

CHAPTER 1

Introduction

1.1 Los Vaqueros Reservoir Expansion Project

The Los Vaqueros Reservoir Expansion Project is a multi-agency effort that could provide local, regional and statewide environmental, water supply, and water quality benefits. The project is included in the comprehensive federal/state cooperative program known as the CALFED Bay-Delta Program (CALFED), which is designed to improve the quality and reliability of California's water supplies while restoring the Bay-Delta. Expansion of the Los Vaqueros Reservoir was included as one of five water storage programs identified for further investigation.

The Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) evaluated four action alternatives distinguished primarily by the size of the reservoir expansion, the combination of new and expanded conveyance facilities, and the operational emphasis:

- Alternative 1 – Expanded 275-TAF Reservoir, South Bay Connection, Environmental Water Management and Water Supply Reliability Dual Emphasis
- Alternative 2 – Expanded 275-TAF Reservoir, South Bay Connection, Environmental Water Management Emphasis
- Alternative 3 – Expanded 275-TAF Reservoir, No South Bay Connection, Environmental Water Management Emphasis
- Alternative 4 – Expanded 160-TAF Reservoir, No South Bay Connection, Water Supply Reliability Emphasis

Alternative 4 has been identified as the environmentally superior alternative under the California Environmental Quality Act (CEQA). Alternative 4 would be capable of meeting the immediate needs of Contra Costa Water District (CCWD), the lead agency under CEQA, to improve dry year water supply reliability and to protect current and future water quality. The U.S. Department of Interior, Bureau of Reclamation, Mid-Pacific Region (Reclamation), the lead agency under the National Environmental Policy Act (NEPA), has identified Alternative 4 as its preferred alternative at this time. Per NEPA requirements, Reclamation will identify the environmentally preferable alternative(s) in the Record of Decision (ROD).

If an action alternative is approved, CCWD would complete the design, and construct and operate the expanded reservoir. As part of Alternative 4, Reclamation and CCWD have been developing a set of operations for CCWD that would minimize any conflicts between Los Vaqueros filling operations and Reclamation's Central Valley Project (CVP) operations, and would improve overall coordination of Delta water operations.

If selected, implementation of Alternative 4 would not preclude further expansion of the reservoir. Reclamation and other potential state and regional partners would continue to study the larger expansion alternatives in the context of other on-going Delta initiatives and programs. The continuing studies are discussed in Sections 2.4, 3.2.2, and 3.2.3 in this volume. If Reclamation and CCWD select Alternative 4 and later decide to pursue a larger reservoir expansion, then additional NEPA and CEQA analyses and documentation would be undertaken, as necessary.

1.2 Purpose of the Final EIS/EIR

The Final EIS/EIR has been prepared on behalf of CCWD and Reclamation in accordance with the requirements of CEQA and NEPA. This Final EIS/EIR responds to comments received on the Draft EIS/EIR for the Los Vaqueros Reservoir Expansion Project proposed for implementation by Reclamation and CCWD. Western Area Power Administration (Western) is a cooperating agency under NEPA.

The Final EIS/EIR for the Los Vaqueros Reservoir Expansion Project comprises four volumes and consists of the entire Draft EIS/EIR and this response to comments document, as follows:

- Volume 1: Draft EIS/EIR Los Vaqueros Reservoir Expansion Project (Chapter 1 through Section 4.5)
- Volume 2: Draft EIS/EIR Los Vaqueros Reservoir Expansion Project (Section 4.6 through Chapter 10)
- Volume 3: Draft EIS/EIR Los Vaqueros Reservoir Expansion Project (Appendices A – I)
- Volume 4: Final EIS/EIR Los Vaqueros Reservoir Expansion Project (Project Updates and Responses to Comments)

The Draft EIS/EIR describes the proposed Los Vaqueros Reservoir Expansion Project, identifies the environmental consequences associated with implementation of the project, specifies mitigation measures to reduce significant and potentially significant impacts, and analyzes and compares the environmental effects of the four action alternatives listed in Section 1.1, above, along with the No Project/No Action Alternative.

On February 20, 2009, CCWD and Reclamation released the Draft EIS/EIR for public review and comment. Five public hearings to receive public input on the Draft EIS/EIR were held at the following locations: Sacramento (March 23, 2009), Livermore (March 24, 2009), Dublin (March 26, 2009), Concord (March 31, 2009), and Oakley (April 2, 2009). The public hearings were recorded and a transcript was made for each hearing. The comment period closed on April 21, 2009. Written comments were received from federal, state, and local and regional agencies; organizations; and individuals.

The Final EIS/EIR consists of the entire Draft EIS/EIR (Volumes 1, 2, and 3) and Volume 4 with the comments, responses to comments, and revisions to the Draft EIS/EIR included herein. The key differences between the Draft EIS/EIR and the Final EIS/EIR include the following:

- Facility refinements including the reduction of the Eastside Trail (all alternatives), realignment of the Westside Trail for Alternative 4, and addition of a second core borrow area zone for Alternative 4
- Hydrologic modeling updates to reflect the recently issued 2008 U.S. Fish and Wildlife Service (USFWS) Operations Criteria and Plan (OCAP) Biological Opinion (BO) (USFWS, 2008) and 2009 National Marine Fisheries Service (NMFS) OCAP BO (NMFS, 2009), as well as comments on the Draft EIS/EIR
- Changed status of Alternative 3, which, based on the results of the impact analysis, will not be recommended for approval (if a revised version of Alternative 3 is pursued at a later time, additional CEQA and NEPA analyses and documentation would be required)

1.3 CEQA and NEPA Requirements for Responding to Comments

This document, Volume 4 of the Final EIS/EIR, has been prepared to respond to comments received from agencies, organizations, and individuals on the Draft EIS/EIR for the Los Vaqueros Reservoir Expansion Project. The CEQA Guidelines state that written responses to comments received on the Draft EIR must describe the disposition of significant environmental issues. In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed. NEPA requires that the Final EIS include and respond to all substantive comments received on the Draft EIS (40 CFR 1503.4). Lead agency responses may include the need to:

- modify the proposed project or alternatives;
- develop and evaluate new alternatives;
- supplement, improve, or modify the substantive environmental analyses;
- make factual corrections to the text, tables, or figures contained in the Draft EIS; or
- explain why no further response is necessary.

Additionally, the Final EIS must discuss any responsible opposing view that was not adequately discussed in the Draft EIS and must indicate the lead agency's response to the issues raised.

1.4 Requirements for Certification and Future Steps in Project Approval

The EIS/EIR is intended to be used by the CCWD Board of Directors and by Reclamation, as well as other agencies, when considering selection and implementation of one of the project alternatives.

Following completion of the Final EIS/EIR, CCWD's Board of Directors will hold a public meeting to consider certification of the Final EIR and to decide whether to approve one of the reservoir expansion alternatives. If the CCWD Board approves a project, it would prepare and adopt written findings of fact for each significant environmental impact identified in the EIS/EIR; a

Statement of Overriding Considerations, if needed; and a Mitigation Monitoring and Reporting Program. A Notice of Determination (NOD) would then be filed.

Reclamation will circulate the Final EIS for at least 30 days prior to taking action on the project and issuing its ROD. The ROD would address the decision, alternatives considered, the environmentally preferable alternative, relevant factors considered in the decision, and mitigation and monitoring.

1.5 Organization and Format of the Final EIS/EIR

This response to comments document (Volume 4 of the Final EIS/EIR) is organized as follows:

- **Chapter 1, Introduction**, describes the purpose, content and organization of the Final EIS/EIR, includes a list of commenters, and provides an overview of the approach to preparing responses to comments.
- **Chapter 2, Project Description Update**, describes refinements to the project alternatives proposed by the lead agencies since publication of the Draft EIS/EIR, and an assessment of potential impacts associated with the project description refinements.
- **Chapter 3, Master Responses**, presents responses to environmental issues raised in multiple comments. These have been termed “master responses”. They are organized by topic to provide a more comprehensive response than may be possible in responding to individual comments, and so that reviewers can readily locate all relevant information pertaining to an issue of concern.
- **Chapter 4, Individual Responses to Comments**, contains lists of all agencies, organizations, and individuals who submitted comments on the Draft EIS/EIR during the public review period, cross references to relevant master responses, and individual responses to the comments that are not addressed in master responses.
- **Chapter 5, Revisions to the Draft EIS/EIR**, presents revisions to the Draft EIS/EIR text based on issues raised by comments, clarifications, or corrections. Changes in the text are signified by strikeouts where text is removed and by underline where text is added.
- **Chapter 6, Comments Received**, contains copies of the comments received, organized by commenter category, as well as comments from the public hearings.
- **Chapter 7, References**, includes the references to documents used to support the comment responses.
- **Appendices A through C** contain technical information supporting the comment responses.
- **Appendix D** contains the transcripts from the public hearings.

1.6 Organization of Comments and List of Commenters

In order to facilitate the preparation of responses, each comment set (i.e., a letter, email, or public hearing transcript) received on the Draft EIS/EIR was coded, then broken down into individual comments and bracketed by topic or issue area; individual comments were then numbered. The

individual comments are referenced alphanumerically by comment set code and comment number and are shown in the right-hand margin of each letter or comment set. The coding for the comment sets consists of a prefix indicating the category of commenter (see **Table 1-1**) followed by the initials or acronym of an agency/organization or the individual's last name.

**TABLE 1-1
COMMENTER CATEGORIES AND ABBREVIATIONS**

| Category of Commenter | Coding Abbreviation |
|------------------------------|----------------------------|
| Federal Agencies | F |
| State Agencies | S |
| Local and Regional Agencies | L |
| Organizations | O |
| Individuals | I |

Within each comment set, the individual topics or issue areas are bracketed and numbered sequentially. For example, the first comment in the first set of comments from the East Bay Regional Park District (a local agency) is L_EBRPD1-01. Comments submitted via email, via U.S. Postal Service, or during a public hearing are all coded and numbered in the same way; if a single agency, organization, or individual submitted comments more than once, a number is added at the end of the comment ID code to indicate multiple submittals by the same commenter (e.g., L_EBRPD2 represents a second comment set, received either in a separate letter or as part of the oral comments presented at a public hearing). **Tables 1-2 through 1-6** list all agencies, organizations, and individuals that submitted comments on the Draft EIS/EIR during the comment period (February 20, 2009 through April 21, 2009). Chapters 3 and 4 of this document provide written responses to these comments.

1.7 Overview of Responses to Comments

As required by Section 15132 of the CEQA Guidelines and Section 40 CFR 1503.4(b) of the Council on Environmental Quality's regulations for implementing NEPA, the responses in this volume address significant environmental issues raised by commenters during the review period. They are intended to provide clarification and refinement of information presented in the Draft EIS/EIR and, in some cases, to correct or update information in the Draft EIS/EIR. In some instances, the text of the Draft EIS/EIR has been revised in response to a comment.

Many comments received on the Draft EIS/EIR did not address the adequacy or accuracy of the environmental analysis or did not identify any other significant environmental issue requiring a response; rather, these comments were directed toward the perceived merits or demerits of the Los Vaqueros Reservoir Expansion Project or expressed an opinion without specifying if and why the Draft EIS/EIR analysis was inadequate. CCWD and Reclamation, as the CEQA and NEPA lead agencies, acknowledge the receipt of these types of comments; however, limited responses are provided to such comments as they do not relate to the adequacy or accuracy of the Draft EIS/EIR or otherwise raise significant environmental issues.

**TABLE 1-2
FEDERAL AGENCIES THAT SUBMITTED COMMENTS ON THE DRAFT EIS/EIR**

| Comment Format | Comment ID | Name of Commenter | Title | Organization/ Affiliation | Date of Comment |
|-----------------------|-------------------|--------------------------|---|----------------------------------|------------------------|
| Email | F_EPA | Kathleen M. Goforth | Manager, Environmental Review Office, Region IX | Environmental Protection Agency | 4/21/09 |

**TABLE 1-3
STATE AGENCIES THAT SUBMITTED COMMENTS ON THE DRAFT EIS/EIR**

| Comment Format | Comment ID | Name of Commenter | Title | Organization/ Affiliation | Date of Comment |
|-----------------------|-------------------|--------------------------|------------------------------------|--|------------------------|
| Fax | S_Caltrans | Lisa Carboni | District Branch Chief | California Department of Transportation | 4/6/09 |
| Mail | S_CVFPB | James Herota | Staff Environmental Scientist | Central Valley Flood Protection Board | 4/23/09 |
| Email | S_DFG | Charles Armor | Regional Manager, Bay Delta Region | California Department of Fish and Game | 4/20/09 |
| Fax | S_DOC | Dan Otis | Williamson Act Program Manager | California Department of Conservation | 4/21/09 |
| Mail | S_DSOD | David A. Gutierrez | Chief | California DWR, Division of Safety of Dams | 3/16/09 |
| Mail | S_SWRCB | Katherine Mrowka | Chief Inland Streams Unit | California State Water Resources Control Board | 4/9/09 |

**TABLE 1-4
LOCAL AND REGIONAL AGENCIES THAT SUBMITTED COMMENTS ON THE DRAFT EIS/EIR**

| Comment Format | Comment ID | Name of Commenter | Title | Organization/ Affiliation | Date of Comment |
|-----------------------|-------------------|--|---|--|------------------------|
| Email | L_ACWD | Paul Piraino | General Manager | Alameda County Water District | 4/21/09 |
| Email | L_CCCDCD | John Cunningham | Senior Transportation Planner | Contra Costa County, Department of Conservation and Development | 4/21/09 |
| Email | L_CCCFC | Tim Jensen | Senior Civil Engineer | Contra Costa County, Flood Control and Water Conservation District | 4/21/09 |
| Email | L_CCCPW | Julia R. Bueren | Public Works Director | Contra Costa County, Public Works Department | 4/21/09 |
| Public Hearing | L_CCCSD1 | Ann E. Farrell | Director of Engineering | Central Contra Costa Sanitary District | 3/31/09 |
| Courier | L_CCCSD2 | Ann E. Farrell | Director of Engineering | Central Contra Costa Sanitary District | 4/21/09 |
| Fax | L_DDSD | Gary W. Darling | General Manager | Delta Diablo Sanitation District | 4/21/09 |
| Mail | L_DSRS | David A. Requa | Assistant General Manager/District Engineer | Dublin San Ramon Services District | 5/5/09 |
| Email | L_EBMUD | Alexander R. Coate | Director of Water and Natural Resources | East Bay Municipal Utility District | 4/21/09 |
| Email | L_EBRPD1 | Brad Olson | Environmental Programs Manager | East Bay Regional Park District | 4/21/09 |
| Mail | L_EBRPD2 | Kristin B. Burford and Matthew D. Zinn | Shute, Mihaly & Weinberger LLP | East Bay Regional Park District | 4/21/09 |
| Email | L_ECCCHC | John Kopchik | Executive Director | East Contra Costa County Habitat Conservancy | 4/21/09 |

**TABLE 1-4
LOCAL AND REGIONAL AGENCIES THAT SUBMITTED COMMENTS ON THE DRAFT EIS/EIR**

| Comment Format | Comment ID | Name of Commenter | Title | Organization/ Affiliation | Date of Comment |
|-----------------------|-------------------|--------------------------|---|--|------------------------|
| Email | L_RCRA | Craig K. Murray | Development Project Manager II | Richmond Community Redevelopment Agency | 4/20/09 |
| Mail | L_RD800 | Jeffrey D. Conway | District Manager | Reclamation District 800 | 5/5/09 |
| Email | L_SCVWD | Sandy Oblonsky | Assistant Officer, Office of Water Utility Enterprise Planning | Santa Clara Valley Water District | 4/21/09 |
| Email | L_SRCSD | Stan R. Dean | District Manager | Sacramento Regional County Sanitation District | 4/21/09 |
| Email | L_SWC | Terry L. Erlewine | General Manager | State Water Contractors | 4/21/09 |
| Email | L_Zone 7 | G.F. Duerig | General Manager | Zone 7 Water Agency | 4/21/09 |

**TABLE 1-5
ORGANIZATIONS THAT SUBMITTED COMMENTS ON THE DRAFT EIS/EIR**

| Comment Format | Comment ID | Name of Commenter | Title | Organization/ Affiliation | Date of Comment |
|-----------------------|-------------------|--------------------------|--|--|------------------------|
| Public Hearing | O_CCCFB | John Veitch | | Contra Costa County Farm Bureau | 4/2/09 |
| Email | O_CEMC | M. Scott Mansholt | Senior Environmental Project Management Specialist | Chevron Environmental Management | 4/21/09 |
| Email | O_CFBF | Christian C. Scheuring | Managing Counsel | California Farm Bureau Federation | 4/21/09 |
| Mail | O_DPBC1 | Richard M. Anderson | | Delta Pedalers Bicycle Club | 4/13/09 |
| Mail | O_DPBC2 | John Diaz Coker | | Delta Pedalers Bicycle Club | 4/13/09 |
| Mail | O_DPBC3 | Connie Davis | | Delta Pedalers Bicycle Club | 4/16/09 |
| Mail | O_DPBC4 | Steve Diputado | | Delta Pedalers Bicycle Club | 4/13/09 |
| Mail | O_DPBC5 | Phil Paulson | | Delta Pedalers Bicycle Club | 4/16/09 |
| Mail | O_DPBC6 | Dave Stoeffler | | Delta Pedalers Bicycle Club | 4/16/09 |
| Mail | O_DPBC7 | Kathryn Thomas | | Delta Pedalers Bicycle Club | 4/16/09 |
| Email | O_DWP | Anson B. Moran | General Manager | Delta Wetlands Project | 4/21/09 |
| Public Hearing | O_EBATC1 | Steven Eng | | East Bay Area Trails Council | 3/26/09 |
| Email | O_EBATC2 | Morris Older | | East Bay Area Trails Council | 4/21/09 |
| Public Hearing | O_EBBC | Bruce D. Ohlson | | East Bay Bicycle Coalition | 3/31/09 |
| Email | O_EBCNPS | Lech Naumovich | East Bay Conservation Analyst | East Bay California Native Plant Society | 4/21/09 |
| Email | O_NASNF | John Eustacio Negrete | Treasurer | Native Alliance of the Sierra Nevada Foothills | 4/22/09 |
| Email | O_PCL | Evon Parvaneh Chambers | Water Policy Assistant | Planning and Conservation League | 4/20/09 |
| Email | O_SMD | Troy Bristol | Land Conservation Associate | Save Mount Diablo | 4/21/09 |

**TABLE 1-6
INDIVIDUALS WHO SUBMITTED COMMENTS ON THE DRAFT EIS/EIR**

| Comment Format | Comment ID | Name of Commenter | Date of Comment |
|-----------------------|-------------------|--------------------------|------------------------|
| Email | I_Birnbaum | Mark Birnbaum | 4/9/09 |
| Mail | I_Chapman | David and Brenda Chapman | 4/21/09 |
| Mail | I_Collier | Gary Collier | 4/24/09 |
| Email | I_Desmond | Michael Desmond | 4/7/09 |
| Email | I_Fontaine | Dave Fontaine | 4/18/09 |
| Email | I_Graham | Betty Lu Graham | 4/20/09 |
| Email | I_Gunn | Joyce Gunn | 4/14/09 |
| Email | I_Harris | Adrienne Harris | 4/19/09 |
| Email | I_Horejsi | Dr. Brian L. Horejsi | 4/8/09 |
| Email | I_Mankin | Bob Mankin | 4/21/09 |
| Email | I_Navarro | Steven Navarro | 4/10/09 |
| Email | I_Netzer | Ralph Netzer | 4/13/09 |
| Email | I_Osterling | Ralph Osterling | 2/25/09 |
| Email | I_Pilkington | Corin Pilkington | 4/21/09 |
| Email | I_Quigley1 | Dick Quigley | 3/25/09 |
| Email | I_Quigley2 | Dick Quigley | 4/1/09 |
| Email | I_Saephan | Mey Saephan | 3/24/09 |
| Email | I_Sagehorn | Michael Sagehorn | 4/7/09 |
| Email | I_Vandeman | Mike Vandeman | 4/7/09 |
| Email | I_Vincent | Tammy Vincent | 4/10/09 |

Master Responses

Some issues received a substantial number of comments from numerous commenters, demonstrating common concerns among agencies, special interest groups (organizations), and members of the public (individuals). For these issues, a comprehensive discussion of the issue and related topics is presented as a master response in Chapter 3 of this document. Each master response provides an integrated and comprehensive response to a particular issue and related concerns.

The master responses are listed below:

- 3.1 Master Response 1: Project Purpose and Description
- 3.2 Master Response 2: Relationship to Other Initiatives and Projects
- 3.3 Master Response 3: Project Alternatives
- 3.4 Master Response 4: Approvals and Permits
- 3.5 Master Response 5: Delta Hydrology and Aquatic Resources
- 3.6 Master Response 6: Local Hydrology and Drainage
- 3.7 Master Response 7: Agriculture
- 3.8 Master Response 8: Biological Resources
- 3.9 Master Response 9: Transportation and Circulation
- 3.10 Master Response 10: Hazardous Materials/Public Health, and Utilities
- 3.11 Master Response 11: Recreation
- 3.12 Master Response 12: Cultural Resources
- 3.13 Master Response 13: Growth-Inducing Effects
- 3.14 Master Response 14: Climate Change
- 3.15 Master Response 15: Procedural Issues