | QSM 5.3 Table B-15 | 1 | 4.89 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorohexane sulfonic acid (PFHxS) | QSM 5.3 Table B-15 | 1 | 2.97 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorooctanoic acid | QSM 5.3 Table B-15 | 1 | 5.93 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorononanoic acid | QSM 5.3 Table B-15 | 1 | 5.59 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluoroheptane sulfonic acid (PFHpS) | QSM 5.3 Table B-15 | 1 | 4.62 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorooctane sulfonic acid | QSM 5.3 Table B-15 | 1 | 4.23 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorodecanoic acid | QSM 5.3 Table B-15 | 1 | 5.61 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorononane sulfonic acid (PFNS) | QSM 5.3 Table B-15 | 1 | 3.39 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| NMeFOSAA | QSM 5.3 Table B-15 | 1 | 4.20 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| NEtFOSAA | QSM 5.3 Table B-15 | 1 | 3.85 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluoroundecanoic acid | QSM 5.3 Table B-15 | 1 | 3.32 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorodecane sulfonic acid (PFDS) | QSM 5.3 Table B-15 | 1 | 2.95 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorododecanoic acid | QSM 5.3 Table B-15 | 1 | 2.49 | 4.96 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |

Torrent LABORATORY, INC.

## SAMPLE RESULTS

**Report prepared for:** Curtis Conti
Kleinfelder (San Jose)

**Date/Time Received:** 04/16/21, 11:00 am
**Date Reported:** 04/23/21

| | | | |
|---|---|---|---|
| **Client Sample ID:** | GW-1 | **Lab Sample ID:** | 2104112-001B |
| **Project Name/Location:** | Eliott Quarry | **Sample Matrix:** | Groundwater |
| **Project Number:** | 20220173.001A | | |
| **Date/Time Sampled:** | 04/16/21 / 9:45 | | |
| **SDG:** | | | |

| | | | |
|---|---|---|---|
| **Prep Method:** | PFAS-W-QSM 5.3 | **Prep Batch Date/Time:** | 4/21/21 6:30:00PM |
| **Prep Batch ID:** | 1131007 | **Prep Analyst:** | TOMA |

| Parameters: | Analysis Method | DF | MDL | PQL | Results | Q | Units | Analyzed | Time | By | Analytical Batch |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Perfluorotridecanoic acid | QSM 5.3 Table B-15 | 1 | 2.62 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorotetradecanoic acid | QSM 5.3 Table B-15 | 1 | 3.69 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorooctanesulfonamide | QSM 5.3 Table B-15 | 1 | 3.61 | 9.91 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorobutanesulfoamide | QSM 5.3 Table B-15 | 1 | 0.401 | 1.98 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Gen-X | QSM 5.3 Table B-15 | 1 | 7.83 | 14.9 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| ADONA | QSM 5.3 Table B-15 | 1 | 0.395 | 1.98 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| Perfluorohexanesulfoamide | QSM 5.3 Table B-15 | 1 | 2.34 | 4.96 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| 9-Cl-PF3ONS | QSM 5.3 Table B-15 | 1 | 1.01 | 1.98 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |
| 11-Cl-PF3OUdS | QSM 5.3 Table B-15 | 1 | 0.780 | 1.98 | ND | | ng/L | 04/22/21 | 8:39 | TA | 455895 |

Torrent LABORATORY, INC.

## SAMPLE RESULTS

**Report prepared for:** Curtis Conti
Kleinfelder (San Jose)

**Date/Time Received:** 04/16/21, 11:00 am
**Date Reported:** 04/23/21

| | | | |
|---|---|---|---|
| **Client Sample ID:** | GW-2 | **Lab Sample ID:** | 2104112-002A |
| **Project Name/Location:** | Eliott Quarry | **Sample Matrix:** | Groundwater |
| **Project Number:** | 20220173.001A | | |
| **Date/Time Sampled:** | 04/16/21 / 9:50 | | |
| **SDG:** | | | |

| | | | | | |
|---|---|---|---|---|---|
| **Prep Method:** | 7199/218.6-WP | **Prep Batch Date/Time:** | 4/16/21 | 6:13:00PM |
| **Prep Batch ID:** | 1130985 | **Prep Analyst:** | BJAY | |

| Parameters: | Analysis Method | DF | MDL | PQL | Results | Q | Units | Analyzed | Time | By | Analytical Batch |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Hexavalent Chromium | SW7199 | 1 | 0.083 | 0.50 | ND | | ug/L | 04/17/21 | 1:50 | BJ | 455870 |

Torrent LABORATORY, INC.

## SAMPLE RESULTS

**Report prepared for:** Curtis Conti
Kleinfelder (San Jose)

**Date/Time Received:** 04/16/21, 11:00 am
**Date Reported:** 04/23/21

| | | | |
|---|---|---|---|
| **Client Sample ID:** | GW-2 | **Lab Sample ID:** | 2104112-002B |
| **Project Name/Location:** | Eliott Quarry | **Sample Matrix:** | Groundwater |
| **Project Number:** | 20220173.001A | | |
| **Date/Time Sampled:** | 04/16/21 / 9:50 | | |
| **SDG:** | | | |

| | | | |
|---|---|---|---|
| **Prep Method:** | PFAS-W-QSM 5.3 | **Prep Batch Date/Time:** | 4/21/21 6:30:00PM |
| **Prep Batch ID:** | 1131007 | **Prep Analyst:** | TOMA |

| Parameters: | Analysis Method | DF | MDL | PQL | Results | Q | Units | Analyzed | Time | By | Analytical Batch |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 4 2 FTS | QSM 5.3 Table B-15 | 1 | 3.54 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| 6 2 FTS | QSM 5.3 Table B-15 | 1 | 3.75 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| 8 2 FTS | QSM 5.3 Table B-15 | 1 | 5.98 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| 10:2 Fluorotelomer sulfonic acid | QSM 5.3 Table B-15 | 1 | 1.36 | 4.94 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorobutanoic acid | QSM 5.3 Table B-15 | 1 | 3.16 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluoropentanoic acid | QSM 5.3 Table B-15 | 1 | 2.60 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorobutane sulfonic acid | QSM 5.3 Table B-15 | 1 | 4.06 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorohexanoic acid | QSM 5.3 Table B-15 | 1 | 2.86 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluoropentane sulfonoic acid | QSM 5.3 Table B-15 | 1 | 2.79 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluoroheptanoic acid | QSM 5.3 Table B-15 | 1 | 4.87 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorohexane sulfonic acid (PFHxS) | QSM 5.3 Table B-15 | 1 | 2.96 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorooctanoic acid | QSM 5.3 Table B-15 | 1 | 5.91 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorononanoic acid | QSM 5.3 Table B-15 | 1 | 5.57 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluoroheptane sulfonic acid (PFHpS) | QSM 5.3 Table B-15 | 1 | 4.61 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorooctane sulfonic acid | QSM 5.3 Table B-15 | 1 | 4.21 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorodecanoic acid | QSM 5.3 Table B-15 | 1 | 5.59 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorononane sulfonic acid (PFNS) | QSM 5.3 Table B-15 | 1 | 3.38 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| NMeFOSAA | QSM 5.3 Table B-15 | 1 | 4.18 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| NEtFOSAA | QSM 5.3 Table B-15 | 1 | 3.84 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluoroundecanoic acid | QSM 5.3 Table B-15 | 1 | 3.31 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorodecane sulfonic acid (PFDS) | QSM 5.3 Table B-15 | 1 | 2.93 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorododecanoic acid | QSM 5.3 Table B-15 | 1 | 2.48 | 4.94 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |

Torrent LABORATORY, INC.

## SAMPLE RESULTS

**Report prepared for:** Curtis Conti
Kleinfelder (San Jose)

**Date/Time Received:** 04/16/21, 11:00 am
**Date Reported:** 04/23/21

| | | | |
|---|---|---|---|
| **Client Sample ID:** | GW-2 | **Lab Sample ID:** | 2104112-002B |
| **Project Name/Location:** | Eliott Quarry | **Sample Matrix:** | Groundwater |
| **Project Number:** | 20220173.001A | | |
| **Date/Time Sampled:** | 04/16/21 / 9:50 | | |
| **SDG:** | | | |

| | | | |
|---|---|---|---|
| **Prep Method:** | PFAS-W-QSM 5.3 | **Prep Batch Date/Time:** | 4/21/21 6:30:00PM |
| **Prep Batch ID:** | 1131007 | **Prep Analyst:** | TOMA |

| Parameters: | Analysis Method | DF | MDL | PQL | Results | Q | Units | Analyzed | Time | By | Analytical Batch |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Perfluorotridecanoic acid | QSM 5.3 Table B-15 | 1 | 2.61 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorotetradecanoic acid | QSM 5.3 Table B-15 | 1 | 3.67 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorooctanesulfonamide | QSM 5.3 Table B-15 | 1 | 3.60 | 9.87 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorobutanesulfoamide | QSM 5.3 Table B-15 | 1 | 0.400 | 1.97 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Gen-X | QSM 5.3 Table B-15 | 1 | 7.80 | 14.8 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| ADONA | QSM 5.3 Table B-15 | 1 | 0.394 | 1.97 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| Perfluorohexanesulfoamide | QSM 5.3 Table B-15 | 1 | 2.33 | 4.94 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| 9-Cl-PF3ONS | QSM 5.3 Table B-15 | 1 | 1.00 | 1.97 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |
| 11-Cl-PF3OUdS | QSM 5.3 Table B-15 | 1 | 0.777 | 1.97 | ND | | ng/L | 04/22/21 | 8:54 | TA | 455895 |

Torrent LABORATORY, INC.

# MB Summary Report

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Work Order:** | 2104112 | **Prep Method:** | 7199/218.6-WP | **Prep Date:** | 04/16/21 | **Prep Batch:** | 1130985 |
| **Matrix:** | Water | **Analytical Method:** | SW7199 | **Analyzed Date:** | 4/16/2021 | **Analytical Batch:** | 455870 |
| **Units:** | ug/L | | | | | | |

| Parameters | MDL | PQL | Method Blank Conc. | Lab Qualifier |
|---|---|---|---|---|
| Hexavalent Chromium | 0.083 | 0.50 | 0.098 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Work Order:** | 2104112 | **Prep Method:** | PFAS-W-QSM 5.3 | **Prep Date:** | 04/21/21 | **Prep Batch:** | 1131007 |
| **Matrix:** | Water | **Analytical Method:** | QSM 5.3 Table B-15 | **Analyzed Date:** | 4/22/2021 | **Analytical Batch:** | 455895 |
| **Units:** | ng/L | | | | | | |

| Parameters | MDL | PQL | Method Blank Conc. | Lab Qualifier |
|---|---|---|---|---|
| 4 2 FTS | 3.6 | 10.0 | ND | |
| 6 2 FTS | 3.8 | 10.0 | ND | |
| 8 2 FTS | 6.1 | 10.0 | ND | |
| 10:2 Fluorotelomer sulfonic acid | 1.4 | 5.00 | ND | |
| Perfluorobutanoic acid | 3.2 | 10.0 | ND | |
| Perfluoropentanoic acid | 2.6 | 10.0 | ND | |
| Perfluorobutane sulfonic acid | 4.1 | 10.0 | ND | |
| Perfluorohexanoic acid | 2.9 | 10.0 | ND | |
| Perfluoropentane sulfonoic acid | 2.8 | 10.0 | ND | |
| Perfluoroheptanoic acid | 4.9 | 10.0 | ND | |
| Perfluorohexane sulfonic acid (PFHxS) | 3.0 | 10.0 | ND | |
| Perfluorooctanoic acid | 6.0 | 10.0 | ND | |
| Perfluorononanoic acid | 5.6 | 10.0 | ND | |
| Perfluoroheptane sulfonic acid (PFHpS) | 4.7 | 10.0 | ND | |
| Perfluorooctane sulfonic acid | 4.3 | 10.0 | ND | |
| Perfluorodecanoic acid | 5.7 | 10.0 | ND | |
| Perfluorononane sulfonic acid (PFNS) | 3.4 | 10.0 | ND | |
| NMeFOSAA | 4.2 | 10.0 | ND | |
| NEtFOSAA | 3.9 | 10.0 | ND | |
| Perfluoroundecanoic acid | 3.4 | 10.0 | ND | |
| Perfluorodecane sulfonic acid (PFDS) | 3.0 | 10.0 | ND | |
| Perfluorododecanoic acid | 2.5 | 5.00 | ND | |
| Perfluorotridecanoic acid | 2.6 | 10.0 | ND | |
| Perfluorotetradecanoic acid | 3.7 | 10.0 | ND | |
| Perfluorooctanesulfonamide | 3.6 | 10.0 | ND | |
| Perfluorobutanesulfoamide | 0.41 | 2.00 | ND | |
| Gen-X | 7.9 | 15.0 | ND | |
| ADONA | 0.40 | 2.00 | ND | |
| Perfluorohexanesulfoamide | 2.4 | 5.00 | ND | |
| 9-Cl-PF3ONS | 1.0 | 2.00 | ND | |
| 11-Cl-PF3OUdS | 0.79 | 2.00 | ND | |

Torrent LABORATORY, INC.

## MB Summary Report

Torrent LABORATORY, INC.

# LCS/LCSD Summary Report

*Raw values are used in quality control assessment.*

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Work Order:** | 2104112 | **Prep Method:** | 7199/218.6-WP | **Prep Date:** | 04/16/21 | **Prep Batch:** | 1130985 |
| **Matrix:** | Water | **Analytical Method:** | SW7199 | **Analyzed Date:** | 4/17/2021 | **Analytical Batch:** | 455870 |
| **Units:** | ug/L | | | | | | |

| Parameters | MDL | PQL | Method Blank Conc. | Spike Conc. | LCS % Recovery | LCSD % Recovery | LCS/LCSD % RPD | % Recovery Limits | % RPD Limits | Lab Qualifier |
|---|---|---|---|---|---|---|---|---|---|---|
| Hexavalent Chromium | 0.083 | 0.50 | 0.098 | 10 | 99.8 | 98.9 | 0.906 | 90 - 110 | 20 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Work Order:** | 2104112 | **Prep Method:** | PFAS-W-QSM 5.3 | **Prep Date:** | 04/21/21 | **Prep Batch:** | 1131007 |
| **Matrix:** | Water | **Analytical Method:** | QSM 5.3 Table B-15 | **Analyzed Date:** | 4/22/2021 | **Analytical Batch:** | 455895 |
| **Units:** | ng/L | | | | | | |

| Parameters | MDL | PQL | Method Blank Conc. | Spike Conc. | LCS % Recovery | LCSD % Recovery | LCS/LCSD % RPD | % Recovery Limits | % RPD Limits | Lab Qualifier |
|---|---|---|---|---|---|---|---|---|---|---|
| 4 2 FTS | 3.59 | 10.0 | ND | 30 | 92.3 | 86.2 | 6.72 | 70 - 130 | 30 | |
| 6 2 FTS | 3.80 | 10.0 | ND | 30 | 90.8 | 99.9 | 9.79 | 70 - 130 | 30 | |
| 8 2 FTS | 6.06 | 10.0 | ND | 30 | 102 | 101 | 0.985 | 70 - 130 | 30 | |
| 10:2 Fluorotelomer sulfonic ac | 1.37 | 5.00 | ND | 30 | 117 | 107 | 8.62 | 70 - 130 | 30 | |
| Perfluorobutanoic acid | 3.20 | 10.0 | ND | 30 | 93.1 | 93.8 | 0.714 | 70 - 130 | 30 | |
| Perfluoropentanoic acid | 2.63 | 10.0 | ND | 30 | 92.9 | 93.2 | 0.358 | 70 - 130 | 30 | |
| Perfluorobutane sulfonic acid | 4.11 | 10.0 | ND | 30 | 83.3 | 84.2 | 1.19 | 70 - 130 | 30 | |
| Perfluorohexanoic acid | 2.90 | 10.0 | ND | 30 | 98.9 | 98.3 | 0.676 | 70 - 130 | 30 | |
| Perfluoropentane sulfonoic aci | 2.83 | 10.0 | ND | 30 | 88.6 | 88.4 | 0.377 | 70 - 130 | 30 | |
| Perfluoroheptanoic acid | 4.93 | 10.0 | ND | 30 | 91.6 | 90.5 | 1.47 | 70 - 130 | 30 | |
| Perfluorohexane sulfonic acid | 3.00 | 10.0 | ND | 30 | 90.0 | 89.2 | 0.743 | 70 - 130 | 30 | |
| Perfluorooctanoic acid | 5.98 | 10.0 | ND | 30 | 90.4 | 94.4 | 4.33 | 70 - 130 | 30 | |
| Perfluorononanoic acid | 5.65 | 10.0 | ND | 30 | 95.8 | 94.4 | 1.40 | 70 - 130 | 30 | |
| Perfluoroheptane sulfonic acid | 4.67 | 10.0 | ND | 30 | 90.9 | 91.3 | 0.366 | 70 - 130 | 30 | |
| Perfluorooctane sulfonic acid | 4.27 | 10.0 | ND | 30 | 91.3 | 90.1 | 1.47 | 70 - 130 | 30 | |
| Perfluorodecanoic acid | 5.66 | 10.0 | ND | 30 | 97.1 | 94.4 | 2.79 | 70 - 130 | 30 | |
| Perfluorononane sulfonic acid | 3.42 | 10.0 | ND | 30 | 99.7 | 90.0 | 10.2 | 70 - 130 | 30 | |
| NMeFOSAA | 4.24 | 10.0 | ND | 30 | 92.2 | 83.4 | 10.2 | 70 - 130 | 30 | |
| NEtFOSAA | 3.89 | 10.0 | ND | 30 | 87.8 | 87.7 | 0.380 | 70 - 130 | 30 | |
| Perfluoroundecanoic acid | 3.35 | 10.0 | ND | 30 | 92.0 | 92.7 | 0.722 | 70 - 130 | 30 | |
| Perfluorodecane sulfonic acid | 2.97 | 10.0 | ND | 30 | 89.7 | 88.1 | 1.88 | 70 - 130 | 30 | |
| Perfluorododecanoic acid | 2.51 | 5.00 | ND | 30 | 99.0 | 100 | 1.01 | 70 - 130 | 30 | |
| Perfluorotridecanoic acid | 2.65 | 10.0 | ND | 30 | 90.4 | 89.0 | 1.49 | 70 - 130 | 30 | |
| Perfluorotetradecanoic acid | 3.72 | 10.0 | ND | 30 | 88.4 | 89.8 | 1.87 | 70 - 130 | 30 | |
| Perfluorooctanesulfonamide | 3.65 | 10.0 | ND | 30 | 94.4 | 98.6 | 4.49 | 70 - 130 | 30 | |
| Perfluorobutanesulfoamide | 0.405 | 2.00 | ND | 30 | 93.2 | 96.4 | 3.52 | 70 - 130 | 30 | |
| Gen-X | 7.90 | 15.0 | ND | 30 | 68.1 | 83.0 | 19.9 | 70 - 130 | 30 | S |
| ADONA | 0.399 | 2.00 | ND | 30 | 86.7 | 91.1 | 4.88 | 70 - 130 | 30 | |
| Perfluorohexanesulfoamide | 2.37 | 5.00 | ND | 30 | 98.0 | 100 | 2.02 | 70 - 130 | 30 | |
| 9-Cl-PF3ONS | 1.02 | 2.00 | ND | 30 | 87.8 | 88.1 | 0.000 | 70 - 130 | 30 | |
| 11-Cl-PF3OUdS | 0.787 | 2.00 | ND | 30 | 90.2 | 92.3 | 2.19 | 70 - 130 | 30 | |

Torrent LABORATORY, INC.

# MS/MSD Summary Report

*Raw values are used in quality control assessment.*

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Work Order:** | 2104112 | **Prep Method:** | 7199/218.6-WP | **Prep Date:** | 04/16/21 | **Prep Batch:** | 1130985 |
| **Matrix:** | **Water** | **Analytical Method:** | SW7199 | **Analyzed Date:** | 17-Apr-2021 | **Analytical Batch:** | 455870 |
| **Spiked Sample:** | 2104112-001A | | | | | | |
| **Units:** | ug/L | | | | | | |

| Parameters | MDL | PQL | Sample Conc. | Spike Conc. | MS % Recovery | MSD % Recovery | MS/MSD % RPD | % Recovery Limits | % RPD Limits | Lab Qualifier |
|---|---|---|---|---|---|---|---|---|---|---|
| Hexavalent Chromium | 0.083 | 0.50 | ND | 10 | 97.9 | 97.5 | 0.995 | 85 - 115 | 20 | |

# Laboratory Qualifiers and Definitions

## DEFINITIONS:

| |
|---|
| **Accuracy/Bias (% Recovery)** - The closeness of agreement between an observed value and an accepted reference value. |
| **Blank (Method/Preparation Blank)** -MB/PB - An analyte-free matrix to which all reagents are added in the same volumes/proportions as used in sample processing. The method blank is used to document contamination resulting from the analytical process. |
| **Duplicate** - a field sample and/or laboratory QC sample prepared in duplicate following all of the same processes and procedures used on the original sample (sample duplicate, LCSD, MSD) |
| **Laboratory Control Sample (LCS ad LCSD)** - A known matrix spiked with compounds representative of the target analyte(s). This is used to document laboratory performance. |
| **Matrix** - the component or substrate that contains the analyte of interest (e.g., - groundwater, sediment, soil, waste water, etc) |
| **Matrix Spike (MS/MSD)** - Client sample spiked with identical concentrations of target analyte (s). The spiking occurs prior to the sample preparation and analysis. They are used to document the precision and bias of a method in a given sample matrix. |
| **Method Detection Limit (MDL)** - the minimum concentration of a substance that can be measured and reported with a 99% confidence that the analyte concentration is greater than zero |
| **Practical Quantitation Limit/Reporting Limit/Limit of Quantitation (PQL/RL/LOQ)** - a laboratory determined value at 2 to 5 times above the MDL that can be reproduced in a manner that results in a 99% confidence level that the result is both accurate and precise. PQLs/RLs/LODs reflect all preparation factors and/or dilution factors that have been applied to the sample during the preparation and/or analytical processes. |
| **Precision (%RPD)** - The agreement among a set of replicate/duplicate measurements without regard to known value of the replicates |
| **Surrogate (S) or (Surr)** - An organic compound which is similar to the target analyte(s) in chemical composition and behavior in the analytical process, but which is not normally found in environmental samples. Surrogates are used in most organic analysis to demonstrate matrix compatibility with the chosen method of analysis |
| **Tentatively Identified Compound (TIC) -** A compound not contained within the analytical calibration standards but present in the GCMS library of defined compounds. When the library is searched for an unknown compound, it can frequently give a tentative identification to the compound based on retention time and primary and secondary ion match. TICs are reported as estimates and are candidates for further investigation. |
| **Units:** the unit of measure used to express the reported result - **mg/L** and ***mg/Kg*** (equivalent to PPM - parts per million in **liquid** and ***solid***), **ug/L** and ***ug/Kg*** (equivalent to PPB - parts per billion in **liquid** and ***solid***), **ug/m3**, ***mg/m3***, **ppbv** and ***ppmv*** (all units of measure for reporting concentrations in air), **%** ( equivalent to 10000 ppm or 1,000,000 ppb), **ug/Wipe** ( concentration found on the surface of a single Wipe usually taken over a 100cm2 surface) |

## LABORATORY QUALIFIERS:

**B** - Indicates when the analyte is found in the associated method or preparation blank
**D** - Surrogate is not recoverable due to the necessary dilution of the sample
**E** - Indicates the reportable value is outside of the calibration range of the instrument but within the linear range of the instrument (unless otherwise noted) Values reported with an E qualifier should be considered as estimated.
**H**- Indicates that the recommended holding time for the analyte or compound has been exceeded
**J**- Indicates a value between the method MDL and PQL and that the reported concentration should be considered as estimated rather the quantitative
**NA** - Not Analyzed
**N/A** - Not Applicable
**ND** - Not Detected at a concentration greater than the PQL/RL or, if reported to the MDL, at greater than the MDL.
**NR** - Not recoverable - a matrix spike concentration is not recoverable due to a concentration within the original sample that is greater than four times the spike concentration added
**R**- The % RPD between a duplicate set of samples is outside of the absolute values established by laboratory control charts
**S**- Spike recovery is outside of established method and/or laboratory control limits. Further explanation of the use of this qualifier should be included within a case narrative
**X** -Used to indicate that a value based on pattern identification is within the pattern range but not typical of the pattern found in standards. Further explanation may or may not be provided within the sample footnote and/or the case narrative.

# Sample Receipt Checklist

Client Name: Kleinfelder (San Jose)

Project Name: Eliott Quarry

Work Order No.: 2104112

Date and Time Received: 4/16/2021 11:00:00AM

Received By: Lorna Imbat

Physically Logged By: Lorna Imbat

Checklist Completed By: Lorna Imbat

Carrier Name: Client Drop Off

**Chain of Custody (COC) Information**

| | |
|---|---|
| Chain of custody present? | Yes |
| Chain of custody signed when relinquished and received? | Yes |
| Chain of custody agrees with sample labels? | Yes |
| Custody seals intact on sample bottles? | Not Present |

**Sample Receipt Information**

| | |
|---|---|
| Custody seals intact on shipping container/cooler? | Not Present |
| Shipping Container/Cooler In Good Condition? | Yes |
| Samples in proper container/bottle? | Yes |
| Samples containers intact? | Yes |
| Sufficient sample volume for indicated test? | Yes |

**Sample Preservation and Hold Time (HT) Information**

| | | | | |
|---|---|---|---|---|
| All samples received within holding time? | Yes | | | |
| Container/Temp Blank temperature in compliance? | Yes | Temperature: | 4.0 | °C |
| Water-VOA vials have zero headspace? | No VOA vials submitted | | | |
| Water-pH acceptable upon receipt? | N/A | | | |

pH Checked by: n/a

pH Adjusted by: n/a

**Comments:**

# Login Summary Report

| | | | | | |
|---|---|---|---|---|---|
| **Client ID:** | TL5134 | Kleinfelder (San Jose) | **QC Level:** | II |
| **Project Name:** | Eliott Quarry | | **TAT Requested:** | 5+ day:5 |
| **Project # :** | 20220173.001A | | **Date Received:** | 4/16/2021 |
| **Report Due Date:** | 4/23/2021 | | **Time Received:** | 11:00 am |

**Comments:**

**Work Order # :** ***2104112***

| WO Sample ID | Client Sample ID | Collection Date/Time | Matrix | Scheduled Disposal | Sample On Hold | Test On Hold | Requested Tests | Subbed |
|---|---|---|---|---|---|---|---|---|
| 2104112-001A | GW-1 | 04/16/21 9:45 | Water | 05/31/21 | | | Cr6_W_7199<br>EDD | |
| 2104112-001B | GW-1 | 04/16/21 9:45 | Water | 05/31/21 | | | PFAS_W_31 | |
| 2104112-002A | GW-2 | 04/16/21 9:50 | Water | 05/31/21 | | | Cr6_W_7199 | |
| 2104112-002B | GW-2 | 04/16/21 9:50 | Water | 05/31/21 | | | PFAS_W_31 | |

Torrent LABORATORY, INC.

Torrent LABORATORY, INC.
483 Sinclair Frontage Road
Milpitas, CA 95035
Phone: 408.263.5258
FAX: 408.263.8293
www.torrentlab.com

# CHAIN OF CUSTODY

• NOTE: SHADED AREAS ARE FOR TORRENT LAB USE ONLY •

LAB WORK ORDER NO: 2104112

| | | | |
|---|---|---|---|
| Company Name: KLEINFELDER ☐ Env. ☐ Special | | | Project #: 20220173.001A PO #: |
| Address: 380 N. 1ST STREET | | | Project Name: ELIOTT QUARRY |
| City: SAN JOSE | State: CA | Zip Code: 95112 | Comments: EQUIS EDD REQUESTED |
| Telephone: JHELGE@KLEINFELDER.COM | Cell: 510-303-9700 | | SAMPLER: CURTIS CONTI Quote #: 00001956 |
| REPORT TO: | BILL TO: | | EMAIL: CCONTI@KLEINFELDER.COM |

**TURNAROUND TIME:**
☐ 10 Work Days ☐ 4 Work Days ☐ 1 Work Day
☐ 7 Work Days ☐ 3 Work Days ☐ Noon - Nxt Day
☒ 5 Work Days ☐ 2 Work Days ☐ 2 - 8 Hours

**SAMPLE TYPE:**
☐ Storm Water ☐ Air
☐ Waste Water ☐ Wipe
☒ Ground Water ☐ Other
☐ Soil ☐ Product / Bulk

**REPORT FORMAT:**
☐ Level II - Std.
☐ Excel - EDD
☐ EDF ☒ Std.-EDD
☐ QC Level III
☐ QC Level IV

**ANALYSIS REQUESTED**

| LAB ID | CANISTER I.D. | CLIENT'S SAMPLE I.D. | DATE / TIME SAMPLED | MATRIX | # OF CONT | CONT TYPE | PFAS QSM 5.3 | HEXAVALENT CHROMIUM | REMARKS |
|---|---|---|---|---|---|---|---|---|---|
| -001A | 1B | GW-1 | 9:45 4/16 | GW | 2 | POLY | X | X | |
| -002A/B | | GW-2 | 9:50 4/16 | GW | 2 | POLY | X | X | |

| | Relinquished By: | Print: | Date: | Time: | Received By: | Print: | Date: | Time: |
|---|---|---|---|---|---|---|---|---|
| 1 | | CURTIS CONTI | 4/16/21 | 11:00 | | L. D. Imbao | 4-16-21 | 11:00 |
| 2 | Relinquished By: | Print: | Date: | Time: | Received By: | Print: | Date: | Time: |

Were Samples Received in Good Condition? ☒ Yes ☐ NO Samples on Ice? ☒ Yes ☐ NO Method of Shipment D/D Sample seals intact? ☐ Yes ☐ NO ☐ N/A

NOTE: Samples are discarded by the laboratory 30 days from date of receipt unless other arrangements are made.

Log In By: _____ Date: _____ Labeled By: _____ Date: _____ Temp 4.1 °C #2 Page 1 of 1 Rev. 4

# APPENDIX D

BROWN AND CALDWELL TECHNICAL MEMORANDUM
OCTOBER 12, 2020

Brown AND Caldwell

701 Pike Street, Suite 1200
Seattle, Washington 98101
Tel: 206-624-0100
Fax: 206-749-2200

# Technical Memorandum

Prepared for: RMC Pacific Materials, LLC ("CEMEX")

Project Title: Eliot Quarry Reclamation Plan Amendment, Arroyo del Valle Realignment Project

Project No.: 153842

**Technical Memorandum**

Subject: Surface Mining and Reclamation Act (SMARA), California Code of Regulations (CCR) §3706(d)

Date: October 12, 2020

To: Yasha Saber, Compass Land Group

From: Nathan Foged, Brown and Caldwell

Copy to: Steve Grace, CEMEX
Andrew Kopania, EMKO Environmental

## Summary

CEMEX submitted a Reclamation Plan Amendment (RPA) for the Eliot Facility in Livermore, California. The County of Alameda (County) Community Development Agency (CDA) and its contract environmental impact report preparer, Benchmark Resources (Benchmark), reviewed several of the technical studies from the RPA, including the *Hydraulic Design Study* completed by Brown and Caldwell (BC, 2020). Benchmark asked CEMEX to confirm that stormwater drainage and erosion control measures planned for the Eliot Facility comply with Surface Mining and Reclamation Act (SMARA), California Code of Regulations (CCR) §3706(d):

> ***§ 3706.***
> ***Performance Standards for Drainage, Diversion Structures, Waterways, and Erosion Control***
> *(d) Surface runoff and drainage from surface mining activities shall be controlled by berms, silt fences, sediment ponds, revegetation, hay bales, or other erosion control measures, to ensure that surrounding land and water resources are protected from erosion, gullying, sedimentation and contamination. Erosion control methods shall be designed to handle runoff from not less than the 20 year/1 hour intensity storm event.*

BC reviewed the work completed for the *Hydraulic Design Study*, as well as supporting calculations for the design of the *Arroyo del Valle Realignment Project* and found that project elements fundamentally comply with the 20-year, 1-hour storm event requirement specified by SMARA CCR §3706(d), even though different design criteria were used. Table 1 provides a summary of these findings.

| Table 1. Comparison of project elements with SMARA CCR §3706(d) | | | |
|---|---|---|---|
| **Project** | **Element** | **Design criterion** | **Compared with 20-year, 1-hour storm event** |
| ADV realignment | Stormwater drainage ditches and inlets | 15-year peak rainfall intensity per Alameda County standards | 15-year peak rainfall intensity is slightly less than a 20-year peak rainfall intensity. However, we have confirmed that the sizing remains the same.[1] |
| ADV realignment | Arroyo del Valle stream channel | Historical range of stream flows were used to balance sediment and maintain channel function and stability. | The full range of stream flows analyzed (roughly 0.01 to 1,000 cfs) includes discharges resulting from a 20-year, 1-hour event. |
| ADV realignment | Floodplain and protection for outer embankments (barbs) | 100-year discharge in Arroyo del Valle | 100-year >> 20-year, 1-hour event |
| ADV realignment | Temporary erosion control measures | Design Key Notes:<br>(1) Erosion control facilities shall be installed and maintained according to the technical standards and specifications of Alameda county.<br>(2) This suggested erosion control plan is intended to provide conceptual erosion control BMP for the contractor's consideration.<br>(3) Contractor is responsible for submitting final erosion control, dewatering, materials management and sequencing plans to Alameda County prior to construction start. | A 20-year, 1-hour design storm criterion does not change the recommended erosion control BMPs. |
| ADV realignment | Lateral pipe entry to earth channel (pipes from Vineyard) | Standard details provided by Zone 7 (SF605) | Runoff comes from south side of Vineyard avenue not mine site and enters into ADV realignment channel that is adequately designed for the 20-year/1-hour storm event. |
| Lake A diversion structure | Overflow, bypass, diversion, etc. | Zone 7, water management criteria for diversion and by pass flows | Concept design does not have elements that manage drainage/runoff from surface mining activities. |
| Lake B overflow | Riprap slope protection | Probable maximum precipitation (PMP) | PMP >> 20-year, 1-hour event. |

1. *BC updated the rainfall intensity in their supporting calculations to use the 20-year intensity. The intensity increased from 3.1 in/hr for the 15-year event to 3.28 in/hr for the 20-year event. This led to a change in the peak runoff rate from 3.25 cfs to 3.50 cfs using the County's calculator worksheet. However, this small increase does not change the size of the v-ditch.*

# APPENDIX E

MITIGATION MONITORING AND REPORTING PROGRAM

# MITIGATION MONITORING AND REPORTING PROGRAM

## INTRODUCTION

Mitigation Monitoring and Reporting Programs (MMRPs) are required by the California Environmental Quality Act (CEQA) Section 21081.6 to be adopted by CEQA Lead Agencies for projects having the potential to cause significant environmental impacts. The MMRP describes changes to the project or conditions of project approval that mitigate or avoid the project's potential significant effects on the environment. This MMRP addresses the Eliot Quarry (SMP-23) Reclamation Plan Amendment proposed by RMC Pacific Materials, LLC (CEMEX). The proposed project is located within Alameda County (County); the County is the Lead Agency under CEQA and has discretionary authority over the proposed project.

## MMRP FORMAT AND IMPLEMENTATION

Mitigation measures that would reduce or eliminate potential environmental impacts of the proposed project are identified in the *Eliot Quarry (SMP-23) Reclamation Plan Amendment Subsequent Environmental Impact Report* (SEIR). These mitigation measures will become conditions of project approval if the project is approved. The County is required to verify that all adopted mitigation measures are implemented properly and to ensure compliance. This MMRP (including the checklist) has been formulated to implement that requirement. The MMRP shall be adopted, along with CEQA Findings, by the County (Lead Agency) and must be administered by County personnel from the Planning and Public Works departments. Specific responsibilities are delineated for each measure in the attached checklist table and these responsibilities may be delegated to qualified County staff or consultants.

The checklist, which follows as Table 1, "Mitigation Monitoring and Reporting Program," is intended to be used by the Permittee, grading/construction contractors, and personnel from the above-listed County Departments, as the appointed mitigation implementation and monitoring entities. Information contained within the checklist clearly identifies each mitigation measure, defines the conditions required to verify compliance, and delineates the monitoring schedule. Following is an explanation of the three columns that constitute each MMRP checklist.

- Column 1: Mitigation Measure: An inventory of each mitigation measure is provided.
- Column 2: Monitoring Responsibility: Identifies who are responsible for determining compliance with each mitigation measure (e.g., Alameda County Planning Department, construction contractor, project Permittee, qualified biologist).
- Column 3: Implementation Schedule: As scheduling is dependent upon the progression of the overall project, specific dates are not used within the "Schedule" column. Instead, scheduling describes a logical succession of events (e.g., prior to ground-disturbing activities, etc.) and, if necessary, delineates a follow-up program.
- Column 4: Monitoring Compliance Record Name/Date: Column is left blank and is to be signed and dated when compliance with the mitigation measure has been met.

**TABLE 1**
**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation Measures | Monitoring Responsibility | Implementation Schedule | Monitoring Compliance Record Name/Date |
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| **AESTHETICS/VISUAL RESOURCES** | | | |
| **Mitigation Measure 4.1-1:** Daily Limitation of Construction Hours. All reclamation-related construction activities shall be limited to the 7 a.m. – 7 p.m. Monday through Friday, and 9 a.m. – 6 p.m. on Saturday. Reclamation construction activity shall be prohibited on Sundays. [1] | Alameda County Planning Department; Permittee | Ongoing until reclamation-related construction activities are complete | |
| **AIR QUALITY** | | | |
| **Mitigation Measure 4.2-1**: Off-road Equipment Plan. The Permittee shall implement the following to reduce project NOx emissions:<br>a) Develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in Lake A reclamation and the Lake B realignment of the Arroyo del Valle would achieve a fleet-average 20 percent NOx reduction compared to the most recent ARB fleet average for the duration of these reclamation activities. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as such become available. The plan shall be submitted to the County within 90 days of project approval.<br>The Alameda County Community Development Agency would be responsible for ensuring compliance. | Alameda County Planning Department; Permittee | Within 90 days of project approval | |
| **Mitigation Measure 4.2-2**: Update Dust Control Plan. Within 90 days of proposed project approval, the Permittee shall update its existing 2015 Dust Control Plan to address changes that would occur as a result of the proposed project. The new plan shall comply with BAAQMD best practices and be approved by the County. | Alameda County Planning Department; Permittee | Within 90 days of project approval | |
| **BIOLOGICAL RESOURCES** | | | |
| **Mitigation Measure 4.3-1a:** Obtain Regulatory Entitlements and Authorizations.<br>The Permittee shall obtain regulatory entitlements and authorizations from the US Army Corps of Engineers ("USACE"), U.S. Fish and Wildlife Service ("USFWS"), National Marine Fisheries Service ("NMFS"), California Regional Water Quality Control Board ("RWQCB"), and California Department of Fish and Wildlife ("CDFW"). | Alameda County Planning Department; Permittee; applicable regulatory agencies | Prior to reclamation-related construction activities in waters or sensitive habitats | |

[1] Applies to reclamation activities; does not apply to vested mining and processing activities.

| Mitigation Measures | Monitoring Responsibility | Implementation Schedule | Monitoring Compliance Record Name/Date |
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| **Mitigation Measure 4.3-1b:** Special Status Amphibian and Reptile Species<br>To avoid and minimize impacts to special status amphibian and reptile species, including western pond turtle, Alameda whipsnake (striped racer), California red-legged frog, California tiger salamander, coast horned lizard, San Joaquin whipsnake, and western spadefoot, the following shall apply:<br>1. No more than 48 hours prior to the commencement of reclamation-related ground disturbing activity (i.e. clearing, grubbing, or grading) associated with the construction of the Lake A diversion structure, realigned Arroyo del Valle, or other areas, a qualified biologist shall conduct a pre-construction survey of suitable habitat in the project reclamation area. The survey shall include aquatic habitat and adjacent uplands surrounding aquatic habitat within the project reclamation area. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.<br>2. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the Planning Department prior to the commencement of ground disturbing activity.<br>3. Construction personnel shall receive worker environmental awareness training prior to the commencement of ground disturbing activity. This training instructs workers how to recognize special status amphibian and reptiles species and their habitat.<br>4. If a special status amphibian or reptile species is encountered during construction, then all construction shall cease until the animal has moved out of the construction area on its own or has been relocated by a qualified biologist in coordination with the California Department of Fish and Wildlife (CDFW). If the animal is injured or trapped, a qualified biologist shall move the animal out of the construction area and into a suitable habitat area. CDFW shall be notified within 24-hours that a special status amphibian or reptile species was encountered.<br>5. Comply with the mitigation requirements and conditions of any Section 1600 Lake and Streambed Alteration Agreement (Agreement) with CDFW for project reclamation activities, as applicable to amphibian and reptile species. If there is a conflict between the terms of mitigation items 1 through 4 above and the Agreement, then the Permittee shall abide by the terms of the Agreement. | Alameda County Planning Department; Qualified Biologist; Permittee; CDFW | No more than 48 hours prior to reclamation-related ground disturbing activity; Ongoing; Within 24 hours of special status species encountered, if applicable. | |

| Mitigation Measures | Monitoring Responsibility | Implementation Schedule | Monitoring Compliance Record Name/Date |
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| **Mitigation Measure 4.3-1c:** Nesting Raptors<br>To avoid and minimize impacts to nesting raptors, including bald eagle, golden eagle, American peregrine falcon, prairie falcon, white-tailed kite, Cooper's hawk, ferruginous hawk, and northern harrier, the following shall apply:<br>1. If reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) is to commence within 500 feet of suitable nesting habitat during the nesting season (e.g., March 1-Sept. 15), then a qualified biologist shall conduct a pre-construction survey for raptor nests. The survey shall cover all potential tree and ground nesting habitat on-site and off-site up to a distance of 500 feet from the construction activity. The survey shall occur within 30 days of the date that reclamation/construction would encroach within 500 feet of suitable habitat. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.<br>2. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the Planning Department prior to the commencement of ground disturbing activity. If no active nests are found during the survey, then no further mitigation would be required.<br>3. If any active nests are found, then the Planning Department and the California Department of Fish and Wildlife (CDFW) shall be contacted to determine appropriate avoidance and minimization measures. The avoidance and minimization measures shall be implemented prior to the commencement of construction within 500 feet of an identified nest.<br>4. Comply with the mitigation requirements and conditions of any Section 1600 Lake and Streambed Alteration Agreement (Agreement) with CDFW for project reclamation activities, as applicable to nesting raptors. If there is a conflict between the terms of mitigation items 1, 2, or 3 above and the Agreement, then the Permittee shall abide by the terms of the Agreement. | Alameda County Planning Department; Qualified Biologist; CDFW; Permittee | Prior to reclamation-related ground disturbing activity between March 1-September 15 (nesting season); Within 30 days of the date that reclamation/construction would encroach within 500 feet of suitable habitat or identified nest | |
| **Mitigation Measure 4.3-1d:** Nesting Birds<br>To avoid and minimize impacts to migratory nesting birds, the following shall apply:<br>1. If reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) is to commence within 50 feet of nesting habitat between February 1 and August 31, then a qualified biologist shall conduct a pre-construction survey for active migratory nests within 14 days prior to the commencement of ground disturbing activity. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are | Alameda County Planning Department; Qualified Biologist; CDFW; Permittee | Prior to reclamation-related ground disturbing activity between February 1-August 31 (nesting season); Within 30 days of the date that reclamation/constructio | |

| Mitigation Measures | Monitoring Responsibility | Implementation Schedule | Monitoring Compliance Record Name/Date |
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| visible from authorized areas.<br>2. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the Planning Department prior to the commencement of ground disturbing activity. If no active nests are found during the survey, then no further mitigation would be required.<br>3. If active nests are found in the survey area, then a non-disturbance buffer of a size determined by a qualified biologist shall be established and maintained around the nest to prevent nest failure. All construction activities shall be avoided within this buffer area until a qualified biologist determines that nestlings have fledged, or until September 1, unless otherwise approved by the Planning Department and CDFW. | | n would encroach within 500 feet of suitable habitat or identified nest | |
| **Mitigation Measure 4.3-1e**: Loggerhead Shrike<br>To avoid and minimize potential impacts to loggerhead shrike, the following shall apply:<br>1. If reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) is to commence within 200 feet of suitable nesting habitat during the nesting season (February 15-August 31), then a qualified biologist shall conduct a pre-construction survey for loggerhead shrike nests in all suitable shrubs and trees that are within 200 feet from the construction activities. The survey shall occur within 30 days prior to the commencement of ground disturbing activities. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.<br>2. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the Planning Department prior to the commencement of ground disturbing activity. If no active nests are found during the survey, then no further mitigation would be required.<br>3. If nesting individuals are found, then an exclusion zone shall be established within 200 feet of the active nest(s) until a qualified biologist determines that the young of the year are no longer reliant upon the nest.<br>4. Comply with the mitigation requirements and conditions of any Section 1600 Lake and Streambed Alteration Agreement (Agreement) with the California Department of Fish and Wildlife for project reclamation activities, as applicable to the loggerhead shrike. If there is a conflict between the terms of mitigation items 1, 2, or 3 above and the Agreement, then the Permittee shall abide by the terms of the Agreement. | Alameda County Planning Department; Qualified Biologist; CDFW; Permittee | Within 30 days prior to reclamation-related ground disturbing activities between February 15-August 3 (during nesting season); until a qualified biologist determines that the young of the year are no longer reliant upon the nest. | |

| Mitigation Measures | Monitoring Responsibility | Implementation Schedule | Monitoring Compliance Record Name/Date |
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| **Mitigation Measure 4.3-1f:** Tricolored Blackbird<br>To avoid and minimize potential impacts to tricolored blackbird, the following shall apply:<br>1. If reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) is to commence within 300 feet of suitable nesting habitat during the nesting season (March 1-July 31), then a qualified biologist shall conduct a pre-construction survey for nesting tricolored blackbirds in suitable habitats that are within 300 feet from the project activities. The survey shall occur within 30 days prior to the commencement of ground disturbing activities. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.<br>2. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the Planning Department prior to the commencement of ground disturbing activity. If no tricolored blackbirds are found during the survey, then no further mitigation would be required.<br>3. If an active tricolored blackbird colony is found within 300 feet of reclamation activity, the Permittee may avoid impacts to tricolored blackbird by establishing a 300-foot temporary setback, with fencing that prevents any project activity within 300 feet of the colony. A qualified biologist shall verify that setbacks and fencing are adequate and will determine when the colonies are no longer dependent on the nesting habitat (i.e. nestling have fledged and are no longer using habitat). The breeding season typically ends in July.<br>4. Comply with the mitigation requirements and conditions of any Section 1600 Lake and Streambed Alteration Agreement (Agreement) with CDFW for project reclamation activities, as applicable to tricolored blackbird. If there is a conflict between the terms of mitigation items 1, 2, or 3 above and the Agreement, then the Permittee shall abide by the terms of the Agreement. | Alameda County Planning Department; Qualified Biologist; CDFW; Permittee | Within 30 days prior to reclamation-related ground disturbing activities between March 1 - July 31 (during nesting season); until a qualified biologist determines that the colonies are no longer reliant upon nesting habitat. | |
| **Mitigation Measure 4.3-1g:** Burrowing Owl<br>To avoid and minimize potential impacts to western burrowing owl, the following shall apply:<br>1. If reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) is to commence within 500 feet of suitable owl burrow habitat, then a qualified biologist shall conduct a pre-construction survey for burrowing owl. The survey shall occur within 30 days prior to the date that | Alameda County Planning Department; Qualified Biologist; CDFW; Permittee | Within 30 days prior to reclamation-related ground disturbing activities within 500 feet of suitable habitat; Ongoing | |

| Mitigation Measures | Monitoring Responsibility | Implementation Schedule | Monitoring Compliance Record Name/Date |
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| reclamation activities will encroach within 500 feet of suitable habitat. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. Surveys shall be conducted in accordance with the following:<br>a. A survey for burrows and owls shall be conducted by walking through suitable habitat over the entire reclamation construction site and in areas within 500 feet of the project disturbance area.<br>b. Pedestrian survey transects should be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines should be no more than 30 meters, and should be reduced to account for differences in terrain, vegetation density, and ground surface visibility. Surveyors should maintain a minimum distance of 50 meters from any owls or occupied burrows.<br>c. If no occupied burrows or burrowing owls are found in the survey area, then the biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the Planning Department and no further mitigation is necessary.<br>d. If occupied burrows or burrowing owls are found, then a complete burrowing owl survey is required. This consists of a minimum of four site visits conducted on four separate days, which must also be consistent with the Survey Method, Weather Conditions, and Time of Day sections of Appendix D of the California Department of Fish and Wildlife (CDFW) "Staff Report on Burrowing Owl Mitigation" (March 2012). The Permittee shall then submit a survey report to the Planning Department which is consistent with the CDFW 2012 Report.<br>e. If occupied burrows or burrowing owls are found during the complete burrowing owl survey, then the Permittee shall contact the Planning Department and consult with CDFW prior to construction and will be required to submit a Burrowing Owl Mitigation Plan (subject to the approval of the Planning Department and CDFW). This plan must document all proposed measures, including avoidance, minimization, exclusion, relocation, or other measures, and include a plan to monitor mitigation success. The CDFW "Staff Report on Burrowing Owl Mitigation" (March 2012) should be used in the development of the mitigation plan.<br>2. Comply with the mitigation requirements and conditions of any Section 1600 Lake and Streambed Alteration Agreement (Agreement) with CDFW for project | | | |

| Mitigation Measures | Monitoring Responsibility | Implementation Schedule | Monitoring Compliance Record Name/Date |
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| reclamation activities, as applicable to burrowing owl. If there is a conflict between the terms of mitigation item 1 above and the Agreement, then the Permittee shall abide by the terms of the Agreement. | | | |
| **Mitigation Measure 4.3-1h:** Special Status Bats<br>To avoid and minimize potential impacts to special status bats, including hoary bat, pallid bat, and Yuma myotis, the following shall apply:<br>1. If reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) is to commence within 300 feet of suitable bat habitat during the winter hibernaculum season (e.g., November 1 through March 31), then a qualified biologist shall conduct a pre-construction survey within 300 feet of the reclamation project footprint on the CEMEX property to determine if a potential winter hibernaculum is present, and to identify and map potential hibernaculum sites.<br>2. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the Planning Department prior to the commencement of ground disturbing activity. If no winter hibernaculum sites are found during the survey, then no further mitigation would be required.<br>If potential hibernaculum sites are found, then the Permittee shall avoid all areas within a 300-foot buffer around the potential hibernaculum sites until bats have vacated the hibernaculum. Winter hibernaculum habitat shall be considered fully avoided if reclamation-related activities do not impinge on a 300-foot buffer established by the qualified biologist around an existing or potential winter hibernaculum site. The qualified biologist will determine if non-maternity and nonhibernaculum day and night roosts are present on the project site. If necessary, a qualified biologist will use safe eviction methods to remove bats if direct impacts to non-maternity and non-hibernaculum day and night roosts cannot be avoided. If a winter hibernaculum site is present, then reclamation activities shall not occur until the hibernaculum is vacated, or, if necessary, safely evicted using methods acceptable to CDFW. | Alameda County Planning Department; Qualified Biologist; CDFW; Permittee | Winter Hibernaculum (November 1 – March 31) | |
| **Mitigation Measure 4.3-2a:** Special Status Plants<br>To avoid and minimize potential impacts to special status plants, including Congdon's tarplant, Mt. Diablo buckwheat, and Mt. Diablo fairy-lantern, the following shall apply:<br>1. Prior to the commencement of reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) in areas identified as having | Alameda County Planning Department; Qualified Botanist or Biologist; CDFW; USFWS; Permittee | Within 30 days prior to reclamation-related ground disturbing activities in areas with sensitive habitat; Ongoing | |

| Mitigation Measures | Monitoring Responsibility | Implementation Schedule | Monitoring Compliance Record Name/Date |
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| potential special status plant species in the project biological resources assessment report, a qualified botanist or biologist shall conduct a pre-construction survey for special status rare plant occurrences. The survey shall occur within 30 days prior to commencement of ground-disturbing activity.<br>2. If rare plant occurrences that are listed under the ESA or CESA are found and avoidance is not feasible, then the Permittee shall notify the California Department of Fish and Wildlife (CDFW) and/or (as applicable) the U.S. Fish and Wildlife Service (USFWS) for any federally-listed species and comply with any permit or mitigation requirements stipulated by those agencies.<br>3. Comply with the mitigation requirements and conditions of any Section 1600 Lake and Streambed Alteration Agreement (Agreement) with CDFW for project reclamation activities, as applicable to rare plant occurrences. If there is a conflict between the terms of mitigation items 1 and 2 above and the Agreement, then the Permittee shall abide by the terms of the Agreement. | | | |
| **Mitigation Measure 4.3-2b**: Riparian Habitat<br>Within one year of the commencement of reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) associated with the construction of the Lake A diversion structure, realigned Arroyo del Valle, or other areas identified as riparian habitat in the project biological resources assessment report, the Permittee shall mitigate for any permanent riparian impacts at a minimum 1:1 ratio, unless the regulatory permit process results in a different ratio. The implementation of mitigation for the loss of riparian habitat may be addressed separately for each phase of reclamation (e.g., Lake A diversion structure or realigned Arroyo del Valle). Exact acreage per phase shall be determined in consultation with CDFW and other regulatory requirements. Mitigation shall be accomplished by complying with the following:<br>1. Enter into and comply with the mitigation requirements and conditions of a Section 1600 Lake and Streambed Alteration Agreement (Agreement) with CDFW.<br>2. If the Agreement results in less than a 1:1 mitigation ratio for loss of riparian habitat, then the Permittee shall demonstrate that the riparian habitat which went unmitigated/uncompensated as a result of permitting has been mitigated through other means. Acceptable methods include purchase of credits from a mitigation bank or creation/preservation of on-site or off-site riparian habitats through the establishment of a permanent conservation easement, subject to the approval of the Planning Department. | Alameda County Planning Department; CDFW; Permittee | Within one year of reclamation-related ground disturbing activities near sensitive habitat; Ongoing | |

| Mitigation Measures | Monitoring Responsibility | Implementation Schedule | Monitoring Compliance Record Name/Date |
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| **Mitigation Measure 4.3-3:** 1:1 Wetland Compensation Ratio<br>Prior to the commencement of reclamation-related ground disturbing activity (which includes clearing, grubbing, or grading) associated with the construction of the Lake A diversion structure, realigned Arroyo del Valle, or in other areas identified as containing wetlands in the project aquatic resource delineation report, the Permittee shall mitigate for direct and indirect wetland impacts at a 1:1 ratio, unless the regulatory permit process results in a different ratio. The implementation of mitigation for the loss of wetlands may be addressed separately for each phase of reclamation (e.g., Lake A diversion structure or realigned Arroyo del Valle). Exact acreage per phase shall be determined prior to initiating that phase based on the verification of the preliminary jurisdictional determination by the USACE and other applicable regulatory requirements. Mitigation shall be accomplished by complying with the following:<br>1. Obtain and comply with the mitigation requirements and conditions of a Section 404 Permit(s) and Section 401 Water Quality Certification(s) for reclamation activities, as applicable.<br>2. If regulatory permitting processes result in less than a 1:1 compensation ratio for loss of wetlands, then the Permittee shall demonstrate that the wetlands which went unmitigated/uncompensated as a result of permitting have been mitigated through other means. Acceptable methods include purchase of credits from a mitigation bank or creation/preservation of on-site or off-site wetlands through the establishment of a permanent conservation easement, subject to the approval of the Planning Department. | Alameda County Planning Department; CDFW; USACE; RWQCB; Permittee | Within one year of reclamation-related ground disturbing activities near delineated wetlands; After USACE acreage verification; Ongoing | |
| **GEOLOGY AND SOILS** | | | |
| **Mitigation Measure 4.4-1:** Erosion Control Plan.<br>The Permittee, and its contractors shall adhere to the Erosion Control Plan for the ADV realignment prepared by Brown and Caldwell in 2019, which shall be incorporated by reference into the conditions of approval for the project. | Alameda County Planning Department; Permittee | Ongoing | |
| **Mitigation Measure 4.4-2:** Berm and Embankment Grading.<br>The Permittee shall implement the following measures to control erosion related to berm and embankment grading before ground disturbing activities:<br>a) All earthwork operations shall be observed, and all fills tested for recommended compaction and moisture content by a representative from a County-approved geotechnical specialist.<br>b) Prior to commencing grading, a pre-construction conference with representatives | County-approved geotechnical specialist; Alameda County Planning Department; Permittee | Prior to reclamation-related berm or embankment construction activities; Ongoing | |

| Mitigation Measures | Monitoring Responsibility | Implementation Schedule | Monitoring Compliance Record Name/Date |
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| from the Permittee, its grading contractor, if applicable, and County-approved geotechnical specialist shall be held at the site. Site preparation, soil handling and/or the grading plans shall be discussed at the pre-construction conference.<br>c) Prior to commencing grading within embankment and slope areas, surface vegetation shall be removed by stripping to a sufficient depth (2 to 4 inches) to remove roots and organic-rich topsoil. Material generated during stripping that is not suitable for use as embankment or reclamation slope fill shall be stockpiled for future use as topsoil. Any existing trees and associated root systems shall be removed. Roots larger than 1 inch in diameter shall be completely removed. Smaller roots may be left in-place as conditions warrant and at the discretion of on-site field monitor.<br>d) To increase stability and to provide a stable foundation for the berm embankments, the full length of the embankments shall be provided with embankment-width keyways. The keyways shall have a minimum embedment depth of 3 feet into firm, competent, undisturbed soil. The actual depth of the keyway shall be evaluated during construction by a County-approved geotechnical specialist. Keyway back-slopes shall be no flatter than 1 horizontal (H):1 vertical (V).<br>e) Where fill is placed on sloping ground steeper than 5H:1V, the fill shall be benched into the adjacent native materials as the fill is placed. Benches shall roughly parallel slope contours and extend at least 2 feet into competent material. In addition, a keyway shall be cut into the slope at the base of the fill. Keyways shall be at least 15 feet wide and extend at least 2 feet into competent material. Bench and keyway criteria may need revision during construction based on the actual materials encountered and grading performed in the field.<br>f) Pipe penetrations through the planned berms and embankments shall be avoided, if feasible. If pipe penetrations are unavoidable, the Permittee shall provide concrete cut-off collars at the penetration point to reduce potential for seepage. Reinforced concrete cut-off collars shall completely encircle the pipe and should be sized such that they are 12 to 18 inches larger than the nominal outside diameter of the pipe. Thickness shall be at least 6 inches. Water-tight filler shall be used between collars and pipes.<br>g) Bottoms of keyways and areas to receive fill shall be scarified 12 inches, uniformly moisture conditioned at or above optimum moisture content and compacted to at least 90% relative compaction. Scarification and recompaction operations shall be performed in the presence of a County-approved | | | |

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| geotechnical specialist to evaluate performance of the subgrade under compaction equipment loading.<br>h) Engineered fill consisting of onsite or approved import materials shall be compacted in horizontal lifts not exceeding 8 inches (loose thickness) and brought to final subgrade elevations. Each lift shall be moisture-conditioned at or above optimum and compacted to at least 90% relative compaction at least 2% above optimum moisture content. Fills for the eastern Lake B fill embankments and Pond C/D separation shall be compacted to at least 95% relative compaction above optimum moisture content.<br>i) Fill slopes shall be built such that soils are uniformly compacted to at least 90% relative compaction at least 2% above optimum moisture content to the finished face of the completed slope. Fill slopes for the eastern Lake B fill embankments and Pond C/D separation shall be compacted to at least 95% relative compaction above optimum moisture content.<br>The Alameda County Community Development Agency shall be responsible for ensuring compliance. | | | |
| **Mitigation Measure 4.4-3:** Embankment Fill Slope Geometry.<br>Fill slopes for the proposed embankment between Silt Pond C and Silt Pond D, the embankment for overburden and silt storage at the east end of Lake B, and the "shark's fin" embankment of Lake B should be constructed at an inclination of 2:1 or flatter. Mid-height bench(es) should be considered for fill slopes exceeding 50 feet in height to provide access for slope maintenance. | Alameda County Planning Department; Permittee | Ongoing | |
| **Mitigation Measure 4.4-4:** Cut Slope of Lake B Adjacent to Realigned ADV.<br>The Permittee, or its contractor, shall implement one of the following two configurations for the cut slope of Lake B below and adjacent to the realigned ADV:<br>1. 2 ¼:1 slope<br>2. 40-foot horizontal bench at elevation 260 feet msl within a 2:1 slope. | Alameda County Planning Department; Permittee | Ongoing | |
| **GREENHOUSE GAS EMISSIONS** | | | |
| **Mitigation Measure 4.5-1a:** Idling Times. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all project access points. [Measure applies to idling times for all equipment]. | Alameda County Planning Department; Permittee | Ongoing during reclamation | |

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| **Mitigation Measure 4.5-1b:** Idling Times for Diesel-powered Equipment. Minimize the idling time of diesel-powered construction equipment to two minutes. [Measure applies to idling times for diesel-powered equipment only]. | Alameda County Planning Department; Permittee | Ongoing during reclamation | |
| **Mitigation Measure 4.5-1c:** Equipment Maintenance. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. | Alameda County Planning Department; Permittee | Ongoing during reclamation | |
| **Mitigation Measure 4.5-1d:** Alternative Fuel Plan. Prior to construction, develop a plan demonstrating that alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment will represent at least 15 percent of the construction fleet if commercially available. | Alameda County Planning Department; Permittee | Prior to reclamation-related construction | |
| **Mitigation Measure 4.5-1e:** Local Building Materials. Use at least 10 percent local building materials in construction (e.g., construction aggregates, concrete pipe). | Alameda County Planning Department; Permittee | Ongoing during reclamation | |
| **Mitigation Measure 4.5-1f:** Recycle or Reuse Construction and Demolition Materials**.** Recycle or reuse at least 50 percent of construction waste or demolition materials (e.g., during decommissioning and removal of processing plant facilities). | Alameda County Planning Department; Permittee | Ongoing during reclamation | |
| **Mitigation Measure 4.5-1g:** On-site Material Hauling. Perform on-site material hauling with trucks equipped with on-road engines (if less emissive of GHG emissions than off-road engines), if commercially available. | Alameda County Planning Department; Permittee | Ongoing during reclamation | |
| **Mitigation Measure 4.5-1h:** Generator Alternative Fuel. Use alternative fuels for generators at construction sites such as propane or solar, or use electrical power, as feasible for each construction site | Alameda County Planning Department; Permittee | Ongoing during reclamation | |
| **HYDROLOGY AND WATER QUALITY** | | | |
| **Mitigation Measure 4.6-1:** Development of SWPPP. The Permittee, and its contractors, shall conduct activities consistent with the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, which would require development of a stormwater pollution prevention plan (SWPPP) for the reclamation construction activities. The SWPPP and Notice of Intent to comply with the General Permit shall be prepared and filed with the RWQCB before commencement of construction activities. | Alameda County Planning Department; Permittee | Prior to reclamation-related construction activities | |
| **Mitigation Measure 4.6-2:** Implementation of Adaptive Management Program for Iron. The Permittee shall implement the Adaptive Management Program for Iron (see Appendix F-6 to the SEIR), which will be incorporated into conditions of approval. | Alameda County Planning Department; Permittee | Ongoing during reclamation | |

| Mitigation Measures | Monitoring Responsibility | Implementation Schedule | Monitoring Compliance Record Name/Date |
|---|---|---|---|
| **Mitigation Measure 4.6-3:** Install Lake B Groundwater Monitoring Wells.<br>The Permittee shall install up to three groundwater monitoring wells on Lake B perimeter. Permittee shall consult with Zone 7 regarding the location and specifications of these wells. The Permittee shall provide documentation to the County that they have conducted a good faith effort of coordinating with Zone 7 regarding the amount and location of the groundwater monitoring wells. | Alameda County Planning Department; Permittee; Zone 7 | Installation of wells to occur within six months of Project approval | |
| **Mitigation Measure 4.6-4:** Conveyance to Avoid Lake B Silt Storage Area.<br>The Permittee, or its contractor, shall implement one of the following two water conveyance options from the end of Lake A to Lake B:<br>1. Install a high-density polyethylene (HDPE) pipe, connected to the Lake B pipeline turnout, that will be capable of conveying the flow from the end of the Lake A to Lake B pipeline around the silt storage area located in the eastern end of Lake B.<br>2. Compact the backfill surface of the silt storage facility in the eastern end of Lake B and construct a lined channel across the top of the Lake B fill that will be capable of conveying the flow from the end of Lake A to Lake B pipeline around the silt storage area. This channel shall be lined with gravel or cobbles to minimize the potential for erosion or sediment transport. | Alameda County Planning Department; Permittee | At time of final reclamation of Lake B | |
| **LAND USE AND PLANNING** | | | |
| None required. | Not applicable. | Not applicable. | Not applicable. |
| **NOISE** | | | |
| **Mitigation Measure 4.8-1a:** Notice of Activities. All residences within 500 feet of the conduit and pipeline installation components of the proposed project and the City of Livermore Community Development Department 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 notice shall be sent no less than one week prior to construction activities. | Alameda County Planning Department; Permittee | No less than one week prior to reclamation-related construction activities. | |
| **Mitigation Measure 4.8-1b:** Mufflers. All mobile equipment shall be fitted with mufflers consistent with manufacturers recommendations & shall be well maintained. | Alameda County Planning Department; Permittee | Ongoing during reclamation | |

BENCHMARK RESOURCES

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