

## 6.4 Organizations

## 6.4 Organizations

**TABLE 6.4-1  
ORGANIZATIONS THAT SUBMITTED COMMENTS ON THE DRAFT EIS/EIR**

<b>Comment Format</b>	<b>Comment ID</b>	<b>Name of Commenter</b>	<b>Title</b>	<b>Organization/ Affiliation</b>
Public Hearing	O_CCCFB	John Veitch		Contra Costa County Farm Bureau
Email	O_CEMC	M. Scott Mansholt	Senior Environmental Project Management Specialist	Chevron Environmental Management
Email	O_CFBF	Christian C. Scheuring	Managing Counsel	California Farm Bureau Federation
Mail	O_DPBC1	Richard M. Anderson		Delta Pedalers Bicycle Club
Mail	O_DPBC2	John Diaz Coker		Delta Pedalers Bicycle Club
Mail	O_DPBC3	Connie Davis		Delta Pedalers Bicycle Club
Mail	O_DPBC4	Steve Diputado		Delta Pedalers Bicycle Club
Mail	O_DPBC5	Phil Paulson		Delta Pedalers Bicycle Club
Mail	O_DPBC6	Dave Stoeffler		Delta Pedalers Bicycle Club
Mail	O_DPBC7	Kathryn Thomas		Delta Pedalers Bicycle Club
Email	O_DWP	Anson B. Moran	General Manager	Delta Wetlands Project
Public Hearing	O_EBATC1	Steven Eng		East Bay Area Trails Council
Email	O_EBATC2	Morris Older		East Bay Area Trails Council
Public Hearing	O_EBBC	Bruce D. Ohlson		East Bay Bicycle Coalition
Email	O_EBCNPS	Lech Naumovich	East Bay Conservation Analyst	East Bay California Native Plant Society
Email	O_NASNF	John Eustacio Negrete	Treasurer	Native Alliance of the Sierra Nevada Foothills
Email	O_PCL	Evon Parvaneh Chambers	Water Policy Assistant	Planning and Conservation League
Email	O_SMD	Troy Bristol	Land Conservation Associate	Save Mount Diablo



LOS VAQUEROS RESERVOIR EXPANSION PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
ENVIRONMENTAL IMPACT REPORT (DRAFT EIS/EIR)  
PUBLIC HEARINGS



SPEAKER CARD

OAKLEY - APRIL 2, 2009

Name: John VEITCH

Affiliation: CCC.F.B

Address: 629 CASHLEY CT, BRENTWOOD

Phone: 9240 9879

E-mail: J5VEITCH@yahoo.com

Please submit your speaker card to the registration desk or meeting facilitator. The hearing officer will use the cards to invite participants to provide verbal comments during the public hearing.

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LOS VAQUEROS RESERVOIR EXPANSION  
PUBLIC HEARING ON DRAFT EIS/EIR

Iron House Elementary School  
5180 Frank Hagley Drive, Multi-Purpose Room  
Oakley, California

Thursday, April 2, 2009

REPORTED BY: DEBORAH A. FUQUA, CSR #12948

22 ALSO PRESENT: Terri Gillen, Representing Congresswoman

11 if you please state your name, your affiliation, spell  
12 your name and -- your first and your last names. And  
13 please remember this is a formal hearing and a court  
14 reporter is recording your comments.

15 Please speak clearly so your comments can be  
16 captured accurately. And I'll be the time keeper,  
17 giving you your full hour if you need it, sir.

18 We do have with us today Mr. Paul Adler, who  
19 is representing the Contra Costa County Supervisor  
20 Federal Glover.

21 Welcome. Thank you very much for coming.

22 And with that, Mr. Veitch, please come up and  
23 make your comments.

24 BILL VEITCH: Bill Veitch, V-E-I-T-C-H, Contra  
25 Costa Farm Bureau. My question was, what effect will

1 the peripheral canal have on water quantity and quality  
2 for the reservoir?

3 PETE LUCERO: Mr. Veitch, thank you very much for  
4 your question. It has been written into the record,  
5 and we will consider -- you will see an answer to that  
6 question in response to the comments in the final  
7 document.

From: Green, Karla L. [<mailto:KARLA.L.GREEN@saic.com>]  
Sent: Wednesday, April 22, 2009 10:55 AM  
To: Matt Moses  
Cc: Burns, Thomas A.; Anzelon, Daniel B.; Ibrahim, Mohamed N.  
Subject: Comments for the Los Vaqueros Reservoir Expansion Project EIR

Good Morning Mr. Moses:

Attached please find the subject letter that Danny Anzelon spoke with you about. If you have any questions or comments, please contact Tom Burns at 916-979-3748 or Mohamed Ibrahim at 916-979-3828.

Regards,

Karla L. Green | SAIC

Technical Editor/Document Manager

Division 6102|E2I BU

phone: 916.979.3707|fax 916.979.3735

email: [greenkarl@saic.com](mailto:greenkarl@saic.com) <<mailto:greenkarl@saic.com>>



Please consider the environment before printing this email.



M. Scott Mansholt  
Sr. Environmental  
Project Management  
Specialist

Chevron Environmental  
Management Company  
6111 Bollinger Canyon Rd.  
San Ramon, CA 94583-2324  
Tel (925) 543-2353  
Fax (925) 543-2323  
scott.mansholt@chevron.com

April 21, 2009

Stakeholder Correspondence–Contra Costa County Water District  
Los Vaqueros Reservoir Expansion Project

Matt Moses, P.E.  
Senior Water Resources Specialist  
Contra Costa County Water District  
1331 Concord Ave  
PO Box H20  
Concord, CA 94524-2099

**Subject: Comments for the Los Vaqueros Reservoir Expansion Project  
Environmental Impact Report**  
Chevron Environmental Management Company  
Historic Pipeline Alignment–Bakersfield to Richmond

Dear Mr. Moses:

Chevron Environmental Management Company (CEMC) recently became aware of the proposed Los Vaqueros Reservoir Expansion Project including construction of the Delta-Transfer Pipeline in eastern Contra Costa County, California, and the associated Draft Environmental Impact Report (EIR) prepared in support of this project. The purpose of this letter is to notify project stakeholders as to the location of former crude-oil transportation pipelines that were operated by Chevron's predecessors. Portions of the proposed Delta-Transfer Pipeline will intersect both historic and active pipelines owned by Chevron. CEMC requests that this information be incorporated into the comments section of the Draft EIR.

In the early 1900s, Chevron's predecessors built the Tidewater Associated Oil Company (TAOC) dual-pipeline system and the Old Valley Pipeline (OVP) system to transport heavy crude oil and Bunker C fuel oils from oilfields in Kern County to the Richmond Refinery. The pipelines were operated until the early 1970s when they were emptied, cleaned, and decommissioned. The pipelines are no longer active, and the bulk of the pipe has been removed. The locations of the former OVP and TAOC pipelines in eastern Contra Costa County are illustrated on Figure 1.

Evidence of historic releases associated with the former OVP and TAOC pipelines are sometimes identified during the course of underground utility work and other subsurface construction activities near the pipeline ROWs. Generally, residual weathered crude oil associated with Chevron's historical pipeline operations can be observed visually; however, analytical testing is necessary to confirm if the source of the affected material is associated with the former OVP or TAOC pipelines. Government agencies agreed with the testing and analytical results from human health risk assessments performed at several known historical pipeline release sites, which confirm that soil affected by the historic



Mr. Matt Moses – Senior Water Resource Specialist  
April 21, 2009  
Page 2

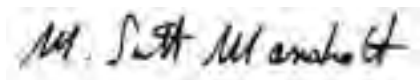
release of product from the pipelines is non-hazardous, and does not pose significant health risks. It has also been established that residual subsurface oil in the soil is relatively immobile due to its heavy and weathered nature.

CEMC is not aware of any historic petroleum-hydrocarbon releases in the vicinity of the proposed Delta-Transfer Pipeline alignment. CEMC's experience along various portions of the former OVP and TAOC alignments indicates that the potential exists for subsurface soil along and near the historical ROWs to be affected by undocumented residual weathered crude oil. For this reason, CEMC requests that the Contra Costa County Water District provide any future updates and ongoing developments regarding this project.

Note that Chevron Pipeline Company (CPL) may provide separate correspondence regarding activities associated with the active Bay Area Products Line (BAPL), which is coincident with the former OVP and TAOC alignments. CPL also manages the Kettleman-Los Medanos (KLM) alignment located approximately 2 miles east of the aforementioned ROWs, which is also intersected by the proposed project pipelines (see Figure 2).

For more information regarding the Historical Pipeline Portfolio–Bakersfield to Richmond alignment, please visit <http://www.hppinfo.com/>. If you have any questions or require additional information, please call SAIC consultants Tom Burns at (916) 979-3748 or Mohamed Ibrahim at (916) 979-3828.

Sincerely,



M. Scott Mansholt

MSM/klg

Enclosures:

Figure 1. Los Vaqueros Expansion Project – Overview Map

Figure 2. Los Vaqueros Expansion Project – Chevron Pipeline Alignments

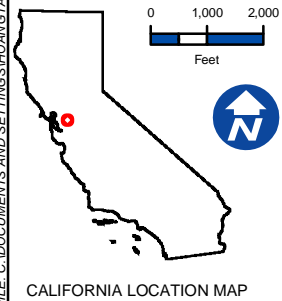
cc: Mr. Tom Burns – SAIC  
3800 Watt Avenue, Suite 210, Sacramento, California 95821  
Mr. Mike Jenkins – SAIC (letter only)  
3800 Watt Avenue, Suite 210, Sacramento, California 95821  
Mr. Jeremy Gross – Chevron Pipeline Company  
2360 Buchanan Road, Pittsburg, CA 94565










1 Cont.

2



Map is a relative representation of current and historical data and should be verified for exact legal or underground work.



-  Expanded Transfer Facility
-  Potential Future Pipeline
-  Delta-Transfer Pipeline
-  Transfer-LV Pipeline
-  Union Pacific Railroad
-  Historical Old Valley Pipeline (OVP)
-  Historical Tidewater Associated Oil Company (TAOC) Pipeline
-  Active Bay Area Products Line (BAPL)
-  Active Kettleman - Los Medanos (KLM) Pipeline

## PROJECT OVERVIEW

LOS VAQUEROS EXPANSION PROJECT  
Contra Costa County, California

DATE: 4/21/2009

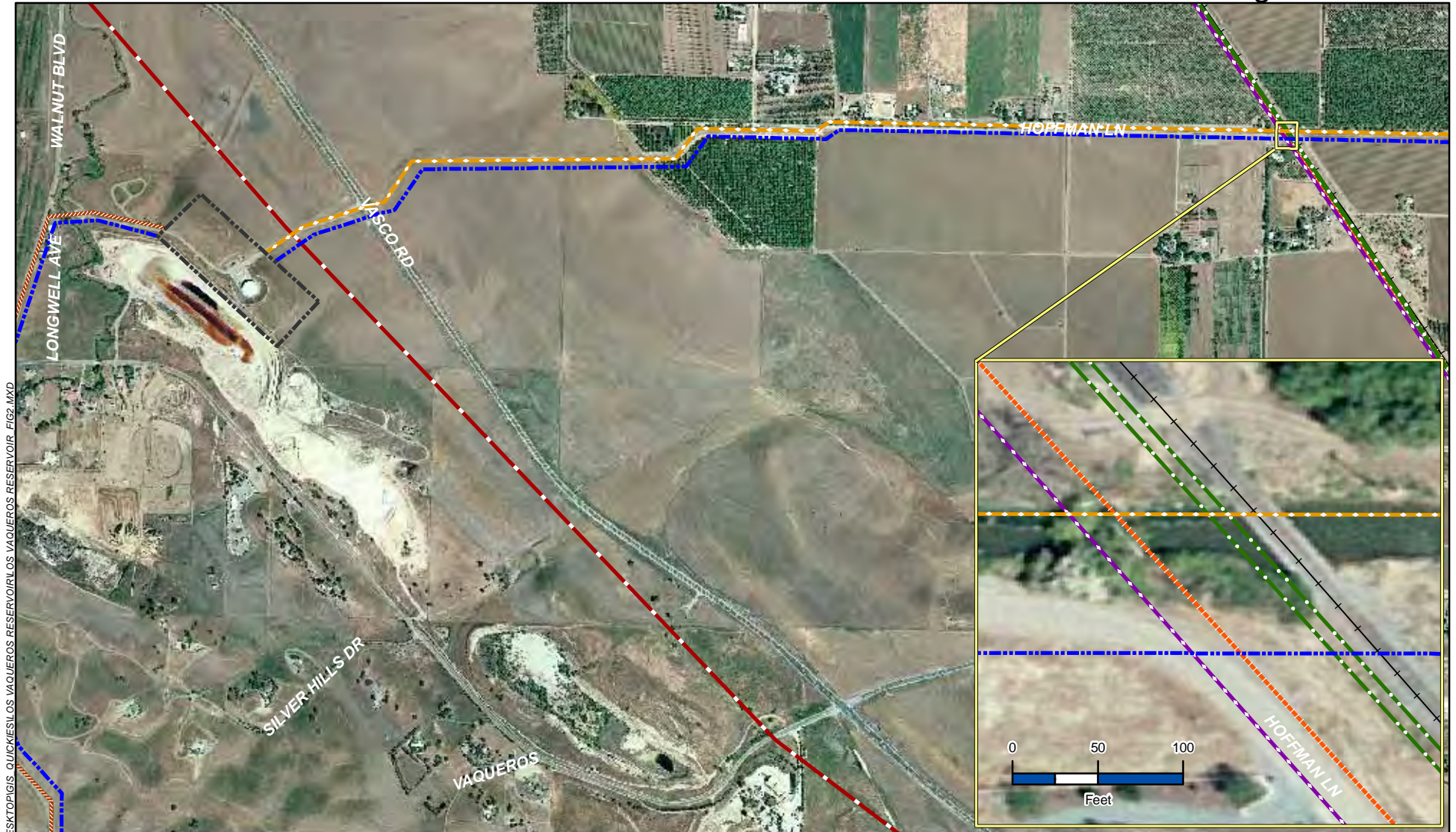
ANALYST: HOANGTA

FIGURE:

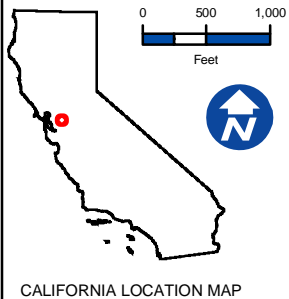


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Map is a relative representation of current and historical data and should be verified for exact legal or underground work.



- Expanded Transfer Facility
- Potential Future Pipeline
- Delta-Transfer Pipeline
- Transfer-LV Pipeline
- Union Pacific Railroad

- Historical Old Valley Pipeline (OVP)
- Historical Tidewater Associated Oil Company (TAOC) Pipeline
- Active Bay Area Products Line (BAPL)
- Active Kettleman - Los Medanos (KLM) Pipeline

## CHEVRON PIPELINE ALIGNMENTS

LOS VAQUEROS EXPANSION PROJECT  
Contra Costa County, California

DATE: 4/21/2009 ANALYST: HOANGTA

FIGURE:



2

-----Original Message-----

From: Wilbert Moore [<mailto:wmoore@mp.usbr.gov>]  
Sent: Tuesday, April 21, 2009 12:40 PM  
To: Marguerite Naillon; Andrea Nocito; Charles Gardiner; Sharon McHale  
Subject: Fwd: Los Vaqueros Reservoir Expansion

Hello,

Another comment.

Thank you,

Wilbert "Louis" Moore  
Project Coordination Specialist  
Mid-Pacific Region  
916-978-5189 Desk  
916-335-9755 Cell  
916-978-5094 Fax  
[wmoore@mp.usbr.gov](mailto:wmoore@mp.usbr.gov)



>>> "Maggard Michelle" <[MMaggard@CFBF.com](mailto:MMaggard@CFBF.com)> 4/21/2009 11:57 AM >>>  
Attached (in .pdf format) please find California Farm Bureau  
Federation's comments on the Draft EIS/EIR for the Los Vaqueros  
expansion project; the original of which went out today (to your  
attention) via First-Class mail.

Thank you for your consideration.

Regards,

Michelle Maggard  
Assistant to Mr. Scheuring  
(916) 561-5653

<<ole0>>

<<Comment Letter -Los Vaqueros.pdf>>



# CALIFORNIA FARM BUREAU FEDERATION

## NATURAL RESOURCES AND ENVIRONMENTAL DIVISION

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 · PHONE (916) 561-5655 · FAX (916) 561-5691



April 21, 2009

***Via First-Class Mail & Email***  
***wmoore@mp.usbr.gov***

Mr. Louis Moore  
Bureau of Reclamation  
2800 Cottage Way  
Sacramento, CA 95825

***Re: Comment Letter –Los Vaqueros Reservoir Expansion Project Draft EIS/EIR***

Dear Mr. Moore:

The California Farm Bureau Federation (“Farm Bureau”) is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California’s largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 85,000 members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California’s resources.

Farm Bureau appreciates the opportunity to submit comments on the Bureau of Reclamation’s Draft EIS/EIR for the Los Vaqueros Reservoir Expansion Project.

### **General Comments:**

The Farm Bureau has long publicly advocated in favor of a significant expansion of capacity over and above the state’s existing water storage infrastructure. Competition for limited supplies in California is intense and likely to intensify still further in the years and decades ahead. Environmental water needs in particular have grown exponentially over the last few decades, even as the state’s population has roughly doubled—yet the state’s major water infrastructure has remained largely static over the last several decades.



Surface water storage has distinct advantages that water efficiency, groundwater storage, and other sources of water supply can certainly complement and enhance, but *not* replace. Meanwhile, long-term sustainability issues, along with reduced snowpack, intensifying drought and flood cycles, changing seasonal runoff patterns, increasing ambient and water temperatures, and rising sea levels associated with climate change, highlight the urgent need for new surface water storage facilities and improved regional and interregional conveyance.

Additional storage, both upstream and south of the delta, in combination with possible new delta conveyance facilities could greatly enhance system capacity to meet co-equal water supply and ecosystem goals. In particular, an enhanced ability to move water at opportune times (i.e., in wetter years and at less biologically sensitive times of the year) and in more environmentally friendly ways (through improved operations and screened diversions designed and located to avoid conflict with fish and ecosystem management goals) has great potential to improve system flexibility and sustainability statewide.

While Farm Bureau remains a strong supporter of new surface water storage, however, the Los Vaqueros Expansion (“LVE”) project, as currently proposed, appears to fall short of its true potential in several respects.

To be clear, it does appear that the project, as described in the EIR/EIS, could have some local and regional benefits in addition to some apparent marginal improvements in terms of indirect benefits and overall system flexibility.

Unfortunately, as currently proposed, the project appears to have limited *statewide* benefits, whereas the greatest and most urgent water supply challenges currently faced in the state of California are *statewide* and even national in reach and scope.

This problem appears to stem, first and foremost, from the limitations imposed in CCWD’s “Principles for Expansion” and by the local 2004 advisory vote specifically limiting water supply benefits to the Bay Area and specifically excluding other water users from project benefits. Unfortunately, from our perspective, these same limitations represent a tremendous foregone opportunity.

As currently proposed, the overall statewide utility and appeal of the Los Vaqueros Expansion is limited. A more ambitious and less constrained LVE calculated to achieve a broader range of *statewide*, as well as local and regional benefits in the Bay Area, could provide multiple benefits currently excluded from the project description.

In particular, a larger LVE, combined with improved Delta conveyance and utilized for water supply, water quality, and environmental benefits not only for the Bay Area, but also for CVP and SWP contractors elsewhere in the state, could greatly enhance the flexibility, reliability, and capacity of California’s statewide water distribution system to meet competing ecosystem and water supply goals.

To improve the project's overall usefulness, CCWD and USBR should consider a follow-on supplemental EIR/EIS to examine additional project alternatives to include operational integration and broader statewide benefits in connection with possible, future improvements to Delta conveyance.

1 Cont.

### **Refuge Water and Environmental Water Account:**

Farm Bureau has concerns with the proposed use of environmental water supply from a Los Vaqueros Expansion to ensure delivery of CVPIA base and supplemental refuge water supplies, but which deliberately excludes any potential concurrent benefits to CVP and SWP contractors outside of the Bay Area.

If the LVE project would provide enhanced capacity to move, store, and deliver base CVP supplies to south-of-Delta refuges—or to conserve coldwater resources in upstream reservoirs by deferring or shifting deliveries to CCWD—this should logically translate into an improved ability on the part of Reclamation to more consistently and reliably meet its obligations to CVP contractors elsewhere in the state and also to better deal with tightening regulatory restrictions on operations of the existing CVP facilities. As analyzed in the EIR/EIS, however, while each of the alternatives seeks to improve reliability to Bay Area users and for environmental purposes including improved deliveries of base and supplemental supplies to South-of-Delta refuges, *none* of the alternatives looks at the potential for increased reliability of deliveries from the existing SWP and CVP diversions, where a portion of deliveries occurring currently at those facilities would now instead be shifted to new points of diversion in connection with a proposed LVE. The net effect of each of the proposed project alternatives, therefore, in terms benefits to “other water users” outside of the Bay Area and for the wildlife refuges areas south of the Delta, is essentially zero.<sup>1</sup>

2

This artificial constraint on the full range of potential project benefits associated with an optimized LVE project appears, again, to be a by-product of the CCWD “Principles for Expansion” and of the local 2004 advisory vote restricting benefits to Bay Area users and the environment. This, of course, is the prerogative of CCWD’s board and of its ratepayers at a local and regional level; from a statewide perspective, however, it once again creates an unfortunate barrier and limitation on the full potential and range of broader benefits a LVE without such restrictions might otherwise have.

Also of some concern to Farm Bureau from a statewide agricultural standpoint, the EIR/EIS’s review of the potential environmental effects on agricultural resources (section 4.8) looks only at direct impacts from inundation and construction to local farmland in the vicinity of the project. Thus, it does *not* consider the potential for additional adverse impacts to agricultural resources

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<sup>1</sup> See Tables 4.2-9, 4.2-10, 4.2-11, 4.2-12, 4.2-13, 4.2-14 (LVE EIR/EIS at pp. 4.2-45 through 4.2-50).

resulting from water acquisition by the Bureau of Reclamation to supply up to 150,000 acre-feet a year in supplemental supplies to refuges, or the potential cumulative loss of agricultural land throughout the state as part of the no project alternative should the LVE project proceed with a possible preclusive effect on other statewide projects, including possible future delta conveyance improvements and other CALFED storage projects. Nor does the EIR/EIS consider the potential for possible, adverse drainage impacts associated with increased loading of salts, selenium, boron, and the like as result of increased deliveries to south-of-Delta refuges or of regulatory compliance issues this may create for valley agriculture.

Another shortcoming, in our view, relates to the LVE project's purported benefits as a functional equivalent or complement to the existing Environmental Water Account or some similar program in the future. Unfortunately, applied to the Bay Area only and to the CVP refuges south of the Delta and upstream coldwater compliance *in isolation* from water supply and water use needs elsewhere in the state, the project is, here as elsewhere, far less compelling than it could potentially be.

A larger LVE project (at least 500 taf), that served as a functional equivalent of the environmental water account to provide *statewide* benefits (especially in combination with a possible new delta conveyance) could function as a tremendous asset to state and federal water and ecosystem managers in terms of increased flexibility and reliability. In contrast, a smaller (160-240 taf) expansion with few *statewide* benefits beyond the Bay Area and the federal refuges, appears to fall short of the true potential of an large, multipurpose surface water reservoir south of the Delta, in close proximity to the existing state and federal export facilities of the CVP and SWP.

### **Potential Benefits of an LVE Expansion Despite Limited Scope and Number of Eligible Beneficiaries:**

One significant, potential statewide benefit of a Los Vaqueros Expansion, separate from the scoping issues we have identified, is the buffer it could provide against a sudden interruption in supply, even if only to the Bay Area. Such a supply could enable the state as a whole to regain its footing in the event of a temporary or extended interruption in Delta supplies.

Another benefit that is potentially compatible with any long-term outcome in the Delta relates to the environmental benefits associated with the timing shift in diversions (the proposed "no diversion" period), proposed coldwater conservation benefits, and the shifting of a portion of existing SWP and CVP exports (for CCWD, Zone 7, SCVWD, etc.) from the existing CVP and SWP facilities to the fully screened, more environmentally friendly set of intakes proposed as part of the LVE. The problem, however or, rather, a major limitation on these purported benefits, is again that these benefits, in themselves, can do little to improve the water supply and ecosystem outlook for the state as a whole, if they are arbitrarily locked away from any possible benefit to the larger universe of CVP and SWP users in the state—or, worse still, if the LVE

2 Cont.

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project proceeds to the detriment of other proposed storage and conveyance projects with broader, intended *statewide* benefits. Again, the answer lies in expansion of benefits and integration with other important statewide initiatives.

3 Cont.

#### **The Proposed LVE Project in the Context of All Other Proposed Surface Storage Projects:**

From a policy standpoint at least, an important factor *not* considered in the EIR/EIS is the ‘opportunity cost’ of pursuing one of the LVE alternatives with federal and/or state participation, in terms of other projects a large public expenditure for this purpose might potentially preclude. If the South Bay water agencies, for example, decide to partner with CCWD on an LVE project at the local and regional level, this could improve their own ‘regional self-sufficiency’ somewhat, but might also preclude participation in other more comprehensive initiatives. Similarly, a large expenditure of state or federal funds on a LVE project alternative with limited statewide benefits could preclude subsequent investment in other surface storage projects with broader, potential statewide benefits. However, as we have suggested herein thorough, a more comprehensive statewide solution is what is most urgently needed at this time.

4

#### **Future Direction on the Proposed LVE Project:**

With an urgency accentuated by the difficult and uncertain times faced by the state as whole, please know that Farm Bureau and agricultural interests throughout the state anxiously await completion of the CALFED surface storage. In general, the proposed CALFED storage investigations should be rapidly brought to a conclusion and then evaluated comparatively in the larger context of *all* proposed infrastructure improvements, as well as the state’s current objectives to achieve greater statewide ecosystem health, water supply reliability, flexibility, and sustainability. With a surer map to follow at that time, it should become clearer whether the proposed LVE project makes sense in the context of other proposed surface storage projects and any potential improvements to Delta conveyance—and also whether local officials should consider resubmitting to local Bay Area voters and CCWD’s board whether the LVE project’s scope should be expanded to include broader statewide water supply and ecosystem objectives.

While we find the modest scope of the project in its current form somewhat disappointing, Farm Bureau nonetheless thanks CCWD and the Bureau of Reclamation for their perseverance on the technical and environmental studies for the proposed Los Vaqueros Expansion. With these studies now in hand and additional studies still to come, we encourage the agencies to consider the potential for greater integration of a possible, reformulated project as an element of a comprehensive water supply and ecosystem solution for the state as a whole.

Thank you for the opportunity to provide our comments and concerns regarding the proposed Los Vaqueros Reservoir Expansion.

Sincerely,



**Christian C. Scheuring**  
Managing Counsel

CCS\KEF\JEF\mmm



LOS VAQUEROS RESERVOIR EXPANSION PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
ENVIRONMENTAL IMPACT REPORT (DRAFT EIS/EIR)  
PUBLIC HEARINGS



APR 2009

RECEIVED  
CONTRA COSTA WATER  
DISTRICT  
CALFED

COMMENT CARD

Comments may be submitted today or mailed to:

Marguerite Naillon  
Contra Costa Water District  
P.O. Box H2O  
Concord, CA 94524  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (925) 686-2187  
lvstudies@hotmail.com

OR

Louis Moore  
Bureau of Reclamation  
2800 Cottage Way, MP-700  
Sacramento, CA 95825  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (916) 978-5094  
wmoore@mp.usbr.gov

*\*Please submit comments by 5:00 p.m. on Tuesday, April 21, 2009.*

Name: Richard M. Anderson  
Affiliation: Delta Pedalers Bicycle Club/East Bay Bicycle Coalition  
Address: 2158 Westward Place, Martinez, CA 94553  
Phone: (925) 372-5889  
E-mail: Mutagooska@juno.com

Comments:

Cyclists need to be able to access the water-  
shed area from either entrance and visitor area  
and to be able to ride completely through the  
water shed area from entrance to entrance.

Richard M. Anderson  
Delta Peddlers Bicycle Club/East Bay Bicycle Coalition  
2158 Westward Place  
Martinez, CA 94553

925-372-5889

[mutagooska@juno.com](mailto:mutagooska@juno.com)

Cyclists need to be able to access the watershed area from either entrance and visitor area and to be able to ride completely through the watershed area from entrance to entrance.



LOS VAQUEROS RESERVOIR EXPANSION PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
ENVIRONMENTAL IMPACT REPORT (DRAFT EIS/EIR)  
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COMMENT CARD



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P.O. Box H2O  
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Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (925) 686-2187  
lvstudies@hotmail.com

OR

Louis Moore  
Bureau of Reclamation  
2800 Cottage Way, MP-700  
Sacramento, CA 95825  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (916) 978-5094  
wmoore@mp.usbr.gov

\*Please submit comments by 5:00 p.m. on Tuesday, April 21, 2009.

Name: John DIQZ COKER  
Affiliation: DELTA PEDALERS BICYCLE CLUB  
Address: 3788 ENEA DRIVE; PITTSBURG, CALIF.  
Phone: (925) 439-1190  
E-mail: \_\_\_\_\_

Comments:

I HAVE ENJOYED REGULARLY bicycling within the  
RESERVOIR ROAD ~~AREA~~ SINCE IT HAS BEEN PERMITTED.  
My FRIENDS AND I WERE SURPRISED AND UPSET WHEN CONTRARY TO  
THE ORIGINAL PRE-VOTE PROMISES, CYCLING WAS ORIGINALLY PROHIBITED.  
IF YOU HAD RAVED ROAD ACCESS FROM THE NORTH GATE  
TO THE SOUTH GATE IT WOULD BE WELL APPRECIATED AND  
WELL USED. THE SAME SHOULD OCCUR FOR BIKE TRAIL ACCESS.

John Diaz Coker  
Delta Peddlers Bicycle Club  
3788 Enea Drive  
Pittsburg, CA

925-439-1190

"I have enjoyed regularly bicycling within the reservoir road since it has been permitted. My friends and I were surprised and upset when, contrary to the original pre-vote promises, cycling was originally prohibited. If you had paved road access from the North gate to the South gate it would be well appreciated and well used. The same should occur for bike trail access."



LOS VAQUEROS RESERVOIR EXPANSION PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
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PUBLIC HEARINGS



APR 2009  
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CONTRA COSTA WATER  
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COMMENT CARD

Comments may be submitted today or mailed to:

Marguerite Naillon  
Contra Costa Water District  
P.O. Box H20  
Concord, CA 94524  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (925) 686-2187  
lvstudies@hotmail.com

OR

Louis Moore  
Bureau of Reclamation  
2800 Cottage Way, MP-700  
Sacramento, CA 95825  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (916) 978-5094  
wmoore@mp.usbr.gov

*\*Please submit comments by 5:00 p.m. on Tuesday, April 21, 2009.*

Name: CONNIE DAVIS

Affiliation: Delta Paddler

Address: 2918 Winding Lane Apt. 9453/

Phone: 756-2983

E-mail: none

Comments:

I want access to the  
Water Shed on my Bicycle  
I want to go to the North + South Visitor  
access - I want to ride my Bike between  
the two If you allow access to the Water shed  
you should allow Bikes

Please use the reverse side or attach any additional pages

Connie Davis  
Delta Peddlers  
2918 Winding Lane  
Antioch, CA 94531

756-2983

"I want access to the Watershed on my bicycle. I want to go to the North and South Visitor across. I want to ride my bike between the two. If you allow cows to the watershed you should allow bikes!"





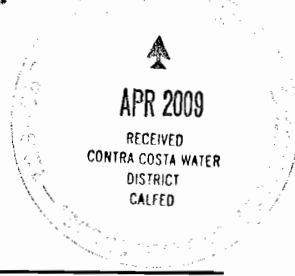
LOS VAQUEROS RESERVOIR EXPANSION PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
ENVIRONMENTAL IMPACT REPORT (DRAFT EIS/EIR)  
PUBLIC HEARINGS

COMMENT CARD



CONTRA COSTA  
WATER DISTRICT

S - No  
w/ vts



Comments may be submitted today or mailed to:

Marguerite Naillon  
Contra Costa Water District  
P.O. Box H2O  
Concord, CA 94524  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (925) 686-2187  
lvstudies@hotmail.com

OR

Louis Moore  
Bureau of Reclamation  
2800 Cottage Way, MP-700  
Sacramento, CA 95825  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (916) 978-5094  
wmoore@mp.usbr.gov

\*Please submit comments by 5:00 p.m. on Tuesday, April 21, 2009.

Name: STEVE DIPUTADO  
Affiliation: DELTA PEDALER BIKE CLUB  
Address: 2009 WHITE TAIL DRIVE, ANTIOCH CA  
Phone: 925 778-6007  
E-mail: Stevedip1@Comcast.net

Comments:

~~WANT~~ Want MORE ACCESS FOR BIKES  
TO THE WATERSHED, ~~AND~~ WANT TO BE ABLE  
TO RIDE FROM SOUTH GATE TO NORTH GATE WITHOUT  
GOING ON VASCO. ALSO WANT ACCESS TO TRAILS FOR  
MOUNTAIN BIKES. IF YOU ALLOW COWS ACCESS THEN  
BIKES SHOULD BE GIVEN ACCESS ALSO.

1  
2  
3

Please use the reverse side or attach any additional pages

Steve Diputado  
Delta Peddlers Bike Club  
2609 Whitetail Drive  
Antioch, CA

925-778-6117

[stevedip1@comcast.net](mailto:stevedip1@comcast.net)

Want more access for bikes to the watershed. Want to be able to ride from South gate to North gate without going on Vasco. Also want access to trails for mountain bikes. If you allow cows access then bikes should be given access also.



LOS VAQUEROS RESERVOIR EXPANSION PROJECT  
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Bureau of Reclamation  
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Sacramento, CA 95825  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (916) 978-5094  
wmoore@mp.usbr.gov

*\*Please submit comments by 5:00 p.m. on Tuesday, April 21, 2009.*

Name: Phil Paulson  
Affiliation: Delta Pedelars  
Address: 5514 Marlin Ct. W. Bay  
Phone: 925 - 634 - 6654  
E-mail: fiddler10@comcast.com

Comments:

Badly needed! Bicycle Access in  
the Water Shed between South and North  
Visitor Center. Unpaved is Fine

1

Phil Paulson  
Delta Peddlers  
5514 Marlin Ct  
Discovery Bay  
[fiddler10@comcast.com](mailto:fiddler10@comcast.com) (probably .net)

Badly needed! Bicycle access in the Watershed between South and North Visitor centers. Unpaved is fine.



LOS VAQUEROS RESERVOIR EXPANSION PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
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Sacramento, CA 95825  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (916) 978-5094  
wmoore@mp.usbr.gov

*\*Please submit comments by 5:00 p.m. on Tuesday, April 21, 2009.*

Name: Dave Stoeffler  
Affiliation: Delta Paddlers Bicycle Club  
Address: 703 Stewart Way, Brentwood  
Phone: 925-634-1793  
E-mail: dstoefler@sbcglobal.net

Comments:

'Need more bicycle access to  
Los Vaqueros! Need to ride in LV  
property between each end of the  
reservoir.

1

Dave Stoeffler  
Delta Peddlers Bicycle Club  
703 Stewart Way  
Brentwood

925-634-1793

[dstoeffler@sbcglobal.net](mailto:dstoeffler@sbcglobal.net)

"I need more bicycle access to Los Vaqueros! Need to ride in LV property between each end of the reservoir."



LOS VAQUEROS RESERVOIR EXPANSION PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
ENVIRONMENTAL IMPACT REPORT (DRAFT EIS/EIR)  
PUBLIC HEARINGS



APR 2009  
RECEIVED  
CONTRA COSTA WATER  
DISTRICT  
CALIFED

COMMENT CARD

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Contra Costa Water District  
P.O. Box H2O  
Concord, CA 94524  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (925) 686-2187  
lvstudies@hotmail.com

OR

Louis Moore  
Bureau of Reclamation  
2800 Cottage Way, MP-700  
Sacramento, CA 95825  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (916) 978-5094  
wmoore@mp.usbr.gov

*\*Please submit comments by 5:00 p.m. on Tuesday, April 21, 2009.*

Name: Kathryn Thomas  
Affiliation: Delta Pedalers Bicycle Club  
Address: 1067 Chelmsford Dr. Brentwood CA 94513  
Phone: 925-308-7786  
E-mail: kate-p@sbxglobal.net

Comments:

Would like to see more bicycle access within the park.  
Like to ride from north to south sides of park  
w/out having to use Vasco Rd. Also wider  
shoulder/bike lane along Walnut Blvd. leading to  
Marsh Gk road and then to Camino Diablo.

Kathryn Thomas  
Delta peddlers Club  
1067 Chelmsford Dr  
Brentwood, CA 94513

925-308-7786

[Kate-p@sbcglobal.net](mailto:Kate-p@sbcglobal.net) ([kate\\_p@sbcglobal.net](mailto:kate_p@sbcglobal.net)?)

Would like to see more bicycle access within the park. Like to ride from North to South sides of park without having to use Vasco Road. Also wider shoulder/bike lane along Walnut Blvd leading to Marsh Creek Road and through to Camino Diablo.



----- Forwarded Message

From: Los Vaqueros <lvstudies@hotmail.com>  
Date: Tue, 21 Apr 2009 15:47:33 -0700  
To: Andrea Nocito <a.nocito@circlepoint.com>  
Conversation: Los Vaqueros Reservoir Expansion Project Draft EIS/EIR  
Subject: FW: Los Vaqueros Reservoir Expansion Project Draft EIS/EIR

---

Subject: Los Vaqueros Reservoir Expansion Project Draft EIS/EIR  
Date: Tue, 21 Apr 2009 15:26:18 -0700  
From: twc@eslawfirm.com  
To: lvstudies@hotmail.com

Dear Mr. Moore,



Please find attached a copy of Delta Wetlands Project's comments in response to the Los Vaqueros Reservoir Expansion Project Draft EIS/EIR. A hard copy will follow via U.S. Mail.

Thank you,

Teresa Chan

Please note our new address:

Teresa Chan  
Ellison, Schneider & Harris LLP  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816-5905  
(916) 447-2166  
(916) 447-3512 (Fax)  
twc@eslawfirm.com  
<http://www.eslawfirm.com>



## DELTA WETLANDS PROJECT



April 21, 2009

***Via Electronic Mail and U.S. Mail***

Louis Moore  
Bureau of Reclamation  
2800 Cottage Way, MP-700  
Sacramento CA 95825-1898

Re: Los Vaqueros Reservoir Expansion Project Draft Environmental Impact  
Statement/Environmental Impact Report

Dear Mr. Moore:

The Delta Wetlands Project has reviewed the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/R) for the Los Vaqueros Reservoir Expansion Project (LVE), a project owned and operated by Contra Costa Water District (CCWD).

CCWD has been an active commenter on the development of the Delta Wetlands Project. The Delta Wetlands Project will divert and store water on Webb Tract and Bacon Island and create and enhance wetlands to manage wildlife habitat on Bouldin Island and most of Holland Tract. The stored water will be provided to municipal, industrial and agricultural users within the Central Valley Water Project and State Water Project service areas. The stored water may also be released to enhance Delta outflow and water quality. CCWD and the Delta Wetlands Project entered into a protest dismissal agreement that will ensure that any potential adverse effects to CCWD from operation of the Delta Wetlands Project will be avoided or mitigated through compliance with the Water Quality Management Plan and other plans and agreements. The LVE DEIS/R does not discuss the Delta Wetlands Project.

A Final EIR (2001 SCH # 1988020824) and Final EIS (2001) were prepared for the Delta Wetlands Project. The Final EIR is being updated in response to *Central Delta Water Agency v. State Water Resources Control Board*, 124 Cal. App.4<sup>th</sup> 245 (2004). The Delta Wetlands Project Place of Use EIR will analyze the effects of providing water to the proposed places of use, banking water within the Semitropic Groundwater Storage Bank and Antelope Valley Water Bank, and will update prior analyses based on new information and changed circumstances. The U.S. Bureau of Reclamation (Reclamation) was mailed a copy of the NOP. We encourage Reclamation to consider the Delta Wetlands Project documents in preparing the Final EIS/R for LVE, as discussed below.

Anson B. Moran, General Manager  
1660 Olympic Blvd., Suite 350  
Walnut Creek, CA 94596  
Telephone (415) 730-5637

With regard to the LVE DEIS/R, the Delta Wetlands Project submits the following comments:

1. The Delta Hydrology and Water Quality section in the DEIS/R must assess the potential cumulative impacts with the Delta Wetlands Project. The DEIS/R claims to have determined cumulative impacts by “considering the reasonably foreseeable projects described in Section 4.1.2.” (p. 4.2-68) The DEIS/R then goes on to list the projects and assumptions included in the model analyses of 2030 level of development in CalSim II and DSM2. The Stockton Drinking Water Supply Project (DWSP) and the Bay Delta Conservation Plan (BDCP) were specifically excluded based on lack of specific information of operations. However, the Delta Wetlands Project was neither included in the modeling, nor specifically considered and excluded. Unlike DWSP and BDCP, specific, quantitative information is available about the operations of the Delta Wetlands Project. As stated earlier, the Delta Wetlands Project operations and potential impacts are analyzed in the Final EIR and Final EIS.

3

2. The DEIS/R states that “[n]one of the alternatives would involve diverting more water from the Delta than allowed under existing water rights or changing the ownership or priority of those water rights” (p. 3-4), however, the changes to the “timing and location of diversions . . . may necessitate modification of existing water right permits held by CCWD; U.S. Department of the Interior, Bureau of Reclamation, Mid-Pacific Region (Reclamation); and/or California Department of Water Resources (DWR)” (pp. 3-4 to 3-5). The DEIS/R does not provide specific enough information to assess the potential impacts of the water right changes that may be required for the LVE project. Please clarify what water right approvals have already been obtained but have not yet been exercised and those that have not yet been obtained but are required to operate the proposed LVE project.

4

3. The Modeling Assumptions appendix indicates that single-year transfer agreements will be utilized to make up the difference between CCWD’s annual demand and its CVP allocation. It is not readily apparent from the model results in Appendix C4 how much water CCWD intends to divert through water transfers on an annual basis and whether CCWD can feasibly acquire the amount needed under current regulatory conditions. Please clarify.

5

4. The water supply model includes an input of Delta surplus available for diversion (see p. C2-7). The DEIS/R does not define how Delta surplus water is quantified. Please clarify.

6

Sincerely,



Anson B. Moran  
General Manager



LOS VAQUEROS RESERVOIR EXPANSION PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
ENVIRONMENTAL IMPACT REPORT (DRAFT EIS/EIR)  
PUBLIC HEARINGS



SPEAKER CARD

DUBLIN - MARCH 26, 2009

Name: Steve Eng

Affiliation: BTCEB, EBATC

Address: 3377 MT Diablo Blvd

Lafayette, CA 94549

Phone: 925-283-2453

E-mail: Steve-eng@sbcglobal.net

Please submit your speaker card to the registration desk or meeting facilitator. The hearing officer will use the cards to invite participants to provide verbal comments during the public hearing.

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LOS VAQUEROS RESERVOIR EXPANSION  
PUBLIC HEARING ON DRAFT EIS/EIR

DUBLIN-SAN RAMON SERVICES DISTRICT  
7051 Dublin Boulevard, Boardroom  
Dublin, California 94568

Thursday, March 26, 2009

REPORTED BY: LESLIE CASTRO, CSR NO. 8876

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A P P E A R A N C E S

Richard J. Woodley - Regional Resources Manager  
Bureau of Reclamation Mid-Pacific Region

Sharon McHale - Project Manager  
Bureau of Reclamation

Marguerite Naillon, P.E. - Project Manager  
Contra Costa Water District

PUBLIC OUTREACH

Charles Gardiner - CirclePoint Project Manager

--oOo--

I N D E X

SPEAKER	PAGE NO.
Steven Eng.....	6

---oOo---

1           The CCWD board of directors will consider  
2           certifying the final EIS/EIR under CEQA and approving a  
3           project following this review period.

4           Now, today, we only have one speaker. So what I  
5           will do is call our speaker to the front. And we  
6           normally put a time limit on our speakers, we have one  
7           hour for comments, so I'll forego any time limits such  
8           as that unless we end up with other speakers who decide  
9           they want to come up.

10          When you're called, please clearly state your name  
11          and affiliation into the microphone and spell your first  
12          and last name for the court reporter.

13          Please remember this is a formal hearing and the  
14          court reporter is recording your comments. Please speak  
15          clearly so your comments can be captured accurately.  
16          And if necessary, I can indicate if time is up.

17          So we don't have any elected officials who have  
18          indicated they want to speak. So, again, anybody who  
19          wants to provide comments and have not submitted a  
20          speaker card, please go to the registration table  
21          immediately and we can get you on the list.

22          With that, I call Mr. Steven Eng, and let you make  
23          your comments.

24          MR. ENG: Thank-you. It won't be an hour. Thanks  
25          for hearing me out.

1       My name IS Steven Eng. It's spelled S-T-E-V-E-N,  
2       last name is spelled E-N-G.

3       I represent myself, but I'm also a member of the  
4       Bicycle Trails Council of the East Bay and East Bay Area  
5       Trails Council.

6       And I am here to ask you guys to consider expanding  
7       your trails for multi-use, mainly so we bikers,  
8       equestrians and hikers can use the area around the  
9       reservoir.

10       I know after you complete the expansion, you will  
11       restore the trail network and not so we don't lose any  
12       recreational opportunities, but you also have an  
13       opportunity to consider maybe doing some more trails  
14       that more people can use, specifically, you know, that  
15       are assessable to bikes.

16       Lots of trails are there right now, but a lot of  
17       them are actually not available to bikes, and you guys  
18       have an opportunity to change that. I know you guys  
19       support biking because I just got a mailer from an  
20       organization saying that you sponsor a time trial road  
21       race at the reservoir. So maybe you guys can do a  
22       little more trails for mountain biking, also.

23       Thank-you.

24       MR. WOODLEY: Thank-you.

25       Unless there's somebody who's reconsidered and

1



Ist comment of the day

Andrea Nocito, Senior Project Associate

a.nocito@circlepoint.com \* 415.227.1100 x104

415.994.4670 Blackberry

CirclePoint

135 Main Street, Suite 1600, San Francisco, CA 94105



-----Original Message-----

From: Los Vaqueros [<mailto:lvstudies@hotmail.com>]

Sent: Tue 4/21/2009 8:05 AM

To: Andrea Nocito

Subject: FW: Comments - CALFED Los Vaqueros Reservoir Expansion Studies Website

> From: morrisolder@comcast.net  
> To: LVStudies@hotmail.com  
> Subject: Comments - CALFED Los Vaqueros Reservoir Expansion Studies Website  
> Date: Tue, 21 Apr 2009 03:42:47 -0400  
>  
> SENDER'S NAME: Morris Older  
>  
> SENDER'S EMAIL: morrisolder@comcast.net  
>  
> SENDER'S ADDRESS: 50 La Encinal  
>  
> SENDER'S CITY: Orinda  
>  
> SENDER'S STATE: CA  
>  
> SENDER'S ZIP: 94563  
>  
> SENDER'S PHONE #: () -  
>  
> SENDER'S FAX #: () -  
>  
> COMMENTS:  
> To the Contra Costa Water District,  
>  
> The proposed expansion of the Los Vaqueros Reservoir promises negative impacts to trails and recreation areas around the reservoir that are not fully mitigated by the proposed replacements listed in the EIR.  
>  
> The CCWD's Resource Management Plan for Los Vaqueros, enacted in September, 2001 promised "public access at reasonable costs that are distributed equally among all users." The development of 39 miles of hiking trails, but only 15.8 miles of multi use trails made a mockery of this commitment, denying equestrians and mountain bikers access to most trails at and around the Los Vaqueros Watershed. The inundation of trails near the reservoir in the proposed expansion offers the opportunity to address this inequality, but the plan proposes only to replace hiking trails with more hiking trails. The District should make good on this earlier commitment if the reservoir is expanded by opening the "new, optional 14.5 mile Eastside Service Access Road/hiking only trail" referred to in the first alternative as a full multi-use trail



open to bicycles and equestrians as well.

>

> Combining this "optional" trail with the proposed trail in the EIR could create a fully multi-use loop trail around the reservoir. In addition, to mitigate the 5 year loss of recreation, CCWD should establish a multi-use trail link between Brushy Peak Regional Preserve and the Los Vaqueros Watershed, a link which could enable a true trail connection between Brushy Peak and Morgan Territory if the 15 miles of replacement trail are situated with that in mind. Although the draft EIR notes that "the trails are lightly used," opening them up to all users equally will result in higher usage rates comparable to those on neighboring EBRPD trails with similar topography and climate.

>

> Furthermore the closure of the trails for 3 years and the reservoir for 5 years will send 25,000 visitors, including thousands of fishermen, per year to nearby facilities, including Del Valle, managed by EBRPD and others. EBRPD and other nearby agencies will thus be required to bear the cost of additional staffing, increased fish stocking, and potential overcrowding, and thus deserve to be mitigated by CCWD for the cost incurred due to the closure of Los Vaqueros.

>

> Sincerely,

> Morris Older, Acting Chair

> On behalf of the East Bay Area Trails Council

↑ 2 Cont.

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LOS VAQUEROS RESERVOIR EXPANSION PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
ENVIRONMENTAL IMPACT REPORT (DRAFT EIS/EIR)  
PUBLIC HEARINGS



SPEAKER CARD

CONCORD - MARCH 31, 2009

Name:

BRUCE D. OHLSON

Affiliation:

EAST BAY BICYCLE COALITION

Address:

3829 Los Altos Place  
Pittsburg CA 94565

Phone:

925-439-5848

E-mail:

BRUCEOLEOHLSON@HOTMAIL.COM

Please submit your speaker card to the registration desk or meeting facilitator. The hearing officer will use the cards to invite participants to provide verbal comments during the public hearing.

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LOS VAQUEROS RESERVOIR EXPANSION  
PUBLIC HEARING ON DRAFT EIS/EIR

Heald College Conference Center  
5130 Commercial Circle, Main Conference Room  
Concord, California

Tuesday, March 31, 2009

REPORTED BY: DEBORAH FUQUA, CSR #12948

1 A P P E A R A N C E S

2

3 Pete Lucero - Public Affairs Officer  
4 Bureau of Reclamation Mid-Pacific  
Region

5 Sharon McHale - Project Manager  
6 Bureau of Reclamation

7 Marguerite Naillon - Project Manager  
8 Contra Costa Water District

8

9

10 PUBLIC OUTREACH:

11

Charles Gardiner - CirclePoint Project Manager

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---o0o---

13

14 I N D E X

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16 SPEAKER PAGE NO.

17 Anne Farrell..... 7

18 Bruce Ohlson..... 11

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1 environment, we must respectfully request that the Los  
2 Vaqueros Reservoir Expansion environmental  
3 documentation incorporates the supply of recycled water  
4 to the Shell and Tesoro refineries in Martinez as a  
5 component of each and every Expansion alternative.

6 Thank you.

7 PETE LUCERO: Thank you, Ms. Farrell.

8 Mr. Ohlson, please step up. Thank you.

9 BRUCE OHLSON: Good evening, Hearing Director and  
10 Project Managers. My name is Bruce Ohlson. I'm a  
11 citizen of Pittsburg. I'm a member of the board of  
12 directors of the East Bay Bicycle Coalition, and I'm on  
13 the advocacy committee of the Delta Pedalers Bicycle  
14 Club. I also want to disclose that I'm on the Planning  
15 Commission for the City of Pittsburg, but tonight I'm  
16 speaking for the bicyclists.

17 We respectfully request and suggest that it  
18 would be eminently reasonable to be able to bicycle on  
19 a trail from the north paved public access to the south  
20 paved public access. That would be a very small  
21 mitigation to include. It wouldn't cost a whole lot.

22 I'm here tonight requesting this because the

23 Water District tends to not like bicyclists. And we  
24 have -- our current rules do not allow bicycling in  
25 most of the watershed, and we respectfully request the

11

1  
Cont.

1 permission -- the construction of a trail from one end  
2 to the other -- not expensive.

3 And if you allow any vehicles anywhere in the  
4 watershed or cattle anywhere in the watershed, it  
5 certainly wouldn't hurt to allow a bicyclist or two in  
6 there.

2

7 Thank you very much.

8 PETE LUCERO: Thank you, Mr. Ohlson.

9 Are there any speakers who have not turned in  
10 or filled out a blue card who would like to?

11 (No response)

12 PETE LUCERO: In that case, we'll go off the  
13 record, and we will re-adjourn at the end of the hour  
14 in order to make sure we have closed out this hearing  
15 officially.

16 Do you have another speaker? Oh.

17 Okay. We're off the record. Thank you.

18 (Recess taken)

19 PETE LUCERO: On the record. We are at the end of





LOS VAQUEROS RESERVOIR EXPANSION PROJECT  
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Contra Costa Water District  
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Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (925) 686-2187  
lvstudies@hotmail.com

OR

Louis Moore  
Bureau of Reclamation  
2800 Cottage Way, MP-700  
Sacramento, CA 95825  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (916) 978-5094  
wmoore@mp.usbr.gov

*\*Please submit comments by 5:00 p.m. on Tuesday, April 21, 2009.*

Name: Bruce "Ole" Ohlson  
Affiliation: EAST BAY BICYCLE COALITION  
Address: PITTSBURG  
Phone: 925-439-5848  
E-mail: BRUCEOLEOHLSON@HOTMAIL.COM

Comments:

IT IS REASONABLE TO ALLOW BICYCLISTS  
TO RIDE ON A TRAIL BETWEEN THE  
NORTH VISITOR AREA / DAM AND THE SOUTH  
VISITOR AREA. This Trail could be paved or  
unpaved, it doesn't matter. It need not →

3

be flat and follow the edge of the  
water. It just needs to connect  
the North and South Visitor Facilities  
and allow legal bicycle Access.

3 Cont.

**Monica Castro**

---

**From:** Marguerite Naillon  
**Sent:** Tuesday, April 21, 2009 11:29 PM  
**To:** Monica Castro  
**Subject:** Fw: Los Vaqueros Comment letter from CNPS

**Attachments:** LV EIR Comments CNPS.pdf



LV EIR Comments  
CNPS.pdf (432 ...)



----- Original Message -----

From: Lech Naumovich - EBCNPS <conservation@ebcnps.org>  
To: Marguerite Naillon; lvstudies@hotmail.com <lvstudies@hotmail.com>; wmoore@mp.usbr.gov  
<wmoore@mp.usbr.gov>  
Sent: Tue Apr 21 22:58:00 2009  
Subject: Los Vaqueros Comment letter from CNPS

Please accept our comments regarding the Los Vaqueros Expansion.

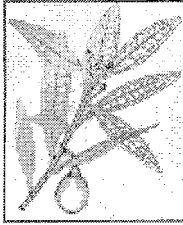
--

Lech Naumovich  
Conservation Analyst

California Native Plant Society  
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"dedicated to the conservation of native flora"



**California Native Plant Society**  
East Bay Chapter  
Conservation Committee



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**RE: Los Vaqueros Reservoir Expansion Project DEIR/EIS**

After an initial conversation that supported our letter, EBCNPS is disappointed with the decision by the Contra Costa Water District (CCWD) and the Bureau of Reclamation not to extend the deadline for comments. We were verbally informed “that there is a very good chance the comment period will be extended because we understand how much information is in the EIR/EIS document” (personal communication, Naillon, 3/24/09). On 4/8/09 with less than two weeks left in the comment period, we were informed that we were to receive no extension because the Bureau of Reclamation was against extending the comment period.

In addition, on March 24<sup>th</sup>, 2009, EBCNPS asked for compliance documents from the CCWD, (Mitigation and Monitoring Reports from the first Reservoir project) in order to evaluate the past planning efforts. No such public documents have been delivered. We are making a second request for the public reports from the mitigation and monitoring of the initial 1999 Los Vaqueros project.

EBCNPS believes that the lead agency has not been responsive to the public, and has even misled the public as to the amount of time allowed to comment on this project. We believe that it would be in the best interest of both the lead agency and the public to grant a reasonable amount of time to comment on this 1,000+ page report.

Pursuant to the California Environmental Quality Act (CEQA), EBCNPS supplies the following comments on the adequacy of the EIR/EIS.

**General Considerations**

The proposed project impacts some of the Bay Area’s most valuable oak and grassland habitat. We cannot support a project that will inundate valuable woodlands and native grasslands in a region where most have been extirpated for similar anthropogenic needs. In addition, the project forever destroys a possible corridor for San Joaquin kit fox, which has recently been observed on both sides of this passage. The public has been sent a clear message by CCWD that it only supports environmental management when it is convenient for the project.

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“As shown in Table ES-7, all action alternatives (Alternatives 1, 2, 3, and 4) would result in the following significant and unavoidable impacts:

- Loss of grassland area along the west side of the reservoir that is a potential (**although undocumented**) movement corridor for the endangered San Joaquin kit fox.” [ES4.6]

The phrase, “although undocumented,” is a curious addition since documentation is not a requirement to indicate potential habitat or movement corridors. It’s also a notable inconsistency since the CCWD does not use the phrase “although undocumented” in all its other references including annual reports, the website, and outreach publications. Most importantly, it would be useful for the CCWD to decide whether it has valuable habitat regardless of the project.

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The **primary objective** of this project is stated as:

“Develop water supplies for environmental water management that supports fish protection, habitat management, and other environmental water needs.” [ES1.1]

Yet, nowhere in the report is there a section that is titled “Water Supplies for Environmental Management”.” After searching the document, we were unable to locate **how** this project will augment water supplies for environmental management. In fact, we cannot even find current standards and protocols for release of water supplies for environmental management. The CCWD fails to address the potential benefits of the project by stating the following.

“The evaluation of benefits described in this report is intended to provide information for potential project participants and to provide a basis for evaluating potential environmental impacts. If the lead agencies decide to pursue the project following this environmental analysis, additional analyses of the extent of these benefits will be necessary for potential project partners, including state and federal government agencies, to determine their level of interest and willingness to make a financial commitment to the proposed project.” [ES2]

Describing impacts of a project whose operating schedule and parameters aren’t clearly stated does not allow for the level of environmental analysis that will be useful to the public and agencies. We believe that if the lead agency claims this project has an environmental benefit, then it is irresponsible not to document the benefits and analyze a “best scenario” operating plan before such claim is made. Therefore, we ask that if the CCWD is to claim the above **primary objective**, we would ask the CCWD share with the public the following:

- a. current water available for “environmental water management”
- b. change in water availability for “environmental water management”
- c. What environmental indicators and methods will be used to determine “environment benefit” from the improved water management?
- d. What species or group of species will the improvements benefit, and at what cost to other species that may not be included in the analysis?
- e. What performance standards will be used for the “environmental water management”?

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- f. How will the CCWD adjust for global warming impacts if they become more significant than modeled? Will the water agency have a “cap” on available water?

EBCNPS believes that these parameters need definition in order to determine the environmental impact of this project. As it is written, the EIR is insufficient for analyzing environmental impacts.

A finished Mitigation and Monitoring Reporting Program is required by CEQA at the time of approval for the FEIR. Will the CCWD produce this document and when will the public have access to it?

### Specific Considerations

Impacts to Byron Vernal Pool Preserve: EBCNPS is concerned that there is no mention of impacts to the Byron preserve from the Bethany pipeline. This developing preserve has significant habitat and special status species that will be affected by this project.

Insufficient Botanical Survey Protocols: Botanical surveys for special status plant species must be conducted during the period in which the species are in bloom. Since few lists of species found and survey dates are offered, EBCNPS believes that the CCWD did not follow correct protocol for rare and special status plant surveys. We ask that complete site lists with survey dates be released. We assume that since the only survey for the Transfer Bethany pipeline was in the spring, there would be no way to detect whether Congdon’s tarplant, big tarplant, or any number of *Atriplex* spp. occurred in the project area.

Impacts to Locally Rare Plant Species: Without proper lists, EBCNPS must assume that botanical surveys and reports did **not** take into account locally rare, unusual, or significant species. These plants are required to be listed by CEQA. Please see Dianne Lake’s publication of Rare and Unusual Plants of the East Bay.

Oversimplification of plant communities which obscures the potential diversity at the site: We believe that the richness of our biological diversity only comes to light when proper classification is used. Additionally, this allows for more effective mitigation if the proposed project were approved.

Climate Change Impacts: Although the CCWD attempts to assess climate change impacts, the effect of building the reservoir (disturbed soils release carbon and greatly impact carbon balances) and the actual reservoir’s contribution to climate change were not described in the DEIR. The CCWD fails to look at the direct impact of the project on the current day emissions and climate change.

Cumulative Impacts: The EIR/EIS does not address the cumulative impacts of the following major projects in the area, although the CCWD is cognizant that some of these projects are underway and will require additional water resources from a local provider. Nor does the lead

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agency admit to any **direct** growth inducing impacts of the project [4.20.2] Yet, the impacts of this expansion are clear as this reservoir, with increased capacity, has been mentioned in numerous studies, local City Council meetings, and noted in EIR documents from projects like the ones listed below. EBCNPS believes the growth inducing impacts are significant and unmitigable.

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Byron Vernal Pools Regional Preserve  
Tres Vaqueros Wind Farm Re-powering Project (immediately adjacent to the project site)  
Aviano Development in Antioch  
Roddy Ranch Development in Antioch  
Sand Creek Development in Antioch  
Development of Pittsburg Hillsides in Pittsburg  
Cypress corridor and related adjacent tracts in Brentwood

### Conclusions

The initial Los Vaqueros project of 1999 destroyed one of the Bay Area's most intact valley oak savannas. Figure 1 overlays two aerial images – one from 1993, and one from 2007. One can clearly see the great oaks drowned in the outline of the current reservoir. Those trees are now nothing more than a memory.

In 1991 reknowned author, Gordy Slack, best summed up the apparent tradeoff at the time of the initial flooding of the Los Vaqueros valley:

**"The loss of the [Los Vaqueros] valley bottom (including more than 1,000 mature oaks, some as many as 800 years old) would be substantial, they [CCWD] reasoned, but the protection of the rest of the watershed would justify it."**<sup>1</sup>

**Now it is clear that the CCWD will not protect the rest of the watershed, unless one considers "permanent flooding" a form of protection.**

EBCNPS believes that the EIR/EIS is not sufficient in analyzing the impacts of this project. The lead agency did not fulfill the basic guidelines of CEQA [Pub. Res. Code § 21061]; If an environmental document fails to fully inform decision makers, and the public, of the environmental consequences of the proposed actions, it does not satisfy the basic goals of either statute.

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Sincerely,

<sup>1</sup> The entire text of this article is included as Figure 2, an appendix to this comment letter.



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Figure 1: Historical photos of oak and riparian losses in the Los Vaqueros Valley



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Close-up of the Northwestern most “arm” of the Los Vaqueros reservoir where many oaks upwards of 800 years in age were inundated.

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Figure 2: Reprint of text from California Wild 52:2

Drowning the Los Vaqueros, Again  
*Gordy Slack*

The rain begins to slow as I head east on Highway 4 near Brentwood. As I pass through the entrance to the Contra Costa Water District's Los Vaqueros Watershed the sun emerges, turning the dull, oak studded hills into a verdant, almost ultraviolet display. I pull over to look for a rainbow and find instead, peering over one of these green, green hills, the snow-covered peak of Mount Diablo.

If I could spare a few days, I could hike from here to the top of Mount Diablo some 20 miles northwest, and then on to Walnut Creek, without leaving protected land.

This 18,500-acre valley, called Los Vaqueros, falls between the towns of Livermore and Brentwood, only about one hour's drive east of San Francisco. In addition to what may be the world's highest concentration of resident golden eagles, this singularly beautiful place hosts San Joaquin kit foxes, red-legged frogs, Alameda whipsnakes, California tiger salamanders, badgers, burrowing owls, prairie falcons, fairy shrimp, and an impressive variety of other plants and animals, many of them threatened or endangered. Accommodating these creatures is a mosaic of habitats that includes sagebrush and chaparral, riparian and alkali wetlands, grasslands, and blue and valley oak woodlands.

Also in this valley is a brand new 100,000-acre-foot reservoir, the first major reservoir to be built in California in a decade and a half.

In a compromise they hoped would spare most of the watershed from development, many Bay Area environmentalists supported (or at least didn't oppose) the reservoir project back in 1988, when a ballot measure raising funds for it was passed. Though an ardent enemy of most dams, U.S. Congressman George Miller, for example, signed the ballot argument in favor of the Los Vaqueros project. The Sierra Club and Audubon Society were silent on the issue. The loss of the valley bottom (including more than 1,000 mature oaks, some as many as 800 years old) would be substantial, they reasoned, but the protection of the rest of the watershed would justify it. The Contra Costa Water District (CCWD), which bought, built, and operates the reservoir, also promised to create a network of recreational trails in the watershed and to mitigate for the loss of the valley's bottom by replanting oak woodlands, creating new wetlands, and restoring riparian habitat above and below the reservoir. Making Los Vaqueros especially valuable as habitat is the fact that it is one of the biggest pieces of a jigsaw of preserved land in the East Bay, reaching more than 20 miles from Mount Diablo State Park and Walnut Creek's open space to the northwest, to Brushy Peak Regional Park.

Mitigation for the reservoir has included the planting of acorns and seedlings in what might one day be several hundred additional acres of valley oak and blue oak habitat. Cottonwoods, red willows, California rose, California buckeye, and elderberry have been planted along creeks. About 19 acres of seasonal and perennial wetlands have been created in the watershed, and another 30 acres of existing wetland have been fenced off from cattle. These and other environmental mitigations have come at a price, about \$20 million.

When the reservoir proposal was first put on the ballot, the 1982 battle over the Peripheral Canal was still a recent memory. There were some skeptics who opposed the reservoir in Los Vaqueros from the beginning, suspecting that it would be a foot in the door for big water interests who would later return to enlarge the reservoir and weave it into the state's water system, benefiting Central Valley mega-farmers

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and southern Californian water users more than anyone else. One of the most controversial proposals in California's controversy-riddled water-management history, the Peripheral Canal would have carried fresh, north Delta water 50 miles to the south, where it would have been stored in reservoirs, such as Los Vaqueros, and then carried to the State Water Project canal and on to urban and agricultural centers further south. Unwilling to siphon any more water from the Delta's ailing ecosystems to feed southern California's growth, 60 percent of California's voters (95 percent in Contra Costa County) said no to the canal.

But the south's thirst persists.

Los Vaqueros is ideally positioned for above-ground, off-stream storage in a peripheral canal-type setup. It is near the southern end of the Delta and six miles from the Clifton Court Forebay, the beginning of the California Aqueduct. And, in 1997, before the new dam was completed, state and federal officials were already publicly discussing the possibility of a much bigger dam at Los Vaqueros and a ten-fold increase from 100,000-acre-feet to a million acre-feet in the amount of water stored in the valley. (For comparison, Hetch Hetchy, San Francisco's Sierran reservoir, holds about 300,000 acre-feet of water. An acre-foot is the amount of water that covers an acre to a depth of one foot, and the amount used annually by an average California family.)

CalFed is a coalition of 14 agencies and organizations representing the federal government and state and local governments, agriculture, urban water users, water districts, and environmental organizations. The coalition was formed in 1995 to forge solutions to the Delta's worsening water quality and water supply wars. In December 1998, CalFed released its Bay-Delta Plan, and Los Vaqueros, Shasta, and Friant reservoirs were recommended as sites that could be expanded for storing more water in wet years, to release in dry ones.

One thousand four hundred acres are currently under water at Los Vaqueros. If the CalFed inundation of the valley takes place, it will submerge another 3,000 acres. Virtually all of the mitigation done for the smaller reservoir will be drowned. So will much of the recreation and open space promised to voters in the original reservoir deal. So will the 40 or so significant archeological sites, holding clues to ancient native Californian use of the watershed.

It may never be clear whether or not the CCWD had planned, or hoped, to increase the size of Los Vaqueros right from the start, but that they are entertaining the possibility now is abundantly clear. According to documents requested by the *Contra Costa Times*, the CCWD has been energetically working with CalFed to develop a plan for expanding Los Vaqueros.

Meanwhile, what had been an ambitious multi-use recreation plan for the watershed that included horse and bike trails, extensive hiking trails, fishing, boating, and swimming, was cut down to a minimum of hiking and multi-use trails. "The current recreation plan is about a tenth of what it was planned to be," says Tim Donahue, chairman of the Mount Diablo Chapter of the Sierra Club.

Donahue was a member of an advisory committee that provided recommendations regarding the watershed recreation program. The committee, composed of two dozen recreational and environmental organizations, from boaters to birders, was recruited by the CCWD. When the committee presented their recommendations, their suggestions for multi-use trails were rejected in place of a far more restrictive recreation plan.

Donahue suspects that the water district sought to minimize recreational use of the watershed in order to prevent a strong constituency of users from forming. Such a constituency of invested users could

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represent a major threat to the district, were it to try expanding the reservoir along the lines of the CalFed proposal. It would be a lot harder to take recreation away from people than to avoid giving it to them in the first place, says Donahue.

Gina Oltman, spokesperson for CCWD, says that recreation must be balanced with environmental protection and the water district's primary goal, preserving water quality. Asked if the CCWD would approve the expansion, Oltman said the board of the water district would only consider it if the water district were to retain control of the reservoir, if the project would enhance the Delta's environmental health, and if it were to be paid for by the state and federal governments. Furthermore, she said, CCWD would have to get voters' approval. For voters to accept such a proposal they would have to be promised lots and lots of clean and, above all else, cheap, water. (Despite promises of cheaper water when the first Los Vaqueros reservoir was proposed, CCWD has some of the costliest water in northern California.)

Barry Nelson, Save the San Francisco Bay's Senior Fellow, is worried about CCWD's interest in the expansion. In addition to inundating much of the remaining watershed, Nelson says, the CalFed plan may also further encourage over-tapping of the Delta instead of emphasizing water conservation incentives as a way out of California's water mess.

"I haven't seen any credible evidence that more surface storage is needed," says Nelson. Furthermore, the expansion project is part of a new wave of dam building: "Building new dams is the hottest new proposal from CalFed. A few years ago new dams weren't even on the radar screen. Now proposals are everywhere," Nelson says. "There's a long history of promising dams that will give environmental benefits, but those benefits have never been realized. The Red Bluff diversion dam, for instance, was sold to the public as an environmental dam and it's been an absolute catastrophe.

"They say a bigger Los Vaqueros would hold water that could be used to maintain fresh-water-dependent habitats in the dry season. But if we're really after environmental protection and restoration, building more dams, or bigger ones, would hardly be the best bang for our buck."

----- Original Message -----

From: John Negrete <johnnegrete@hotmail.com>

To: Marguerite Naillon; Jennifer Allen

Sent: Wed Apr 22 00:56:10 2009

Subject: Comment from John Negrete on Draft EIS/EIR on the Proposed Expansion of the LVR



Comment on Draft  
EIS.doc

Thank you for all your help.

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Comment on Draft EIS/EIR for the Proposed Expansion of the Los  
Vaqueros Reservoir

I have been visiting and studying the "Vasco Caves", Kellogg Creek, and Brushy Creek Watersheds for over 20 years. It was on my 16<sup>th</sup> birthday, May 21, 1996 that the Vasco Caves in the Kellogg Creek watershed found me. This led to a life long passion to understand and learn from these incredible places and their inhabitants.

This proposal is written and researched by me but it supported by Native American organizations and individuals (both native and non-native). Any mistakes made in this comment are mine and mine alone. Due to time constraints certain groups and tribes could not get access to this document for the committee to approve or deny. But there is a growing community of native and environmental group who are not only going to oppose the project but take educational actions to make people aware of what has been done in the past and what could happen in the future.

The main buttress of my argument is that the cumulative effect of expanding the Los Vaqueros Reservoir would cause numerous significant impacts that could not be mitigated. I have spent the last month going over all of the original documents from the original reservoir project and all the monitoring documents that the CCWD made available to me.

However, there were two gaping holes in my research concerning the status of species of special concern and cultural resources due to either a lack of understanding of who was responsible for the original mitigations. In the case of the EBRPD (East Bay Regional Park District) I was not allowed to view any of the biological surveys that they have conducted over the past 10 years that they have managed the Vasco Cave Ecological Preserve. I was by both CCWD and EBRPD that the other was responsible for the requirements determined by the Biological Opinion legal document created for the original reservoir.

The other hole had to do with the realigned Vasco Road which follows along Brushy Creek, which had been previously one of, if not, the most remote year creek in the Bay Area. The construction of this road (12.6 miles long with 200 foot right a ways) have numerous significant impacts according to the USFWS, DFG, and the lead federal agency of the project, the Bureau of Reclamation. Numerous species of special concern (some on the endangered list had their northern most occurrence and most viable populations left. The center of their previously completely remote and isolated existence would be drastically reduced and cut off from migration routes from this new road.

The only studies I could find concerning Brushy Creek from the CCWD was three years of studies of the Tiger Salamander. Due to the populations of the Kit Fox, Tiger Salamanders, and many other species losing critical irreplaceable habitat along with what is termed habitat fragmentation that science has determined to be a major factor in species decline.

I walked over two thirds of Brushy Creek less than a month ago right after we had some big rains and to my surprise thee stream bed was not only eroded in most places but held no running water or even standing water for that matter. Of all the years I had visited the creek before there had never been an empty stream bed. In fact, it was large enough for a sea lion who had gotten turned around ended up over six miles up Brushy Creek.

There also was more garbage than I have seen along any creek located in Costa County. Mile after mile I could not walk more than a few feet without having to maneuver around all forms of garbage. I am not just talking about gargage that is typically thrown from passing cars but countless dump sites which included construction materials, furniture, and what ever other items one usually encounters at illegal dump sites. I was told by every agency I could contact (CCWD, EBRPD, Contra Costa County, U.S. Bureau of Reclamation, etc.) and not one could tell me who

was responsible for making sure the environmental, hydrological, and cultural monitoring and mitigation was done along Brushy Creek.

The USFWS, DFG, and the U.S. Bureau of Reclamation all considered the realignment of Vasco Road to have significant impacts on numerous species of special concern. Their main mitigation measure was to create under crossings varying in height from 36" to 96 inches and lengths well over 100 feet. The majority of the under crossings were specifically created for the Kit Fox and Tiger Salamander with the smaller sized under crossings. To ensure that the migrating wildlife actually used these under crossings were used by the targeted species a multi-staged fence was specially created. The lower portion was to prevent Tiger Salamanders (along with numerous other reptiles and amphibians) from going through holes that they could pass through. The next section of fencing was made so that kit foxes would not be able to go through this fence. These fences following most of the length of the realigned Vasco Road were designed to funnel the targeted species into these under crossings.

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For those not aware of the "new" Vasco Road it is a 4 lane highway which drivers regularly travel over 70 and even 80 miles per hour on. How any animal would hope to successfully cross this barrier would be miraculous. In 1995 approximately 18,700 cars were using the new Vasco Road daily, the projections for use of the road in 2025 shows drastic increases in both commuter and commercial traffic more than doubling. According to the CCWD own documents this would make the current roadway obsolete.

Even though the CCWD has been adamant that they do not have any responsibilities concerning any aspect of the realigned Vasco Road (except for the one admission that they do have to monitor the special fencing along the roadway into perpetuity. (personal comm. Mike Mueller (Los Vaqueros Watershed Manager: 4/7/2009) I will show that from CCWD own EIR/EIS that this statement is not true unless changes have been made that I was not able to find after 100's of hours of research.

This first example and only example of environmental monitoring CCWD ever did after construction of the road was complete I believe draws a pointed dearth of data showing that CCWD has done nothing with its only environmental research along the new Vasco Road and that with the California Tiger Salamander receiving an even higher status of protection. That CCWD consistently nearly never does anything more that is required of them even if the effects from their lack of action would if fact cost them many times more in studies and mitigations. This does not even bring up the many headlines in local newspapers and pamphlets handed out to the public stressing how much they care about the wildlife and cultural resources from this project and that they are going above and beyond their legal requirements to ensure the survival of this incredible landscape so full of bio-diversity.

I am now going to refer to the CCWD monitoring reports for the Tiger Salamander for the first three years of the realigned Vasco Roads existence.. The first document I will refer to and quote is :

Results of the First Year Monitoring of Measures to Reduce Mortality to the California Tiger Salamander on the Relocated Vasco Road Alingment. Jones and Stokes.

"89% (78) of the 152 salamanders observed along Transects 2-7 were in the road, while the remainder where in the adjacent upland habitats." (these means they were found squashed by cars on the roadway). There were no observation of any salamander making it across the road safely, but this does not mean that none of them did"

This next finding by U.S. Fish and Wildlife approved biologist hired by the CCWD ( I was impressed with how honest they were with there data considering the obvious conflict in interest. However, the overall success of the fencing project by Jones and Stokes I did find laughable). Side note: Jones and Stokes no longer is hired by CCWD.

1 Cont.

“Sixteen salamanders were observed using under crossings. Under crossings used included a 48 inch diameter crossing constructed as a kit fox crossing and a 36 inch under crossing both on Transect 2 and an 8 foot cattle crossing on Transect 3. On unfenced transect 1, where the second largest number of salamander observations were made, no salamanders observations were made, no salamanders were observed using the 48 inch under crossing” (Considering the numbers of salamanders found dead {89%} and the equally disturbing number of salamander using the undercrossings seems to me that anyone with common sense would see that this very important mitigation which enabled the realignment of the 12.6 mile road by changing a significant impact into an “avoidable impact”. I would say that as Jones and Stokes mentioned that the mitigation measure was meeting its goal is no reading the information correctly. In their defence, anyone who works with statistics or biological surveys, they are nearly impossible to collect data that is definitively quantifiable due to so many changing and existing factors that make observations more of a chance event. For instance, you would obviously see salamander dead on the road much easier than you would moving through tall grasses, but you should have no problem determining if the undercrossings are being used by any sizable number of creatures. Another observation the biologists made was the fencing itself was found to be inadequate in numerous places. For example, burrowing animals created holes under the fence, traffic accidents knocking down fences which could exist for nearly 6 months without action.

The following excerpt from the document leaves no doubt as to the success of CCWD mitigation measures that they are legally bound to meet. And if they do not meet their mitigation agreement they could be feasibly liable for any “takes” (deaths) of protected species due to the failure of their mitigation plan. What they were supposed to do, nearly 10 years ago, was to come up with some other form of mitigation or face the serious consequences for either ignoring or creating the circumstances

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that have increased the population decline from unauthorized "takes" of a federally and state protected species.

....the low numbers of salamanders observed within the culverts (16) to the number observed on the roadway (190) , suggests the effect was slight (pg, 13) (Note:190 "salamanders observed on the road way" is a very nice way to say ran over by a car or big rig.)

"Only one salamander was observed successfully crossing the roadway. We could not always determine how the salamanders killed on the road in fenced segments gained access to the roadway. They most likely went under the fence or traveled along the fence and moved onto the road at the fence ends."

I understand that this was the first study done after construction of the road was completed so the next 2 studies will show what happened to the tiger salamander population over three years due to the construction activities and components of the original Los Vaqueros Reservoir.

I would also like to share why they chose this mitigation for the tiger salamander. During their breeding season they migrate to pools of water where they breed. At least one of these breeding ponds was destroyed by the roadway but even more significant (this statement comes from CCWD's on biologist) is the placement of a highway right in the heart of their migration path.

The next two years of studies were put together in one volume which is entitled:

**RESULTS OF THE SECOND AND THIRD YEAR MONITORING OF  
MEASURES TO REDUCE MORTALITY TO THE CTS ON THE  
RELOCATED  
VASCO ROAD ALIGNMENTS**

**JONES AND STOKES, JUNE 1999**

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*These two years of studies definitively show a well over a 100% drop in Tiger salamander populations on both year's 2 study and year's 3 study. Not one tiger salamander was ever observed using the under crossings specifically designed for them as part of the mitigation measures to prevent significant impacts to the salamanders population and viability as a species in this previous northern stronghold of the species.*

*According to DFG, the area from Brushy Peak following Brushy Creek onto the Alkali flats near Byron Hot Springs and Byron Airport southern limit of this species territory.*

"A total of 64 (year 2) and 26 (Year 3) salamanders were observed in both transects for an approximant frequency of 12 (year 2) and 3 (year 3) per 1,000 feet of surveyed roadway. This is substantially fewer salamanders than were observed in monitoring year 1 (292 of transects 1 and 3 combined.)"

"A total of 31 (year 2) and eight (Year 3) dead salamanders were found on both transects, which represents 48% (year 2) and 31% (year 3) of all salamanders observed. This is in contrast to Year 1 where 102 dead salamanders were found on Transects 1 and 3, which represented 35% of all salamanders observed."

"On transect 1 (the control), the percent dead increased from 39% to 61% TO 80% during year 1 through 3. The opposite trend occurred on transect # where the percent dead changed from 32% to 43% to 19% during years 1 through 3."

"Three salamanders were observed using under crossings during the nighttime surveys. The only under crossing that salamanders used were observed using was the 8 foot cattle crossing near station 620 on Transect 3."

"....there were a number of areas where the exclusion fence had been burrowed under by small mammals. In addition, erosion uphill from the salamander fencing on Transect 4 has resulted in soils

1 Cont.



piling up behind the fence making it easier for small animals, including salamanders, to climb over the fence and onto the road."

".....This suggests that the exclusion fencing does not direct salamander movements towards the under crossings. However, only a few salamanders were observed using the under crossings."

I choose to chose this study to start with and to address one of the roadblocks I came upon with anyone holding some kind of stake in this project succeeding. I am going to make my own graph/diagram to show a bit more clearly how drastic the Tiger salamander is heading toward extinction in on of its strongest footholds in the northern San Joaquin Valley. Yes there are populations that exist in the area of the headwaters of Kellogg Creek. But with the new construction activity, inundation losses of habitat and migration routes, and increased harassment from people due to the drastically expanded recreation plan which puts people within a stones through of the most sensitive areas of the watershed.

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## CCWD YEAR 1 TIGER SALAMANDER STUDY RESULTUS

Year 1	Total of 306 counted	(89% found dead on road)
Year 2	Total of 95 counted	(91% found dead on road)
Year 3	Total of 34 counted	(78% found dead on road)

These numbers to me look like the population of Tiger salamanders have fallen off a cliff. On top of that, over 80% of the total found are all dead.

I would also like to add as scientist and statisticians are again aware that there are year to year changes that could explain some of the changes that these numbers represent. I'd be very surprised that anyone could

come up with a complete explanation besides the new road for such drastic drops in population. The most common reasons for year to year population fluctuation is due to amount of rainfall. For nearly all cases, Tiger Salamanders migrate during the rainy days, so if there is a dry year there would be a reason for some of the population to decline, but during this three year period there were no drastic differences in rainfall totals. Year three was a few inches less than year 1 and 2 but was not considered to be a large enough factor to explain away these precipitous drops towards regional extinction.

What sickens me the most was that no government agency whose responsibility to read these reports and make modifications if they feel are necessary. I am thinking about getting some kind of legislation that requires documentation of the individual who chose to ignore this clearly dangerous trend. I cannot wait to see what the count would be this year or next. I have been told by Mike Mueller (Los Vaqueros Watershed Manager {Pers. Comm. 4/7/09}) that when he used to commute along Vasco Road he never saw a Tiger Salamander dead on the road. Either he missed seeing them or they are no longer migrating to their breeding habitat and very well may be regionally extinct.

As I mentioned earlier in my comments that the fence was also made for the Kit Fox population which was known to actively live, hunt, and breed along the Brushy Creek corridor. During the original LVR EIR/EIS there were no spottings of kit foxes' anywhere on the reservoir's Area of Potential Effect (APE). During the entire time of construction of the reservoir, myself along with numerous photography professionals and film students attempted to document as much of the area before it was destroyed (some might say changed). From the largest stand of Valley Oaks left in the state, aged 150 years to some who say were over 500 years old (pers. comm.. with a very mad logger at doing this job)w1

The reason I have brought this up besides the historical value of all the documentation is that we have pictures of kit fox tracks along the dirt roadbed of the realigned road being built

1 Cont.

Due to the extensive cultural resources I believe that documentation that this sacred complex contains not only unique, endemic, and an unbelievable component I do not want to mention in a public forum. I have gone over every anthropological and archeological article I could either find or order about similar sites and they all were completely looted or excavated by the 1940's. There is a strong chance of finding a peoples' history that has been so drastically fragmented and the minutia of artifacts from the tribal nations of this place are scattered all over the world.

What we have here is what an archeologists or a native elder would call a place that has so much to teach us and the power to change peoples lives and understanding of the world. I went from a punk rock teenager in constant trouble into a spiritual and academic researcher because of this site. It was the best birthday of my life when this place found me.

From the professionals in the related fields that I have gotten to know and share my observations and they along with the people whose land this was once legally theirs and know it at least is accessible with a daunting mountain of paperwork, meetings, and numerous government agencies to have to go through.. They actually finally have Native people administering government programs for their own people because even being the poorest minority in the U.S.A, the tribal peoples of this country have difficulty trusting government agencies in this country so I humbly suggest to the EBRPD and CCWD hiring either a Native person (Documented or not) or non-native who has an established history with strong connections with Central California indigenous nations, a history working with at risk native youth (our elders and prophecies have repeatedly singled them out as future leaders), and most important of all a very personal experience and understanding of the sacred. In the past I know that the districts have gone through the policies and procedures that

they have to follow in hiring anyone. Once again I would at least ask that you consider about having a more open process (not middle and upper management making decisions behind closed doors). I would even go so far as have some Most Likely Descendants along with young people (both at risk and either college bound or already attending) be part of the hiring committee.

It has always been my impression that both CCWD and the EBRPD do not have anyone at a high enough management level who has a good understanding of the Native American Religious Freedom Act, the treatment of tribal nations or what has been a growing movement of regional alliances of Native Americans from not only California, but from every other state in the country; this movement is having more and more of part of their mission statements encourage non-native organization members but also board members. It is through cooperation and actually creating programs that continue to the multi-generational healing through creating a community tied to the landscape with the ropes of love and spirituality.

I am running out of time so I want to get to two specific and major violations of both agencies Resource Management Plans concerning Vasco caves. During the construction of the original project I was monitoring the caves because no one else was. To my utter horror I discovered that one of the most intact site was looted to the depth of 6-8 feet and over an approximate area of 20 x 20 feet. I also found buckets and hypodermic syringes left behind. A police report was made with EBRPD police and spoke before the EBRPF board. But to this very day artifacts continue to runoff with every rain and the hole (although) it has greatly shank over the years, invites more looting to occur. On more than one occasion I have asked that this site at least be repaired and have volunteered the sacred labor myself but always told that they would take care of it.

Another, and what some would consider to be even more important damage to the site has been the vandalism specifically focused on the

2 Cont.

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rock art of Vasco Caves. This did not start until the general public began to visit and know where the sites were. On my own, it took years for me to find all the sites that have been found so far, so to me there must be a correlation between someone gaining knowledge of their location and then coming back and putting "Joe was here" over the paintings.

Inundation of either sized enlarged reservoir projects would inundate two rock art sites that have both been documented and had numerous articles written about them.

CCWD plan to expand recreation access to east side of the reservoir where the caves exist in both the Kellogg Creek and Brushy Creek watersheds. This roads goes against CCWDs' own goals of protecting them from access and providing a buffer between them and any recreational feature. The maps show some slightly different routes but I was told the only one that would be used would be one that ran between the shoreline of the reservoir and the caves. How people would be prevented from continuing more vandalism to a group of caves which have been protected so far due to their isolation.

With all the proposed major projects in the area in planning or already in construction (i.e. the Byron Airport, new housing projects along with traffic, I believe that this cumulative loss of habitat will lead the loss of many species of special concern of having any hope of a future in southern Alameda and Contra Costa.

Thank you for all your time and effort and all the district employees who were so very helpful in making documents available to me.

Sincerely,

John Negrete  
Treasurer of the Native Alliance of the Sierra Nevada Foothills  
347 Nile Street, 4  
Nevada City, CA 95959

3 Cont.

4

530 559 3847  
johnnegrete@hotmail.com

----- Original Message -----

From: Los Vaqueros <lvstudies@hotmail.com>  
To: Andrea Nocito  
Sent: Tue Apr 21 14:31:18 2009  
Subject: FW: Los Vaqueros Reservoir Expansion Project DEIS/EIR

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Subject: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Date: Tue, 21 Apr 2009 14:06:08 -0700  
From: echambers@pcl.org  
To: lvstudies@hotmail.com  
CC: MMcIntyre@pcl.org

Dear Ms. Naillon,

Thank you for the opportunity to comment. The Planning and Conservation League's comment letter is attached to this e-mail. Please contact me if there is a problem with the attachment.

Thank you,

Evon Parvaneh Chambers  
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Planning and Conservation League  
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Bill Yeates

April 20, 2009

Marguerite Naillon  
Special Projects Manager  
Contra Costa Water District  
P.O. Box H2O  
Concord, CA 94524



**RE: Los Vaqueros Reservoir Expansion Project DEIS/EIR**

Dear Ms. Naillon,

The Planning and Conservation League (PCL) thanks Contra Costa Water District for sending a copy of the draft Los Vaqueros Reservoir Expansion Project DEIS/EIR to our office. After review of your joint DEIS/EIR it is apparent that you understand the uniqueness and fragility of the Delta as a precious resource to our state, however it is not clear that the protection and the enhancement of this resource is a priority. In order to comply with CEQA all reasonable and feasible mitigation measures must be listed in the EIR. There is no mention of recycled water, conservation, storm water capture and the adoption of all Best Management Practices as a means to achieve project objectives by reducing reliance on Los Vaqueros Reservoir water and reclaiming water supply within the Contra Costa water district. The current project alternatives proposed in this Draft DEIS/EIR has PCL deeply concerned that the expansion and the associated infrastructural changes will open flood gates for mismanagement and over allocation.

1

PCL has the following points of concern:

**Over-pumping out of an already over-stressed, collapsing Delta ecosystem**

Where are the safeguards to ensure that the system will not be abused? This project reads to be similar to the Environmental Water Account from the CalFED process that failed miserably despite its noble intentions. If Alternative 1 or 2 are adopted and built out, the storage capacity of Los Vaqueros will almost triple, the expanded pipeline capacity will more than double and it will result in the construction of a new 170 cfs intake facility, as well as a new 470 cfs South Bay connection pulling South Bay contractors online. There are no safeguards mentioned to prevent both Los Vaqueros pumps at Old River and CVP and SWP pumps at Banks to all be operating at the same time nor language that addresses the augmentation of water transfers south of the Delta. The ability to have both Los Vaqueros and SWP/CVP intakes at full capacity does have a significant impact to the Delta ecosystem and must be analyzed within the DEIS/EIR.

2



**"Environmental Water Management"**

1107 9th Street, Suite 360, Sacramento, CA 95814 Phone: 916-444-8726 Fax: 916-448-1789

Website: [www.pcl.org](http://www.pcl.org) Email: [pclmail@pcl.org](mailto:pclmail@pcl.org)

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Nearly 200 AF of the 275 AF of supply in the EIR is labeled as “environmental water management.” This term is quite misleading. One would conclude that a supply labeled “environmental water management” is a supply dedicated for environmental use. In the EIR environmental water management is described as water diverted from the Delta through state-of-the-art fish screens and surplus water stored for use during a mandated 30-day no diversion restriction. However once the water is in reservoir, the majority is dedicated to municipal and industrial use in times of drought or uncertainty in water supply.

3

The description of environmental water management in the EIR does not adequately define the environmental benefits of environmental water management water. In addition, it appears this water is instead intended to meet the objective of water supply reliability. The EIR should examine all reasonable and feasible measures to achieve water supply reliability with fewer environmental impacts for example, demands in times water supply uncertainty can be mitigated by improving the recycled water capacity, conservation, storm water capture and the adoption of all Best Management Practices.

### **Recycled Water**

Recycled water must be included in the EIR as a means of achieving the project objectives. CCWD is fortunate to have the capacity and much of the infrastructure in place to augment that supply up to 44,000 AF/yr working jointly with Central Contra Costa Sanitary District. Recycled water is a viable option to achieve all of the objectives listed in your EIR and thus warrants inclusion and analysis in this document.<sup>1</sup>

4

The following questions must be addressed in the DEIS/EIR:

**What is the impact to the project alternatives if the Peripheral Canal or similar conveyance structure is built?**

5

### **How much water do the fish need?**

What flow regimes – quantity, direction, temperature, turbidity and other water quality parameters - are needed in different locations at different times of the year and in different types of water years to restore native aquatic species that spend all or a part of their life stages in the Bay Delta Estuary?

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<sup>1</sup> Information provided by Central Contra Costa Sanitary District

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We encourage Contra Costa Water District to address the concerns described in this comment letter and adopt all reasonable and feasible mitigation measures. Please do not hesitate to contact PCL with any questions or concerns.

Thank you,

A handwritten signature in blue ink that reads "Evon Chambers". The signature is written in a cursive, flowing style.

Evon Parvaneh Chambers  
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## SAVE MOUNT DIABLO

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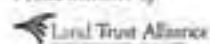
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[www.savemountdiablo.org](http://www.savemountdiablo.org)

### *Founders*

Arthur Bonwell  
Mary L. Bowerman

### *Proud member of*



April 21, 2009

Marguerite Naillon  
Contra Costa Water District  
P.O. Box H20  
Concord, CA 94524

Re: Los Vaqueros Reservoir Expansion Project DEIS/EIR

Ms. Naillon,

Save Mount Diablo (SMD) appreciates the work of staff in the preparation of the draft Environmental Impact Report (draft EIR) for the Los Vaqueros Reservoir Expansion Project and the opportunity to make comments on the document.

### Save Mount Diablo's Position

In reviewing the draft Environmental Impact Report for the Los Vaqueros Expansion project, Save Mount Diablo believes that there are major issues with the proposed project which are not adequately addressed and are in need of further review.

The draft Environmental Impact Report asserts that, with the exception of the inundation of a San Joaquin kit fox corridor and the loss of 22 acres of Important Farmland, mitigation measures have been identified which reduce the project's impacts to a less than significant level.

Save Mount Diablo disagrees with this assessment and believes that many of the mitigations proposed in the draft EIR do not sufficiently mitigate the impacts of the project.

### Summary of Save Mount Diablo's Comments

The draft EIR does not assign the appropriate amount of significance to the project's impacts on the conservation easements that were dedicated or were supposed to be dedicated as part of the mitigation program for the original reservoir project. Eliminating conservation easements and destroying the resources they are meant to protect sets a dangerous precedent that undermines the protection of sensitive resources throughout California. In other words, CCWD agreed to permanently protect sensitive resources with conservation easements, easements which they now propose to violate and resources which they now propose to destroy. Save Mount



Diablo believes that the applicant should be required to achieve a replacement mitigation ratio of between 15:1 to 20:1 to replace lands protected by conservation easements that will be lost as a result of the project; currently the applicant is proposing a ratio of up to 3:1.

Save Mount Diablo believes the mitigation measures to address the impacts to San Joaquin kit fox habitat and movement corridors must be substantially improved. While Save Mount Diablo agrees with the assessment that the loss of a kit fox corridor cannot be mitigated to a less than significant level, we believe that rather than simply preserving additional habitat, CCWD should preserve an entire privately owned kit fox corridor in East Contra Costa County to address these impacts to the maximum extent possible.

Many of the proposed mitigation measures do not sufficiently address the project's impacts to biological resources. The draft EIR does not assign an adequate level of significance to the cumulative temporary impacts of the project and, as a result, mitigation compensation ratios are often too small. A number of the mitigation measures include mitigation and monitoring programs which postpone full review of impacts and mitigations to a future undetermined date and remove analysis from the CEQA process. Furthermore, the draft EIR does not identify the affect re-filling the reservoir would have on special status species that use the empty reservoir for the three years it is drained, as a significant impact. Save Mount Diablo also believes that the draft EIR is incorrect in its analysis that the project would not have any growth inducing or cumulative impacts.

The draft EIR does not consider the full range of impacts on recreational facilities and opportunities in the Watershed and surrounding areas. The East Bay Regional Park District 2007 Master Plan includes the proposed Byron Vernal Pools Park in the grasslands to the east of the reservoir and the Morgan Territory to Brushy Peak Regional Trail crossing the southern portion of the watershed. The draft EIR makes no mention of either of these planned recreational resources and, as a result, the project's impacts to recreation are not fully evaluated.

#### **Save Mount Diablo's Interests**

Save Mount Diablo is a non-profit conservation organization founded in 1971 which acquires land, for addition to parks on and around Mt. Diablo, and monitors land use planning which might affect protected lands. We build trails, restore habitat, and are involved in environmental education. In 1971 there was just one park on Mt. Diablo totaling 6,788 acres; today there are thirty-nine parks and preserves totaling almost 90,000 acres. We include almost 7,000 donors and supporters.

The Los Vaqueros Watershed is part of a large swath of protected open space which stretches from Shell Ridge in Walnut Creek through Mount Diablo State Park and Morgan Territory Regional Preserve to the Watershed and then south through Brushy Peak in Livermore.

This stretch of land is part of a ring of preserved lands that nearly encircles the mostly undeveloped and agriculturally zoned Marsh Creek-Morgan Territory Area and includes Mt. Diablo State Park, EBRPD's Clayton Ranch land bank, Black Diamond Mines Regional Preserve, Roddy Ranch Open Space, Fox Ridge Manor, Los Meganos State Historic Park (also known as Cowell Ranch/John Marsh State Historic Park), Round Valley Regional Preserve, and Morgan Territory Regional Preserve.



Save Mount Diablo works to expand these open space corridors by establishing connections to other parks and preserves in the area. Additionally, we work to enhance the biological resources and expand recreational opportunities within protected open spaces. One of the ways in which we accomplish these goals is to comment on development proposals in the vicinity of open spaces to address potential impacts and ensure that sufficient mitigation measures are implemented.

The Los Vaqueros Reservoir Expansion project would result in impacts to wildlife habitats and movement corridors, recreational opportunities, and a variety of other resources in the area. In addition, Save Mount Diablo believes the project would have growth inducing impacts because it would remove a barrier to growth in Contra Costa County and the Bay Area—the reality that despite its contracted amount of water from the Bureau of Reclamation, CCWD and other potential partners with other contracted supplies are sometimes unable to pump given environmental restrictions. With greater storage, flexibility and certainty of water supply, additional growth will be possible. Furthermore, the project would set a precedent by flooding areas that are covered in conservation easements thereby destroying the resources meant to be protected and weakening easements as an effective conservation tool in California.



Save Mount Diablo is interested in ensuring that the environmental impact report includes sufficient protections for sensitive resources both within and outside of the watershed, adequately addresses the potential growth inducing impacts of the project and sets high standards for replacement mitigation requirements when conservation easements are eliminated.

#### **Conservation Easements from Previous Mitigation Measures**

Save Mount Diablo believes the draft EIR does not adequately address the project's impacts on conservation easements in the Los Vaqueros Watershed (Watershed) that were dedicated as part of the mitigation measures for the original reservoir project.

The draft EIR states that "4,150 acres of land in the watershed have been conveyed to CDFG as a kit fox conservation easement, and 1,856 acres have been proposed to be conveyed" (Los

Vaqueros DEIR, 4.6-135) as mitigation for the biological resources impacts of the previous reservoir project.

According to the draft EIR, 496.7 acres of the 4,150 acres of conservation easements would be permanently inundated by the reservoir expansion or impacted by the construction of associated facilities and infrastructure. The draft EIR identifies the loss of easement areas as a potentially significant impact, but claims that the mitigation measures proposed reduce the impacts to a less than significant level.

Mitigation Measure 4.6.7c states: "CCWD shall replace any acreage of existing kit fox easement affected by the project with an equivalent amount of acreage within the watershed to maintain under conservation easement the full amount required for the original Los Vaqueros Reservoir Expansion Project. In addition, CCWD shall provide compensation for conservation easement acreage affected at a ratio of up to 3:1, including conservation easement lands that are isolated by the project." (Los Vaqueros DEIR, 4.6-140)

Save Mount Diablo believes that discussion of the conservation easements in the draft EIR does not fully recognize or assign the appropriate level of significance to the project's impacts. As a result, the draft EIR does not adequately assess the level of mitigation necessary to offset these impacts and proposes an insufficient compensation ratio to preserve habitat similar to what would be lost as a result of the project.

Conservation easements are a widely utilized tool encouraged by California statute and by the Contra Costa County General Plan for providing permanent protection for sensitive biological resources, especially in areas outside of the county Urban Limit Line.

The reservoir expansion project proposes to flood nearly 500 acres of land protected by easements, eliminating the preservation value of the easements and destroying the resources that are meant to be permanently protected. As a result, the project essentially devalues the conservation easements in the watershed, diminishes the mitigations for the impacts of the previous reservoir project, and sets a dangerous precedent for the effectiveness of conservation easements throughout the state. Given the significance of these impacts, Save Mount Diablo believes that the proposed mitigation measures do not adequately reduce the impacts to a less than significant level and larger compensation ratios are appropriate.

*Devaluing Conservation Easements in the Watershed* – The draft EIR does not assign any greater level of significance to the loss of land protected through a conservation easement than it does to the loss of other land. The mitigations proposed to reduce impacts on easements to a less than significant level include the preservation of an equivalent amount of land preserved within the watershed and additional land preserved at a compensation ratio of "up to 3:1." By proposing a 3:1 mitigation ratio, the draft EIR is merely proposing the replacement ratio that is generally required for the loss of habitat for many special status species.

Essentially, the draft EIR does not recognize any difference in value between lands protected through conservation easement and lands that are not, therefore devaluing the preservation value of the easements. Save Mount Diablo believes the loss of conservation easements should be valued at a greater level and mitigation measures should reflect the higher value of these lands.

*Diminished Mitigations for the 1997 Reservoir Project* – The 1997 Los Vaqueros Reservoir Project flooded over a thousand acres of land which contained a variety of sensitive biological



resources including a broad wildlife corridor for San Joaquin kit fox, wetlands features, oak woodland, and grassland habitat for special status plant and animal species. Mitigation commitments to address impacts on San Joaquin kit fox, bald eagle, California red-legged frog, Alameda whipsnake, longhorn fairy shrimp, and vernal pool fairy shrimp were implemented to require the dedication of conservation easements covering 5,837 acres within the Watershed. The conservation easements were meant to permanently protect habitat for these species in order to compensate for the loss of lands offering similar habitat.

The proposed reservoir expansion would eliminate nearly 500 acres of these easements and destroy the habitat they are meant to protect, undermining the mitigations from the 1997 project. As a result, the impacts of that project would no longer be sufficiently mitigated. Further impact could be a tipping point resulting in loss of special status species such as the kit fox from the area. The mitigation measures for the proposed reservoir expansion should reflect the fact that impacts from both the original reservoir construction and the current expansion project need to be mitigated.

*Dangerous Precedent for Conservation Easements* – Proposing a project that includes the elimination of conservation easement sets a dangerous precedent. The purpose of a conservation easement is to permanently protect the biological resource values of a piece of land and in this case is meant to mitigate the loss of land with similar habitat resources. Conservation easements are not meant to be placeholders for future projects or future phases of a project. Contra Costa Water District placed thousands of acres of land under conservation easements as mitigation and is now proposing the use of part of that easement land for purposes other than the protection of sensitive resources.

If a project which allows for the removal of the preservation value on a piece of protected land is approved, what would prevent other applications from being submitted requesting the same type of project? There are projects throughout Contra Costa County that have been mitigated through the dedication of conservation easements. If the Los Vaqueros Expansion project is allowed to undermine the value of a conservation easement, it is likely that project proposals will be submitted throughout the County requesting the same approval, essentially rendering conservation easements useless as a tool for conservation. Rather than cumulatively protecting habitat sufficient for the survival of special status species, even “permanently” protected habitat will continue to be piece-mealed, fragmented and degraded.

Mitigation measures for undermining conservation easements at Los Vaqueros should require significant compensation ratios to deter other applicants from considering it to be a viable option.

**SMD CONSERVATION EASEMENT COMMENT 1:** Replacing the easement areas with equivalent land within the watershed and providing compensation at a ratio of “up to 3:1” for additional mitigation lands is not nearly enough to mitigate the loss of conservation easements and the precedent that would be established. **Save Mount Diablo believes that the compensation ratio for impacts to conservation easement lands preserved as mitigation for the previous reservoir project should be 15:1 to 20:1.**

Mitigation ratios need to reflect the fact that CCWD needs to mitigate for the original project since they have undermined the previous mitigations. Additionally, the mitigations need to set a precedent that overriding the preservation measures of a conservation easement is discouraged and will require the preservation of a significant amount of additional land to be mitigated.

Lastly, it is important that conservation easements are maintained as an effective tool for the preservation of natural lands and biological resources for land trusts and government agencies.

**SMD CONSERVATION EASEMENT COMMENT 2:** Mitigation Measure 4.6.7c proposes to replace any easement land that will be impacted by the project with an equivalent amount of acreage within the watershed and compensate "for conservation easement acreage at a ratio of up to 3:1." (Los Vaqueros DEIR, 4.6-140) Other than the equivalent amount of land being preserved within the Watershed, the mitigation does not designate a location for the mitigation lands.

Save Mount Diablo believes the mitigation measures should require the mitigation lands for the project be located in eastern Contra Costa County but outside of the existing watershed boundaries—land within the watershed is already protected for water quality protection; its use would result in a net loss of habitat rather than actual mitigation. In order to sufficiently mitigate impacts, preserved areas should protect resources in areas that are at higher threat of development or that would help create connections between existing preserved lands.

**SMD CONSERVATION EASEMENT COMMENT 3:** According to the draft EIR, the required amount of dedicated conservation easement for the previous reservoir project was 5,837 acres. "As of December 2008, 4,150 acres have been conveyed to CDFG and an additional 1,856 acres are proposed to be conveyed to CDFG." (Los Vaqueros DEIR, 4.6-65)

Why have the 1,856 acres of easements not yet been dedicated to the Department of Fish and Game? Save Mount Diablo believes that the Los Vaqueros Expansion project should not receive regulatory approval until all of the conservation easement mitigation requirements for the previous reservoir project have been fulfilled, or before new mitigation areas have been legally encumbered—otherwise there will be a temporal loss of protected habitat which itself could be a significant impact. If there is some specific impediment that has prevented CCWD from dedicating these easement areas to CDFG and would prevent dedication before the expansion project moves forward, it should be described in the EIR.

#### **Biological Resources**

The Los Vaqueros Watershed is part of a large and mostly undeveloped stretch of land in the southeastern portion of Contra Costa County, which contains a variety of sensitive biological resources and provides suitable habitat for a number of special status plant and animal species.

The area is defined by public lands preserved for the protection of sensitive resources and recreational opportunities, with rolling grasslands used for cattle grazing stretching to the south into the Altamont Hills. The Watershed is adjacent to the Los Meganos State Historic Park and Round Valley Regional Preserve to the north, Morgan Territory Regional Preserve to the west, Brushy Peak Regional Preserve to the south, and Vasco Caves Regional Preserve to the east. The Watershed and surrounding parks and preserves create a large expanse of protected habitat making the presence of special status animal and rare plants species more likely.

The reservoir expansion project would inundate up to 1,000 acres of land within the reservoir, eliminating habitat and movement corridors for a number of special status species. Additionally, the associated facilities including the pump station, transfer facility, power facilities and pipelines would have significant impacts on a number of biological resources located outside of the Watershed.

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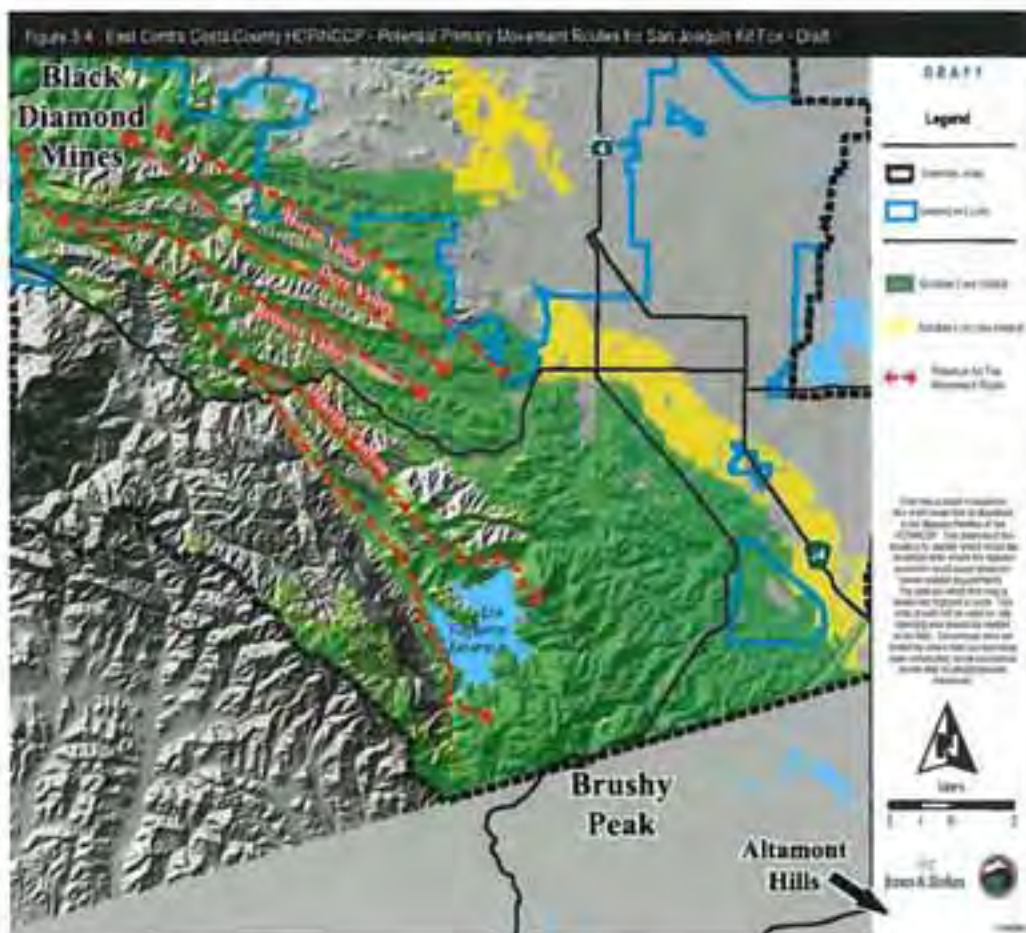


The draft EIR includes an extensive discussion and analysis of the project's impacts on special status species and their habitat within the watershed and in the surrounding areas. The document identifies 18 potentially significant impacts on biological resources resulting from the proposed reservoir expansion and associated infrastructure.

Although the draft EIR correctly identifies most of the project's impacts, Save Mount Diablo believes that the project will have additional impacts that were not considered in the environmental review.

Furthermore, the document contends that all but one of these impacts could be mitigated to a less than significant level through avoidance, protection, restoration, and habitat enhancement. According to the report, only the loss of the San Joaquin kit fox corridor on the western side of the reservoir cannot be mitigated to a less than significant level.

Save Mount Diablo disagrees with this assertion and believes that many of the mitigation measures proposed do not adequately mitigate the project's impacts on biological resources within or outside of the Watershed. Save Mount Diablo believes that many of the mitigations proposed in the draft EIR fall short of mitigating these impacts to a less than significant level.



#### **Impacts to San Joaquin Kit Fox Movement Corridors and Habitat**

The Los Vaqueros Watershed is a significant part of a large corridor of protected lands stretching across thousands of acres in Contra Costa and Alameda Counties providing habitat and allowing for the wide dispersal of a number of special status wildlife species, including the San Joaquin kit fox. The draft EIR identifies movement corridors for the kit fox through the Watershed and the surrounding areas allowing for mobility between protected open spaces to the northwest and the core of the kit fox range to the southeast into the San Joaquin Valley. According to the draft EIR, "recent distribution data from CDFG, USFWS (unpublished GIS data), and the CNDDDB (CDFG, 2008) suggest possible fox populations in the Black Diamond Mines area, near Brushy Peak, and along the eastern fringe of the Altamont Hills." (Los Vaqueros DEIR, 4.6-129) The Los Vaqueros Watershed is centrally positioned between these locations and serves as an important connection of protected land between them.

Unfortunately, "Reservoir expansion and in-watershed facilities would permanently impact 976.2 acres of annual grasslands habitat and 149.5 acres of oak woodland habitat; both of these habitats are thought to provide kit fox denning, foraging, or dispersal habitat," (Los Vaqueros DEIR, 4.6-129) totaling 1,125.7 acres of habitat lost.

The most significant impact on the San Joaquin kit fox resulting from the reservoir expansion is the loss of the movement corridor on the western side of the Watershed due to inundation. The draft EIR identifies the loss of a movement corridor as one of only two of the project's impacts which could not be mitigated to a less than significant level.

While Save Mount Diablo agrees that the loss of a San Joaquin kit fox corridor is an impact that can not be mitigated to a less than significant level, we believe that the mitigation measures proposed are inadequate and could be substantially improved.

As expansive development in Eastern Contra Costa and Alameda Counties continues to convert open space areas into developed uses, wildlife habitat and movement corridors are becoming increasingly fragmented and cut off from one another. Loss of, or impacts on, even a single one of the few remaining wildlife corridors could be critical in cutting off Mt. Diablo wildlife populations to the north from the rest of the Diablo range to the south.

There are only a few remaining San Joaquin kit fox movement corridors which connect Black Diamond Mines Regional Preserve and other protected open spaces in eastern Contra Costa to the Altamont hills area and the San Joaquin Valley. This project would result in the elimination of one of those few remaining corridors.

As a result, Save Mount Diablo believes any mitigation other than the preservation of an entire kit fox movement corridor is insufficient.

Mitigation Measure 4.6.7b proposes to mitigate impacts to San Joaquin kit fox habitat outside of the dedicated conservation easements either by "acquiring and dedicating lands into conservation easements or purchasing mitigation credits." (Los Vaqueros DEIR, 4.6-139) The mitigation measure goes on to state that "mitigation ratios applied for impacts on San Joaquin kit fox shall be 1:1 to 1.1:1 for temporary impacts; 1:1 to 2:1 for long-term temporary impacts; and 1:1 to 3:1 for permanent impact" based on anticipated impacts to suitable habitat.

Save Mount Diablo believes that by proposing a range of compensation ratios with the final ratio to be determined in the future, Mitigation Measure 4.6.7b does not identify adequate mitigations



to address the impacts to kit fox habitat and movement. In order to properly mitigate for the project's impacts on kit fox habitat outside of the conservation easement areas, the mitigation measures should require a minimum of a 3:1 ratio for all impacts regardless of whether they are temporary or permanent. Furthermore, a determination about how many acres of habitat will be impacted and how many acres of similar habitat will need to be protected should be included as part of the CEQA process and determined before adoption of the EIR.

"Mitigation through land acquisition and habitat protection is proposed to preserve and enhance other existing regional movement corridors, particularly those with documented use." (Los Vaqueros DEIR, 4.6-131) Acquiring and preserving compensation lands for the loss of 1,125.7 acres of San Joaquin kit fox habitat – 578.5 acres of easements at 15:1 to 20:1 and 547.2 acres outside of the easements at 3:1 – would present CCWD with the opportunity to preserve an entire San Joaquin kit fox corridor as mitigation for the project's destruction of one of the few remaining corridors in East Contra Costa County.

Save Mount Diablo has identified some of the most important and unprotected kit fox corridors connecting Black Diamond Mines and other preserved areas to the core kit fox habitat in the Altamont Hills further to the southeast.

Horse Valley, Deer Valley, and Briones Valley each stretch east from Black Diamond Mines Regional Preserve south of Antioch towards Los Meganos State Historic Park and the Los Vaqueros Watershed. These three parallel valleys serve as potential kit fox movement corridors and are mostly undeveloped with grassland covering the south facing slopes and valley floors and oak woodland covering the north facing slopes.



Horse Valley – The western portion of Horse Valley is protected within the boundaries of Black Diamond Mines and the northern part of the Roddy Ranch Open Space. Roddy Ranch Golf Course presents a barrier to wildlife movement through the valley and, if approved, the Roddy Ranch project currently being considered by the City of Antioch would fragment the corridor separating Black Diamond Mines from the grasslands to the east.

Deer Valley – Deer Valley stretches from Black Diamond Mines in the west across Deer Valley Road toward Los Meganos State Historic Park. Portions of Deer Valley on the west side of Deer Valley Road are protected by the Roddy Ranch Open Space and the valley is identified as a potential location for preservation to compensate for the potential Roddy Ranch development in Horse Valley. There are only a few minor barriers to wildlife movement in Deer Valley including a ranch house, agriculture buildings, and orchards, but most of the valley is undisturbed grassland.

Briones Valley – Briones Valley is a wide grassland valley which is partially disturbed by development along Briones Valley Road near Deer Valley Road. However, the development is concentrated south of Briones Creek leaving a sufficient amount of space for kit fox passage through the Valley into Los Meganos State Historic Park.

Of the three valleys, preservation of Briones would offer the best opportunity to connect existing preserved lands. The southern portion of the Roddy Ranch Open Space protects the ridgeline between Deer Valley and Briones Valley and portions of the valley's south facing slopes. East Bay Regional Park District's newly acquired Fox Ridge Manor, which preserves over 220 acres of land in Briones Valley, is separated from the Roddy Ranch Open Space by only a half of a mile and shares a corner connection with Los Meganos State Park. If the mitigation lands for the reservoir expansion project were located in Briones Valley, preservation of a considerable amount of acreage could complete this connection and ensure that at least one San Joaquin movement corridor in East Contra Costa County would never be lost.

Marsh Canyon - Marsh Canyon is a relatively undeveloped grassland corridor with oak covered northeast facing slopes. Located in the Marsh Creek-Morgan Territory area, Marsh Canyon stretches southeast across the Marsh Creek riparian corridor and Marsh Creek Road into Round Valley Regional Preserve toward the Watershed. Other than a few residences along Marsh Creek Road, Marsh Canyon appears to be free of development or any other barriers to the movement of the kit fox.

Grasslands East and South of the Los Vaqueros Watershed – With the expansion project inundating the kit fox corridor on the western side of the reservoir, the grasslands to the east of the reservoir become an even more important part of the stretch of open space connecting in East Contra Costa to the Altamont Hills and San Joaquin Valley. Compensation mitigation lands could be preserved to expand protected lands to the east and to the south of Vasco Caves and Brushy Peak to enhance the connection to the kit fox's core habitat.

Vasco Road Wildlife Corridors – Vasco Road presents a major barrier to San Joaquin kit fox movement in the grasslands to the east of the Watershed. Studies show that undercrossings meant to provide safe passage for wildlife across Vasco Road have not been successful and a number of special status species are killed trying to cross the road. Mitigation measures to offset the project's impacts the movement of San Joaquin kit fox in the area must address the issue of Vasco Road and attempt to address this critical issue.

**SMD BIOLOGICAL RESOURCES COMMENT 1:** The draft EIR does not sufficiently mitigate the project's impacts on San Joaquin kit fox habitat and movement corridors. The reservoir expansion will result in the loss of over 1,100 acres of kit fox habitat and one of the few remaining undisturbed kit fox corridors in East Contra Costa County. **Although Save Mount Diablo agrees that the loss of a movement corridor cannot be mitigated to a less than**



significant level, we believe that project mitigations should include the preservation of an entire kit fox corridor in East Contra Costa County.

Furthermore, project mitigations should address Vasco Road as a major barrier to kit fox movement in the area and include fees for improvements of existing wildlife crossings along Vasco Road.

#### Mitigation and Monitoring Plans

Many of the mitigations proposed in the draft EIR include Mitigation and Monitoring plans which would postpone the full study of the project impacts on resources and identification of adequate mitigations to an unidentified future date.

The draft EIR identifies the project's potential to impact a number of special status species and their habitat. Impact 4.6.6, for example, identifies the fact that project construction would result in direct and indirect impacts on listed vernal pool fairy shrimp and their habitat, but claims that these impacts could be reduced to a less than significant level.

One of the measures proposed requires CCWD to "develop and implement a mitigation, monitoring, and management plan, with input from regulatory agencies that shall outline long-term management strategies and performance standards to be attained to compensate for habitat losses resulting from the project." (Los Vaqueros DEIR, 4.6-119) Many of mitigation measures in the draft EIR propose Mitigation and Monitoring plans with similar language. In essence, the purpose of these plans is to analyze the impacts of the project and outline the details of monitoring thresholds and mitigation requirements based on those impacts.

The purpose of the draft EIR is to assess the project's potential impacts and to propose mitigations to potentially minimize the impacts to a less than significant level. However, the document defers full analysis of the projects impacts to specific resources to mitigation and monitoring plans with no specific date identified for the creation, review, and approval. In doing so, the draft EIR has not sufficiently analyzed the project's impacts and the mitigation measures proposed do not adequately mitigate the impacts to a less than significant level.

**SMD BIOLOGICAL RESOURCES COMMENT 2: Save Mount Diablo believes that these Mitigation and Monitoring plans should be included in the EIR in order to receive sufficient review before approval. If the plans have not been approved by the regulatory agencies before the completion of the environmental impact report, the document should not be approved.** Delaying and removing such analysis from the CEQA process makes the draft EIR inadequate in its review of the project's impacts. Incorporating the Mitigation and Monitoring plans into the EIR would allow for full and adequate consideration of the projects impacts and mitigations as part of the CEQA process.

#### Inadequate Compensation Ratios

The draft EIR often proposes a range of compensation scenarios with different ratios relating to different factors for the mitigation measures. For example, when considering the loss of oak woodland, the document proposes a 2:1 mitigation ratio for restoration and a 3:1 mitigation ratio for preservation. Similarly, the mitigations for impacted wetlands require a 2:1 ratio for restoration and a 3:1 ratio for creation of new wetlands. The document also assigns different mitigation ratios for permanent impacts than it does for temporary impacts.

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Draft EIR analysis identifies a number of impacts which are considered to be temporary, particularly the impacts associated with the facilities and infrastructure outside of the watershed. Considered cumulatively, these temporary impacts would have a substantial affect on the area's sensitive resources and should be considered with a higher level of significance.

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**SMD BIOLOGICAL RESOURCES COMMENT 3:** Given the size of the project and the sensitivity of the resources in the Watershed and surrounding lands, all mitigation measures – regardless of whether resources are restored or preserved or whether they are mitigating impacts which are permanent or temporary – should be mitigated at the highest compensation ratio based on consultation with regulatory agencies.

#### **Mitigation Compensation Inconsistency**

The draft EIR is not consistent with the level of mitigation required for impacts to different species and their habitat. While some of the project's impacts on special status species and their habitat require avoidance and compensation measures, others do not require compensation mitigation at all and consider avoidance to be sufficient.

Impacts 4.6.5, 4.6.14, and 4.6.15 identify the project's impacts on the habitat of the Western pond turtle's, the San Joaquin coach whip, the coast horned lizard, the American badger, San Joaquin pocket mouse, and special status bat species. The mitigations for the loss of habitat for these species does not include compensation through preservation of land with similar habitat characteristics, while the loss of habitat for the San Joaquin kit fox and the California red-legged frog does.

7 Cont.

In the case of impacts to San Joaquin coach whip and the coast horned lizard, the need to provide compensatory mitigation is even more important. The dEIR states that "Both species are relatively uncommon and difficult to detect, even when present." It goes on to say that "Some individuals may be undetected or enter sites after surveys and would be subject to harm." (Los Vaqueros DEIR, 4.6-167) The fact that the species are "difficult to detect" and "would be subject to harm" makes avoidance as the only proposed mitigation measure inadequate. Compensatory land with suitable habitat for both species should be preserved.

**SMD BIOLOGICAL RESOURCES COMMENT 4:** Save Mount Diablo believes that any impact affecting the habitat of special status species should include mitigation which seeks to avoid the impact and mitigation which requires the preservation of compensatory lands, where avoidance is not possible.

#### **Impacts to Previous Restoration Mitigation**

The previous reservoir project included mitigations which required the restoration of sensitive resources such as sensitive plants communities and wetlands resources. The proposed reservoir expansion would impact some of the resources that were restored as part of the previous mitigation measures.

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According to the dEIR, the reservoir expansions would result in "The inundation of 125 acres of mitigation (i.e., planted) valley oak savannah, 3.03 acres of valley oak woodland, and 9.02 acres of oak woodland. Additionally, about 4.1 acres of mitigation valley oak would be permanently lost to construction of the dam and associated Inlet/Outlet Pipelines." (Los Vaqueros DEIR, 4.6-87)



Additionally, the project would result in the loss of 5.05 prior onsite wetland mitigation commitments for riparian habitat and freshwater emergent wetland habitat.

The draft EIR specifically identifies and discusses the project's impacts to these resource mitigation commitments from the previous project. However, the mitigation measures do not mention or address these impacts other than to assign mitigations for the loss of sensitive plant communities and wetlands resources in general. Currently the draft EIR is proposing a range of mitigation ratios from 2:1 to 3:1 for all sensitive plant communities and wetlands, regardless of whether they were part of prior mitigation commitments.

Eliminating resources which were created to mitigate the previous reservoir project undermines and forfeits the mitigations for the prior project, leaving the project's impacts unmitigated. Applying the same replacement ratio that is assigned to non-mitigation resources does not recognize the fact that mitigation measures need to compensate for the impacts of both the current project and the previous project.

**SMD BIOLOGICAL RESOURCES COMMENT 5:** Similar to the impacts on the conservation easements which were dedicated as part of prior mitigation measures, impacts to resource mitigation commitments should be mitigated a higher level than other resources. **Save Mount Diablo believes that the 141.15 acres of mitigated sensitive plant communities and 5.05 acres of mitigated wetlands resources that will be impacted by the reservoir expansion should be mitigated at a ratio of 10:1.**

#### **California Red-Legged Frog and California Tiger Salamander Aestivation Habitat**

According to the draft EIR, the expansion of the Los Vaqueros Reservoir and the construction of new pipelines connecting the New Delta Intake and Pump Station, the Expanded Transfer Facility, the Los Vaqueros Reservoir, and the Bethany Reservoir would result in the loss of over 1,370 acres of upland aestivation and migratory habitat for the California red-legged frog and the California tiger salamander.

Mitigation Measure 4.6.4b asserts that "the MSCS (Multi-Species Conservation Strategy) does not require compensation for loss of California red-legged frog and California tiger salamander aestivation habitat." (Los Vaqueros DEIR, 4.6-114) However, the mitigation measure also states that "CCWD shall mitigate for the loss of aquatic breeding sites that will be filled or otherwise affected by the project *as well as mitigate for impacts on associated California red-legged frog upland habitat by providing compensatory habitat.*" [Emphasis added] (Los Vaqueros DEIR, 4.6-114)

It appears as though Mitigation Measure 4.6.6b contradicts itself when addressing the impacted upland habitat of the California tiger salamander and the California red-legged frog.

Safe dispersal and movement between breeding locations is important to biodiversity and the survival of special status species. The creation of compensatory wetlands to provide breeding habitat for the California red-legged frog and the California tiger salamander is less valuable if the species cannot safely move from one wetlands area to another.

The draft EIR states that some of the compensation wetlands will likely be located outside of the watershed. Although the MCSC does not require aestivation habitat, it is essential that these compensation wetlands be located in areas that are already preserved or aestivation habitat surrounding and connecting these wetlands is preserved and protected.

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**SMD BIOLOGICAL RESOURCES COMMENT 6:** Save Mount Diablo believes that the mitigations should include compensation for the loss of the 1,370 acres of upland aestivation and migratory habitat for the California red-legged frog and the California tiger salamander at a ratio of 3:1.

#### **Avian Mortality**

Avian mortality is a significant issue in the Altamont Pass area and in Eastern Contra Costa County where thousands of wind turbines cover the landscape and present hazards for special status bird and bat species. The addition of more towers in the vicinity would compound the issue and potentially increase bird mortality in the area.

Three of the four project alternatives include the construction of new power facilities to serve equipment and facilities associated with the expansion of the Los Vaqueros Reservoir. The power facilities would include poles and powerlines that "pose a danger to raptors as a result of electrocution and collision hazards, and are a recognized source of raptor mortality." (Los Vaqueros DEIR, 4.6-162)

Mitigation Measure 4.6.12b requires CCWD to "follow Avian Protection Plan guidelines for powerlines" which includes a variety of design standards to increase visibility of the power towers. This mitigation measure specifies the ways in which the towers will be built and designed to prevent avian mortality resulting from collision or electrocution. However, the mitigation measure does not include a monitoring plan to determine whether the building and design measures are effectively minimizing avian mortality.

**SMD BIOLOGICAL RESOURCES COMMENT 7:** SMD believes a Monitoring Plan should be included as part of MM 4.6.12b and should be reviewed and adopted along with the EIR, not at a future date after the EIR is approved. The monitoring plan should be subject to approval by the California Department of Fish and Game and the U.S. Fish and Wildlife Service. Furthermore, this Monitoring Plan should include additional mitigations which will be implemented if it is determined that the initial mitigation measures are ineffective.

#### **Impacts to Pacific Flyway Waterfowl and Shorebird Species**

Mount Diablo Audubon Society documented 72,212 birds at the Los Vaqueros Watershed in their 2006 Christmas count which were dependent on the fresh water of the reservoir. However, the dEIR asserts that the impact of draining the reservoir would be less than significant because there are so many other large bodies of water in the vicinity to which the over 70,000 birds using the reservoir would disperse.

"During dam construction, water dependent migratory birds are expected to use other nearby reservoirs and water bodies as foraging and stopover locations. The closest such features are the Delta and Clifton Court Forebay, but foraging and stopover habitat is also available at Lake Del Valle, the Livermore Chain of Lakes, San Antonio Reservoir, San Leandro Reservoir, Suisun Bay, and San Francisco Bay, among other locations." (Los Vaqueros DEIR, 4.6-173)

Save Mount Diablo disagrees with this assertion. The dispersal of over 70,000 birds to the area's other water bodies would likely have a significant impact on the resources at those other locations. Each of these other bodies of water would experience a significant increase in the bird population and there would be more competition for foraging habitat and prey.

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Three of the four proposed alternatives include draining the reservoir for at least three years during the construction of the new dam. It is likely that wildlife will use the empty reservoir lands as habitat during project construction. In fact, the draft EIR promotes the empty reservoir as part of a wildlife corridor that can be used by the San Joaquin kit fox to avoid the temporary construction impacts of the equipment and facilities to the east.

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However, the draft EIR includes no discussion about how wildlife would be impacted once the reservoir is re-filled. Will there be biological surveys to determine the presence of wildlife in the empty reservoir? If special status species are present, will they be removed from the area and then excluded with fencing before the reservoir is re-filled?

**SMD BIOLOGICAL RESOURCES COMMENT 10: The EIR should consider the impacts to wildlife species that may be present in the empty reservoir once the dam construction is complete and the reservoir is re-filled.**

#### Cumulative Impacts

The draft EIR asserts that the Los Vaqueros Reservoir Expansion project would not contribute cumulative impacts on special status species and their habitats because mitigation measures minimize most of the project impacts to a less than significant level.

"Given the scope of the mitigation program to be implemented for this project to address effects on biological resources, the effects of the project are considered less than significant after mitigation and the project would not make a cumulatively considerable contribution to potential cumulative effects on biological resources and habitat in the region." (Los Vaqueros DEIR, 4.6-176)

Save Mount Diablo contests this assertion and believes that the Los Vaqueros expansion project will result in significant contributions to cumulative impacts in the area. As was stated above, we do not believe that the mitigation measures currently proposed adequately mitigate for the project's impacts on special status species and their habitat. However, even if the EIR were to incorporate stronger mitigation measures to more adequately address impacts, the project would still contribute to cumulative impacts in the region.

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**Roddy Ranch Project** - The draft EIR discusses proposed projects elsewhere in the region which would contribute to the permanent or temporary loss of kit fox habitat or movement corridors. This discussion does not include the proposed Roddy Ranch development which would spread 674 houses throughout Horse Valley and eliminate an entire kit fox corridor. If both projects are approved, two of the few remaining corridors connecting Black Diamond Mines to the Altamont Hills through protected lands such as Brushy Peak and Vasco Caves would be eliminated.

The threat of cutting Black Diamond Mines off from the rest of the kit fox range is becoming increasingly dangerous. The EIR should consider the cumulative impacts of both the Los Vaqueros Reservoir Expansion and the proposed Roddy Ranch development.

**Tres Vaqueros** - Contra Costa County is currently considering an application submitted by Tres Vaqueros Wind Farm LLC (LP09-2005), which is proposing a repowering project adjacent to the Los Vaqueros Watershed. The project would replace 85 wind turbines with 42 larger turbines and increase the generating capacity of the windfarm to three to four times its current capacity. Included in the project would be the construction of approximately 13.25 miles of new roads to access the turbines.



The construction of these roads would have potential impacts on special status plant and animal species in the area. Grading and paving associated with road construction would cause erosion and an increase in run off pollution, impacting wetlands resources. Vehicles accessing the site for construction and maintenance would travel along these roads and present a hazard to special status species movement in the area, including the San Joaquin kit fox.

The EIR should consider the cumulative impacts of these projects to special status species in the area. Particularly, how will San Joaquin kit fox movement be impacted if the corridor on the western side of the reservoir is flooded and there is an increase in fragmentation of the grassland areas on the eastern side of the reservoir?

*Tamayo-Nunn* – The County is also considering the minor subdivision (MS08-0010) of a property adjacent to the CCWD transfer station.

Three of the four alternatives include the expansion of a transfer facility which would involve a new pump station, an additional storage tank, and new surge tanks, all of which would require the excavation of 270,000 cubic yards of soil, concrete pouring, steel working activities, and the storage of building materials on-site.

Areas of Briones loamy sand are found in close proximity to the transfer facility. The East Contra Costa Habitat Conservation Plan considers sand deposits an uncommon landscape feature. According to the HCP, "uncommon landscape features within the inventory area may provide important habitat for many covered species and may generally support unique suites of species." (ECCHCP Ch. 6, Pg. 6-10) As an example, the silvery legless lizard - a state and federal species of special concern - occurs primarily in areas with sandy or loose loamy soils. These soils are also especially suitable for denning by San Joaquin kit fox.

As a result of their uniqueness, and the habitat they provide for special status species, these areas have a higher level of importance under the HCP and should be given specific consideration in the biotic review for the project.

How would the subdivision of the Tamayo-Nunn property along with the expansion of the CCWD transfer station cumulatively impact the area's sensitive resources?

**SMD CUMULATIVE IMPACTS COMMENT 1:** Save Mount Diablo does not believe that the draft EIR has sufficiently analyzed the full list of projects proposed in the vicinity of the Los Vaqueros Expansion Project. As a result, the document does not adequately consider the project's contribution to cumulative impacts on the area's sensitive resources.

#### Growth Inducing Impacts

The CEQA Guidelines state that an environmental impact report (EIR) should discuss the ways in which a proposed project may induce growth (Section 15126.2[d]). Growth inducement is defined by the CEQA Guidelines as:

*[T]he ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth ... It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.*

The draft EIR asserts that the project would not have any growth inducing impacts. Save Mount Diablo disagrees with this assertion and believes that by ignoring the potentially growth inducing impacts the draft EIR does not adequately assess the impacts of the project or propose sufficient mitigations:

The dEIR admits that "increasing water supply reliability for Bay Area water providers does have the potential to remove an obstacle to growth." (Los Vaqueros DEIR, 4.20-2) However, the document then goes on to assert that the project would not, in fact, be growth inducing because the expanded water reliability is meant to provide agencies with the amount of water for which they had already planned. The project "would not provide these agencies with a new source of water or an amount beyond that which they had previously planned to receive." (Los Vaqueros DEIR, 4.20-9)

In essence, agencies planned growth based on a higher level of water availability than they have been receiving. The expansion of the Los Vaqueros Reservoir and construction of a new pipeline to the Bethany Reservoir to serve South Bay water agencies would provide them with the amount of water for which they planned. The draft EIR argues that the project would not have any growth inducing impacts because it would not allow for more growth than has been planned.

**SMD GROWTH INDUCING IMPACTS COMMENT 1:** Save Mount Diablo believes that the logic used in the draft EIR to determine that project would have no growth inducing impacts is flawed. **Rather than focusing on the level of planned development, the draft EIR should focus on the level of development actually possible given actual water reliability. An increase in water reliability will remove a barrier for growth and lead to a higher level of development in the Bay Area.** As a result, the Los Vaqueros Expansion project would have growth inducing impacts that are not considered or mitigated in the draft EIR.

According to the draft EIR, the Los Vaqueros Reservoir Expansion would also provide additional storage of water for emergencies. "Emergency storage does not have a growth inducing potential because it would not be used to meet the demands of any particular agency or area, but rather would be made available in the event of a natural disaster or other emergency based on needs and conditions specific to the emergency." (Los Vaqueros DEIR, 4.20-10)

While the intention of the project may be that increased water storage would be used for emergency purposes, are there any provisions or mandatory requirements restricting the water to this use? As the population of the Bay Area continues to grow, demand for water availability will increase and pressure may be placed on CCWD to allow for use of the water stored in the Los Vaqueros Reservoir to support growth.

**SMD GROWTH INDUCING IMPACTS COMMENT 2:** If part of the intention of the Los Vaqueros Expansion is to provide storage of water for emergency purposes, the project should include an official document which describes the policies and standards of the uses of the water in the reservoir.

#### **Recreation and Open Space**

As was mentioned above, the Los Vaqueros Reservoir is a major piece of an expansive stretch of preserved open space which offers a variety of recreational opportunities to the public. The Watershed contains 55 miles of trails and is crossed by the Diablo Trail which passes through six parks and preserves and will eventually be expanded to the 60-mile Diablo Grand Loop Trail.

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The draft EIR includes a discussion addressing the potential impacts to planned regional recreational facilities as a result of the construction of the pipelines and power facilities associated with the project.

The review of regional recreational opportunities in the draft EIR refers to the East Bay Regional Park District 2007 Master Plan Map and considers the project's impacts to two proposed regional trails on that map – The Delta Trail Extension and the South Pacific Railroad Trail. However, the Park District's 2007 Master Plan Map shows additional planned recreational facilities in the area which are not included in the draft EIR's discussion of impacts to recreation.

Byron Vernal Pools - The East Bay Regional Park District 2007 Master Plan Map shows the Byron Vernal Pools as a proposed park or preserve in the grasslands to the east of the Watershed. The Los Vaqueros Reservoir Expansion project includes construction of new pipelines connecting Los Vaqueros to the Bethany Reservoir and the Delta as well as new powerlines serving the expanded transfer station in the vicinity of the proposed park area.

The draft EIR does not mention the Byron Vernal Pools in its analysis of the Los Vaqueros project's potential impacts on recreational opportunities in the area. The EIR should include such analysis.

The Juan Batista de Anza National Historic Trail – The Master Plan Map also shows the Morgan Territory to Brushy Peak Regional Trail connecting through Los Vaqueros Watershed as a segment of the Juan Batista de Anza National Historic Trail. The Juan Bautista de Anza National Historic Trail, which stretches from the Mexico-Arizona border to San Francisco, passes through the Los Vaqueros Watershed. The Trail follows the path taken by Juan Bautista de Anza in 1775-1776 as he explored what was then the Alta California region of New Spain. The Trail provides Californians with a direct connection to our Spanish history and is an important part of California's cultural heritage.

The draft EIR does not make any mention of the Juan Batista de Anza Historic trail or discuss any impacts that the reservoir expansion would have on this cultural and recreational resource. Furthermore, the document does not address how the reservoir expansion may affect a regional trail connection from the Diablo Trail to Brushy Peak through the Watershed.

**SMD RECREATIONAL IMPACTS COMMENT 1:** The EIR should consider the Los Vaqueros Expansion project impacts to all existing and planned recreational opportunities in the area including East Bay Regional Park District's proposed Byron Vernal Pools and the Morgan Territory to Brushy Peak Regional Trail. Furthermore, mitigations should include the creation of a multi-use trail connection from Morgan Territory to Brushy Peak.

Thank you for your consideration of our comments.

Sincerely,



Troy Bristol  
Land Conservation Associate  
Save Mount Diablo

## 6.5 Individuals

## 6.5 Individuals

**TABLE 6.5-1  
INDIVIDUALS WHO SUBMITTED COMMENTS ON THE DRAFT EIS/EIR**

<b>Comment Format</b>	<b>Comment ID</b>	<b>Name of Commenter</b>
Email	I_Birnbaum	Mark Birnbaum
Mail	I_Chapman	David and Brenda Chapman
Mail	I_Collier	Gary Collier
Email	I_Desmond	Michael Desmond
Email	I_Fontaine	Dave Fontaine
Email	I_Graham	Betty Lu Graham
Email	I_Gunn	Joyce Gunn
Email	I_Harris	Adrienne Harris
Email	I_Horejsi	Dr. Brian L. Horesji
Email	I_Mankin	Bob Mankin
Email	I_Navarro	Steven Navarro
Email	I_Netzer	Ralph Netzer
Email	I_Osterling	Ralph Osterling
Email	I_Pilkington	Corin Pilkington
Email	I_Quigley1	Dick Quigley
Email	I_Quigley2	Dick Quigley
Email	I_Saephan	Mey Saephan
Email	I_Sagehorn	Michael Sagehorn
Email	I_Vandeman	Mike Vandeman
Email	I_Vincent	Tammy Vincent

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**From:** Mark Birnbaum [mailto:mbirnbaum@snader.com]  
**Sent:** Thursday, April 09, 2009 6:58 AM  
**To:** wmoore@mp.usbr.gov  
**Subject:** Los Vaqueros Reservoir Expansion EIR

Dear Mr. Moore;

I'm writing to voice my concern relating to the proposed expansion of the Los Vaqueros Reservoir as outlined in its EIR. As a cyclist, I am quite concerned that as proposed, the only access between the north and south visitor areas of Los Vaqueros is on Vasco Road. This road has the well deserved reputation as being an extremely unpleasant and unsafe road for cyclists. As part of the expansion of the reservoir from 100,000 acre feet to 270,000 acre feet, a mitigation is needed for cyclists. An off road trail, with a paved or unpaved surface, suitable for both road bikes and mountain bikes is needed, to connect the two visitor areas. Such a trail would enhance the safety of cyclists and encourage more cyclists to take advantage of the recreational aspects of the Los Vaqueros area. It would also discourage cyclists from attempting to cycle between the two visitor areas on illegal trails or to attempt cross country riding, both of which are very damaging to the landscape.

Please keep me informed as to what action is taken on this matter, and what I can do to help insure that a safe bicycling facility is constructed as part of this project.

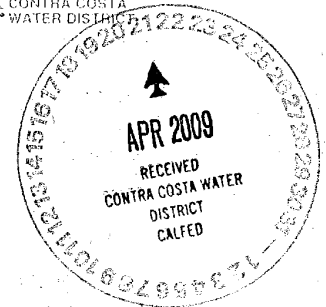
Sincerely,

Mark Birnbaum  
10 Meadowbrook Ct.  
Novato, CA 94947





CONTRA COSTA  
WATER DISTRICT



LOS VAQUEROS RESERVOIR EXPANSION PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
ENVIRONMENTAL IMPACT REPORT (DRAFT EIS/EIR)  
PUBLIC HEARINGS

COMMENT CARD

Comments may be submitted today or mailed to:

Marguerite Naillon  
Contra Costa Water District  
P.O. Box H20  
Concord, CA 94524  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (925) 686-2187  
lvstudies@hotmail.com

OR

Louis Moore  
Bureau of Reclamation  
2800 Cottage Way, MP-700  
Sacramento, CA 95825  
Attn: Los Vaqueros Reservoir Expansion Project DEIS/EIR  
Fax: (916) 978-5094  
wmoore@mp.usbr.gov

*\*Please submit comments by 5:00 p.m. on Tuesday, April 21, 2009.*

Name: David & Brenda Chapman  
Affiliation: \_\_\_\_\_  
Address: 200 Longwell Road, Brentwood, CA 94513  
Phone: 925-550-7513  
E-mail: friesian@gmail.com

Comments:

We attended two of the meetings concerning the  
new dam and pipeline and expressed our concern  
at that time. We own land that the pipeline  
crosses and of course the pipeline and the building  
of the pipeline impacts our use of our property

Please use the reverse side or attach any additional pages

Any expansion of the permanent easement or placement of temporary construction easement affects our improvement plans for use of this property - such as placement of building site, septic system, the existing well, etc. There will also be economic impacts as well in the loss of grazing + exercise area for our horses.

Because of these concerns we would like to ask to be included in the planning of this project to help minimize the impact of the placement of the pipeline as it concerns our property.

1  
Cont.

David and Brenda Chapman  
200 Longwell Road  
Brentwood, CA 94513

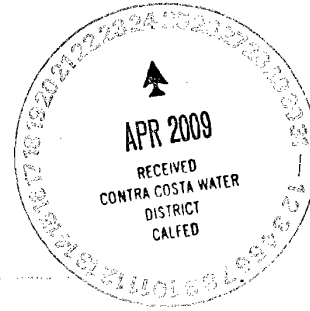
925-550-7513

[Friesian@gmail.com](mailto:Friesian@gmail.com)

We attended two of the meetings concerning the new dam and pipeline and expressed our concern at that time. We own land that the pipeline crosses and of course the pipeline and the building of the pipeline impacts our use of our property.

Any expansion of the permanent easement or placement of temporary construction easement affects our improvement plans for use of this property –such as placement of building site, septic system, the existing well, etc. There will also be economic impacts as well in the loss of grazing and exercise area for our horses.

Because of these concerns we would like to ask to be included in the planning of the project to help minimize the impact of the placement of the pipeline as it concerns our property.



merger the nation.  
Contra Costa Water District  
PO Box H20, Concord CA 94521-2089

to whom it may concern:

While I have no extensive concerns regarding this document; and its purpose, I feel the document is disingenuous and misleading.

My main and most prominent concern is the direct failure of the document to recognize and restate the topics that are not only flooding into the flood plains and estuary of the Delta system.

The document failed to address PCB's & the immense quantities of radioactive Nucleides that have been released purposely by the various military sites throughout the vicinity, but the worst violator & continuing gross violator is the Superfund site @ McClellan Park the former McClellan Air Force Base; where PCB's Radionuclides and only God knows what has been released to the environment not to mention the Farallon Island and the problems up north in Seattle with radioactive

isotopes from government facilities.

1  
Cont.

I would like to express my  
express concern why any professionals  
would concern themselves with purporting  
the delta is a natural ecosystem and  
we need to address the salmon and  
delta smelt populations.

The delta smelt population are likely  
being compromised by high flows which  
allow predatory fish to devour them. It  
is incredible that these so called  
"professionals" can't figure out the once  
exuberant environment in the delta has been reduced  
to the point that commercial fishing  
industries have been exterminated by incompe-  
tence!

2

If these "experts" paid for by  
industry want to save the delta system  
they should speak out in Union  
in restoring the delta to its natural  
flows & habitat reflective of the period prior  
to 1942 when the navigation began flowing  
and high flows were the rule.

Let's get a peripheral canal to by-pass  
polluted waters so we can poison southern California  
and retake our state from those who

3

~~Change~~ ~~are~~  
who guaranteed our water charges  
~~are~~ for no need but to satisfy liberal  
interests. Where is our TERP? If it  
is not the City it's the State of CA  
who confiscates it! We in California  
don't just need a tax rebellion, we need  
a free revolution!

Gary Collier

To Whom It May Concern:

While I have no extensive concerns regarding this document; and its purpose, I feel the document is disingenuous and misleading.

My main and most prominent concern is the abject failure of the document to recognize and restate the topics that are not only floating into the floodplains and estuary of the Delta system.

The document failed to address PCBs and the immense quantities of radioactive nucleotides that have been released purposely by the removed military sites throughout the vicinity, but the worst violator and continuing gross violation is the superfund site at McClellan Park the former McClellan Air Force Base, where PCBs, radionucleotides and only God knows what has been released to downstream not to mention the Farrallon Islands and the problems up north in Seattle with radioactive isotopes from the government facilities.

I would like to express my express concern why any professionals would concern themselves with purporting the Delta is a natural ecosystem and we need to address the salmon and Delta Smelt populations.

The Delta Smelt populations are likely being compromised by high flows which allow predatory fish to devour them. It is incredulous that these so called "professionals" can't figure out the once exuberant environment in the Delta has been reduced to the point that commercial fishing industries have been exterminated by incompetence.

If these "experts" paid for by industry want to save the Delta system they should speak out in unison in restoring the Delta to its natural flows and habitats reflective of the period prior to 1942 when the radiation began flowing and high flows were the rule.

Let's get a peripheral canal to bypass polluted waters so we can poison Southern California and retake our state from those who who quadrupled our water charges for no need but to satisfy liberal interests. Where is our TARP? If it is not the City it's the State of CA who confiscates it! We in California don't just need a tax rebellion; we need a fee revolution.

Gary Collier

---

**From:** Michael Desmond [mailto:mikedesmond@comcast.net]  
**Sent:** Tuesday, April 07, 2009 7:17 PM  
**To:** wmoore@mp.usbr.gov  
**Subject:** Los Vaqueros improvements

Please consider a bicycle / pedestrian trail from the north Visitor Center to the south Marina, preferably asphalt paved, which would greatly improve recreational access around the reservoir and also provide an excellent alternate bicycle route from east Contra Costa to Alameda County bypassing the treacherous Vasco Road shoulder route.

1

Thanks for your consideration.

Michael Desmond  
mikedesmond\_94509(at)yahoo.com



> From: fontfam@comcast.net  
> To: LVStudies@hotmail.com  
> Subject: Comments - CALFED Los Vaqueros Reservoir Expansion Studies Website  
> Date: Sat, 18 Apr 2009 14:33:38 -0400

>  
> SENDER'S NAME: Dave Fontaine  
>  
> SENDER'S EMAIL: fontfam@comcast.net  
>  
> SENDER'S ADDRESS:  
>  
> SENDER'S CITY: Dublin  
>  
> SENDER'S STATE: CA  
>  
> SENDER'S ZIP: 94568  
>  
> SENDER'S PHONE #: () -  
>  
> SENDER'S FAX #: () -

> COMMENTS:

> I think the expansion of the reservoir is required to help manage Calif. water resources.

>  
> However,

> 1. Every effort must be taken to preserve, mitigate or relocate endangered and threatened species AND

> 2. The existing reservoir and surrounding area must be kept open for recreation use with the exception of the limited areas which are involved in dam construction.

> Closing the whole area for extended periods of time is unnecessary and unacceptable.

> Dave Fontaine

>



I 1  
I 2

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April 17, 2009

Ms. Marguerite Naillon  
Contra Costa Water District  
P.O. Box H2O  
Concord, CA 94524-2099  
[lvstudies@hotmail.com](mailto:lvstudies@hotmail.com)



Re: Comments on the Los Vaqueros Reservoir Expansion Project Environmental Impact Statement and Environmental Impact Report.

Dear Ms. Marguerite Naillon:

I am writing to provide written comments on the subject document. My general comment is that the document does not: disclose the environmental impacts of the proposed action in sufficient detail to allow for informed decision making, describe a full range of practicable alternatives, and conform to the requirements of NEPA and CEQA.

3

My specific comments are:

1) The proposed expansion of Los Vaqueros Reservoir is said to inundate an additional 1000 or 400 acres of terrestrial habitat for the 275 thousand acre foot (TAF) or 260 TAF alternatives. This expanded area of inundation will impact existing sensitive habitat (oak woodland, riparian, wetland, and other habitat) and will inundate the oak woodland, riparian, and wetland habitat constructed by CCWD as mitigation for the Los Vaqueros Project. The subject document does not fully describe the cumulative impacts of the Los Vaqueros Project and its proposed expansion and the proposed mitigation is not adequate. Further, the subject document does not discuss the feasibility of replacing sensitive habitat, in-situ and in-kind, within the Kellogg Creek watershed nor the suitability of Kellogg Creek watershed lands for such mitigation.

4

2) The subject document implies that CCWD will implement changes in its operation of the unscreened Rock Slough facilities without identifying such changes as a mitigation measure and fails to report that USBR and CCWD have not yet achieved the mitigation requirements of the Los Vaqueros Project. Although fish monitoring at the Rock Slough intake has demonstrated on-going entrainment of listed fish species, USBR and CCWD have repeatedly sought relief from their obligations to screen the Rock Slough intake.

5

3) Limitations on diversions at the CCWD Old River intake include a 75 day prohibition on diversions to storage and a 30 day prohibition on diversions to storage and to direct use at the Rock Slough, Old River, and AIP intakes (USBR/CCWD intakes). Diversions are also limited by the availability of unallocated water and suitable water quality at the USBR/CCWD intakes. In the event that the Delta-Transfer pipeline (or equivalent) is not constructed or water is not available, the South Bay contractors will not be served by the proposed action and the claimed environmental benefits won't be

6

achieved. CCWD may not achieve is stated goal of mitigating all environmental impacts to a level of insignificance and achieving a net environmental benefit for the Delta. Further, the so-called “state of the art” fish screens at the Old River, and future AIP and Delta intakes are not benign and may not provide the promised benefits of “*protecting fish and reducing fish losses*”.

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4) The CCWD Old River intake and the proposed Delta intake are each located within the direct influence of the Discovery Bay wastewater outfall. The subject document fails to discuss or disclose the effects of wastewater discharges on source water quality of the public drinking water supplies served by the proposed action.

9

5) The existing Los Vaqueros Reservoir facilities provide more than 70 thousand acre feet of water for water quality blending and emergency supply. The loss of these project benefits during project construction and reservoir refilling (4 or more years) may not be adequately mitigated by the available supply under EBMUD-CCWD agreement(s) (3200 acre feet/year). Adequate mitigation for the loss of Los Vaqueros Project benefits during construction and subsequent refilling should be assured.

10

In summary, the No Action Alternative avoids the significant adverse impacts associated with: increasing diversions through the CCWD and USBR intakes at Rock Slough (unscreened), Old River, and the new Alternative Intake; and the expansion of Los Vaqueros Reservoir. Overriding public considerations in support of the other project alternatives are not identified. The No Action Alternative should be the preferred alternative.

Thank you for your attention to these comments.

Sincerely,

Betty Lu  
1496 Palm Ave.  
Richmond, CA 91805

cc. Mr. Louis Moore  
USBR  
2800 Cottage Way, MP-700  
Sacramento, CA 95825-1898  
[wmoore@mp.usbr.gov](mailto:wmoore@mp.usbr.gov)

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From: joycegunn@hotmail.com  
To: wmoore@mp.usbr.gov; lvstudies@hotmail.com  
Subject: Los Vaqueros expansion  
Date: Tue, 14 Apr 2009 16:18:43 -0700

I would like to comment on the EIR for the Los Vaqueros Reservoir. Since you will build up the existing dam, not remove the existing dam and visitor center to build the new dam in a new place, it seems this would provide an excellent opportunity to create additional bicycle and pedestrian access.

In my opinion, it would be nice to have more bicycle access in the watershed. In particular, it would be nice to be able to bicycle from the south visitor area to the north visitor area on either an unpaved trail or a paved multi-use path. Bicycleable connections to neighboring parks would be very nice, too.

Joyce Gunn  
120 Heron Dr, Pittsburg

Life is not measured by the number of breaths we take, but by the number of moments that take our breath away.

--Will Smith as Alex Hitchins, in "Hitch"

From: axharris@sbcglobal.net  
To: lvstudies@hotmail.com; wmoore@mp.usbr.gov  
Subject:  
Date: Sun, 19 Apr 2009 19:33:36 -0800



re: Comment on Los Vaqueros EIR

As a Contra Costa cyclist, I am always looking for opportunities to cycle for my health. As part of the CEQA process on the Los Vaqueros project, I would urge the following modifications:

More bicycle access is needed in the watershed. In particular, it would be nice to be able to bicycle from the south visitor area to the north visitor area on either an unpaved trail or a paved multi-use path. Bikeable connections to neighboring parks would be very nice, too. ]<sup>1</sup>

Sincerely,  
Adrienne Harris

Adrienne Harris  
Creating a sustainable future  
(510) 237-4466 - direct  
<http://www.richmondbpac.org>  
<http://www.northrichmondshoreline.org>  
<http://www.bikesyes.org>  
<http://www.khamaid.org>

"I am building myself. There are many roots. I plant, I pick, I prune. I consume." -Wendy Rose, HOPI/MIWOK  
'BE THE CHANGE' -Barack Obama  
'Healthy parks, healthy people' - Whitney Dotson, EBRPD

P Please consider the environment before printing this email.

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**From:** Brian L. Horejsi [mailto:b2horejsi@shaw.ca]  
**Sent:** Wednesday, April 08, 2009 7:55 AM  
**To:** wmoore@mp.usbr.gov; lvstudies@hotmail.com  
**Subject:** opposed to mountain biking

Louis Moore,  
Bureau of Reclamation  
Sacramento, CA

and

Marguerite Naillon  
Contra Costa Water District  
Concord, CA

Dear Mr. Moore and Ms. Naillon;

I want to go on record opposing the use of mountain bikes in the Los Vaqueros Reservoir watershed.

Contrary to popular media and biking proponent claims, mechanized use of land by machines such as mountain bikes, is destructive.

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There are many well documented elements to this destruction, but destruction of vegetation on unpaved trails, and on the edges of paved trails, with subsequent erosion and water pollution / sedimentation consequences are notable amongst them.

Other issues include the aggressive "entitled" behavior of bikers that produces serious and unresolvable conflict with all other users, wildlife displacement and harassment, illegal behavior (such as trail poaching and "renovation") and conflicts and costs associated with trail management enforcement.

I trust you will consider these issues and rule against expanded mountain bike use in the Los Vaqueros. I would at the same time urge you to reconsider any existing use by mountain bikes and take all necessary measure to confine this activity.

Sincerely,  
Dr. Brian L. Horejsi  
Frequent user of public lands





-----Original Message-----

From: Los Vaqueros [<mailto:lvstudies@hotmail.com>]  
Sent: Tue 4/21/2009 11:34 AM  
To: Andrea Nocito  
Subject: FW: More Comments on the Los Vaqueros Draft EIS/EIR

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Subject: More Comments on the Los Vaqueros Draft EIS/EIR  
Date: Tue, 21 Apr 2009 11:20:05 -0700  
From: Bob@cadpros.com  
To: 'lvstudies@hotmail.com'; 'wmoore@mp.usbr.gov'  
CC: 'dist3@bos.cccounty.us'

Let me also add that I am vehemently against the construction or upgrade of any pipelines via this project which would directly or indirectly allow transfer of Delta water to the SWP or CWP canals. CCWD has no business positioning themselves to become water brokers for agencies outside of the residents they are here to serve.

1

Any effort on that front I view as a complimentary or alternative to the revised Peripheral Canal or Dual Conveyance or whatever goofball name the government agencies have now attached to that attempted water grab. I am strongly against any effort in that vein.

Let's make sure this project results in benefits to the citizens of Contra Costa County and is not just some disguised effort to promote a larger agenda for water interests down south.

Thank you.

Bob Mankin

From: Bob Mankin  
Sent: Tuesday, April 21, 2009 10:55 AM  
To: 'lvstudies@hotmail.com'; 'wmoore@mp.usbr.gov'  
Cc: 'dist3@bos.cccounty.us'  
Subject: Comments on the Los Vaqueros Draft EIS/EIR

Ms. Naillon/Mr. Moore;

I just submitted the following comments via the website expressing my concerns on the draft. I am submitting these again here via email so that I might also copy my local Supervisor to have these on record. I welcome any additional information you can provide which might address my concerns.

As a resident of Discovery Bay and an avid fisherman, I have a specific interest in the fishing aspect of the facility. Your expansion plan would require draining of the lake prior to construction, yet when I read the section on recreational impacts it mentions nothing about mitigation for the existing fish population. Are you intending to drain the lake and simply let these fish die in the process? Is there a program or mitigation effort to move these fish to other waters?

2

I would remind you of the Prospect Island fish kill from a couple of years ago in the Delta when Federal and State agencies decided to drain the flooded island without proper advance planning for existing fish populations. It was a complete PR disaster as hundreds of thousands of game fish were needlessly lost and left to die in the resulting shallow pools. Please tell me that CCWD and USBR are not about to repeat that

stupidity here.

Lest you argue that these are all "put and take" planted fish, the lake record for striped bass was recently shattered with the catch of a 45 lb fish. By all available estimates, that is a 16-17 year old fish in a 10 year old lake, showing that you clearly have some migratory fish that were trapped or somehow pumped into this lake. You could perhaps even have some migratory salmon in this lake and in light of the current collapse of salmon populations in the Delta, loss of even a few fish would not be viewed very favorably at all within the fishing or environmental communities.

↑  
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Cont.

If I have missed a section of the report which addresses these concerns, I would welcome whatever information you can point me to that addresses them.

Thank you for your consideration of my comments and issues.

Respectfully,

Bob Mankin

Discovery Bay



-----Original Message-----

From: Los Vaqueros [<mailto:lvstudies@hotmail.com>]

Sent: Tue 4/21/2009 11:02 AM

To: Andrea Nocito

Subject: FW: Comments - CALFED Los Vaqueros Reservoir Expansion Studies Website

> From: bob@cadpros.com

> To: LVStudies@hotmail.com

> Subject: Comments - CALFED Los Vaqueros Reservoir Expansion Studies Website

> Date: Tue, 21 Apr 2009 13:54:56 -0400

>

> SENDER'S NAME: Bob Mankin

> SENDER'S EMAIL: bob@cadpros.com

> SENDER'S ADDRESS: 3554 Keystone Loop

> SENDER'S CITY: Discovery Bay

> SENDER'S STATE: CA

> SENDER'S ZIP: 94505

> SENDER'S PHONE #: (925) 240-0500

> SENDER'S FAX #: () -

>

> COMMENTS:

> As a resident of Discovery Bay and an avid fisherman, I have a specific interest in the fishing aspect of the facility. Your expansion plan would require draining of the lake prior to construction, yet when I read the section on recreational aspects and impacts it mentions nothing about mitigation for the existing fish population. Are you intending to drain the lake and simply let the existing fish population die in the process? Is there a program to move these fish to other waters?

>

> I would remind you of the Prospect Island fish kill from a couple of years ago in the Delta when Federal agencies decided to drain the flooded island without planning in advance for existing fish populations. It was a complete PR disaster as hundreds of thousands of game fish were needlessly lost and left to die in the resulting shallow pools. Please tell me that CCWD is not about to repeat that stupidity here.

>

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>

> If I have missed the section of the report which addresses these concerns, I would welcome whatever information you can point me to that addresses them.

>

> Thank you for your consideration of my comments and issues.

>

> Respectfully,

>

> Bob Mankin

> Date: Fri, 10 Apr 2009 01:21:03 -0700  
> From: snavarro@laspositascollege.edu  
> To: lvstudies@hotmail.com  
> CC: snavarro5@comcast.net;  
snavarro.inet.GWPRIME@laspositascollege.edu  
> Subject: work on dam  
>  
> To whom it may concern:  
> Hi,  
> I live in Brentwood and work in Livermore, so I drive down Vasco Road  
five to six days per week.  
> 1. when the original work on the dam was underway, I was driving down  
> that road every day and there were frequent delays (as in 2-3 days  
per  
> week). This is unacceptable in an already un-tolerable traffic  
commute into and out of Brentwood 2. the trucks slow everything down  
and they are dangerous (dropping debris and pitting our windshields  
with rocks falling from their truck beds) 3. the extra stress is not  
what any of us need. Who is considering the above mentioned items???  
> 4. why are we going backwards and now building a dam that should have  
been built this large in the first place??  
> 5. it is already difficult to get to work in a reasonable time and  
this work will defiantly make the commute worse!!  
> 6. if the larger dam fails in an earthquake the water floods where??  
BRENTWOOD and the surrounding area, where I live!  
> 7. Vasco road is already unsafe and dangerous, this construction will  
> make it worse and will complicate an already untenable work commute  
8.  
> a one lane road cannot hold the traffic that is going through it to  
> get in and out of Brentwood, Antioch, Oakley Dis. Bay and the rest of  
> the surrounding community 9. any further disruption to our traffic  
> problems is unacceptable 10. unless you build a separate road that we  
> can safely and efficiently commute on to Livermore and points beyond  
>  
>  
> Thanks,  
> Steve Navarro  
> Brentwood CA.  
>  
>  
> Steven Navarro M.A., A.T.C.  
> Las Positas College  
> Athletic Director and Cross-Country Coach  
> 925-424-1252  
> 925-456-0113

1

2

3

4

5

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From: rlnetzer@sbcglobal.net  
To: lvstudies@hotmail.com  
Subject: Los Vaqueros Res.  
Date: Mon, 13 Apr 2009 10:05:47 -0700

Of course you should consider enlarging Las Vaqueros Reservoir, probably, the larger storage plan. This State is suffering and will continue to suffer from severe water shortages until something is done to increase storage capacity. For years we have been constrained from doing this by environmental opposition. The American River Dam north of Sacramento is a good example. A small percentage of the population is more concerned with the well being of some insignificant thing or things at the expense of the entire population. No river in California should be allowed to run free without some storage facility capable of conserving water during run off periods. Anyone who cannot see the value of enlarging Los Vaqueros which would benefit the entire area but cause the temporary halting of recreational activities, needs their sense of values examined.

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---

**From:** Los Vaqueros [mailto:lvstudies@hotmail.com]  
**Sent:** Thursday, February 26, 2009 8:14 AM  
**To:** Marguerite Naillon  
**Subject:** FW: Comments - CALFED Los Vaqueros Reservoir Expansion Studies Website

> From: ralph@ralphosterling.com  
> To: LVStudies@hotmail.com  
> Subject: Comments - CALFED Los Vaqueros Reservoir Expansion Studies Website  
> Date: Wed, 25 Feb 2009 19:52:03 -0500  
>  
> SENDER'S NAME: Ralph Osterling  
>  
> SENDER'S EMAIL: ralph@ralphosterling.com  
>  
> SENDER'S ADDRESS: 1650 Borel Place  
>  
> SENDER'S CITY: San Mateo  
>  
> SENDER'S STATE: CA  
>  
> SENDER'S ZIP: 94402  
>  
> SENDER'S PHONE #: (650) 573-8733  
>  
> SENDER'S FAX #: (650) 345-7890  
>  
> COMMENTS:  
> The LV is a well managed project with good public access. I presume that will  
continue to expand. with the expansion, added large valley oaks will probably be  
lost. as part of the mitigation, I recommend an intensive program to reestablish oak  
woodlands and oak resources on the upper watersheds. Most of the surrounding area  
is devoid of and in need of oak reestablishment for the long term.  
> Thank you for the opportunity to comment.  
>

1

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2nd comment of the day. I'll send over others as they come in. So far, just two this morning.

Andrea Nocito, Senior Project Associate

a.nocito@circlepoint.com \* 415.227.1100 x104

415.994.4670 Blackberry

CirclePoint

135 Main Street, Suite 1600, San Francisco, CA 94105



-----Original Message-----

From: Los Vaqueros [<mailto:lvstudies@hotmail.com>]

Sent: Tue 4/21/2009 8:05 AM

To: Andrea Nocito

Subject: FW: Los Vaqueros Comments

> To: lvstudies@hotmail.com  
> From: cp48@humboldt.edu  
> Subject: Los Vaqueros Comments  
> Date: Tue, 21 Apr 2009 07:36:40 -0700  
>  
> Hello, attached are my comments on the Los Vaqueros Project  
>

3/30/09

Comment Memorandum

**Memo To:** Mr. Louis Moore, Bureau of Reclamation, 2800 Cottage Way, MP-700,  
Sacramento, CA 95825-1898

**Memo From:** Corin Pilkington – California fisheries enthusiast and environmental  
engineer

**Subject:** Comments on Los Vaqueros Expansion Project Draft EIS/EIR

**Summary**

The purpose of this memo is to provide a written response on Los Vaqueros Expansion Project Draft EIS/EIR, and to comment on the technical content of the document. This critique focuses on the content of the hydrology, purpose and need, alternatives, and the project construction sections. Areas of concern include the absence of an environmentally preferred alternative, the complete drainage of the reservoir, unclear significance criteria, and the lack of description on how the Los Vaqueros project relates to other projects in the Delta region.

**DEIR/DEIS Analysis**

The document follows the suggested NEPA and CEQA DEIR/DEIS format. There are two lead agencies identified for the project: the CCWD under CEQA and the BOR under NEPA. The purpose of the document is clearly stated and adheres to the intent of NEPA and CEQA, except for the lack of defining the environmentally preferred alternative. Furthermore, the document incorporates the necessary sections put forth by NEPA/CEQA and accommodates readers with proper language and writing format.

***The Purpose & Need Section demonstrates the reasons for developing the project. However, how other Delta projects relate to the Los Vaqueros Expansion Project (VEP) would be useful in determining the relative relevance and magnitude of the VEP.***

The purpose and need section provides relevant information to the project and provides detailed background information and discussion to justify the project.



3/30/09

## Comment Memorandum

Furthermore, the development of the purpose of the project is adequately conveyed and introduces the many programs associated with the Delta environmental and reliability conditions (e.g. CALFED Bay Delta Program and Delta Vision).

The document would benefit from more detail on how the project relates to these other Delta programs and what other specific projects are underway or in the development stages that would also serve the objectives of the Los Vaqueros Expansion Project. Other projects could be compared or ranked in order of contribution to the purpose and need, thus defining the importance of this particular project in a network of other projects meant to improve Bay Delta conditions (qualitatively or quantitatively). Including a more detailed presentation of the Delta projects under consideration would further the understanding of VEP and clearly demonstrate its importance in the complex future of the Delta.

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***The alternatives section is thorough and well presented, including a good description of the alternative screening process. However, the absence of a defined environmentally preferred alternative is concerning because this alternative is critical when the primary objective of the project is to improve environmental conditions.***

The action alternatives are thoroughly presented, sufficiently varied, and supported with pictures and tables. A table outlining how the alternatives meet project objectives is well designed and helpful in comparing alternatives. The alternatives screening process is presented in detail and informs the reader how the selected alternatives were developed and the constraints that define the range of expansion/improvement, such as the reason why 275 TAF is the maximum considered storage expansion.

However, the environmentally preferred alternative is not yet defined, due to insufficient data and analysis. This missing component of the report is crucial to the decision-making process, public scoping, and comment period, thus the release of the document seems premature. By defining the environmentally preferred

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alternative and how/why it was selected, the DEIS could compare and analyze the benefits and tradeoffs of the other alternatives with another base alternative (besides the “no action/project” alternative). The proposed alternative would be the environmentally preferred since the objective of the project is to improve environmental conditions in the Delta, but this is not stated.

The action alternatives include land inundation, increased energy consumption, immediate resource requirements, and are associated with multiple beneficial uses too complex to assess and compare without identifying the alternative with the least environmental impact. Moreover, Alternatives 1, 2 and 3 involve the complete draining of the reservoir during the 3 to 4 year construction period, which further complicates the impacts that may coincide with the project.

2  
Cont.

***Alternatives 1, 2 and 3 include construction requirements that include the complete drainage of the reservoir; this would cause decreased storage in a system that is already in a water budget deficit and contradicts the need of the project.***

Because of California’s current degraded water system and dry condition, the proposed alternative (Alternative 1) and Alternatives 2 and 3 raise concern because they require the emptying of the reservoir for 3 to 4 years during construction. The impact the absence of storage, on a system short of storage and water to meet capacity, during the 3 to 4 years is unclear in the document.

The draining of the reservoir directly contradicts the project need, and alternatives that do not empty the reservoir may be more appropriate (i.e. Alternative 4 or a variation of). The extent of the impact from decommissioning the reservoir for the estimated 3-4 years is not clearly discussed and does not seem negligible. The implication of taking the reservoir out of the Delta system for 3-4 years when the state is already in, by most accounts, a dire condition, would seem to be a risk (construction time can be underestimated and water availability to refill the reservoir is unknown) and may cause a “significant impact”.

3

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The bigger picture of how this expansion project relates to the other Bay Delta projects (discussed previously in purpose and need section of this letter) would help clarify why the decommissioning of the Los Vaqueros for up to 4 years is not relevant (i.e. if in fact it is not) or can be hydraulically substituted for. However, if the absence of the reservoir is not critical than I must question weather the project needs to be reconsidered in respect to public money and the other Delta project options that focus on critical components of the Delta system.

3  
Cont.

***In the significance criteria definitions the word “substantial” is used without being defined, and this results in an unclear definition of the threshold of significant impact.***

The Significance Criteria Section describes the criteria in which alternatives were evaluated for significant impact (Section 4.5.2). However, the word “substantial” is used in the criteria definition and this leaves the reader wanting additional criteria or definitions for the word “substantial” in order to evaluate the alternatives’ potentials to create “significant impact”. In the groundwater criterion, “substantial” is clearly defined, similarly the next criterion, associated with drainage, should have a definition for “substantial”. However, in the drainage criterion “substantial” is used but not defined at all. To clear subjectivity from an analysis is difficult, however it seems reasonable to develop and state some bases for threshold besides “substantially alter the existing drainage pattern...” .

4

***The hydrologic analysis and impacts associated with the project are thoroughly discussed with explanations of the methods, assumptions and approach. However, could Los Vaqueros operators (and other Delta operators) be used as a resource when Los Vaqueros is added and modeled in CalSim II, and can they help with interpreting CalSim IIs monthly time steps?***

The DEIS clearly discusses the utilized method of assessing the impacts of the project. The process of developing future conditions is well presented, and

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appropriately includes multiple future conditions in the analysis. Additionally, to consider multiple potential regulation changes was important and critical due to the nature of increasingly restrictive regulation.

The majority of the assessment was conducted with the aid of California Simulation Model II. The limitations of the model are stated and the implications of the limitations are addressed. The models use of monthly time steps is concerning, but it is made clear that the model is our only peer-reviewed source for modeling the Delta. However, it would seem that because the model can only provide averaged operational guidelines, experienced Los Vaqueros and other Delta operators would be a useful resource in determining effects of changes on the reservoir capacity on daily operations, and the implications of the benefits and impacts stated in this section. A review of comments made by operators with hands on experience would be useful in the benefits or impacts section.

5

**Recommendations:**

The recommendations contained in this memorandum are as follows:

- Include an Environmentally Preferred Alternative and resubmit the DEIS/R for another review.
- Include the relative importance of the Los Vaqueros Expansion Project compared to other potential Delta projects.
- Redefine the drainage significance criterion.
- Reevaluate the impacts associated with draining the reservoir for up to 4 years.
- Consider including reservoir operators in the modeling process and analysis in order to translate monthly averages into daily operational implications.



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**From:** Allison Batteate  
**Sent:** Wednesday, March 25, 2009 1:05 PM  
**To:** Marguerite Naillon; Fran Garland  
**Subject:** FW: CCWD Eir/EIS

Hello - Mark Mueller suggested I forward the comments regarding the EIR/EIS below from Dick Quigley to you.

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**From:** Mark Mueller  
**Sent:** Wednesday, March 25, 2009 12:51 PM  
**To:** Allison Batteate  
**Subject:** RE: CCWD Eir/EIS

Yes, please forward his comments to you directly to both Fran and Marguerite.

Thanks,

Mark Mueller  
Los Vaqueros Watershed Manager  
Contra Costa Water District  
Office-925-240-2361  
Fax-925-513-2084

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**From:** Allison Batteate  
**Sent:** Wednesday, March 25, 2009 11:07 AM  
**To:** Mark Mueller  
**Subject:** FW: CCWD Eir/EIS

**This is the input I received from Dick Quigley. He is on the BOD of Zone7 and is a horse trail enthusiast (as you can see). Maybe we should pass these comments on to Marguerite or Fran?**

---

**From:** Dick Quigley [mailto:rlquig1@comcast.net]  
**Sent:** Wednesday, March 25, 2009 11:03 AM  
**To:** Allison Batteate  
**Subject:** Re: CCWD Eir/EIS

Thanks!

Glad we visited at your Los Vaqueros event. Ranchers and equestrians are good stewards of the working landscape! Would love to see more educational/recreational & health oriented activities at Los Vaqueros.

Would be wonderful to find a way to open the trail from Brushy Peak to Los Vaqueros. Multi-use trail groups would love it and distance events would be possible. From closest property lines appears to be a very short distance.

Easement kind of stuff? Might CCWD entertain partnering with EBRPD/LARPD or property owners?

An expanded off stream storage facility will require significant trail and recreation mitigation, or re-mitigation. Expanded multi use (horses & Mt. bikes) and regional connections to contiguous, or closely adjacent public (recreational) landscape might produce a win win.

My historical understanding of the "Los Vaqueros Water Shed" is that it does not "Shed" much. May be 5-7 % or so, and the balance is imported from the CVP, Shasta via the Delta. The balance and major

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portion is imported creating an artificial Biological regime. It is Federal water as opposed to State Water. Is my understanding true?

From a Biological water quality stand point, I understand that water quality samples of the delta water is quality fingerprinted routinely for several factors. I would guess that the CCWD delta water fingerprint is close to that of Del Valle at Harvey Banks. I would expect it to have a trace higher salt signature due to significant western intake location. Is my suspicion true?

I attended last night's meeting for the poster session only, and was not able to stay for the presentation.

Thanks again!

Dick

(925)846-0339

On Mar 23, 2009, at 3:45 PM, Allison Batteate wrote:

Hi Dick

Don't forget to send me your "biological type" questions so we can be sure to have answers for you at the meeting tomorrow.

It was good to see you at Vaquero Day! If you have any input to improve the event next time around, please let me know.

Allison Leal Batteate  
Los Vaqueros Watershed  
Contra Costa Water District  
925-240-2360

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**From:** Allison Batteate  
**Sent:** Wednesday, April 01, 2009 11:30 AM  
**To:** Marguerite Naillon; Mark Mueller  
**Subject:** FW: 12 great iPhotos 4/1/09 Brushy Peak hike (Quigley Lunn)

FYI

Karen Sweet is RCD (Alameda Co. Resource Conservation District)  
Tim Barry, I believe, is City of Livermore (maybe Park n Rec)  
Bob Coomber & D. Bengston are active in trails meetings  
Kim Fisher is a horseback trail rider  
David Lunn works at Zone 7 and is a trail enthusiast

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**From:** Dick Quigley [mailto:rlquig1@comcast.net]  
**Sent:** Wednesday, April 01, 2009 11:12 AM  
**To:** Jim Townsend; Beth Wilson; Tim Barry; Allison Batteate; Karen Sweet; theath214@sbcglobal.net Heath; Morris Older; Bob Coomber; Rich Cimino; Rich Guarienti; D Bengston  
**Subject:** Fwd: 12 great iPhotos 4/1/09 Brushy Peak hike (Quigley Lunn)

Begin forwarded message:

**From:** Dick Quigley <[RLQuig1@comcast.net](mailto:RLQuig1@comcast.net)>  
**Date:** April 1, 2009 10:56:01 AM PDT  
**To:** Terry L Hughes <[terry.l.hughes@lmco.com](mailto:terry.l.hughes@lmco.com)>, Barbara Hoffman <[birdhousesbybarb@aol.com](mailto:birdhousesbybarb@aol.com)>, [sandymarci@earthlink.net](mailto:sandymarci@earthlink.net), diane offutt <[dianeocr@sbcglobal.net](mailto:dianeocr@sbcglobal.net)>, Kim Fisher <[firejax@hotmail.com](mailto:firejax@hotmail.com)>  
**Cc:** D Lunn <[david327lunn@sbcglobal.net](mailto:david327lunn@sbcglobal.net)>  
**Subject:** 12 great iPhotos 4/1/09 Brushy Peak hike (Quigley Lunn)

Dave and I hiked this this morning!  
This is no April fools joke! If we can open, it can open access to Morgan territory and round valley.  
It may serve a significant gap removal for the Delta De Anza trail.  
**Time is now to get involved with CCWD DEIR and public process.**  
DQ

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IMG\_0375.JPG Trail up (West Side)



IMG\_0376.JPG Hawk taking off in flight



IMG\_0377.JPG Los Vaqueros Watershed Key host





IMG\_0378.JPG Cattle and pole are the corner boundary of EBRPD Brushy Peak



IMG\_0379.JPG CCWD welcome wagon sign!



IMG\_0380.JPG Corner post



IMG\_0381.JPG Ride walk bike under Vasco Rd to Los Vaqueros possibility





IMG\_0382.JPG EBRPD Boundary corner



IMG\_0383.JPG





IMG\_0384.JPG We walked the 80 paces to the CCWD corner across we believe land fill land.



IMG\_0385.JPG Boundary corner ready for a friendly trail gate



IMG\_0386.JPG Pondering how close it is and how to get their from here! **A KEY TRAIL GAP TO CLOSE**

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**From:** Los Vaqueros [mailto:lvstudies@hotmail.com]  
**Sent:** Tuesday, March 24, 2009 11:37 AM  
**To:** Marguerite Naillon  
**Subject:** FW: Comments - CALFED Los Vaqueros Reservoir Expansion Studies Website

> From: yem\_saephan@yahoo.com  
> To: LVStudies@hotmail.com  
> Subject: Comments - CALFED Los Vaqueros Reservoir Expansion Studies Website  
> Date: Tue, 24 Mar 2009 01:40:50 -0400  
>  
> SENDER'S NAME: Mey Saephan  
>  
> SENDER'S EMAIL: yem\_saephan@yahoo.com  
>  
> SENDER'S ADDRESS:  
>  
> SENDER'S CITY:  
>  
> SENDER'S STATE:  
>  
> SENDER'S ZIP:  
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> SENDER'S PHONE #: () -  
>  
> SENDER'S FAX #: () -  
>  
> COMMENTS:  
> Are there other considerations on how much customers are required reduce their water usage? I ask this question because, my family has already reduced water usages probably by 20% or more. I think it would be unfair to ask customers who have already reduced their water usages to reduce their water usages 20% more on top of what they are already doing. This would be very difficult to do. I wonder if the water district should take into consideration the number of people in a family or families who have reduced their water usage already. Otherwise I it would be easier for us to return to regular usage, prior to conservation, so that when we have to reduce our water usage it would return to what we are currently using.  
>

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>>> <deltarugby@yahoo.com> 4/7/2009 1:44 PM >>>

Any consideration to expand capacity should also include the EBMUD's expansion of the site's non motorized recreation opportunities

Los Vaqueros should expand its role to include an outdoor education site for area schools, hiking, camping and trails for cycling. An area for youth group camping would help area youth

A range for shooting sports and limited access to district lands for hunting would also serve local residents.

Michael Sagehorn

Sent from my Verizon Wireless BlackBerry



-----Original Message-----

From: Mike Vandeman [<mailto:mjvande@pacbell.net>]  
Sent: Tuesday, April 07, 2009 6:42 PM  
To: wmoore@mp.usbr.gov; lvstudies@hotmail.com  
Subject: Los Vaqueros Reservoir

Please restrict bicycles and other vehicles to paved roads!

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Bicycles should not be allowed in any natural area. They are inanimate objects and have no rights. There is also no right to mountain bike. That was settled in federal court in 1994:

<http://home.pacbell.net/mjvande/mtb10> . It's dishonest of mountain bikers to say that they don't have access to trails closed to bikes. They have EXACTLY the same access as everyone else -- ON FOOT! Why isn't that good enough for mountain bikers? They are all capable of walking....

A favorite myth of mountain bikers is that mountain biking is no more harmful to wildlife, people, and the environment than hiking, and that science supports that view. Of course, it's not true. To settle the matter once and for all, I read all of the research they cited, and wrote a review of the research on mountain biking impacts (see <http://home.pacbell.net/mjvande/scb7> ). I found that of the seven studies they cited, (1) all were written by mountain bikers, and (2) in every case, the authors misinterpreted their own data, in order to come to the conclusion that they favored. They also studiously avoided mentioning another scientific study (Wisdom et al) which did not favor mountain biking, and came to the opposite conclusions.

Those were all experimental studies. Two other studies (by White et al and by Jeff Marion) used a survey design, which is inherently incapable of answering that question (comparing hiking with mountain biking). I only mention them because mountain bikers often cite them, but scientifically, they are worthless.

Mountain biking accelerates erosion, creates V-shaped ruts, kills small animals and plants on and next to the trail, drives wildlife and other trail users out of the area, and (worst of all) teaches kids that the rough treatment of nature is okay (it's NOT!). What's good about THAT?

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For more information: <http://home.pacbell.net/mjvande/mtbfaq> .

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I am working on creating wildlife habitat that is off-limits to humans ("pure habitat"). Want to help? (I spent the previous 8 years fighting auto dependence and road construction.)

Please don't put a cell phone next to any part of your body that you are fond of!

<http://home.pacbell.net/mjvande>



---

From: tammy@rdtechjobs.com  
To: lvstudies@hotmail.com  
Subject: Reservoir  
Date: Fri, 10 Apr 2009 08:12:35 -0700

BUILD IT OUT ALL THE WAY! You are supposed to be PLANNERS of the future.

We need more water. California has more people. It should be a no-brainer!

I read about it in the Brentwood Newspaper. I live in Brentwood and I know that will all the growth in East County, we need a lot more water.

I can't emphasize how important your job is as water PLANNERS!

Don't listen to the environmental wackos, they don't want humans on the earth anyway so you will never please them. Stop trying. It will never be good enough. I hope you act like adults and do the right thing, otherwise you are useless in your jobs!

GLOBAL WARMING IS A HOAX!! Save water!

BUILD IT - BUILD IT - BUILD IT - BUILD IT!!!!!!

Thanks,

Tammy Vincent, Senior Recruiter  
R&D Technical Services  
111 Deerwood Road, Suite 115  
San Ramon, CA 94583  
925-831-1200  
925-831-2030 FAX  
tammy@rdtechjobs.com

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