

File No. 110202

Committee Item No. _____

Board Item No. 26

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date March 15, 2011

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Appeal of Final Environmental Impact Report – Calaveras Dam
Replacement Project
- Planning Department's Response (Attachments A-D)
- _____

Completed by: Joy Lamug

Date March 10, 2011

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.



RICHARDS | WATSON | GERSHON

ATTORNEYS AT LAW - A PROFESSIONAL CORPORATION

44 Montgomery Street, Suite 3800, San Francisco, California 94104-4811
Telephone 415.421.8484 Facsimile 415.421.8486

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 FEB 14 PM 3:55

BY _____

February 14, 2011

VIA MESSENGER

Angela Calvillo
Clerk of the Board
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: Letter of Appeal to Board of Supervisors from Planning Commission Motion No. 18261

Dear Ms. Calvillo:

We are special counsel to the East Bay Regional Park District (the "District") concerning the Calaveras Dam Replacement Project (the "Project"). We have been authorized by the District to file this Letter of Appeal. The required appeal fee of \$500 is enclosed.

Pursuant to Section 31.16 of the San Francisco Administrative Code, the District hereby appeals the certification of the Final Environmental Impact Report for the Calaveras Dam Replacement Project (the "FEIR") by the Planning Commission (Planning Commission Motion No. 18261). The Planning Commission decision was made on January 27, 2011 and this appeal is being filed timely within 20 days from such decision.

The District submitted both written and oral comments to the Environmental Review Officer and Planning Commission on the draft EIR and FEIR. The District's written comments, dated December 11, 2009, to Bill Wycko, Environmental Review Officer, are attached. Also attached are the scoping comments of the District, dated November 9, 2005. In addition, the District Counsel Ted Radosevich presented oral comments to the Planning Commission at its January 27, 2011 hearing on the FEIR.

The grounds of appeal are as follows:

1. The FEIR is not an adequate informational document as required by the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code in that the environmental effects of the Project on the natural resources,

RICHARD RICHARDS
(1916-1988)

GLENN R. WATSON
(1917-2010)

HARRY L. GERSHON
(1922-2007)

STEVEN L. DORSEY
WILLIAM L. STRAUSS
MITCHELL E. ABBOTT
GREGORY W. STEPANICICH
ROCHELLE BROWNE
QUINN M. BARROW
CAROL W. LYNCH
GREGORY M. KUNERT
THOMAS M. JIMBO
ROBERT C. CECCON
STEVEN H. KAUFMANN
KEVIN G. ENNIS
ROBIN D. HARRIS
MICHAEL ESTRADA
LAURENCE S. WIENER
STEVEN R. ORR
B. TILDEN KIM
SASKIA T. ASAMURA
KAYSER O. SUME
PETER M. THORSON
JAMES L. MARKMAN
CRAIG A. STEELE
T. PETER PIERCE
TERENCE R. BOGA
LISA BOND
JANET E. COLESON
ROXANNE M. DIAZ
JIM G. GRAYSON
ROY A. CLARKE
WILLIAM P. CURLEY III
MICHAEL F. YOSHIBA
REGINA N. DANNER
PAULA GUTIERREZ BAEZA
BRUCE W. GALLOWAY
DIANA K. CHUANG
PATRICK K. BOBKO
NORMAN A. DUPONT
DAVID M. SNOW
LOLLY A. ENRIQUEZ
KIRSTEN R. BOWMAN
BILLY D. DUNSMORE
AMY GREYSON
DEBORAH R. HAKMAN
D. CRAIG FOX
SUSAN E. RUSNAK
G. INDER KHALSA
GINETTA L. GIOVINCO
TRISHA ORTIZ
CANDICE K. LEE
DAVID G. ALDERSON
MARICELA E. MARROQUIN
GENA M. STINNETT
JENNIFER PETRUSIS
STEVEN L. FLOWER
CHRISTOPHER J. DIAZ
ERIN L. POWERS
TOUSSAINT S. BAILEY
SERITA R. YOUNG
VERONICA S. GUNDERSON
SHIRI KLIMA
DIANA H. VARAT
KATRINA C. GONZALES
CHRISTOPHER L. HENDRICKS
JULIE A. HAMIL
ANDREW BRADY

OF COUNSEL
MARK L. LAMKEN
SAYRE WEAVER
JIM R. KARPIAK
TERESA HO-URANO

LOS ANGELES OFFICE
TELEPHONE 213.626.8484

ORANGE COUNTY OFFICE
TELEPHONE 714.990.0901

Angela Calvillo
February 14, 2011
Page 2


facilities and programs of the District are not fully or accurately identified and described.

2. The FEIR is not correct in its conclusions as to the environmental effects of the Project.
3. The FEIR does not provide for adequate mitigation measures to address the significant environmental effects of the Project.
4. The Planning Commission failed to adopt legally sufficient findings addressing the adequacy, accuracy and objectiveness of the FEIR, the correctness of its conclusions, and its compliance with CEQA.
5. The Planning Commission failed to adopt legally sufficient findings addressing the significant environmental effects of the Project.

The grounds for appeal are further described and supported by the attached letters and comments of the District and will be further supported by additional evidence that the District intends to present to the Board of Supervisors at the appeal hearing.

Please advise me of the date, time and location for the Board hearing on the District's appeal. If you have any questions regarding the District's appeal, please do not hesitate to contact me.

Very truly yours,



Gregory W. Stepanicich

Enclosure(s)

cc: Bill Wycko, Environmental Review Officer
Ted C. Radosevich, District Counsel
Carol Victor, Assistant District Counsel

99999-0001\1327672v1.doc



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 18261

HEARING DATE: January 27, 2011

Hearing Date: January 27, 2011
Case No.: 2005.0161E
Project: Calaveras Dam replacement Project
Project Location: Unincorporated Areas of Alameda and Santa Clara Counties
Project Sponsor: San Francisco Public Utilities Commission
1145 Market Street, 5th Floor
San Francisco, CA 94103
Staff Contact: Chris Kern – (415) 575-9037
chris.kern@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED CALAVERAS DAM REPLACEMENT PROJECT.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2005.0161E, Calaveras Dam Replacement Project and Project Variant (hereinafter, "Project"), located in unincorporated areas of Alameda and Santa Clara Counties, based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and in accordance with 15082 of the CEQA Guidelines, the Department prepared a Notice of Preparation (NOP) of an EIR and conducted a scoping meeting (see Draft EIR, Appendix A). The NOP was circulated to local, state, and federal agencies and to other interested parties on October 26, 2005, initiating a public comment period that extended through November 30, 2005. Pursuant to CEQA Guidelines Section 15083, the Department held two public scoping meetings, one in Fremont on November 14, 2005 and one in San Francisco on November 15, 2005. The purpose of the meeting was to present the

proposed Project to the public and receive public input regarding the proposed scope of the EIR analysis. A scoping report was prepared to summarize the public scoping process and the comments received in response to the NOP, and the report is included in Appendix A of the Draft EIR.

- B. On October 6, 2009, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice and other interested parties.
 - C. Notices of availability of the DEIR and of the date and time of the public hearings were posted near the project site by Department staff on October 6, 2005. The Notice of Availability was also made available at public libraries in San Francisco and Fremont.
 - D. On October 6, 2009, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse. The DEIR was posted on the Department's website.
 - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on October 6, 2009.
2. Three duly-advertised public hearings on the DEIR to accept written or oral comments were held; one hearing was held in Fremont on November 10, 2009, a second hearing was held in San Francisco on November 12, 2009, and a third hearing was held in Sunol on December 14, 2009. The Planning Commission acknowledges and endorses the supplemental public hearings that the Environmental Review Officer's delegate conducted in Fremont and Sunol in order to allow potentially affected members of the public to present oral comments at a convenient location. The public hearing transcripts are in the Project record. The period for acceptance of written comments ended on December 21, 2009.
 3. The Department prepared responses to comments on environmental issues received at the public hearings and in writing during the 77-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document (hereinafter "C&R"), published on January 5, 2011, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department and on the Department's website.

4. A Final Environmental Impact Report (FEIR) has been prepared by the Department, consisting of the Draft Environmental Impact Report, any consultations and comments received during the review process, any additional information that became available, and the C&R document all as required by law.
5. The San Francisco Public Utilities Commission, the Project Sponsor, has indicated that the presently preferred project is the Calaveras Dam Replacement Project Variant, which is described and analyzed in the C&R document.
6. This FEIR tiers from the Water System Improvement Program (hereinafter "WSIP") Program Environmental Impact Report (hereinafter "PEIR") and incorporates by reference the relevant analysis of the PEIR with respect to the WSIP's impacts and mitigation measures as applicable to this Project. The Commission certified the PEIR on October 30, 2008 and the SFPUC approved the WSIP on the same day. The State Clearinghouse number for the PEIR is 2005092026.
7. Project files on the FEIR have been made available for review by the Commission and the public. These files, as well as files for the PEIR, are available for public review at the Department at 1650 Mission Street, and are part of the record before the Commission. Linda Avery is the custodian of the records. Copies of the PEIR, DEIR, and associated reference materials, as well as the C&R document are also available for review at public libraries in San Francisco, Alameda and Santa Clara Counties as well as on the Department's website.
8. The Commission, in certifying the completion of said FEIR, hereby does find that the Project described in the EIR, will have project-specific significant effects on the environment that could not be mitigated to a less than significant level with implementation of mitigation measures:
 - Significant and unavoidable visual impacts during project construction due to visibility of construction activities from the Sunol Regional Wilderness.
 - Significant and unavoidable long term visual impacts due to site disturbance from the excavation of Observation Hill and Hill 1000, the benching of the slopes of Observation Hill and Hill 1000 after excavation, long periods without oak woodland where restoration is possible and the inability to restore oak woodlands to benched areas would extend beyond the construction phase and would be considered a long-term visual impact of the project.
 - Significant and unavoidable impacts related to traffic hazards during construction if Alameda County does not permit the temporary closure of the portion of Calaveras Road from Geary Road to the dam site.
 - Significant and unavoidable air quality impacts during project construction because even with implementation of existing and feasible mitigation strategies, the project's worst-case construction-related emissions of ROG and NO_x cannot be reduced below the adopted 2010 BAAQMD thresholds of significance. At this time, no

feasible mitigation exists that would reduce emissions of ROG and NO_x below the adopted BAAQMD thresholds. Therefore, construction-related emissions of ROG and NO_x would have potentially significant and unavoidable impacts on air quality.

- Significant and unavoidable noise impacts would result from construction-equipment backup beepers during the nighttime hours could be noticeable at residential receptors located near Borrow Area E, and could result in sleep interference effects, which would be a potentially significant impact. Even with mitigation, back-up beepers could exceed ordinance limits and the 50-dBA sleep interference criterion during the nighttime hours on a regular basis for a substantial portion of the 4-year construction period, which would be a significant and unavoidable impact. Mitigated construction noise from other sources could, at times, still be noticeable to some of the closest noise-sensitive receptors during the nighttime hours because ambient noise levels are lower in some areas around Borrow Area E than noise ordinance limits and the 50-dBA sleep interference criterion. Mitigation would reduce construction noise to ordinance limits and below the sleep interference criterion, but would not reduce noise to ambient noise levels. In addition, the closest residential receptors could still be subject to noise disturbances, from peak noise events such as back-up beepers. Therefore, this impact is potentially significant and unavoidable.
- Significant and unavoidable cumulative air quality impacts would result from construction-related emissions of ROG and NO_x when evaluated under the June 2010 BAAQMD CEQA Guidelines.

In addition, because the project is a component of the WSIP, the project would contribute to the following significant and unavoidable effects on the environment identified in the WSIP PEIR:

- The Program would indirectly contribute to potentially significant and unavoidable impacts caused by growth in the San Francisco Public Utilities Commission service area, as identified in the planning documents and associated environmental documents for the affected jurisdictions.

In addition, based on the best available information at the time, the WSIP PEIR made a conservative determination that the proposed water supply and system operations would result in a potentially significant and unavoidable impacts in the Peninsula watershed on fishery resources in the Crystal Spring Reservoir on stream flow in Alameda Creek between the diversion dam and the confluence with Calaveras Creek and in San Mateo County. The project specific analysis in the Project FEIRs for the Calaveras Dam Replacement Project and the Lower Crystal Springs Dam Improvements Project included updated and site-specific information that was developed following certification of the PEIR, and conclude these impacts to be less than significant.

9. On January 27, 2011, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

10. The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2005.0161E, Calaveras Dam Replacement Project, reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of January 27, 2011.



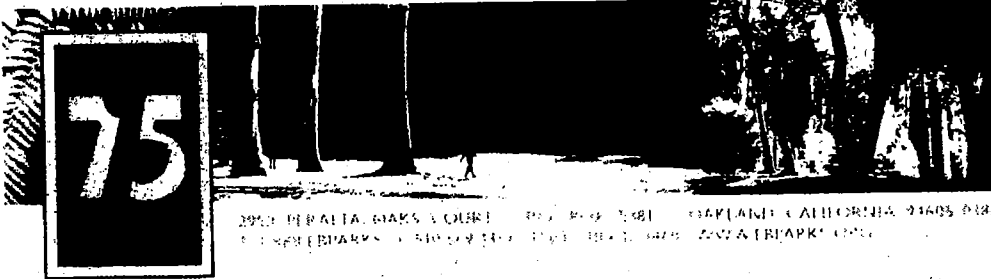
Jonas Ionin
Acting Commission Secretary

AYES: Antonini, Borden, Fong, Miguel, Moore, Olague, Sugaya

NOES: None

ABSENT: None

ACTION: January 27, 2011: Certification of the Final Environmental Impact Report for the proposed Calaveras Dam Replacement Project



December 11, 2009

RECEIVED

Bill Wycko, Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

DEC 14 2009
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M E A

Subject: Comments on the DEIR for the Calaveras Dam Replacement Project

Dear Mr. Wycko,

Thank you for providing the East Bay Regional Park District ("District") with a copy of the Draft Environmental Impact Report (DEIR) for the Proposed Calaveras Dam Replacement Project ("Project"). The proposed Project is adjacent the District's Sunol, Ohlone and Mission Peak Regional Preserves. Attached please find the District's comments on the DEIR.

The proposed Project will result in a number of significant adverse impacts to recreation, maintenance and operation of our parks and trails in the area. These include impacts to vegetation and wildlife, fisheries, hydrology, human health, visual resources, transportation, air quality, noise, land use, public safety, and park operations. Some of these impacts, such as traffic, will be short-term, while others, such as human health, will be long-term. There will also be significant cumulative impacts resulting from other San Francisco Public Utility Commission (SFPUC) projects to be constructed in the Alameda Creek Watershed.

01
02
03
04
05

We believe that the DEIR is seriously flawed because it overlooks or inadequately considers significant effects and that it fails to fully mitigate these impacts to District facilities. Perhaps of greatest significance are the health effects from grading 4,000,000 cubic yards of asbestos-containing rock and soil, and the traffic and safety impacts from an estimated 16,000 truck trips on Calaveras Road, the sole point of vehicular access to Sunol Regional Wilderness. In order to protect the health and safety of District employees and the public the District may need to consider closing portions or all of Sunol Regional Wilderness during the Project construction period. This is an unprecedented decision of great concern to the District.

Please call me at (510) 544-2600 should you wish to discuss our letter.

Sincerely,

Robert E. Doyle
for Robert E. Doyle,
Assistant General Manager

East Bay Regional Park District

Comments on the Draft Environmental Impact Report for the Proposed Calaveras Dam Replacement Project

December 11, 2009

The East Bay Regional Park District ("District") is submitting the following written comments on the Draft Environmental Impact Report (DEIR) for the proposed Calaveras Dam Replacement Project ("Project"). The proposed Project is located in close proximity to the District's Sunol and Ohlone Regional Wilderness Preserves, Camp Ohlone, Mission Peak Regional Preserve and the Ohlone Wilderness Regional Trail.

The proposed Project will result in a number of significant adverse impacts to public recreation and operation of our parks and trails in the greater Project area. These include impacts to vegetation and wildlife, fisheries and aquatic habitats, hydrology, human health, visual resources, transportation, air quality, noise, land use, public safety, and park operations. Some of these impacts will be short-term during the anticipated four-year Project construction period and others will be long-term effects of the Project. There will also be significant cumulative impacts to District facilities resulting from other San Francisco Public Utility Commission (SFPUC) projects to be constructed in the Alameda Creek Watershed.

Mitigation for the above described significant effects to the District should include measures for 1.) reimbursement of lost revenues and increased operating costs; 2.) relocation of Park facilities and programs; 3.) construction of new recreational facilities; 4.) replacement of the trestle bridge over Alameda Creek; and 5.) acquisition and dedication of new parklands. Information describing these mitigation measures are contained in this letter.

06

The District has no objection to the proposed replacement of the existing Dam in order to protect public safety and to provide for a reliable drinking water supply for the SFPUC's customers. However, we believe that the DEIR is seriously flawed because it overlooks or inadequately considers significant effects and it fails to fully mitigate these effects. We recommend that the DEIR be withdrawn and revised to correct its deficiencies and that the DEIR be recirculated for public review and comment.

07

The following are the District's comments on the DEIR. They follow the general subject order contained in the Project DEIR.

A. Vegetation and Wildlife

Vegetation: The DEIR states on page 4.4-20 that wetlands, riparian, oak woodlands and serpentine bunchgrass grasslands are considered sensitive habitats. We believe that rock outcrops should also be added to this list. Outcrops in the greater project area contain both metamorphic and volcanic rocks and minerals. Rock outcrops are worthy of protection due to

08

their scenic qualities, cultural values, and unique assemblages of plant and animal habitats. This includes several special-status plants, and habitat for ground and cavity nesting birds.

The DEIR on page 4.4-47 acknowledges the importance of rock outcrops as being "essential for the conservation of the Alameda whipsnake." Impacts to these areas should be considered significant and appropriate mitigation measures should be adopted. This could include in fee acquisition and protection of similar habitats on adjacent properties.

Page 4.4-21 describes a number of sources that were consulted to determine what special-status plant and animal species should be considered for evaluation in the DEIR. The most comprehensive assessment of special-status plants in the greater Project area is a report prepared by Dianne Lake in 2001¹. Her publication is considered the authoritative work on special-status plants in the East Bay. This document was not listed on page 4.4-21 nor is it included in the references section of the Vegetation and Wildlife chapter of the DEIR. This document contains a number of special-status plant occurrences in and adjacent to the project area that were not considered in the Project DEIR. Some of these plants were also identified in the District's November 9, 2005, scoping letter to Paul Maltzer at San Francisco Planning. This letter is incorporated by reference into our comments on the Project DEIR.

There are at least 25 special-status plant species for which there was no or inadequate consideration in the DEIR and in Appendix C-1. This should not be considered a comprehensive list. For a complete list please consult Dianne Lake's publication. We have included the following examples to illustrate the deficiency of this impact analysis.

1. *Acanthomintha lanceolata* – Extant at several East Bay locations, including Sunol Regional Wilderness, Arroyo Mocho and Cedar Mountain. This plant is usually found on rock outcrops and tallus slopes.
2. *Allium sharsmithae* - Extant at several East Bay locations, including Arroyo Mocho and Cedar Mountain. This plant is usually found on rock outcrops and tallus slopes.
3. *Androsace elongata* ssp. *acuta* – Extant on volcanic rock outcrops at several East Bay locations, including Ranchos Los Mochos, Arroyo Mocho, Tarraville Creek and Cedar Mountain. This plant is also found on rocky ridge tops with thin soils.
4. *Arabis Breweri* - Extant on volcanic rock outcrops at Sunol and Ohlone. This plant is usually found on rock outcrops.
5. *Aspidotus Carlotta-halliae* – Extant at Cedar Mountain. This plant is usually found on rock outcrops and tallus slopes.
6. *Campanula exigua* – Appendix C states that this plant has not been observed since 1973. Extant populations are known from Rancho Los Mochos and Cedar Mountain.

¹ Diane Lake, *Unusual and Significant Plants of Alameda and Contra Costa Counties*, California Native Plant Society, East Bay Chapter, sixth edition, 2001.

- 7. *Delphinium californicum* ssp. *interius* – Appendix C-1 states that this plant has not been observed since 1928. Extant populations are known from the Arroyo Mocho watershed and in Del Puerto Canyon.
- 8. *Streptanthus albidus* ssp. *peramoenus* – The DEIR states on page 4.4-22 that there were eleven small populations identified in the study area during 2006 botanical surveys. This annual or biannual plant occurs sporadically in known populations throughout its range. There are likely considerably more plants or clusters of plants that may be identified at different locations in subsequent years. A one year survey is insufficient to capture the distribution of this species. This plant is often found at the toe of rock outcrops and tallus slopes.

9 cont.

Impacts from invasive non-native plants due to disturbance from Project construction, clearing and vehicles entering the watershed need to be analyzed and addressed in the DEIR.

10

Wildlife: The DEIR notes at several locations that livestock grazing has adverse affects to special-status wildlife species. Many of the sources of information cited to support these conclusions are now considered outdated or erroneous. More recent research conducted by the District has demonstrated that potential impacts from livestock grazing may have neutral or even beneficial effects to several special-status species.

Callippe silverspot butterflies are known to be dependent on violets (*Viola pedunculata*) as their sole larval-stage food plant (see DEIR page 4.4-25). In general, this species of violet is found in areas subject to regular cattle grazing. Cattle tend to graze on grasses and taller growing forbs. Plants, such as violets, that grow nearly flush with the ground usually are ungrazed by cattle. The cattle grazing results in a significant reduction in taller plants that otherwise out-compete violets for sunlight, moisture and nutrients. By removing these competing plants, properly managed cattle grazing may benefit Callippe silverspot butterflies.

11

Project construction poses significant risks to Callippe silverspot by loss of habitat from grading at borrow and disposal sites, and from introduction of non-native plants that out-compete violets and from project-related changes in the watershed, such as elimination of grazing.

Red-legged frog benefit from cattle grazing because cattle will graze into ponds, keeping the water column open and improving habitat conditions. The District has been conducting studies on grazing effects for several years and has provided significant information that has advanced the science and understanding of this species since the publication of the red-legged frog recovery plan in 2002. These studies are cited in the DEIR on page 4.4-28. They clearly refute the conclusions reached in the 2002 recovery plan regarding cattle grazing and are now cited as one of the authoritative works on the subject. The DEIR has not fully or adequately considered this information in reaching its conclusions about cattle grazing effects to red-legged frog.

In contrast to cattle grazing, red-legged frogs and other amphibians are considerably more likely to be adversely affected by construction and operation of the proposed Project, including effects to water quality and temperature, and from unseasonal fluctuations in water flow

regimes in Alameda Creek that impact existing breeding conditions. *These potential effects are discussed further in comments on the "Fisheries and Aquatic Habitats" section of this letter.*

11 cont.

Mitigation: On page 4.4-72 there is a statement that the "SFPUC has identified four proposed mitigation areas which, when combined, contain adequate and feasible opportunities to fully compensate for impacts described in this section." This includes the 641-acre "South Calaveras Mitigation Area", 254-acre "San Antonio Mitigation Area", 584-acre "Sage Canyon Mitigation Area", and 35-acre "Goat Rock Mitigation Area." All of these mitigation areas are located on already-protected SFPUC watershed lands. These same lands should not be counted twice as mitigation for the proposed Project. We believe that additional lands should be acquired in fee where natural resource impact mitigation can occur.

Acquisition of mitigation land should occur adjacent to or nearby the impacted areas. This will assure that impacted species will have suitable replacement habitat in areas that are accessible to wildlife through linkages and migration corridors. There should also be provisions to conserve mitigation lands in perpetuity through conservation easements or deed restrictions. Non-wasting endowments should be established for perpetual management and monitoring.

The 2005 Notice of Preparation for the Habitat Reserve Programs states on page five that "habitat preservation would involve fencing, periodic weed control and managed grazing". Such measures would seem to be good property management that SFPUC has already implemented and not necessarily impact mitigation. It's unclear what is the added value of "preserving" watershed lands that have already been acquired and managed by SFPUC to protect water quality and natural resources. This approach will lead to a net loss of natural resources.

Preserve lands that are acquired for mitigation need monitoring and management prescriptions set forth in a Long-term Management Plan (LTMP) that provides contingencies and dedicated funding for property management. The following are some example management and monitoring provisions that should be analyzed in the DEIR and included in the LTMP:

1. *Non-native plants:* Yellow starthistle is rapidly invading grasslands in California and displacing other native plants and animals. Prescribed fire, herbicides and properly timed livestock grazing can be very effective in controlling this species. However, this requires a long-term commitment for successful control. Grazing alone is typically insufficient to control this weed. Prescribed fire and/or herbicides may be necessary to make the control effective. Fire and herbicides are considerably more expensive than grazing and will require substantial funding to implement in the mitigation areas.
2. *Non-native animals:* Feral pigs root within wetlands, riparian woodland and restoration areas. Extensive "hog" fencing and/or trapping may be required to control pigs and assure the long-term viability of mitigation lands, especially areas where restoration has occurred. Similar control measures will also need to be implemented for control of bullfrogs, bass, red fox, etc. Without management of such species, there is considerable doubt that mitigation would be successful in the long-term.
3. *Pond management:* Existing and constructed stock ponds and other potential breeding areas for special-status amphibians, such a red-legged frog, will require long-term

management. For example, drainage of ponds may be required periodically to remove non-native animal species, such as bullfrogs and fish. Rehabilitation and maintenance of pond berms, spillways and drainage devices will be required to prevent pond failure and significant shoreline erosion during storm events or from wave fetch.

16 cont.

4. *Property management:* Maintenance of site security, police and fire services, replacement of fences and gates, etc. should all be included in the LTMP. There should be funding provided for these purposes.

17

5. *Public access:* The LTMP should provide for public access in areas where the public can enjoy passive recreational activities, such as hiking, equestrian access, wildlife and plant study, interpretive programs, views of scenic open space, etc.

18

6. *Habitat monitoring:* While many mitigation lands may have relatively undisturbed habitats at the time of acquisition, many natural and human-induced factors may degrade habitat values over the long-term. These include spread of non-native species, changes in watershed hydrology and sedimentation, grazing management changes, etc. Monitoring should be conducted to determine the effects of these changes on the biological resources for which the property was initially conserved.

19

The proposed Goat Rock Mitigation Area is located on SFPUC lands that are leased to the District and managed as part of Sunol Regional Wilderness. The DEIR does not contain an exhibit showing the location of the proposed mitigation area. Appendix C-2 references a "Figure 2", but this figure was not included in the appendix.

We received an October 21, 2009, Public Notice (#299795) from the US Army Corps of Engineers regarding the subject Project. The notice appears to contain the missing Figure 2 from Appendix C-2 of the DEIR. Figure 2 shows only the general location for the mitigation area. Through a separate request we obtained a "Figure 3-6 Goat Rock Mitigation Area" from Robert Smith at the US Army Corps of Engineers. This figure provides considerably more detail on Goat Rock; however, this figure was not contained in the DEIR, Appendix C-2 or in the referenced Corps Public Notice. See attached Figures 2 and 3-6.

20

The proposed Goat Rock mitigation area depicted on Figure 3-6 is considerably larger than the 35-acres stated in the DEIR. The proposed fenced area, including the mitigation site and serpentine grassland reference area are about 200 to 250 acres in size. The mitigation area contains a 1.94 mile segment of the Ohlone Wilderness Trail and a 0.70 mile segment of the Homestead Trail. See the attached annotated Figure 3-6 for more information.

Figure 3-6 shows that proposed new fencing would create barriers to the use of the two park trails. Gates have not been identified on the figure that would allow for their continued use. The DEIR has no discussion about how this area might be affected by management changes and/or restrictions resulting from its use as parkland. This is significant effect was not identified in the DEIR. These potential effects should also be identified on page 5-14 of the DEIR.

Table 4.4.17 on page 4.4-115 of the DEIR lists 29 oak trees with a diameter at breast height (DBH) greater than 8 inches that would be impacted by the proposed Project. Some of these are particularly large specimens (e.g. blue oak of 61 inches DBH and valley oak of 60 inches

21

DBH) worthy of preservation due to their significant age and habitat value for wildlife, and the number of decades that would be required to grow a replacement tree of similar stature. Recent construction projects in the East Bay have demonstrated that large, mature oak trees can be successfully transplanted. This was conducted at the Wilder Project in Orinda's Gateway Valley and the Stonebrae Project on Walpert Ridge in Hayward. This type of mitigation measure should be considered for suitable mature trees.

21 cont.

The Project will disperse animals that are a nuisance or hazard to humans such as skunks, raccoons, rattlesnakes, opossum and rodents that could be harmful to Park visitors, and Park workers and residents. The DEIR needs to assess the magnitude of this impact and develop mitigation measures to control these problematic species.

22

B. Fisheries and Aquatic Habitats

Flow releases into Alameda Creek downstream of Calaveras Reservoir have not been in compliance with the 1997 MOU between the Department of Fish and Game and SFPUC. The DEIR describes a number of circumstances about why there has not been compliance. In addition, the SFPUC recapture facility designed to recapture flows for diversion to the filtration plant is problematic due to increased water temperature, as well as other factors contributing to the survival of non-native predatory species in this facility. These species include: bullfrog, largemouth bass, bluegill and green sunfish. Several native species have been adversely affected by this situation, including steelhead, rainbow trout, and California red-legged frog. The DEIR does not adequately address or mitigate these impacts to Alameda Creek fisheries.

23

Water releases designed primarily to accommodate native fish reproduction and rearing must consider amphibian (red-legged frog and foothill yellow-legged frog) reproduction and rearing requirements. Flows should mimic baseline conditions in watershed streams unaffected by dam operations and be ramped appropriately when conditions change.

24

The DEIR contains no provisions for migratory fish (Steelhead, Rainbow trout, Pacific lamprey) passage around the new Calaveras Dam. This is significant oversight of the Project description and an important mitigation measure for this Project. There also needs to be adequate flows to facilitate upstream migration for adults or downstream migration for juveniles.

25

On page 4.5-24 the DEIR states that the lowest Calaveras Reservoir intake (located at 664 ft.) is not screened. While juvenile fish are not likely to occur at this water depth, adult fish, especially rainbow trout, are likely to be at deeper reservoir depths under the current hypolimnetic oxygenation scenario. Fish pulled into the intake could be injured, killed or otherwise transported out of the reservoir under the current unscreened condition. This impact should be mitigated as part of the proposed Project.

26

Sinbad Creek is not a tributary to the section of Alameda Creek described on page 4.5-25 of the DEIR; Sinbad Creek is a tributary to Arroyo de la Laguna. No steelhead or rainbow trout have been observed in Sinbad Creek over at least the past 18 years. A population of Sacramento suckers (*Catostomus occidentalis*) does exist in Sinbad creek.

27

Please note on page 4.5-43 that rainbow trout are present in Indian Joe Creek. The DEIR correctly notes on page 4.5-46 of the DEIR that Sacramento Perch are present in the upper Alameda Creek watershed, in at least one stock pond adjacent to the Alameda Creek Diversion Dam (ACDD); however, this pond does not overflow into Alameda Creek.

28
29

The DEIR does not have provisions for fish passage at the ACDD. Under moderate to low flow conditions the diversion dam can divert all of the Alameda Creek flow into Calaveras Reservoir. The area of diversion contains a number of native fish and amphibian species including Rainbow Trout, California Roach, and Prickly Sculpin as well as California red-legged frog and Foothill yellow-legged frog. The facility also interferes with the downstream transport of bedload materials (gravels) as well as large boulders and woody debris needed to create optimum salmonid spawning and rearing habitat. Loss of fish, amphibians and other aquatic organisms to entrainment in the Alameda Creek diversion tunnel is not adequately addressed. This loss may significantly affect the number of organisms in the area. These impacts should be mitigated by other improvements in the watershed that benefit native fisheries.

30

C. Hydrology

Increased spring flows in the Park will adversely affect interpretive programs, public recreation and park operations. Interpretive programs involving Alameda Creek would have to be curtailed in the spring months when higher flows are underway. The current ford crossings within the park will become unusable by Park operations and emergency vehicles during high-flow periods. This impact is especially significant to park and tenant vehicles that exceed the weight limit on the trestle bridge. This impact can be mitigated by construction of a replacement bridge over Alameda Creek with adequate load bearing capacity for maintenance and emergency vehicles. It may also be necessary to relocate the bridge to a better location for vehicular access and to reduce potential conflicts with changes in Alameda Creek hydrology.

31

D. Human Health

The proposed project will construct a new dam of approximately 2.4 million cubic yards of material. In addition, about 3.8 million cubic yards of unsuited materials (old dam, overburden, etc) will be disposed in the project area. It is unclear in the DEIR on page 1-21 if the total amount of material to be moved is 6.2 million cubic yards or some other figure. Please clarify and explain the above figures.

On page 3-43 the DEIR states that 2.4 million cubic yards of Franciscan complex rock and soil would be disposed of within the Project area. The DEIR states on page 4.9-23 that about 4.0 million cubic yards of Franciscan materials will be excavated or handled in the Project area. We could find no explanation of how these figures was derived or where these materials were generated. We were able to determine that approximately 50,000 cubic yards of Franciscan mélange would be excavated to repair landslides at the dam site (DEIR page 3-36) and that 630,000 cubic yards of Blue Schist/Graywake (Franciscan Rocks) from Borrow Area B would be used for dam construction (page 3-40, Table 3.3). Please clarify and explain the above figures.

32

The DEIR on page 4.3-4 states that the Park Security Residence is closest to Borrow Area "D". We could not find a Borrow Area D on the referenced Figure 4.14.1 or on Figure 3.10. Perhaps this is a mistake and this should be a reference to Borrow Area B? If correct, Borrow Area B would be the closest excavation area to the Park². It is located 1.2 miles from the Park Security Residence (DEIR page 4.3-4). Does this mistake affect any of the potential impact conclusions in the DEIR regarding noise, traffic or air quality?

33

Franciscan rock will be excavated to depths ranging from 15 and 70 feet below ground surface for the dam foundation (See DEIR page 3-35), and up to an additional 100 feet below the core dam foundation for the grout curtain (See DEIR page 3-36). If we understand these figures correctly then excavation into the Franciscan Formation at the dam site could extend from 115 to 170 below ground surface; please clarify.

35

The Franciscan Formation contains greywacke, serpentinite, silicious schist, greenstone and blueschist (See DEIR page 3-35, footnote #10). Table 4.9.1 on page 4.9-4 of the DEIR states that serpentinite, greenstone and blueschist are known to contain naturally occurring asbestos (NOA). In addition, some of the top soil, fill, colluvium and alluvium in the Project area are known to contain asbestos (see Table 4.9.1).

Inhalation or ingestion of asbestos discharged from the proposed Project could result in significant health risks to Park workers and the public. Asbestos is known to cause lung cancer, and cancer to the stomach and heart linings, as well as non-cancerous lung diseases (American Cancer Society Website 2009; Harte et. al. 1991³). "Any exposure to asbestos increases risk of cancer and the risk increases with both the level and duration of exposure" (Harte 1991).

Of particular concern is Mesothelioma, a rare and usually incurable disease almost exclusively caused by exposure to asbestos. The American Cancer Society website (2009) contains the following information on Mesothelioma health effects:

36

"The risk of getting mesothelioma depends on how much asbestos a person was exposed to and for how long. Mesotheliomas take a long time to develop. The time between the first exposure and finding the disease is often between 20 and 50 years. Once you have been exposed to asbestos, the risk of mesothelioma appears to be life long and it does not go down over time."

Asbestos fibers have aerodynamic features that allow them to be suspended and resuspended easily in the air and to travel long distances (Harte et. al. 1991). People can be exposed at the time of release and long after the release and far from the source (Harte et. al. 1991).

There are two types of asbestos in the Project area. These are Chrysotile and Amphibole asbestos (See DEIR page 4.9-2). Chrysotile fibers are curly, tend to clump together and are easily rejected by the human body (Harte et. al. 1991). Amphibole fibers are smooth, needle-like fibers that are readily taken into the lungs (Harte et. al. 1991). In general, Amphibole

34

² We understand that there may be bed rock mortars in or near Borrow Area B. This should be investigated.

³ Toxics A to Z John Harte et. al., 1991.

asbestos fibers may pose a greater health risk (than Chrysotiles) to humans due to their small size, low dissolution rates, and ability to remain suspended in the air for longer periods. Amphiboles are considered amongst the "most dangerous mineral particles" (Van Oss, C.J. et. al. 1999⁴). Accordingly, discharged Amphibole asbestos has a greater potential to cause adverse human health effects.

While there are mitigation measures that will be implemented to control asbestos, there is no certainty that asbestos will not be discharged from the Project area into the Park. The potential release of asbestos from the Project area may expose Park workers and the public to asbestos at levels greater than existing background levels. This potential health risk is of significant concern to the District.

Park workers and residents, and frequent visitors to the Park may be exposed to elevated levels of asbestos (and heavy metals) discharged from the Project during the proposed four-year construction period. This potential exposure may result in asbestos related diseases. Some of these may be short-term and others may be long-term that result in health problems several years after exposure.

The DEIR appears to be internally inconsistent on where asbestos-containing materials may be transported. Page 4.9-23 states that 4.0 million cubic yards of Franciscan rock will be "excavated or handled" in the Project area. On page 4.9-15 the DEIR states that no asbestos-containing materials would be transported outside the Project limits or "on public roadways" (emphasis added). Page 5-28 contains a mitigation measure for "off-site transport" of asbestos containing materials. Does "off-site transport" mean trucking of asbestos-containing materials on Calaveras Road (or other public roads)? If this is correct, when would this occur, what volume of material would be moved, where would such material be transported and what mitigation measures would be implemented to protect human health? Please explain these statements.

36 cont.

Another scenario of potential exposure is from periodic events, such as discharge of asbestos and/or metals from the project area by blasting or strong southerly wind gusts that result in fugitive dust (containing asbestos and/or metals) being blown into the Park. The DEIR states on page 4.3-21 that this "could pose a potential hazard to recreational hikers and bicyclists despite the required dust control measures." We believe that such a scenario could result in asbestos exposure to Park workers, residents and visitors.

Mitigation: Page 4.9-24 and Mitigation Measure 5.9.2a starting on page 5-27 of the DEIR requires coordination with the Park District to determine "corrective actions", including potential Park and/or road closures. These measures will not effectively mitigate impacts because it requires that action be taken after the potential discharge of asbestos and/or metals. Furthermore, road and trail closures will not mitigate the potential effects of an asbestos discharge to Park workers and residents that have to stay in the Park. It is not feasible to close a Park quickly enough under the above scenario to prevent human exposure to asbestos.

⁴"Impact of Different Asbestos Species and Other Mineral Particles on Pulmonary Pathogenesis", In Clays and Clay Minerals, Vol. 47, No. 6, 697-707, 1999.

Other mitigation measures will need to be identified and evaluated to determine what will mitigate this significant effect. This could include suspension of weekday naturalist programs, camping and picnicking, relocation of Park Staff to other parks, and potential closure of the Park in order to monitor air quality to determine if asbestos is being discharged by the Project into the Park. *More information on these potential mitigation measures is provided in the "Transportation and Circulation" and "Park Operations and Recreation" sections of this letter.*

36 cont.

E. Visual Resources

The DEIR does not adequately describe long-term or temporary visual impacts. It concludes that some construction areas will be obscured from view while others will be prominently visible from Sunol and Ohlone Regional Wilderness Preserves. It does not provide any substantial evidence of how these conclusions were made. The Project description states that borrow areas and disposal sites will be contoured to blend into the existing topography but no information is provided to show how this might appear from selected view study points, including Park trails with views of the new dam. The DEIR analysis needs to show how the benched/terraced engineered cut slopes will appear from view points 4.11.8, 4.11.9, 4.11.10 and 4.11.11. The viewshed analysis in the DEIR should evaluate the surrounding topography and provide engineering design standards that will blend finished grades into the surrounding area in a way that minimizes the unnatural appearance of the area around the dam. This is especially important because areas around the dam cannot be replanted with oak woodlands and will have a permanent visually degraded character due to the unnatural-appearing graded benches and engineered slopes.

37

Note: The exposure and print quality of existing view photos must be improved to understand the existing view point perspectives selected. Specifically, photos of view points 4.11.8 and 4.11.9 are poor quality. This makes it difficult to assess existing conditions and is an inadequate basis from which to make visual impact conclusions.

38

F. Transportation and Circulation

Public Roads and Hazards: Importation of approximately 319,100 cubic yards of bulk materials from off-site quarries (See DEIR page 3-60) would most likely be conducted on Calaveras Road (weekdays between 7:00 AM and 5:00 PM) from the Sunol quarries that are seven miles north of the dam site (See DEIR page 3-42). Bulk material importation would be conducted over a two month period in summer 2011 and 18 month period beginning in winter 2012 (See DEIR page 1-23).

39

The DEIR does not provide information on the volume of material that would be carried per truck load or the weight of a loaded truck or an estimate of the number of round trips on Calaveras Road that would be required to transport 319,000 cubic yard of bulk material from Sunol to the Project Area. For purposes of understanding the potential magnitude of this impact we made the assumption that a typical truck and trailer would carry an average load of 20 cubic yards of material. Twenty cubic yards of gravel would weigh approximately 40,000 pounds. An empty truck may weigh approximately 30,000 pounds. This would add to a total

weight of approximately 70,000 pounds per loaded truck. Transporting 319,000 cubic yards of bulk material would require about 15,955 round trips from the Sunol quarry site to the Project area. The DEIR should provide specific information that can be used to fully understand the magnitude of this significant transportation impact on wildlife, fisheries, water quality, traffic circulation and safety, air quality, noise, land use, recreation, public safety and Park operations.

39 cont.

The Project DEIR concludes that Calaveras Road can accommodate heavy trucks but provides insufficient information or analysis to substantiate this conclusion and does not examine the impact of a significant increase of truck traffic on publicly maintained roads (See DEIR page 4.12-6). Significant portions of Calaveras Road south of the Alameda Water Treatment Plant were not constructed to withstand the proposed level and intensity of use by heavy trucks. Truck damage to road surfaces could include cracking, crumbling, settlement and pot holes. This would create road conditions especially hazardous to bicycles that may lose control and crash on damaged roads. Motor vehicles would experience increased wear of tires and damage to suspension systems, including strut and axel failures. In addition, motorists and bicyclists may be swerving to avoid damaged road sections and be subject to greater risk of collision with on-coming vehicles or trees and embankments along Calaveras Road.

The DEIR proposes that Calaveras Road be swept before opening closed portions to weekend traffic. While sweeping may reduce the amount of coarse dust on the road, it does not mitigate the impact of truck damage to the road surface. The DEIR states on page 3-50 that "Calaveras Road between Interstate 680 and the dam access road would be repaved as needed to restore the road to its pre-construction condition."

40

Additional mitigation measures are necessary to conduct regular repair of damaged road segments before they are reopened to bicyclists and motorists. Proposed mitigation measure 5.12.4a does not adequately address roadway hazards as it leaves repair and restoration of Calaveras Road to occur upon project completion and it prescribes vague and ambiguous requirements to "address" maintenance of "adequate" driving and bicycling conditions (DEIR, P. 5-38). How will maintenance be "addressed" during the construction period and what measureable standards will be set forth to maintain "adequate" driving conditions? These mitigation measures need to be defined with measureable criteria, established performance measures and regular inspections.

If road repair measures are not feasible during Project construction then it may be necessary to close damaged road segments for longer time periods. This may be of particular relevance during winter months when cold and wet weather conditions are not conducive to placing new pavement on damaged road sections. One adverse effect of longer road closures is that it will increase the recreational impacts of the Project. Additional mitigation will be required for this impact. This could include construction of alternative means of access to the Park or potential closure of the Park.

Table 3.6 on page 3-50 of the DEIR states that Calaveras Road may also need to be closed weekend days "when air quality monitoring indicates unacceptable levels of dust" on the road. While this may be necessary to protect human health and the environment, such measures would result in unscheduled Park closures. This would be a significant impact because it would

41

require cancellation of naturalist programs, camping and picnic reservations, special events, regional trail access, bicycle access and other day use activities. Unscheduled closures would result in economic and recreational impacts that are not mitigated by the proposed Project.

41 cont.

During project construction it is likely that most construction workers will be commuting south on Calaveras Road from Interstate 680. Most of these workers will likely be driving in single-passenger vehicles during three commute periods. This will place between 80 and 190 vehicles per day on Calaveras Road. This narrow road has poor sight distances and sharp curves. This increased use will greatly increase the risk of collisions with or between construction workers. Speed limits and safe material hauling practices should be strictly enforced during project construction, including those periods when the road is closed to regular traffic.

42

DEIR Page 5-39 sets forth a speed limit on unpaved roads of 15 miles per hour but does not address the possibility of similar speed controls for paved roads. Reduction of vehicle speeds on Calaveras Road may be required due to dust generated by excessive truck traffic. This may unduly impair access to Sunol and Ohlone Wilderness Preserves. Consideration should be given to keeping the road safe and in such condition that it allows for normal road speeds when not otherwise in use by large trucks for hauling materials.

43

Environmental Setting: The Project DEIR does not use the best available information from the WSIP programmatically planned scenario to describe the environment under which the project will take place. Omitting analysis of how the project will function given known and foreseeable overlapping WSIP construction projects scheduled to use Calaveras Road mischaracterizes and understates project impacts.

Due to overlapping construction projects scheduled to occur in the Sunol Valley region within the next 5 years and proposed road and lane closures coupled with an extraordinary increase in truck traffic and material transport associated with the Project, safe and reliable automobile and bicycle access to Sunol Regional Wilderness from Calaveras Road remains a serious concern for the District. We raised this concern with SFPUC in multiple comment letters including the WSIP DEIR and NOP Scoping Comments for the subject Project. We request that the environmental setting be updated to reflect this unusual circumstance and that appropriate mitigation measures be developed to lessen cumulative traffic delays and hazards.

44

The DEIR understates the environmental setting and physical environment under which the Project would be implemented. Brief references in the DEIR to the WSIP PEIR and limited cumulative project impact analysis (peak hour trips) of projects with overlapping schedules in the area do not explain how traffic delay and hazard impacts will impact Park operations. The DEIR should explain how the Project will be implemented given the constraints of other WSIP projects that involve lane reconfigurations, new traffic signal(s), new access driveways, detours, prolonged lane closures and approximate doubling of daily vehicle trips on Calaveras Road.

The four year duration and overlapping nature of these projects is not the normal circumstance for construction projects in this area. The DEIR's reliance on the WSIP PEIR to address these impacts is inappropriate given the programmatic nature of the WSIP PEIR (see WSIP PEIR

Response 14.4.2, "Intent of Programmatic Impact Analysis"). Essential issues for the DEIR to address should include:

1. Identify the location (planned or existing) of known or foreseeable traffic controls (flaggers, signals, detours, lane closures) associated with WSIP projects using Calaveras Road. This should be based on the most current information on WSIP projects that have undergone project-specific analysis.
 - a. Analyze how Project traffic and material hauling will function with known or foreseeable Calaveras Road traffic controls and identify and mitigate for any new hazards to bicyclists and motorists.
2. Identify the location and description of known or foreseeable roadway modifications (i.e. adjusted alignments, construction driveway locations, lane closures) associated with Project and WSIP projects using Calaveras Road. This should be based on the most current information on WSIP projects that have undergone project specific analysis.
 - a. Analyze how Project traffic and material hauling will function with known or foreseeable roadway modifications and mitigate for any new hazards to bicyclists and motorists.
3. Provide analysis of the build/design of Calaveras Road and measure of accelerated wear and tear that Project truck/vehicle trips will have in addition to truck/vehicle trips from other WSIP projects using the road.
4. Quantify the project's contribution to traffic control delays affecting bicyclists and motorists on Calaveras Road. Recognizing the variability in how WSIP construction trips may overlap, describe the foreseeable range of delay the Project may cause. Develop mitigation measures that will avoid or minimize this impact.
5. The Project DEIR cumulative impact analysis and the "Mitigation Measure Consistency with WSIP Program EIR" analysis (See DEIR Appendix I) states that WSIP PEIR Mitigation Measure 4.8-1b (Coordination of Individual Traffic Control Plans) will be implemented by Project Mitigation Measure 5.12.4a; however, the text of Mitigation Measure 5.12.4a does not include such a requirement. The DEIR should identify the WSIP projects that need to be coordinated and use the most current WSIP project information to develop Project-specific measures for coordinating WSIP construction traffic in the region.

44 cont.

Recreational Use: Weekday closure of Calaveras Road from Geary Road to Felter Road will create a 25-mile detour for Park visitors coming from Santa Clara County. This is a significant inconvenience for Park visitors and will have the effect of discouraging Park visitation. Recent studies conducted by the District show that many of our facilities have as much weekday usage as weekends. For example, at Sunol school group visits are a significant weekday activity.

45

The Project DEIR makes no attempt to quantify expected traffic delays due to construction and provides no basis for developing measures to avoid or minimize impacts or determine impact significance. The DEIR does not adequately describe what the detour delay might be from weekday closure of Calaveras Road from Geary Road to Felter Road. This Project could cause a significant adverse impact where Calaveras Road will be impassible at random times thereby

46

making it impossible for the District to continue with our interpretive programs (planned three or more months in advance), camping reservations (up to three months in advance) or other planned special events (i.e. Wildflower festival in March/April, Cowboy Extravaganza in October) that have strong and growing public attendance. Proposed mitigation for installing signs and providing information to the District is ambiguous and provides little detail about the actual impact. This is a loss of recreational use that must be avoided or mitigated by providing alternative recreational opportunities. *More information on these potential mitigation measures is provided in the "Park Operations and Recreation" section of this letter.*

46 cont.

The DEIR on page 5-30 states that roads and trails will be closed should measures fail to control airborne asbestos or metals. Road and trail closures could cut off our only point of access to Sunol and Ohlone Regional Wilderness Preserves. The DEIR must analyze access impacts to the Park and provide an alternate access route or avoidance measures.

47

Unsafe Driving: Unsafe transport of material by trucks is a reasonably foreseeable traffic and circulation impact that is not addressed in the DEIR. This is a potentially significant impact on motorists, trail users (at trail crossings), joggers and bicyclists. This impact could result in serious traffic accidents due to speeding and improper loading of materials. This is especially amplified because of overlapping truck traffic from other construction projects, tight scheduling requirements and truck operator's desire to maximize the number of truck runs per hour. It is inappropriate to assume that truck operators will comply with mitigation measures or other regulations without defined consequences in place to assure compliance. The DEIR should analyze this potential impact and develop mitigation measures to avoid or minimize impacts.

48

Emergency Vehicle Access: Emergency access to the area is critical for control of wildland fires in the region. The DEIR concludes that impaired emergency service provider access is less than significant because Level of Service (LOS) standards will not be exceeded and the residence near the dam would be vacated (See DEIR, p 4.12-14). This conclusion is flawed in that there is no consideration given to the environmental setting under which the Project will take place (see environmental setting above) and the increase wildfire risk the region will be subject to during Project construction. It is inappropriate to rely solely on LOS standards to address potential emergency service access impacts as LOS analysis overlooks delays caused by detours, lane closures and other traffic controls. The full extent of potential emergency service access impacts needs to be addressed in the DEIR. Appropriate measures for avoiding and minimizing this impact should also be identified.

49

Mitigation Measures: Several mitigation measures that should be considered for lessening transportation related impacts include:

1. Using the most current information on Project and WSIP projects, analyze how the Project will specifically coordinate overlapping construction schedules and activities, truck arrivals and departures, lane closures and detours and the adequacy of on-street staging requirements.
2. Include performance standards that will minimize traffic control delays. A predictable performance measure such as requiring traffic control points to not delay vehicles for

50

51

more than one minute would help with scheduling Park activities and keep Park visitation viable for the public.

51 con'

3. Restrict truck access to essential trips (only) from the north via Calaveras Road. Divert other truck trips to access the Project area from the south via Interstate 680. This alternate route will provide shorter travel time to the Project site due to higher travel speeds on Interstate 680 (See DEIR pages 4.12 - 4.13) and minimize traffic delays and hazards to bicyclists and motorists on Calaveras Road.

52

4. Require mandatory suspension of truck operators that do not comply with established standards for accessing the project area and material transport. For example, truck drivers found speeding, driving recklessly or improperly securing hauled material would not be allowed to continue to transport materials for the Project. This policy should be included in all relevant construction contract documents.

53

5. Develop a process for reporting dangerous truck operators and for reporting hazardous roadway conditions (road debris or surface degradation). The program should identify protocols for responding to reports and concerns from the public.

6. Require a street maintenance and a cleaning program. This program would include ongoing roadway inspections and public reporting to ensure roadway surfaces are safe for bicyclists and motorists. A regular street sweeping schedule would be a key component of this program.

54

G. Air Quality

Note: Comments in this section refer to potential air quality impacts during construction, except for those relating to airborne asbestos. Potential impacts from asbestos are discussed in the "Human Health" section of this letter.

Calaveras Road will be subject to regular heavy use by motor vehicles and trucks during the anticipated four year construction period. This will include multiple periodic closures as described in the EIR. Significant impacts to air quality will result from hauling more than 319,000 cubic yards of sand and gravel on Calaveras Road between Suñol and the Project area. This includes particulates and vehicle exhaust. While the DEIR describes these as temporary impacts, there will be cumulative impacts to human health. This includes inhalation of fine particles during the four year construction period. Periodic sweeping and watering of public roads will reduce the amount of larger dust particles; however, smaller particles will remain airborne considerably longer and are not effectively removed by just sweeping and water application.

55

The public will be unable to distinguish between dust particulates that may contain asbestos and those that do not. This may cause unnecessary alarm and further deter use of Calaveras Road and reduce Park visitation. The DEIR does not adequately mitigate these potentially significant effects. The SFPUC should provide mitigation for degraded air quality conditions that may deter park/trail users or impact the health of Park workers and visitors.

56

The Project DEIR identifies that air quality impacts from Project construction will exceed Bay Area Air Quality Management District thresholds for significance. Project specific CEQA findings for this impact will need to be adopted. The WSIP PEIR identifies cumulative air quality impacts (ozone and particulate matter) as significant and unavoidable. Best Management Practices for dust and exhaust control are identified as mitigation measures for all WSIP projects. The subject Project should also adopt these specific mitigation measures.

57

H. Noise

According to the DEIR noise impacts will occur twenty hours per day, six days per week (See DEIR page 4.14-13) and "temporary" construction-related noise will result in a significant unavoidable impact. The DEIR states on page 4.14-6 that Park users "can be characterized as noise sensitive" but does not analyze noise impacts to Park users. Park visitors and workers, especially campers, interpretive program students and Park workers should be recognized as stationary sensitive receptors and appropriate mitigation measure should be developed to avoid or minimize noise impacts to them. The four year construction schedule and long hours of construction are well beyond the duration of most construction projects. Not analyzing noise impacts to this group leaves this potential impact unknown and does not provide a basis to develop mitigation measures to avoid and minimize the impact.

58

The DEIR on page 4.14-18 concludes that noise impacts to hikers will be insignificant because hikers can avoid noisy areas. Assuming that Park visitors will alter their planned activities for the Project is not an acceptable approach for minimizing noise impacts. Mitigation of Project impacts should be the responsibility of the Project sponsor and not the impacted public.

59

I. Land Use

The DEIR on page 4.3-15 describes the greater Sunol area as having a "rural setting that has low volumes on truck traffic". As described on page 3-60 the DEIR the proposed Project would haul more than 319,000 cubic yards of filter and drain materials from the Sunol quarries for dam construction. This trucking would take place over the four year project construction period. Approximately 15,955 trucks would drive on Calaveras Road for seven miles through an area previously described in the DEIR as having a "low volume of truck traffic". Clearly this volume of truck traffic is inconsistent with the rural setting of the area and would result in significant and unmitigated impacts.

60

On page 4.3-16 the DEIR states that "increased construction traffic, would be similar to ongoing activities that occur in the vicinity; all existing land uses would continue to operate uninterrupted throughout the construction period." This statement is incorrect for two reasons; 1.) There are no similar ongoing activities on Calaveras Road that would generate anywhere near the number of truck trips as the proposed Project; and 2.) Existing land uses would be interrupted during the construction period due to the planned weekday closures of Calaveras Road for two- and 18-month intervals (plus periodic week day and week end closures as needed). These are substantial closure periods that will result in significant impacts to private property owners and to the Park. This will be a significant impact to access and

operation of Sunol Regional Wilderness. Regardless of whether these impacts are temporary or permanent they are still significant and require mitigation.

60 cor

The DEIR should provide specific information requirements of Alameda and Santa Clara Counties that are necessary to obtain permission to close portions of Calaveras Road. What type of public information and noticing will be required by these counties as part of their approvals for potential road closures?

61

J. Public Safety

There are a number of concerns regarding the affects of the proposed Project on public safety. These include the health effects of asbestos from Proje³⁷ and the effects to drivers and residents that may inhale small particulate matter generated by substantially increased truck traffic on Calaveras Road. Respectively, these have been addressed in the "Human Health", "Air Quality" and "Transportation" sections of this letter.

Other safety effects include increased demand for police and fire services during Project construction. The DEIR makes the incorrect assumption that public safety services will be provided by others with no impact to those agencies. The District provides police and fire services to its regional parks and trails, and to adjacent areas through agreements with other agencies, including SFPUC. Road closures, potential park and trail closures, Project-caused wildfire, increased trespass and vandalism of District facilities, and increased vehicle accidents on Calaveras Road may all place new or increased demands on District public safety services. There is a finite amount of District public safety staff and financial resources that can be devoted to this area over the proposed four-year construction period. The DEIR does not propose adequate mitigation measures for these significant impacts. Mitigation should include financial compensation for the District's increased public safety costs. Coordination alone will not be sufficient to mitigate this impact.

62

K. Park Operations and Recreation

Sunol Regional Wilderness is 6,858 acres; of this figure, 3,812 acres are leased from the SFPUC. The DEIR incorrectly states the Park District leases 3,800 acres from the SFPUC. The remaining 3,146 acres are owned in fee by the District. There are recreational facilities located within the Park on both SFPUC and District lands. These facilities are operated by the District. Public use within the parks adjacent to the proposed Project area (Sunol, Ohlone, Camp Ohlone, Del Valle and Mission Peak) is between 750,000 and 1,000,000 people per year.

63

Del Valle Regional Park is 4,395 acres; the DEIR on page 4.3-10 states that Del Valle is "approximately 4,000 acres". Current information about regional parks and trails, and Ordinance 38 can be found on the Park District's website at www.ebarks.org.

The Sunol and Ohlone Regional Wilderness Preserves are one of the District's premier camping facilities and are ranked as one of America's top 100 campgrounds by Reserve America (<http://www.thecampingclub.com/zztop100/top100list.html>).

Page 4.3-9 of the DEIR states that "swimming is not prohibited within the Sunol Wilderness". This statement is incorrect; swimming is prohibited in all parks, except those areas that have been designated as swim facilities by the District's Board of Directors (see *Park District Ordinance 38 Section 401.1*). There are no designated swim facilities at Sunol or Ohlone Regional Wildernesses.

64

As previously identified in our comments on the "Human Health", "Transportation" and "Air Quality" sections of this letter the proposed Project will impact a number of recreation facilities due to periodic and unscheduled closure of roads, traffic congestion, construction noise and dust, trail closures, concerns about potential exposure to asbestos, etc. Many reservation-based activities, such as naturalist programs, group picnic and camping areas, and special events may be cancelled due to these concerns. The net result will be a significant reduction in Park visitors and a degraded Park experience during the four-year construction period. The District will also experience a significant reduction in revenues due to decreased Park visits and cancellations. Potentially significant effects include the following examples.

1. *Visitor Center* – This facility includes a museum and class room that is regularly used for public programs. Many school groups make regular visits to the Park for Naturalist programs and tours. These activities are scheduled several months in advance. The District has no comparable visitor's center in the area.
2. *Security Residence* – The District has a six-year residential lease to a District employee. This lease provides revenue to the District and an extra measure of Park security. There is no nearby replacement residence should this residence be closed during construction.
3. *Picnic Areas* – There are several picnic areas scattered throughout the valley on the west side of Alameda Creek. Some of these are paid group picnic areas often reserved several months in advance. The closest replacement facilities are at Shadow Cliffs Regional Recreation Area, approximately twelve miles northeast of Sunol.
4. *Camping Areas* – As with group picnic facilities, camp sites are reserved several months in advance. The closest replacement facilities are at Del Valle Regional Park, approximately twenty miles east of Sunol.
5. *Special Events* – Sunol hosts a number of annual and periodic special events that are conducted at various locations in the Park. Alternative locations for these events may not be available.
6. *Trails* – The DEIR proposes to redirect trail usage away from the Project area. This will reduce the trail usage in the Park. The Ohlone Wilderness Trail runs for about 27-miles from Mission Peak, through Sunol and Ohlone, and ends at Del Valle. Periodic closure of Calaveras Road will preclude the use of this important regional trail through the Park. There are regular events on this trail, including runs and equestrian rides that could not be conducted. There are also backpack camps that may become inaccessible or under utilized due to trail closures.
7. *Gate Revenues* – Decreases in public visits to Sunol during Project construction will result in a reduction in entrance gate-revenues. These revenues off-set District

65

maintenance and operating costs for the Park. This includes funding for equipment, supplies, services, utilities and salaries. These fixed baseline costs will remain constant even as revenues and Park visits decline.

8. *Operating Costs* – Park operating costs will increase due to a number of effects from construction of the proposed Project. These include increased need for ranger patrols to enforce closures, inspection for trespass and vandalism, collection of debris, posting informative signs and public education regarding the proposed Project and its effects on the Park and Park visitors.

Mitigation Measures: The DEIR does not identify Project-related impacts to the above described Park operations and recreation, nor does it propose suitable mitigation measures for these significant effects. Potential mitigation measures could include the following:

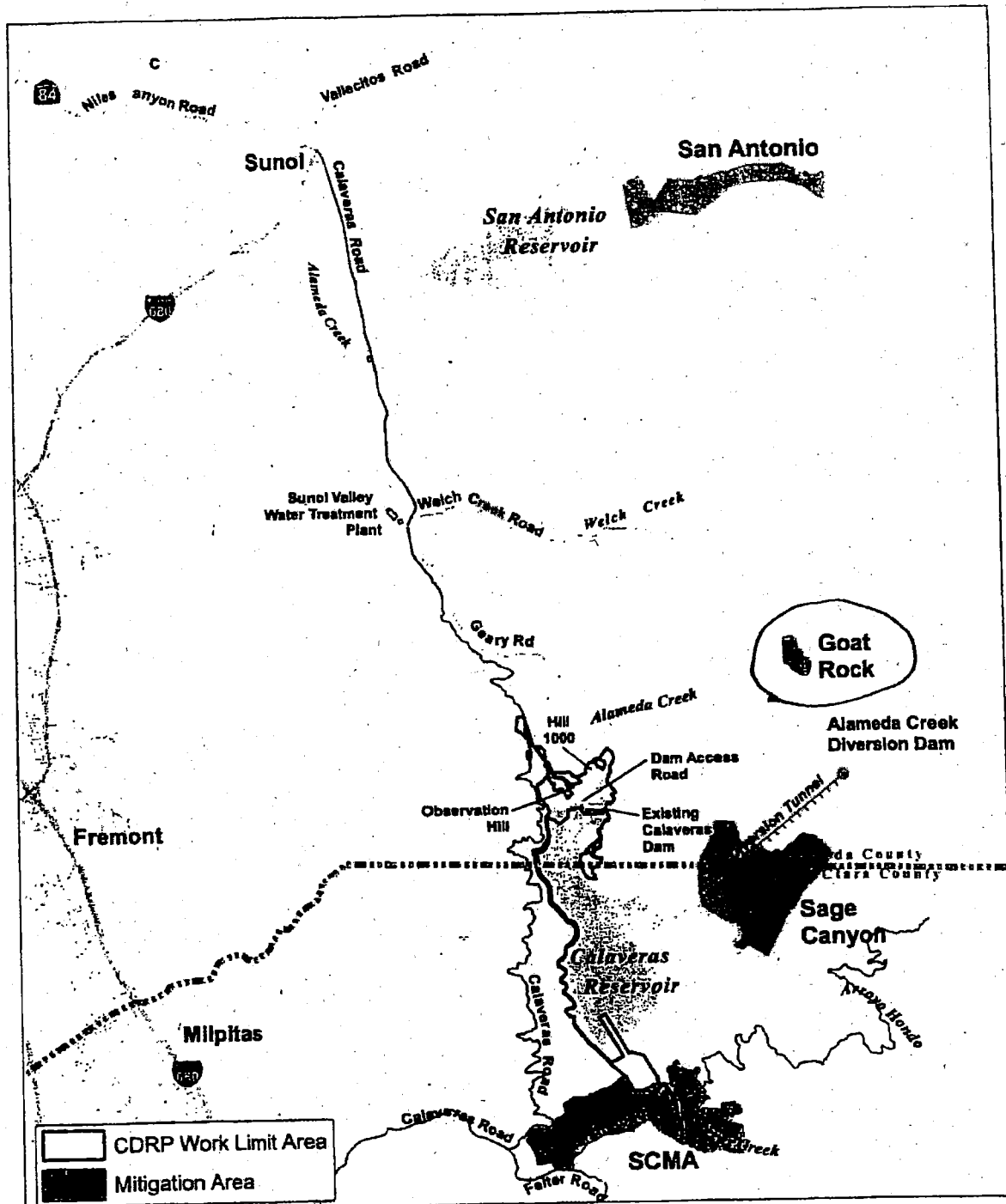
1. *Reimbursement of lost revenues and increased operating costs* – This would include lost revenues from entrance gates, security residence rent, camping and picnic reservations, special events, naturalist programs, and increased costs for ranger, police and fire services.
2. *Relocation of park facilities and programs* – Should it be necessary to close the Sunol visitor's center and related naturalist programs during Project construction this facility and its associated staff would need to be relocated to another park where replacement facilities could be provided. There would be substantial costs for such an undertaking.
3. *Construction of new facilities* - Given the number of impacts that may result from the Project new facilities should be constructed to replace lost recreational opportunities during the Project construction period. This could include park offices, maintenance facilities, staging areas, restrooms, drinking water, trails, picnic areas, campgrounds and road improvements.
4. *Construction of new bridges* - One particularly important mitigation measure would be the replacement of the trestle bridge over Alameda Creek. This would mitigate a number of significant impacts to recreation, park operations and public safety resulting from increased flows in Alameda Creek.
5. *Acquisition and dedication of new parklands* – As previously described in this letter in the "Vegetation and Wildlife" section, we believe that on-site mitigation using existing watershed land is inappropriate because these lands were already protected as part of the original reservoir project. Instead, the SFPUC should acquire in fee new properties that can serve as mitigation for the proposed Project. Acquisitions should focus on unprotected lands within the Alameda Creek Watershed that provide opportunities for protection, enhancement and restoration of plant and animal habitats. Some of these areas may also be suitable as mitigation lands dedicated to the District to mitigate impacts to the District's parks during Project construction.

65 cont.

66

This Figure missing from DEIR and Appendix C-2

20 cont.

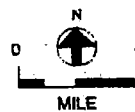


SOURCE: EDAW & Turnstone JV

PURPOSE: The basic purpose of the project is to replace the existing Calaveras Dam so that it meets current DSOD requirements for seismic stability and to reinstate the previous capacity of Calaveras Reservoir to provide necessary local water supply in the event of interruption of service at Hetch Hetchy or in the event of a drought.

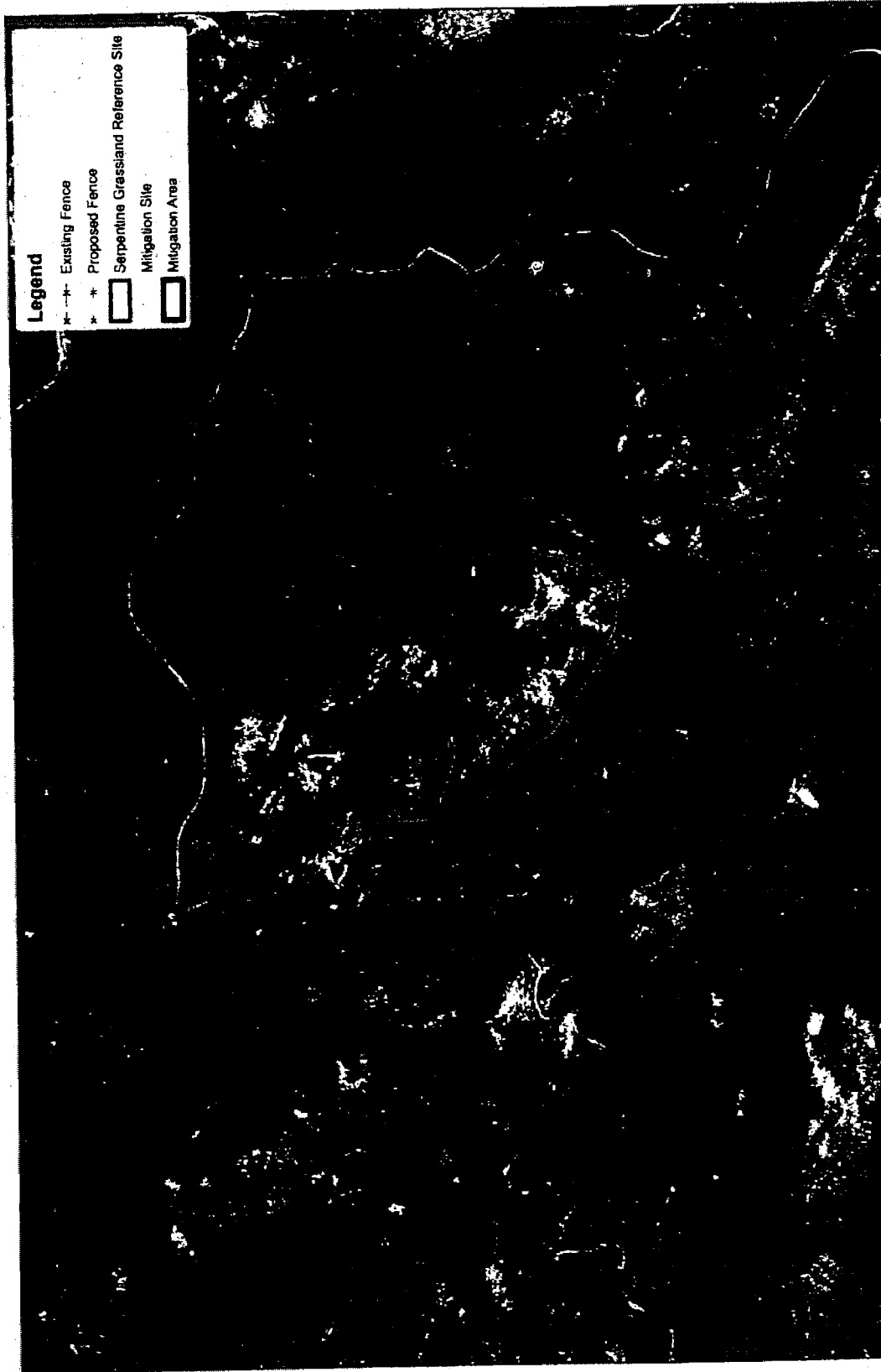
LOCATION: Alameda and Santa Clara Counties, CA

APPLICANT: San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94102. Contact: Dan Wade



CALAVERAS DAM REPLACEMENT PROJECT - USACE File #298785

FIGURE 2: CALAVERAS DAM VICINITY



SOURCE: EDRAW & Tunstrome JV

CALAVERAS DAM REPLACEMENT PROJECT
2005.0161E

FIGURE 3-6: GOAT ROCK MITIGATION AREA

This figure missing
from DEIR and
Appendix C-2

20 cont.



FIGURE 3-6: COAT ROCK MITIGATION AREA

CALAVERAS DAM REPLACEMENT PROJECT
2005 0181E

EAST BAY REGIONAL PARK DISTRICT



City & County of S.F.
Dept. of City Planning

November 9, 2005

DEC 02 2005

Mr. Paul Maltzer
San Francisco Planning Department
30 Van Ness Suite 4150
San Francisco, CA 94103

OFFICE OF
ENVIRONMENTAL REVIEW

Subject: Scoping Comments for SFPUC Calaveras Dam Replacement
Sunol/Ohlone Regional Wilderness

Dear Mr. Maltzer,

Thank you for providing the East Bay Regional Park District ("District") with a copy of the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for SFPUC's Calaveras Dam Replacement Project. On October 12, 2005, the District provided scoping comments on SFPUC's Water System Improvement Program. Those comments dealt with more general programmatic comments on the proposed Program. The following comments focus more specifically on the proposal to replace the Calaveras Dam in southern Alameda County. One item that is not clear in the NOP is whether a joint EIR/EIS will be prepared, or whether the CPUC and Corps of Engineers will be preparing separate environmental documents. Our comments are being provided for consideration under both the California Environmental Quality Act and the National Environmental Policy Act.

The District loses 3812 acres of land from SFPUC as part of Sunol and Ohlone Regional Wilderness parks. The proposed project has the potential for significant adverse effects to Sunol Regional Wilderness, Ohlone Regional Wilderness, Mission Peak Regional Preserve and Camp Ohlone. The EIR and EIS should evaluate potential effects to all of these regional parks and provide appropriate mitigation for such effects. These effects could include:

1. **Fisheries:** The NOP notes that there may be downstream effects to fisheries from the proposed project. This could include impacts to native fisheries in Alameda Creek at Sunol Regional Wilderness. In cooperation with the SFPUC, the District has imposed a number of restrictions to protect water quality and fisheries in the creek, including restricting livestock, public access and dogs from entering the creek. Such potential impacts, however, do not compare to the potential impacts to fisheries resulting from replacement of the Calaveras Dam. This could include increased sedimentation or erosion, increased turbidity, changes in water chemistry, reduced dissolved oxygen, increased or fluctuating water temperature and creation of new barriers to fish passage.

The EIR and EIS should identify downstream impacts to Alameda Creek and implement measures to mitigate the individual and cumulative effect of successive water diversion

BOA/011-11-DEC-1080
 Beverly Lund
 President
 Ward 6
 Carol Severson
 Vice President
 Ward 3
 Julie Suttler
 Treasurer
 Ward 2
 Ann Wankarung
 Secretary
 Ward 7
 Ted Bullock
 Ward 7
 Doug Simon
 Ward 4
 Joseph Hill
 Ward 1
 Paul O'Brien
 General Manager

67
 68

2250 Parisha Oaks Court, P.O. Box 1381, Oakland, CA 94605-0381
 Tel: 510 535-0136 Fax: 510 569-4310 TDD: 510 633-0460 www.ebrpd.org

and storage projects on this creek. Such measures could include acquisition and protection of additional watershed areas, restoration of degraded riparian vegetation, removal of obsolete water diversion structures and removal of barriers to fish passage. Development of such mitigation measures should be done with the involvement of adjacent property owners and land managers who will be affected by the proposed project.

68 cont.

2. **Plants and Wildlife:** The NOP does not appear to provide any information of the loss or plant and animal habitats in the project area. This would include the footprint of the new dam, stockpile, spoilage, borrow areas and new roads. Figures 3 and 4 depict a large area of impact, potentially including several hundred acres of grassland, scrub, chaparral, oak woodland, coniferous forest, riparian woodland and freshwater wetlands. Many of these habitats are rapidly declining in California and impacts to such communities would be considered significant under CEQA. In addition, the project footprint will create islands of remaining habitat which will have a large edge interface with disturbed areas. Such isolated pockets of habitat will cease to have value for many species that require large contiguous blocks of habitat for foraging, reproduction and migration. As a result, these pockets of habitat should also be considered as impacted by the proposed project. The EIR and EIS must identify and fully mitigate such significant effects.

69

3. **Special-Status Species:** There is a long list of potentially affected special-status species included in the NOP that may be affected by the proposed project. Of particular interest to the District are native fisheries, such as (anadromous and land-locked) salmonids and squawfish in Alameda Creek, and amphibians and reptiles in the surrounding watershed areas, including California red-legged frog, foothill yellow-legged frog, California tiger salamander, Western pond turtle, horned lizard and Alameda whiptail.

70

71

The upper Alameda Creek Watershed contains large populations of special-status fisheries, amphibians and reptiles that will be impacted by the proposed project. The EIR and EIS should identify impacts to these species and implement measures to mitigate the individual and cumulative effect of successive water diversion and storage projects in this watershed. Such measures could include acquisition and protection of additional watershed areas, restoration of degraded habitats and removal of non-native pigs, foxes, bullfrogs and fish.

72

Another area of concern is impacts to raptors. There are number of nesting locations for golden eagle, peregrine falcon, prairie falcon and others that may be directly affected by removal of nest locations or indirectly affected by construction disturbance during nesting periods. Other raptors, such as bald eagle forage in Calaveras Reservoir and other nearby reservoirs. Changes in reservoir operations resulting in degradation of reservoir fisheries may impact bald eagle foraging.

73

The NOP did not identify a number of special-status plants that have been documented in the upper Alameda Creek Watershed that may be impacted by the proposed project. These include *Lassingia hololeuca* (documented at Calaveras Dam), *L. tenuis* (at Arroyo Mocho), *Heltanthea castanea* (at various locations), *Acanthomintha lanceolata* (at

74

Sunol), *Campanula exigua* (at Sunol), *Eriophyllum jepsanti* (at Del Valle and Sunol), *Linanthus ambiguus* (at Sunol) and *Monardella villosa ssp. globosa* (at Sunol).

74 cont.

4. **Water Quality:** As described above under the fisheries section, the proposed project may result in similar significant impacts to water quality in downstream areas of Alameda Creek in Sunol Regional Wilderness. The EIR and EIS should identify downstream impacts to Alameda Creek and implement measures to mitigate the impacts to water quality.

75

5. **Air Quality:** Construction of the new dam will impact air quality in the greater project area. Specifically, excavation and transportation of fill materials to the dam site, stock pile, spoilage and borrow sites will result in significant increases in particulates and exhaust from construction equipment and trucks. In addition, project traffic on Calaveras Road, Welch Creek Road (if Apperson Quarry is used) and on unpaved roads in the watershed will generate significant amounts of air pollutants (and water pollutants where particulates would be deposited in drainages). Areas within the air basin which are downwind (or downstream) of construction areas will be impacted by such pollutants, potentially including Sunol Regional Wilderness, Camp Ohlone and other parklands.

76

6. **Noise:** Similar to air quality impacts, the proposed project will generate significant amounts of noise during the construction of the new dam, excavation or disposal of fill materials and transportation of materials on public roadways and unpaved roads in the watershed. Potential blasting at the dam site or borrow sites may also disrupt wildlife and the recreating public. Such activities should be prohibited on weekends and during high use periods at Sunol Regional Wilderness.

77

7. **Esthetics:** It appears from the proposed project description that none of the existing material within the existing Calaveras Dam will be utilized for the construction of the new dam. Instead, the proposed project calls for the importation of 2.4 million cubic yards of material to construct the new dam. At least three of the proposed borrow sites are located north of the existing dam, in very close proximity to Sunol Regional Wilderness. One borrow site calls for removing the top of a 1000 foot ridge that is visually prominent from the Wilderness Park. Such impacts are not consistent with the wilderness character of the park and would result in significant and potentially unmitigable visual impacts to park users. The EIR and EIS should perform a visual impact analysis including visual simulations of before and after project conditions, as seen from public roads, trails and parklands. The EIR and EIS should also consider a range of potential sources for the imported fill materials, including alternative sites that will not result in impacts to Sunol Regional Wilderness.

78

8. **Recreation:** A number of existing recreational activities take place within the watershed area that may be affected by the proposed project. These include hiking, equestrian, bicycling, picnicking, camping, backpacking, fishing, photography, interpretive programs, nature study and quiet enjoyment in a wilderness area. Some of these activities would be particularly vulnerable to impacts from the proposed project. For

79

example, night time construction, blasting or truck noise would impact campers and backpackers at Sunol and Camp Ohlone. Closure of roads and trails would impact hikers, equestrians and bicyclists (where permitted).

↑
79 cont.

- 9. **Traffic and Circulation:** The proposed closure of Calaveras Road between Geary Road and Felter Road would cut off public access to Sunol Regional Wilderness from Santa Clara County and could disrupt public access to the Ohlone Wilderness Regional Trail at its Geary Road crossing of Calaveras Road. Closure of portions of Calaveras road will increase traffic on the northern portions of the road, creating congestion and potentially substantial delays in accessing Sunol Regional Wilderness. The EIR and EIS must identify and fully mitigate such significant effects.

80

The NOP is silent on the issue of whether materials from the Apperson Quarry may be necessary for construction of the new Calaveras Dam. Opening of this quarry site would result in a number of new impacts to Sunol Regional Wilderness. One of our primary areas of concern with use of the Apperson Quarry would be the traffic and circulation impacts to Sunol from trucking aggregate materials on Calaveras Road, Welch Creek Road, or potentially even through Sunol to reach the new dam location. The EIR and EIS must identify and fully mitigate such significant effects.

- 10. **Public Safety.** While the NOP states that Calaveras Road would be open to emergency vehicles, its closure to the public would decrease the safety of private vehicles by placing more cars on Calaveras Road north of the closure. More cars on a narrow road increase the chances of collision or vehicles running off the road. Furthermore, large construction vehicles accessing the construction area from Calaveras Road would greatly increase the risk of collision between construction vehicles and private vehicles. The EIR and EIS must identify and fully mitigate such significant effects.

81

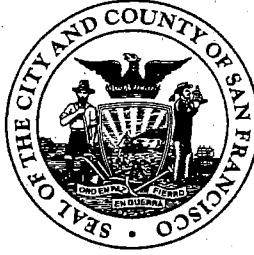
Please call me if you have any questions regarding our scoping letter. I can be reached at (510) 544-2622. Please include my name on any future mailings regarding this project.

Sincerely,

Brad Olson
Environmental Programs Manager

cc. Robert Smith, US Army Corps of Engineers
Tim Ramirez, SFPUC

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

February 15, 2011

Gregory W. Stepanicich
Richards/Watson/Gershon
Attorneys at Law
44 Montgomery Street, Suite 3800
San Francisco, CA 94104-4811

Subject: Appeal of Final Environmental Impact Report - Calaveras Dam Replacement Project

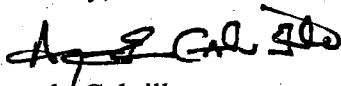
Dear Mr. Stepanicich:

The Office of the Clerk of the Board is in receipt of your appeal filed on February 14, 2011, from the decision of the Planning Commission's January 27, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2005.0161E, through its Motion No. 18261, for the proposed Calaveras Dam Replacement Project located in unincorporated areas of Alameda and Santa Clara Counties.

A hearing date has been scheduled on **Tuesday, March 15, 2011, at 4:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

If you have any questions, please feel free to contact Legislative Deputy Director, Rick Caldeira, at (415) 554-7711 or Legislative Clerk, Joy Lamug, at (415) 554-7712.

Sincerely,


Angela Calvillo
Clerk of the Board

c:
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Nannie Turrell, Planning Department
Linda Avery, Planning Department
Chris Kern, Planning Department
Project Sponsor, San Francisco Public Utilities Commission, 1145 Market Street, 5th Floor,
San Francisco, CA 94103

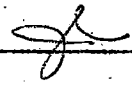


**SAN FRANCISCO
PLANNING DEPARTMENT**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 MAR -4 PM 12: 19

**EIR Certification Appeal
Calaveras Dam Replacement Project**

BY 

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: March 8, 2011

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Bill Wycko, Environmental Review Officer — (415) 575-9048
Chris Kern, Case Planner — (415) 575-9037

RE: File No. 110202, Planning Case No. 2005.0161E
Appeal of Certification of the Environmental Impact Report on
the Calaveras Dam Replacement Project

HEARING DATE: March 15, 2011

ATTACHMENTS:

- A. Planning Commission Motion 18261 (certifying FEIR)
- B. Appeal Letter (letter dated February 14, 2011 from Gregory W. Stepanicich, Richards/Watson/Gershon Attorneys at Law, and attachments)
- C. Transcript of Certification Hearing
- D. Excerpt of Final Environmental Impact Report containing the Planning Department's detailed responses to comments submitted by the East Bay Regional Park District on the Draft Environmental Impact Report

PROJECT SPONSOR: San Francisco Public Utilities Commission

APPELLANT: Gregory W. Stepanicich on behalf of the East Bay Regional Park District

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors ("Board") regarding the Planning Commission's ("Commission") certification of a Final Environmental Impact Report ("FEIR") for the proposed Calaveras Dam Replacement Project ("Project"), Case No. 2005.0161E, pursuant to the California Environmental Quality Act ("CEQA"). The FEIR was certified on January 27, 2011 under San Francisco Planning Commission Motion No.18261 which is presented in Attachment A to this memorandum. The letter of appeal was filed on February 14, 2011. The FEIR consists of the Draft EIR ("DEIR") published on October 6, 2009 and the Comments and Responses document published on January 5, 2011.

The decision before the Board is whether to uphold the Commission's decision to certify the FEIR, or to overturn the Commission's decision to certify the FEIR and return the Project to the Planning Department for additional environmental review.

SITE DESCRIPTION & PRESENT USE

The proposed Project is the Calaveras Dam Replacement Project, also referred to as the "CDRP Variant," located in unincorporated areas of Alameda and Santa Clara Counties on lands owned by the City and County of San Francisco. The present uses of the approximately 350 acres of lands proposed for construction consist of water supply facilities and watershed lands under the management of the San Francisco Public Utilities Commission (SFPUC).

PROJECT DESCRIPTION

The purpose of the Project is to replace the existing Calaveras Dam and thereby improve the seismic safety and water delivery reliability of Calaveras Dam and Reservoir and restore the reservoir's historical storage capacity. SFPUC studies indicate that the existing 85-year-old Calaveras Dam does not meet current safety standards for large earthquakes. Beginning in the winter of 2001, the SFPUC lowered operating water levels in the reservoir at the request of the California Department of Water Resources, Division of Safety of Dams, to address safety concerns about the seismic stability of the dam, which reduced the storage capacity of the reservoir by about 60 percent.

The Project would construct a new dam to replace the existing Calaveras Dam at the north end of Calaveras Reservoir. It would also include: replacement or modification of related facilities such as the spillway, intake shaft and adits, outlet pipe, stream discharge valves, and instrumentation; construction of fishery enhancements at Calaveras Dam and at the existing Alameda Creek Diversion Dam, including fish screens at both dams and a fish ladder at the diversion dam; upgrade of an existing electrical distribution line to serve construction needs; long-term implementation of instream flow releases to Alameda and Calaveras Creeks to benefit fisheries and other aquatic resources; and long-term implementation of an Adaptive Management Implementation Plan for central California coast steelhead. Project construction will require use of soil disposal and borrow areas north and south of Calaveras Reservoir and will last approximately 4 years, beginning in 2011 with targeted completion in 2015.

BACKGROUND

2005 Environmental Review Application

On February 15, 2005, the SFPUC filed Environmental Review Application No. 2005.0161E with the Planning Department regarding CEQA requirements for the Project.

2005 Notice of Preparation of an Environmental Impact Report

The Planning Department determined that an Environmental Impact Report ("EIR") on the Project was required, and on October 24, 2005, published a Notice of Preparation of an EIR and

Notice of Public Scoping Meetings. The Planning Department provided public notice thereof by publication in newspapers of general circulation to solicit comments regarding the content of the EIR to be prepared for the Project. The Planning Department held one public scoping meeting on November 14, 2005 in Fremont, held a second public scoping meeting on November 15, 2005 in San Francisco, and accepted written comments through November 30, 2005 to receive public input regarding the proposed scope of the EIR analysis.

2009 Draft Environmental Impact Report

The Planning Department published the DEIR on October 6, 2009, and copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to adjacent property owners, and to affected government agencies. The Planning Department accepted public comments on the DEIR for a 77-day period from October 6 through December 21, 2009. During this public review period, the Planning Department duly advertised the dates and locations of three public hearings on the DEIR, and held the hearings on November 10, November 12, and December 14 in Fremont, San Francisco, and Sunol, respectively. Following the close of the public review and comment period, the Planning Department prepared written responses that addressed all of the substantive written and oral comments on the DEIR, and the EIR was revised accordingly.

2011 Comments and Responses Document

The Planning Department prepared responses to comments on environmental issues received at the public hearings and in writing during the 77-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available since publication of the DEIR, and corrected errors in the DEIR. This material was presented in a Comments and Responses document, published on January 5, 2011 and mailed or otherwise delivered to all parties who commented on the DEIR and other interested parties. The Planning Department also provided the Comments and Responses document to others upon request. The Comments and Responses document did not substantially revise the DEIR, and therefore no recirculation was required under CEQA Guidelines Section 15073.3.

2011 Environmental Impact Report Certification

On January 27, 2011, the Planning Commission reviewed and considered the FEIR, found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, and certified the FEIR as adequate, accurate and objective and in compliance with CEQA and the CEQA Guidelines under Planning Commission Motion No. 18261 (see Attachment A).

CEQA GUIDELINES

The FEIR has been prepared in accordance with CEQA, as established under the Public Resources Code 21000 et seq., the CEQA Guidelines (a part of the California Code of Regulations), and local CEQA procedures under Chapter 31 of the San Francisco Administrative Code. The purpose of this EIR is to disclose any potential impacts on the physical environment resulting from implementation of the proposed project, and allow a time for public review and comment, before decision makers decide to approve or deny the project.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the February 14, 2011 Appeal Letter (see Attachment B) include a brief statement of the grounds for appeal and reference to two letters previously submitted to the Planning Department as part of the CEQA environmental review process. The Appeal Letter also makes reference to oral comments presented by Ted Radosevich to the Planning Commission on January 27, 2011 at the hearing on the FEIR, however, the transcripts of the January 27, 2011 hearing (see Attachment C) indicate that no oral comments were made by Mr. Radosevich at the Planning Commission's certification meeting, either during the public comment period provided for items on the Commission's agenda for which the public hearing has been closed or during the Commission's deliberation on EIR certification.

The contents of the two letters previously submitted and the Planning Department's responses are summarized under Issue and Response #1 below (with the complete response included as Attachment D). All of the issues raised by the Appellant are fully addressed in the FEIR. The other grounds for appeal cited in the February 14, 2011 Appeal Letter are summarized and followed by the Planning Department's responses in Issues and Responses #2 and #3 below.

Issue #1. The specific concerns in the Appeal Letter regarding the EIR are described in the following letters from the East Bay Regional Park District ("EBRPD") that are attached to the Appeal Letter (see Attachment B): (1) Letter to Bill Wycko, Environmental Review Officer, San Francisco Planning Department, dated December 11, 2009, regarding comments on the DEIR for the Calaveras Dam Replacement Project; and (2) Letter to Paul Maltzer, San Francisco Planning Department, dated November 9, 2005, regarding scoping comments for the SFPUC Calaveras Dam Replacement, Sunol/Ohlone Regional Wilderness.

Response #1. The letters attached to the February 14, 2011 Appeal Letter are identical to letters that the Appellant previously submitted to the Planning Department as part of the CEQA review process for the Project. The copies of the two letters attached to the Appeal Letter are the copies that the Planning Department presented in the Comments and Responses document, and include the bracketing along the right hand margins that delineate separation of issues and the coding that corresponds to the responses presented in the Comments and Responses document. The letters are bracketed and coded into 81 distinct comments, and the Comments and Responses document published on January 5, 2011, provides detailed responses to each of these comments from the EBRPD. The responses in the Comments and Responses document are reproduced in Attachment D to this response packet. The EBRPD's issues contained in these letters and the Planning Department's responses are summarized below with references to the page numbers in Attachment D; the responses in Attachment D also refer to further supporting information and analysis presented in the DEIR and other sections of the Comments and Responses document.

- **Recreation Impacts:** EBRPD expressed concern that the Project would affect operations and maintenance of its parks and trails. The EIR analysis (see pages 11.1.15-1 to 11.1.15-2) considered the potential for recreational impacts due to increase in use of parks and other recreational facilities such that substantial physical deterioration of the facilities or physical degradation of existing recreational resources would occur. CEQA does not require analysis of impacts on management and operation of recreation facilities. The

EIR determined that during construction, the Project could affect recreational uses of facilities in the Sunol and Ohlone Wilderness areas (due to traffic, access, and dust impacts) and use of Calaveras Road by cyclists. The FEIR determined that impacts would be reduced to less than significant based on the availability of alternate access and bicycle routes, opening Calaveras Road on weekends, and implementation of mitigation measures that would prevent conflicts with the AMGEN and Primavera Bicycling Tours (Mitigation Measure 5.3.6), reduce traffic safety conflicts with a Traffic Control Plan (Mitigation Measure 5.12.4a), and reduce dust impacts with Bay Area Air Quality Management District-recommended Dust Control Measures (Mitigation Measure 5.13.1a).

- Hazardous Materials/Public Health and Safety Impacts: EBRPD expressed concern that Project construction activities would result in airborne release of dust containing naturally occurring asbestos ("NOA") and metals present within geologic materials in the project area, including excavation and handling of approximately 4 million cubic yards of Franciscan Complex at the dam site and borrow and disposal areas. The Project would not involve transporting NOA-containing materials outside the work area boundary. The EIR analyzed the potential hazard to the public and the environment from construction dust and determined that the impact would be reduced to less than significant with implementation of identified mitigation measures (see pages 11.1.15-3 to 11.1.15-17). The determination that feasible mitigation measures can reduce the impact to less than significant was based on regulatory guidance from U.S. Environmental Protection Agency, the California Health and Safety Code, California Air Resources Board, Bay Area Air Quality Management District ("Air District"), California Regional Water Quality Control Board, and California Division of Occupational Safety and Health and consultation with the San Francisco Department of Public Health.

Mitigation Measure 5.9.2a, Asbestos Dust Mitigation Plan and Comprehensive Air Monitoring Program, specifies an integrated program of dust control measures, air monitoring, and corrective actions for protection of the public and environment. The mitigation measure identifies actions that can be used to control dust, requires a site-specific plan to be developed that must comply with the California Air Resources Board's 2002 Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations and with the Air District dust control measures specified in the 2010 CEQA Air Quality Guidelines, and requires an extensive air monitoring program. The Asbestos Dust Mitigation Plan will be reviewed and approved by the Air District prior to construction and shall specify site-specific measures to minimize emissions of NOA and metals-containing dust so that visible dust does not cross the work area boundary during construction. The contractor must implement the dust control measures in the approved Asbestos Dust Mitigation Plan throughout the duration of construction. In addition, the Comprehensive Air Monitoring Program will be reviewed by the Air District prior to the start of construction, and the monitoring program will be implemented for the duration of construction. The monitoring program will include risk-based trigger levels for interpreting monitoring results and for determining if corrective actions for enhanced asbestos dust control measures for protection of the public and the environment will be implemented; corrective actions may include work slowdowns and work stoppage if necessary. Furthermore, the mitigation measure requires that the SFPUC engage a qualified third party consultant to provide review and monitoring of the contractor's air monitoring activities, worker protection measures, and NOA soil and rock evaluations.

- Traffic Impacts: EBRPD's concern about traffic and safety impacts from an estimated 16,000 truck trips on Calaveras Road is addressed on pages 11.1-15-17 to 11.1.15-18, pages 11.1.15-52 to 11.1.15-62, and page 11.1.15-82 of Attachment D. The EIR determined that traffic safety impacts to motorists, bicyclists and pedestrians during construction would be potentially significant but would be mitigated to less than significant with a Traffic Control Plan (Mitigation Measure 5.12.4a) and temporary closure of a portion of Calaveras Road from Geary Road to the dam site (Measure 5.12.4b). However, if Alameda County does not permit temporary road closure for this portion of the road, then the impact would be potentially significant and unavoidable during a portion of the construction period due to potential conflicts between construction trucks and other roadway users. Even with increased construction truck traffic, access to the Sunol Regional Wilderness would be available throughout the 4-year construction period (from the north via I-680 and the northern segment of Calaveras Road and Geary Road, and from the south via the southern segment of Calaveras Road on weekends during the proposed road closure and all days of the week at times outside of the proposed closure). Damage to roadways from increased wear and tear would be mitigated by requiring repair of roadway segments damaged by construction activities to a structural condition equal to existing conditions. Traffic delays would be mitigated by the Traffic Control Plan (Mitigation Measure 5.12.4a), including a program to notify drivers, bicyclists and pedestrians of the schedule of roadway closures, detour routes, and alternate bicycle routes. Truck safety, and unsafe transport of materials by trucks would be mitigated by the Traffic Control Plan (Mitigation Measure 5.12.4a), plus through contract specification requiring contractors to comply with laws regarding transport of materials and driving safety. Emergency access would be less than significant because overall operating conditions would remain at an acceptable level of service, including roadway access throughout construction. A street maintenance and cleaning program is required in the Traffic Control Plan and includes sweeping Calaveras Road between Geary and Felter Roads before 6 a.m. on Saturday mornings.
- Mitigation Measures: In the comment letter, EBRPD suggested specific mitigation measures for impacts on its parks and trails, and the Planning Department's detailed response is included on pages 11.1.15-18 and 11.1.15-70 to 11.1.15-74 of Attachment D. The EBRPD request for reimbursement for lost revenues and increased operating costs was determined to be unwarranted under CEQA to mitigate a significant impact because (1) access to Sunol Regional Wilderness would be maintained throughout the construction period; (2) there are four other similar EBRPD facilities within 5 to 48 miles; (3) any increase in temporary use at other parks would be dispersed and not accelerate deterioration or require expansion of facilities, so there would be no significant physical changes and any impact on those facilities would be less than significant under CEQA; (4) impacts to the EBRPD security residence would be less than significant with implementation of mitigation measures designed to reduce dust, noise and traffic impacts; and (5) no increase in EBRPD operating cost is expected with the SFPUC's implementation of mitigation measures to control dust and noise effects and management activities required by the Alameda Watershed Management Plan that would limit construction and operational activities affecting EBRPD property. The EBRPD request for relocation of park facilities was determined to be unwarranted because closure of EBRPD roads, trails or facilities related to dust and/or NOA which was presented as a mitigation measure in the DEIR has been superseded by a revised, more stringent mitigation measure in the Comments and Responses document that could include work stoppage if necessary to reduce potential NOA effects on EBRPD lands. The EBRPD request for construction of new facilities or acquisition and dedication of

new parklands was determined to be unwarranted for reasons described above under "reimbursement for lost revenues." The EBRPD request for construction of a new bridge was determined to be unwarranted under the Project because the Project would have minimal effect on the existing bridge and further, as a separate project, the SFPUC is proposing to replace the existing trestle bridge that provides access across Alameda Creek to upper Alameda Creek subwatershed.

- Vegetation and Wildlife Impacts: The EBRPD expressed concern over potential impacts of the Project on sensitive habitats and sensitive species as well as the potential for impacts due to introduction of invasive plant species, displacement of nuisance wildlife, and use of mitigation areas that crosses recreational trails. The EIR (pages 11.1.15-19 to 11.1.15-40 and pages 11.1.15-76 to 11.1.15-79) describes the professionally-accepted methodology and protocols used to identify and mitigate potential impacts on sensitive habitats and sensitive plant and animal species. The FEIR includes detailed mitigation measures for avoidance and minimization measures (Mitigation Measure 5.4.1), habitat restoration (Mitigation Measure 5.4.2), and compensation measures (Mitigation Measure 5.4.3), including specific protocols, performance standards and success criteria for each potentially affected sensitive species and sensitive habitat. Implementation of these measures would reduce potential impacts on vegetation and wildlife to less than significant. In addition, the EIR identifies mitigation sites on SFPUC-owned lands that would be used for compensation measures for unavoidable impacts on special status habitats and species; compensation measures would be implemented in accordance with the success criteria to ensure no net loss of habitat functions and services and include adaptive management and financial assurances that the mitigation will be able to meet specified performance standards. If mitigation sites require exclusionary fencing that crosses EBRPD public trails, the SFPUC would install gates to ensure public access to the hiking trails.
- Fisheries and Aquatic Resources Impacts: EBRPD comment letter questioned the adequacy of the analysis of impacts on fisheries and other aquatic resources in Alameda Creek. As described on pages 11.1.15-40 to 11.1.15-44 and page 11.1.15-75, the proposed Project, with implementation of flow release schedules, is expected to improve future habitat conditions for fisheries, including steelhead, in the Alameda Creek watershed as compared to existing conditions. The proposed fish ladder would create volitional upstream movement and migration opportunities for fish at the Alameda Creek Diversion Dam, and the proposed fish screens at the diversion dam and at the Calaveras Dam adits would reduce potential for fish entrainment. The proposed Adaptive Management Implementation Plan would provide comprehensive monitoring and adaptive management of fisheries and aquatic resources with pre-defined performance criteria and contingency actions.
- Hydrology and Water Quality Impacts: EBRPD indicated concern that changes in hydrology and water quality resulting from the Project could affect its programs. The EIR includes a detailed hydrologic analysis, including modeling of future flows (see pages 11.1.15-45 to 11.1.15-46); the Project is not expected to result in flows that would substantially affect EBRPD operations as compared to existing conditions. Water quality impacts during construction (page 11.1.15-79) were determined to be less than significant with implementation of a project-specific Storm Water Pollution Prevention Plan (Mitigation Measure 5.7.1).

- Visual Impacts: EBRPD stated concern on the analysis of visual impacts of the Project on the Sunol and Ohlone Regional Wilderness Preserves. As described on pages 11.1.15-48 to 11.1.15-52 and pages 11.1.15-75 and 11.1.15-81, the EIR determined that construction in the vicinity of the dam site would have a significant adverse impact on scenic vistas, scenic resources, and the visual character of the reservoir. Construction activities would be visible from some areas within the Sunol Regional Wilderness and, although temporary (about 4 years); this impact on scenic vistas, scenic resources, and the visual character of the reservoir would be significant and unavoidable. Screening would be ineffective because of the extensive scale of the project construction area and the large number of vantage points from which construction activities would be visible from the Sunol Wilderness. Habitat restoration (Mitigation Measure 5.4.2) would reduce, but not eliminate the significant impact.
- Air Quality Impacts: EBRPD stated concern that particulate matter and vehicle exhaust associated with truck hauling would result in air quality impacts. The EIR (pages 11.1.15-62 to 11.1.15-64) determined that construction air pollutant emissions would be mitigated to a less-than-significant level with implementation of Air District-recommended control measures (Mitigation Measure 5.13.1), with the exception of emissions of reactive organic gases and nitrogen oxides, which were estimated to exceed the Air District's CEQA thresholds of significance adopted in 2010 and were determined to be a significant and unavoidable impact. At this time, no feasible mitigation exists that would reduce emissions of these pollutants below the adopted thresholds.
- Noise Impacts: The EBRPD concerns related to noise impacts on park users were analyzed in the EIR (pages 11.1.15-64 to 11.1.15-66 and page 11.1.15-80) and were determined to be less than significant due to the distance between the construction site and hikers and park users and the limited duration of exposure to increased noise levels. The EIR acknowledges that the temporary increased noise levels during construction would be noticeable, but the levels would be below the noise ordinance limits and significance thresholds.
- Services Impacts: The EBRPD stated that the Project would affect demand for fire and police services during construction. The EIR (pages 11.1.15-67 to 11.1.15-68) determined that increases in demand for fire services during construction would be less than significant because the SFPUC will be required to comply with regulations by the California Department of Forestry and Fire Protection in areas classified as high fire hazards such as the Project area. The Project is not expected to increase demand for police services and no mitigation measure is warranted.
- Cumulative Impacts: The EBRPD indicated that there could be significant cumulative impacts resulting from construction of other SFPUC projects in the Alameda Creek watershed. The EIR (pages 11.1.15-2 to 11.1.15-3) provides a detailed description of other SFPUC projects in the vicinity and analyzes the potential for the Project to result in a significant contribution to cumulative adverse impacts. The analysis determined that the detailed site-specific mitigation measures identified for the direct impacts of the Project would reduce the Project's contribution to cumulative impacts to less than significant.

Issue #2. The Appellant states in items numbered 1, 2, and 3 of the Appeal Letter that the EIR is inadequate, presents incorrect conclusions as to the environmental effects of the Project,

and does not provide for adequate mitigation measures to address the significant environmental effects of the Project.

Response #2. Other than the reference in the appeal letter to the earlier comment letters submitted by Appellant and summarized in Issue and Response #1, the Appeal Letter provides no specific grounds for the assertions that the EIR is inadequate or incomplete. The FEIR provides a detailed description of the proposed Project in Chapters 3 and 9. The FEIR provides a complete analysis of potential physical environmental effects of the Project in Chapters 4 and 9, based on specified existing conditions at the time of publication of the Notice of Preparation and professionally-accepted approaches to analyses and methodologies, with citations to all reference materials used in the analysis. In addition to fulfilling the requirements of CEQA in accordance with accepted professional practice, the scope and content of the analyses of environmental effects were guided in part by public and agency comments submitted during the scoping and DEIR public comment periods. Feasible mitigation measures are presented in detail in Chapters 5 and 9 of the FEIR for all significant impacts described in Chapters 4 and 9 of the FEIR, consistent with CEQA Guidelines Section 15126.4. The identified mitigation measures are specific to the Project and site conditions and include performance standards that would mitigate the significant effects of the Project where feasible.

Issue #3. The Appellant asserts in items 4 and 5 of the Appeal Letter that the Planning Commission did not adopt legally sufficient findings addressing the adequacy, accuracy and objectiveness of the FEIR, the correctness of its conclusions and its compliance with CEQA or addressing the significant environmental effects of the Project.

Response #3. The Appeal Letter provides no specific grounds for the assertions of insufficient findings. The findings made by the Planning Commission in Certification Motion No. 18261 (see Attachment A) are regarding the adequacy, accuracy, and completeness of the EIR. The FEIR as prepared is in full compliance with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. In one portion of the Certification Motion, the Planning Commission recites the EIR findings with respect to the significant environmental impacts that could result from the Project. That portion of the Planning Commission Certification Motion which states the potential significant environmental impacts from the proposed Project is an accurate presentation of those conclusions from the EIR. The identification of significant impacts in the EIR, in combination with the Planning Department files that were part of the record that was before the Planning Commission, fully support the decision to certify the EIR. The findings adopted by the Planning Commission fully satisfy the requirements of CEQA Guidelines Section 15090(a), which addresses the items that the lead agency shall certify the final EIR prior to the approval of a project.

It is not clear whether the Appellant is suggesting that separate findings required by CEQA Guidelines Section 15091 related to project approval should have been made by the Planning Commission. However, the Planning Commission does not have the authority to take any approval actions on the Calaveras Dam Replacement Project because the project is under the purview of the SFPUC. Therefore, the Planning Commission appropriately did not make the findings called for in CEQA Guidelines Section 15091 related to the adoption of mitigation measures or project alternatives to mitigate significant impacts, the adoption of a statement of

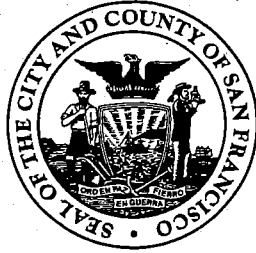
overriding considerations if any impacts cannot be fully mitigated, and the adoption of a mitigation monitoring and reporting program. The findings required by CEQA Guidelines Section 15091 were, in fact, made by the SFPUC in its decision to approve the CDRP Variant on January 27, 2011 (SFPUC Resolution No. 11-0015). These findings are not the subject of the appeal before this Board. The provision in CEQA Section 21151(c), CEQA Guidelines Section 15090(b), and S.F. Administrative Code Section 31.16, providing for an appeal of the Planning Commission's certification of an EIR to the Board of Supervisors limit the appeal to the certification of the EIR. Section 31.16 specifically states that the appeal shall be limited to issues related to the adequacy, accuracy and objectiveness of the final EIR, including but not limited to the sufficiency of the final EIR as an informational document and the correctness of its conclusions, and the correctness of the findings contained in the Planning Commission certification of the EIR.

CONCLUSION

The Planning Department conducted an in-depth and thorough analysis of the potential physical environmental effects of the Calaveras Dam Replacement Project consistent with CEQA, CEQA Guidelines, and Chapter 31 the San Francisco Administrative Code. The Appellant has not provided any substantial evidence to refute the conclusion of the Planning Department.

For the reasons provided in this appeal response, the Planning Department believes that the FEIR complies with the requirements of CEQA and the CEQA Guidelines, provides an adequate, accurate, and objective analysis of the potential impacts of the Project. Further, the Planning Commission adopted appropriate findings to support its certification decision. Therefore, the Planning Department respectfully recommends that the Board uphold the Planning Commission's certification of the FEIR.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

- Date:** Tuesday, March 15, 2011
- Time:** 4:00 p.m.
- Location:** Legislative Chamber, Room 250 located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102
- Subject:** File No. 110202. Hearing of persons interested in or objecting to the decision of the Planning Commission's January 27, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2005.0161E, through its Motion No. 18261, for the proposed Calaveras Dam Replacement Project located in unincorporated areas of Alameda and Santa Clara Counties. (Appellant: Gregory W. Stepanicich, on behalf of the East Bay Regional Park District)

Pursuant to Government Code Section 65009, notice is hereby given, if you challenge, in court, the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public records in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to

mailed - 3/4/2011

Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Thursday, March 10, 2011.



Angela Calvillo
Clerk of the Board

DATED: March 4, 2011