

EBMUD HAPPY VALLEY PIPELINE PROJECT

Response to Comments Document

Prepared for

February 2011



EBMUD HAPPY VALLEY PIPELINE PROJECT

Response to Comments Document

Prepared for

February 2011



East Bay Municipal Utility District



350 Frank H. Ogawa Plaza
Suite 300
Oakland, CA 94612
510.839.5066
www.esassoc.com

Los Angeles

Olympia

Petaluma

Portland

Sacramento

San Diego

San Francisco

Seattle

Tampa

Woodland Hills

204369

OUR COMMITMENT TO SUSTAINABILITY | ESA helps a variety of public and private sector clients plan and prepare for climate change and emerging regulations that limit GHG emissions. ESA is a registered assessor with the California Climate Action Registry, a Climate Leader, and founding reporter for the Climate Registry. ESA is also a corporate member of the U.S. Green Building Council and the Business Council on Climate Change (BC3). Internally, ESA has adopted a Sustainability Vision and Policy Statement and a plan to reduce waste and energy within our operations. This document was produced using recycled paper.

TABLE OF CONTENTS

Happy Valley Pipeline Project SEIR Response to Comments Document

	<u>Page</u>
1. Introduction.....	1-1
1.1 Purpose of the Final Supplemental Environmental Impact Report	1-1
1.2 Environmental Review Process	1-1
1.3 Report Organization.....	1-2
1.4 Public Meeting	1-2
2. Comments and Responses.....	2-1
2.1 Eric and Kathy Bain	2-2
2.2 California State Clearinghouse	2-4
2.3 Central Contra Costa Transit Authority (CCCTA)	2-8
2.4 City of Orinda.....	2-10
2.5 Scott Kovalik	2-12
2.6 Jeanne McFarland.....	2-14
2.7 Louis and Rita Reginato	2-20
2.8 Jean Rowe.....	2-22
3. Text Revisions	3-1

CHAPTER 1

Introduction

1.1 Purpose of the Final Supplemental Environmental Impact Report

This report has been prepared to accompany the draft supplemental environmental impact report (DSEIR) for East Bay Municipal Utility District's (EBMUD's) Happy Valley Pipeline Project. The DSEIR assessed the potential impacts of proposed changes to the Happy Valley Pipeline Project proposed by EBMUD, and recommended mitigation measures to reduce significant and potentially significant impacts. This document responds to the comments on the DSEIR and makes revisions to the DSEIR, as necessary, in response to these comments. Together with the DSEIR, this document constitutes the Final SEIR for the project.

1.2 Environmental Review Process

In December 2006, the EBMUD Board of Directors approved the Water Treatment and Transmission Improvements Program (WTTIP) and certified an Environmental Impact Report (EIR) on the WTTIP (State Clearinghouse No. 2005092019). The EIR was both a program and project level environmental analysis. The purpose of the WTTIP is to address water treatment, transmission and distribution system needs in EBMUD's service area, particularly in Lafayette, Moraga, Orinda, and western Walnut Creek, through the year 2030. The WTTIP includes over 20 projects involving treatment plant facilities and transmission and distribution system pipelines, pumping plants, and reservoirs. EBMUD has advanced to design and construction of some WTTIP projects following EIR certification and, based on refinements to design and construction assumptions, is proposing to modify one of the WTTIP projects: the Happy Valley Pipeline (Project).

On November 19, 2010 EBMUD (the lead agency) released the EBMUD Happy Valley Pipeline Project DSEIR for public review (State Clearinghouse No. 2005092019). The public review and comment period on the DSEIR began on November 19, 2010 and closed on January 14, 2011. This Response to Comments document has been prepared based on comments submitted as a result of the public review period.

The Response to Comments document will be made available for a 10-day review period to the City of Orinda and others who commented on the DSEIR. Following this period, the EBMUD Board of Directors will consider this document and any additional comments received prior to certification of the Final EIR. The EBMUD Board of Directors anticipates certifying that the Final SEIR complies

with the requirements of California Environmental Quality Act (CEQA) at a regularly scheduled Board meeting in March 2011. As part of project approval, the Board will adopt findings for each significant environmental impact that are supported by substantial evidence in the record and shall adopt the Mitigation and Monitoring and Reporting Program (MMRP).

1.3 Report Organization

Chapter 2 of this document contains copies of comments received during the comment period and responses to those comments. Each comment is numbered in the margin of the comment letter, and the responses to all of the comments in a particular letter follow that letter. The comments are referenced alphanumerically by letter and comment number. With the exception of the comment letter from the City of Orinda, the comment letters are coded with the initials of the commenter or agency/organization name or acronym. For example, the first comment in the letter from Eric and Kathy Bain is EKB-1.

The following is a list of all persons and organizations that submitted comments on the DSEIR during the comment period:

Letter Code	Commenter
EKB	Eric and Kathy Bain
STCH	California State Clearinghouse
CCCTA	Central Contra Costa Transit Authority
Orinda	City of Orinda
SK	Scott Kovalik
JM	Jeanne McFarland
LRR	Louis and Rita Reginato
JR	Jean Rowe

1.4 Public Meeting

EBMUD held a public meeting at the Orinda Community Center on December 14, 2010. The purpose of this meeting was to inform the public about the Happy Valley Pipeline Project. About 14 people from the City of Orinda attended the meeting. Comments and questions focused on road closures and related detours, service disruptions during construction, damage to trees and landscaping, distribution system operations, and the rationale for moving away from the Lombardy Lane alignment to the proposed Miner Road alignment. The following information is provided in response to the questions and comments raised during the public meeting:

Leak History of the existing pipeline that crosses Lauterwasser Creek between Miner Road and Lombardy Lane. The rationale in moving the pipeline alignment from Lombardy Lane to Miner Road is that the new alignment has the benefit of replacing the aging pipeline that

crosses Lauterwasser Creek and is the only water supply connection between Happy Valley Reservoir and some residences in the vicinity of Miner Road. Staff indicated that if the Happy Valley Pipeline were constructed in Lombardy Lane, the pipeline that crosses Lauterwasser Creek would still need to be replaced in the coming years due to its leak history. Since 1960, there have been a total of eight leaks in the Right-of-Ways (ROWs) between Miner Road and Van Ripper Lane. As a result of this leak history, a short section of pipe was replaced in 1984 within the ROW on the property of 85 Van Ripper Lane. Due to the type of pipe (cast iron) and its age (1946), the District has also identified the need to replace it to avoid a potential emergency disruption of service. In any event, it would ultimately need replacement.

Settlement Agreement between EBMUD and the City of Orinda. The need to modify the proposed pipeline alignment (from Lombardy Lane to Miner Road) arose from a settlement agreement between EBMUD and the City of Orinda executed in February 2007, subsequent to the EBMUD's certification of the WTTIP EIR in December 2006. As part of that settlement agreement, EBMUD agreed to investigate options to minimize road closures during construction. After completing a detailed alternatives analysis, EBMUD determined that the proposed alignment in Miner Road would reduce traffic impacts relative to the alignment in Lombardy Lane. In its letter commenting on the DSEIR, City of Orinda staff acknowledges that the new alignment is consistent with the settlement agreement.

CHAPTER 2

Comments and Responses

From: Eric Bain [ericsbain@gmail.com]
Sent: Monday, January 10, 2011 4:06 PM
To: Happy Valley Pipeline
Cc: Katherine Fong
Subject: SEIR comment; attn David Katzev

Dear David,

At the public meeting regarding the SEIR for the Happy Valley Pipeline project, we asked what would be done should the roots from our large oak tree be found to be within the easement on our property. Your environmental consultant said that the roots would be trimmed with the supervision of an arborist and that the tree's health would be guaranteed for a period of five years after the project is completed. Can you confirm in writing that this is EBMUD's policy?

| EKB-1

thank you,
Eric and Kathy Bain
85 Van Ripper Lane
Orinda, CA 94563

2.1 Eric and Kathy Bain

EKB-1 The Mitigation Monitoring and Reporting Plan identifies the measures that the District will take to minimize adverse impacts to trees. Measure 3.6-1b-HVPL, identifies that any pruning or root cutting that is needed would be performed by a certified arborist. Measure 3.6-1c identifies that the District will guarantee the health of trees where construction occurs within the tree's dripline for a period of five years. Please refer to Appendix A of the DSEIR, page A-3, which provides the full text of these measures. Please also see Response JM-6, which identifies an additional mitigation measure to protect oak trees in the project area.



JERRY BROWN
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



January 4, 2011

David Katvez
East Bay Municipal Utility District
375 Eleventh Street, Mail Slot #701
Oakland, CA 94607-4240

Subject: Happy Valley Pipeline Project
SCH#: 2005092019

Dear David Katvez:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. The review period closed on January 3, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

STCH-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Comment Letter STCH

Document Details Report State Clearinghouse Data Base

SCH# 2005092019
Project Title Happy Valley Pipeline Project
Lead Agency East Bay Municipal Utility District

Type SIR Supplemental EIR
Description In December 2006, the EBMUD Board of Directors approved the Water Treatment and Transmission Improvements Program (WTTIP) and certified the Environmental Impact Report (EIR) on the WTTIP. Since then, EBMUD has advanced the design of some original WTTIP projects and is now proposing to modify one of those projects - the Happy Valley.

Pipeline in the City of Orinda - in order to reduce traffic disruption during construction and address reliability problems with an existing pipeline. Construction of the pipeline is occurring in two phases: Phase I and II. Construction of Phase I on Miner Road between Oak Arbor Road and Lombardy Lane was completed during the summer months of 2009. The proposed pipeline alignment for Phase II consists of three distinct segments of new 16-inch-diameter water pipeline. The first segment originates at the end of the Phase I alignment at Miner Road and Lombardy Lane and ends at the intersection of Miner Road and Tiger Trail Court. The second segment follows two existing District right-of-ways between Miner Road and Van Ripper Lane that traverses a ravine and Lauterwasser Creek. After crossing Lauterwasser Creek, the third segment follows Van Ripper Lane easterly and ends at the intersection of Van Ripper Lane and Lombardy Lane. The District has determined that road closure with restricted access would be necessary for pipeline installation on portions of Miner Road and on Van Ripper Lane. Pipeline construction in public roadways is proposed to occur from 9:00 a.m. to 9:00 p.m. Monday through Friday within District right-of-ways between 8:00 a.m. to 6:00 p.m. Monday through Friday. Construction would commence when the school summer vacation begins in 2013. Consistent with CEQA, the SEIR evaluates environmental impacts associated with the proposed pipeline alignment for Phase II.

Comment Letter STCH

Document Details Report State Clearinghouse Data Base

Lead Agency Contact

Name David Katvez
Agency East Bay Municipal Utility District
Phone (510) 287-2050 **Fax**
email
Address 375 Eleventh Street, Mail Slot #701

City Oakland **State** CA **Zip** 94607-4240

Project Location

County Contra Costa
City Moraga, Lafayette
Region
Lat / Long 37° 54.2' N / 122° 11' W
Cross Streets Moraga Road between Old Jones Hill Road and Rheem Boulevard
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 24
Airports no
Railways no
Waterways Lauterwasser Creek
Schools Sleepy Hollow ES
Land Use Residential

Project Issues Biological Resources; Cumulative Effects; Geologic/Seismic; Growth Inducing; Landuse; Noise; Public Services; Schools/Universities; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Aesthetic/Visual; Air Quality; Archaeologic-Historic; Wildlife; Soil Erosion/Compaction/Grading; Recreation/Parks; Minerals; Flood Plain/Flooding

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; State Water Resources Control Board, Divison of Financial Assistance; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 11/18/2010 **Start of Review** 11/18/2010 **End of Review** 01/03/2011

2.2 California State Clearinghouse

STCH-1 Notification was provided to the State Clearinghouse regarding the DSEIR comment period. The letter notes that the State Clearinghouse identified the end of the comment period as January 3, 2011. EBMUD accepted comments through January 14, 2011.

Comment Letter CCCTA

From: Anne Muzzini [muzzini@cccta.org]
Sent: Monday, November 29, 2010 2:30 PM
To: Happy Valley Pipeline
Subject: CCCTA comment

To whom it may concern,
County Connection (CCCTA) operates public transit service, Route 606, on Miner Road. This route only operates during the school year. If Miner road is closed or if it is otherwise impossible to drive a bus down, we will be impacted and most likely have to eliminate service to the riders who board at those stops. Thank you for the opportunity to comment,
Anne

CCCTA-1

--
Anne Muzzini
Director of Planning and Marketing
Central Contra Costa Transit Authority
2477 Arnold Industrial Way
Concord, CA 94520
925-680-2043
cell: 925-207-9177

2.3 Central Contra Costa Transit Authority

CCCTA-1 Comment acknowledged. As described in DSEIR Chapter 2, Description of the Proposed Project, and Section 3.2.7, Traffic and Circulation, construction of the Happy Valley Pipeline is scheduled to be completed over a two to three month period in the summer of 2013 to avoid potential conflicts with Route 606, which only operates during the school year.



January 13, 2011

Mr. David Katzev
EBMUD
MS #701
375 Eleventh Street
Oakland, CA 94607-4240

RE: Happy Valley Pipeline Project Draft SEIR, Dated November 2010 - Comments

Dear Mr. Katzev,

Thank you for the opportunity to review the Draft SEIR for the Happy Valley Pipeline Project. The City has reviewed the SEIR and has no objection to the conclusions reached regarding the new alignment for the pipeline. This new alignment is consistent with the settlement agreement for the Happy Valley Pumping Plant in that EBMUD has looked at alternative pipeline alignments in greater detail and selected an alignment that better meets the needs of the City.

Orinda-1
Orinda-2

We look forward to working with EBMUD to complete this project. It is our expectation that EBMUD will proceed with this project in the same cooperative manner as we experienced with the Miner Road, Phase I project during the summer of 2009. The City and the neighboring residents appreciated that EBMUD was willing to have the contractor work longer hours, coordinate the daily schedule with school hours and community events and generally have a schedule that accomplished all the work as quickly as possible. We hope that this same attitude and spirit of cooperation will carry over into this project.

Orinda-3

Sincerely,

Charles G. Swanson
Director of Public Works and Engineering Services

Cc: Janet Keeter, City Manager
Emmanuel Ursu, Planning Director

2.4 City of Orinda

Orinda-1 Comment acknowledged.

Orinda-2 Comment acknowledged.

Orinda-3 The District has planned this second phase of the Happy Valley Pipeline consistent with the approach taken in Phase 1. Specifically, the District has identified longer daily work hours to reduce the overall duration of the project and avoid impacts during the school year. The District appreciates the cooperation of the City of Orinda in planning the proposed project, and if the project is approved, will coordinate construction with the City and local residents.

East Bay Municipal Utility District

Happy Valley Pipeline Project

Draft Supplemental EIR

Orinda Public Meeting

December 14, 2010

Comment Card

Thank you for participating in tonight's public meeting on the Happy Valley Pipeline Project. Your comments are encouraged.

Name (Please print): SCOTT KOVALIK

Affiliation (If applicable): _____

Phone: _____ Email: scott@btig.com

Address: 10 Lombardy Ln

City, State, Zip: Orinda CA 94663

Comments

Thank You.
+ great to see a plan that saves:
- dollars,
- time
- traffic disruption
+ Seems well thought out and on target.

Congrats

SK-1

Written Comments may be submitted at tonight's meeting or mailed to:

David Katzev, Associate Civil Engineer
MS #701, 375 Eleventh Street
Oakland CA 94607-4240

Comments may also be emailed to:

happy.valley.pipeline@ebmud.com

Comments must be received by January 14, 2011 at 4:30 p.m.

2.5 Scott Kovalik

SK-1 Comment acknowledged.

Comment Letter JM

To: David Katzev
Associate Civil Engineer
East Bay Municipal Utility District
375 Eleventh Street, Mail Slot #701
Oakland, CA 94607-4240

From: Jeanne McFarland
Botanist, former Sudden Oak Death Manager
CA Bureau of Land Management
965 Crescent Way
Arcata, CA 95521

1/14/11

Re: Draft SEIR, Happy Valley Pipeline, Alternative route

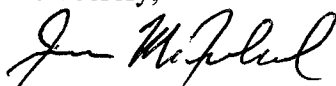
Dear Sir:

As a co-owner of 559 Miner Road, I am extremely concerned about a number of issues concerning the proposed alternate route along our property line. Please address the following issues/questions:

- 1) Will vehicles/equipment block our driveway? My step-father has lived there since 1970, and he just had a stroke. He will have special needs and problems could arise if access is limited. JM-1
- 2) What are our rights concerning vegetation removal? The redwoods near the mailbox can be replaced, but we have a rare Cork Oak near the property line that should not be damaged. JM-2
- 3) What guarantee do we have that the new trench down to the creek will not destabilize the slope? If mass slope failure occurs (its 17 feet down to bedrock!), large amounts of silt will negatively impact the creek JM-3
- 4) What guarantee do we have that the new trench down to the creek will not cut too many pine roots, and kill the trees that do hold the slope together? Or are the pine trees also to be cut? If we lose the pine trees, we'll lose that slope, as it will be unstable once its disturbed. There already seems to be degradation from the existing pipeline, though no slides have occurred on that slope in many years. JM-4
- 5) The noxious, invasive weed Scotch Broom is currently on the proposed trench zone near the creek, though we aggressively treat it yearly on our property to control it. What is your policy to prevent it and other noxious weeds' spread on our property and others? JM-5
- 6) Sudden Oak Death is in the Lauterwasser Creek watershed, and while we have many host plants as well as coast live oaks, which are killed by the disease, so far we have kept it off our property with vigilance. What is your policy for preventing the introduction of this disease to these four properties, as Contra Costa County is a quarantined county? What is our recourse if the disease occurs within a reasonable time after your project? JM-6
- 7) We were told that the trench would be "hand dug". What guarantee do we have that large, damaging equipment will not be used on our property? JM-7

I grew up in that house – my mother bought it in 1961 – and the creek was always a special place and a wonderful playground. As I've gotten older, I appreciate it even more, as "wild areas" become fewer. The potential for disturbance from this project is great, both temporary and continued if trees are killed and slope failure occurs, if new weeds or diseases are introduced. Please reconsider sticking to the original alternative, and leave the creek alone. JM-8

Sincerely,


Jeanne McFarland

2.6 Jeanne McFarland

JM-1 Access to the driveway at 559 Miner Road may be temporarily blocked during construction hours, when construction occurs within the District's ROW located on 557 Miner Road, adjacent to the commenter's property. As noted in DSEIR Section 2.3.2, construction within Miner Road would occur Monday through Friday between the hours of 9:00 a.m. and 9:00 p.m. and construction within the District's ROW adjacent to 559 Miner Road would occur Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m. Construction within the District ROW would occur over approximately one month. During this time, equipment located within Miner Road could temporarily impair access to the driveway. Vehicles entering or leaving the driveway could be delayed for several minutes while equipment is moved to allow access. In an emergency, all possible speed would be used to open access. In this manner, reasonable access to the driveway will be maintained throughout the construction period during working hours. Outside of work hours, full vehicle access will be maintained.

JM-2 With regard to the comment on the removal of the redwoods located in the District ROW (near an existing mailbox on Miner Road), as noted within the DSEIR Section 2.3.2, trees located within the ROW would be removed to provide construction access. Approximately 4-5 redwood trees in the District ROW on 557 Miner Road would be removed. Removed trees would not be replaced within the District ROW, as they have the potential to damage pipelines and make periodic maintenance very difficult. Removed trees would be replaced at an ecologically appropriate site or on EBMUD watershed lands. Alternatively, the District would fund riparian or upland restoration work offsite to compensate for tree loss. Please refer to Measure 3.6-1a-HVPL, Measure 3.6-1b-HVPL, Measure 3.6-1c and Measure 3.6-1d in Appendix A of the DSEIR for the full description of tree protection measures.

With regard to the cork oak, the District's tree survey identifies that the tree trunk is located directly on the property line of 559 Miner Road and the District ROW on the property of 557 Miner Road. Because the tree is located at the edge of the District's ROW, pipeline construction would occur within the tree's dripline and would most likely require trimming of the tree's roots to excavate the ditch for the pipeline. To the extent possible, impacts to the tree will be mitigated with measures identified in the Mitigation Monitoring and Reporting Plan (DSEIR, Appendix A). The tree will be clearly marked for preservation and fencing along the ROW boundary will exclude the tree trunk from the construction area (Measure 3.6-1a-HVPL). Root cutting and pruning that is needed would be performed by a certified arborist (Measure 3.6-1b-HVPL). The contractor will warrant the health of the tree for one year after project completion and the District will guarantee the health of the tree for an additional four years, for a total of five years. If the tree dies during the guarantee period as a result of project construction activities, the District will replace the tree by

planting a tree of the same species (Measure 3.6-1c) at an appropriate location outside of the ROW.

JM-3 As addressed in Section 3.2.3 of the DSEIR, construction of the pipeline will cross Lauterwasser Creek, which is deeply incised with steep side-slopes. To identify slope stability hazards and construction techniques to address these hazards, a draft geologic/geotechnical assessment was conducted during preparation of the DSEIR. Two geotechnical borings were conducted on the southern terrace above the creek, which was determined to consist of approximately 20 to 25 feet of alluvium above shale bedrock. Consistent with the recommendations provided in the geologic/geotechnical evaluation, the District has committed to implementing measures to ensure that slope hazards (including the potential for the slope to fail and discharge sediment into the creek) are reduced or eliminated. These measures include: burying the pipeline deep enough to avoid areas of unstable fill, backfilling the pipeline with controlled density fill to ensure the stability of the pipeline and surrounding fill, installing bank stabilization and/or erosion control features within the District ROW to prevent sloughing, and implementing a three-year monitoring program to assess the stability of the creek banks within the District ROW. Implementation of these measures, in conjunction with measures identified in the EIR to protect water quality (i.e., restoration of creek banks, compliance with Regional Water Quality Control Board requirements, and prohibiting stockpiling of soil in flood zones) would reduce or eliminate the potential for the discharge of silt and other contaminants into the creek. Please refer to Measures 3.4-1-HVPL, 3.5-1a, 3.5-1b-HVPL, 3.5.3, and 3.5.7-HVPL in the Appendix A of the DSEIR for the entire list of measures that the District will implement to ensure that no significant slope stability and water quality impacts would occur.

JM-4 As noted by the commenter, there are three large pine trees on the commenter's property (559 Miner Road) that are located near the District ROW. The District's preliminary tree survey indicates that these trees are located approximately 10 to 15 feet from the District ROW and each has an estimated trunk diameter at breast height of 30 to 36 inches. As identified in DSEIR Section 2.3.2, construction of the pipeline would require the removal of trees within the ROW; however, because the trees are located outside of the ROW, the District has no plans to remove the trees. Since the pipeline would be constructed within the root zone of the trees, some tree roots would be cut. As noted in Response JM-2, impacts to these trees will be reduced with measures identified in the Mitigation Monitoring and Reporting Plan. The ROW boundary will be fenced to restrict access to adjacent areas and reduce injury to the trees (Measure 3.6-1a-HVPL). Any pruning or root cutting that is needed would be performed by a certified arborist (Measure 3.6-1b-HVPL). In addition, the District will guarantee the health of trees where construction occurs within the tree's dripline for a period of five years, and the District will replace any tree that dies as the result of project construction activities (Measure 3.6-1c).

With regard to slope stability, as noted above, the District is not proposing to remove the pine trees outside of the ROW. Due to the distance of the trees from the existing pipeline (which would be removed and a new pipeline installed) of approximately 12 to 20 feet, the amount of tree roots that would need to be cut is not expected to cause the trees to die. As noted, the District will guarantee the health of the trees for a period of five years, and the District will replace any tree that dies as the result of project construction activities. If a tree dies, the stump and roots will be left in place, and a replacement tree planted, to preserve and replace the stabilizing properties of the root systems. With regard to “degradation from the existing pipeline,” the DSEIR, page 3-16, acknowledges that backfill used to install the existing pipeline has been creeping or sliding down slope. As noted in Response JM-3, the District has committed to implementing measures to ensure that the potential for slope failure to occur within the District ROW is reduced or eliminated. These measures would be designed to ensure that sliding that has occurred along the existing pipeline in the past does not continue. Implementing slope stability measures identified in Response JM-3 above will ensure that the project does not result in significant impacts to slope stability. Please refer to Appendix A of the DSEIR for the entire text of these mitigation measures.

- JM-5 As noted by the commenter, Scotch broom, a non-native invasive species, is located within the construction corridor. Prior to pipeline construction, trees and shrubs located within the District ROW would be removed. As identified in Measures 3.6-3c (DSEIR, Appendix A), after construction is complete the District will revegetate disturbed areas. Revegetation criteria will include general restoration concepts and methods, including use of locally native plant material, protection and restoration of soil conditions, irrigation, and control of aggressive non-native species. All revegetated sites will be monitored for five years. This measure will ensure that non-native species are not introduced into the area as a result of the project, and that non-native species are controlled within the District ROW.
- JM-6 Sudden Oak Death is caused by *Phytophthora ramorum*, an invasive water mold of unknown origin. This pathogen produces small sacs (sporangia) of swimming spores that readily break off and can spread in rain splash, drip, stem flow, wind, and by contaminated materials. The pathogen can cause mortality in tanoak (*Lithocarpus densiflorus*) trees and several oak tree species, such as coast live oak (*Quercus agrifolia*), which is located within the project area. Three confirmed occurrences of trees infected with Sudden Oak Death are in the vicinity of the project site. Two occurrences were recorded within Briones Regional Park northeast of the project site, and one occurrence was recorded just south of San Pablo Reservoir (California Oak Mortality Task Force, 2010). Common hosts that may be present within or near the project site include coast live oak, madrone (*Arbutus menziesii*), bay laurel (*Umbellularia californica*), and manzanita (*Arctostaphylos* sp.). The introduction of Sudden Oak Death into healthy oak woodlands at the project site as a result of contaminated construction equipment would result in significant indirect impacts on

oak woodlands. In response to this comment, the District has identified the following measure. This measure has been incorporated into the Mitigation Monitoring and Reporting Plan and implementation of this measure will reduce potential impacts from Sudden Oak Death to a less-than-significant level.

Mitigation Measure 3.6-10-HVPL: Sudden Oak Death Minimization

Measures. In order to reduce the possibility of spreading Sudden Oak Death (SOD) to oak woodlands at the project site, the District will incorporate the following measure into contract specifications for all work done within the District ROW:

- Contractor shall clean vehicles, equipment, tools and personnel, upon first arrival at the project area and again each time vehicles, equipment, tools or equipment are used at another project site with the potential for SOD. Cleaning and sanitizing procedures shall include:
 - Clean vehicles by washing all soil and plant material off of tires, wheel wells, and the undercarriage and exterior of vehicles with water, using soap when necessary.
 - Use boot brushes, a metal scraper, soap, water and scrub brushes to remove mud and debris from all job site personnel.
 - Sanitize tools that have contacted vegetation or soils using Lysol ® spray, a 70 percent or greater solution of alcohol, or a Clorox ® solution (1 part Clorox ® to 9 parts water or Clorox Clean Up®).
 - Rinse tools following sanitation to prevent corrosion of metallic and fabric surfaces caused by cleaning products.
 - Remove any branches, limbs, twigs, seeds, or other tree debris from vehicles and worker's clothing.
 - Dispose of any branches, limbs, twigs, or other tree debris removed from vehicles or workers at a permitted landfill facility.
 - Sediments and wash water shall be contained, containerized and disposed of in accordance to local, State and Federal regulations. The procedure for setup and handling of the sediments, debris and wash water shall be addressed in the Storm Water Pollution Prevention Plan (SWPPP).
 - Locate cleaning station sites in paved or rocked, well-drained areas such that vehicles exiting the stations shall not be contaminated by wash water.
- The District shall be responsible for inspecting all vehicles, equipment, tools and equipment for proper SOD cleaning prior to use in the project area.

JM-7 As described in Section 2.3.2 of the DSEIR, because the District ROW is narrow (approximately 10 feet in width), and the terrain is sloped, the majority of work in the ROW is expected to be completed by a mini-excavator (e.g. Bobcat) and/or by hand (including the use of jackhammers, plate compactors and other portable equipment).

In the portion near Miner Road, backhoes and excavators may also be used in the ROW. It should be noted that District ROW is located on 557 Miner Road and not the commenter's property. Accordingly, the ROW will be fenced and no equipment will be operated on the commenter's property without permission.

- JM-8 The District acknowledges the commenter's concerns. The District has evaluated the commenter's concerns regarding trees, slope stability and invasive weeds, and has identified measures to reduce associated impacts to less-than-significant levels. While the original alignment would avoid construction in Lauterwasser Creek, the original alignment would not replace the aging backbone pipeline in the District ROW. As noted in Section 1.4, due to the leak history of the pipe, the type of pipe (cast iron) and its age (1946), the District needs to replace it to avoid a potential emergency disruption of service.
-

References

California Oak Mortality Task Force, Areas of Sudden Oak Death Infestation Based on Best Available Field Data; Contra Costa County, October 2010.

Comment Letter LRR

From: Louis Reginato [lreginato@msn.com]
Sent: Thursday, December 02, 2010 11:08 AM
To: Happy Valley Pipeline
Subject: happy valley pipeline

As a Lombardy Lane resident for 45 years I would obviously favor the Miner Road route. I congratulate the engineers for coming up with this route instead of the Lombardy Lane one. It is very obvious if one looks at the map that less than 10% of residents (drivers) will be affected if the Miner Road is chosen. Not only that, the Miner Road residents will have an alternative route to town and the freeway as the road progresses to completion. I am somewhat perplexed that your engineers did not outright make the decision to choose the Miner route and skip the hearing. Thank you for keeping us informed.

LRR-1

Lou & Rita Reginato
117 Lombardy Lane
925 254-1867

2.7 Louis and Rita Reginato

LRR-1 Comment acknowledged. As described in DSEIR Chapter 2, Need to Modify Pipeline Alignment (within Section 2.2.2), the change in the project originated from the settlement agreement between EBMUD and the City of Orinda that was signed subsequent to certification of the WTTIP EIR. As part of the settlement agreement, EBMUD agreed to investigate options to minimize road closures. The proposed alignment in the DSEIR that mostly follows Miner Road would reduce traffic impacts in comparison to the Lombardy Lane alignment from the WTTIP EIR and would also replace an aging backbone pipe that crosses Lauterwasser Creek.

Comment Letter JR

From: Jean Rowe [jeanrowe@me.com]
Sent: Thursday, December 16, 2010 2:32 PM
To: Happy Valley Pipeline
Subject: Miner Road proposal

David - I attended your meeting last week which discussed the miner Road alternative for the Happy Valley Pipeline Project. I have one major concern:

You described the work schedule to consist of 9am - 9pm days. You mentioned the rationale for this was the "success" that you had with Phase 1 work schedule. I would like to mention that the number of houses impacted by the Phase 1 project was a very small number, many of which are located away from the street. The upper part of Miner Road has significantly more houses, at a higher density, with many properties situated directly on the road. Both from a noise and road closure perspective, I believe that many residents would have a problem with your work day going until 9pm. We regularly enjoy summer outdoor dining in our patio that is directly next to Miner Road - but with your crews working into the evening hours, this would not be possible. Even eating indoors would be quite noisy as our table is on the Miner Road side. Also, how can guests reach our house in the evening if the road is closed?

JR-1

I understand that shortening your work day would increase the duration of the project. Even with that in mind, I would prefer a 9am - 6pm work day. I am willing to put up with noise during the daytime hours and probable traffic delays but can't we enjoy some peace during the evening hours?

Thank you for your consideration,
Jean Rowe
539 Miner Road

2.8 Jean Rowe

JR-1 The District understands the commenter's concerns regarding the proposed construction schedule and the noise and road closures that will occur as the result of the project. The District has worked cooperatively with the City of Orinda to reduce disturbance to the community from this project. As part of these efforts, the District is proposing that work within Miner Road and other roadways between 9 a.m. and 9 p.m. Monday through Friday. These hours are proposed to reduce the overall duration of the construction period and avoid disruption to traffic during the school year. With regard to noise disturbance during evening hours, two factors will limit noise experienced by residents along Miner Road. First, pipeline construction along the roadway between Lombardy Lane and Tiger Tail Court is expected to proceed at a rate of approximately 80 feet per day. As construction is completed in one segment, road access will be restored and construction will move on. This will limit the duration that residents will experience construction in roadways near their home. Second, no new pipeline construction will occur in Miner Road between Tiger Tail Court and the ROW at 557 Miner Road. Additionally, the District has identified mitigation measures to reduce noise related impacts to residents. Measure 3.10-1a-HVPL (see Appendix A of the DSEIR), requires that construction activities will not cause daytime noise levels to exceed the 70-dBA speech interference criterion at the closest sensitive receptor (resident) for more than two weeks. Specific measures include limiting truck operations to daytime hours to the extent feasible, using best available noise control techniques, and locating staging and parking areas as far away from residential receptors as practicable. In addition, a District contact person will be designated to respond to construction-related issues, and the name and phone number will be provided with construction notifications to homeowners. This person will take steps to resolve complaints, including periodic noise monitoring.

With regard to access to your home during evening work hours, access to your home will be accommodated though some delays may occur if equipment or material is required to be moved or if a trench needs to be covered. A detour route will also be available to avoid construction on Miner Road between Lombardy Lane and Tiger Tail Court. As shown in Figure 2-4 of the DSEIR, drivers would be able to use Camino Sobrante to La Espiral Road to Las Cruces and then to Honey Hill Road, which becomes Miner Road. For access to and from State Route 24, drivers may also use Saint Stephens Drive. Outside of work hours, the work areas will be covered and vehicle access would be restored along Miner Road. Please refer to Chapter 2 of the DSEIR for a detailed description of the proposed construction activities.

CHAPTER 3

Text Revisions

3.1 Introduction

The following revisions have been made to the Draft SEIR (DSEIR) text. These revisions include: minor corrections made by the SEIR authors to improve writing clarity, grammar, and consistency; corrections, additions, or clarifications requested by a specific comment; or staff-initiated text changes to update information presented in the DSEIR. The text revisions are organized by the chapter and page number that appear in the DSEIR. ~~Strikethrough~~ text presented in this section indicates text that has been deleted from the DSEIR. Text that has been added to the Draft SEIR is presented as underlined.

3.2 Text Revisions

Chapter 3. Environmental Setting, Impacts, and Mitigation Measures

3.2.5 Biological Resources

The following text is added at the end of Section 3.25 on DSEIR page 3-40:

Impact 3.6-10-HVPL: Adverse effects to trees from Sudden Oak Death.

Sudden Oak Death is caused by *Phytophthora ramorum*, an invasive water mold of unknown origin. This pathogen produces small sacs (sporangia) of swimming spores that readily break off and can spread in rain splash, drip, stem flow, wind, and by contaminated materials. The pathogen can cause mortality in tanoak (*Lithocarpus densiflorus*) trees and several oak tree species, such as coast live oak (*Quercus agrifolia*), which is located within the project area. Three confirmed occurrences of trees infected with Sudden Oak Death are in the vicinity of the project site. Two occurrences were recorded within Briones Regional Park northeast of the project site, and one occurrence was recorded just south of San Pablo Reservoir (California Oak Mortality Task Force, 2010). Common hosts that may be present within or near the project site include coast live oak, madrone (*Arbutus menziesii*), bay laurel (*Umbellularia californica*), and manzanita (*Arctostaphylos* sp.). The introduction of Sudden Oak Death into healthy oak woodlands at the project site as a result of contaminated construction equipment would result in significant indirect impacts on oak woodlands.

Implementation of Measure 3.6-10 would reduce potential impacts from Sudden Oak Death to a less-than-significant level.

Mitigation Measures

Mitigation Measure 3.6-10-HVPL: Sudden Oak Death Minimization Measures. In order to reduce the possibility of spreading Sudden Oak Death (SOD) to oak woodlands at the project site, the District will incorporate the following measure into contract specifications for all work done within the District ROW:

- Contractor shall clean vehicles, equipment, tools and personnel, upon first arrival at the project area and again each time vehicles, equipment, tools or equipment are used at another project site with the potential for SOD. Cleaning and sanitizing procedures shall include:
 - Clean vehicles by washing all soil and plant material off of tires, wheel wells, and the undercarriage and exterior of vehicles with water, using soap when necessary.
 - Use boot brushes, a metal scraper, soap, water and scrub brushes to remove mud and debris from all job site personnel.
 - Sanitize tools that have contacted vegetation or soils using Lysol ® spray, a 70 percent or greater solution of alcohol, or a Clorox ® solution (1 part Clorox ® to 9 parts water or Clorox Clean Up®).
 - Rinse tools following sanitation to prevent corrosion of metallic and fabric surfaces caused by cleaning products.
 - Remove any branches, limbs, twigs, seeds, or other tree debris from vehicles and worker's clothing.
 - Dispose of any branches, limbs, twigs, or other tree debris removed from vehicles or workers at a permitted landfill facility.
 - Sediments and wash water shall be contained, containerized and disposed of in accordance to local, State and Federal regulations. The procedure for setup and handling of the sediments, debris and wash water shall be addressed in the Storm Water Pollution Prevention Plan (SWPPP).
 - Locate cleaning station sites in paved or rocked, well-drained areas such that vehicles exiting the stations shall not be contaminated by wash water.
- The District shall be responsible for inspecting all vehicles, equipment, tools and equipment for proper SOD cleaning prior to use in the project area.

Chapter 5. Cumulative Impacts, Growth Inducement Potential, and Irreversible Environmental Changes

5.1.1 Land Use

The first full paragraph on DSEIR page 5-2 is revised as follows:

The geographic scope of potential land use impacts encompasses the project area and immediate vicinity, including proposed staging areas and detour routes. Cumulative impacts related to the division of the project area's established community could occur if the project areas and construction schedules of the proposed project and the potentially cumulative projects listed in Table 5-1 overlap. Of the projects listed in Table 5-1, the Van Ripper Lane Pipeline Replacement and the developments at 1 Sunnyside Lane and Altarinda Road ~~the Orinda Grove housing development~~ are the closest projects to the proposed pipeline alignment (located adjacent to the alignment, approximately one mile, and two miles away, respectively). The Van Ripper Lane Pipeline Replacement project would be scheduled by the District to not overlap with the proposed project. Both developments ~~The remaining two projects~~ are in the planning phase and it is uncertain if these projects would overlap in schedule with the Happy Valley Pipeline project. All of the remaining cumulative projects that could have overlapping construction schedules with the project are located more than 2 miles away from the project area and would not contribute to potential cumulative impacts related to the physical division of an established community. Since the project would not introduce any land use changes, the project's contribution to cumulative impacts related to the physical division of an established community would not be considerable and would be less than significant.

5.1.2 Visual Resources

The second full paragraph on DSEIR page 5-2 is revised as follows:

The geographic scope of potential cumulative visual impacts includes the project area and immediate vicinities. Cumulative visual impacts could occur if the proposed project and the projects identified in Table 5-1 involved tree removal, construction of new facilities, or other changes that would affect the same visual resources. Temporary cumulative visual impacts could occur if the construction schedules overlapped, or if implementation of the projects adversely affected the same scenic resource. However, of the projects listed in Table 5-1, the Van Ripper Lane Pipeline Replacement, the 1 Sunnyside Lane development and the Orinda Grove housing development are the closest projects to the Happy Valley Pipeline project (located adjacent to the alignment, approximately one mile, and two miles away, respectively). The Van Ripper Lane Pipeline Replacement project would be scheduled by the District to not overlap with the proposed project. Both developments ~~The remaining two projects~~ are in the planning phase and it is uncertain if these projects would overlap in schedule with the Happy Valley Pipeline project. The 1 Sunnyside Lane development and the Orinda Grove housing development may result in tree removal, changes in site topography, and construction of homes; however potential visual impacts

from these developments are expected to be localized and mitigated through the planting of trees and other landscaping. The Van Ripper Lane Pipeline Replacement project may require minor trimming of several trees that hang over the roadway, but would otherwise have only a temporary visual impacts associated with the use of construction equipment and materials. All of the other projects listed in Table 5-1 are located over 2 miles away from the Happy Valley Pipeline project. For these reasons, it is prudent to assume that these projects would not substantially alter any scenic resources (including trees) in the vicinity of the Happy Valley Pipeline project. Thus, impacts on visual resources would not be cumulatively considerable. With implementation of Measure 3.3-2b and Measures 3.6-1a through 3.6-1d, which require site restoration and replacement of lost trees, the project's contribution to visual impacts would be less than significant.

5.1.3 Geology, Soils, and Seismicity

The first full paragraph on DSEIR page 5-3 is revised as follows:

The geographic scope of potential cumulative geologic and seismic impacts encompasses the project area and immediate vicinity. Although several of the cumulative projects listed in Table 5-1 could have similar geologic impacts as the Happy Valley Pipeline project, geologic and seismic impacts are generally site specific and depend on local geologic and soil conditions. As mentioned in Section 5.1.2, above, the closest cumulative projects are the Van Ripper Lane Pipeline Replacement, the 1 Sunnyside Lane development and the Orinda Grove housing development, which are adjacent to the alignment, approximately one mile, and two miles away from the project site, respectively. Since these developments would not directly overlap with the project area, potential geologic and seismic impacts would be site-specific and would not be additive with impacts of other projects listed in Table 5-1. For this reason and with implementation of Measure 3.4-1-HVPL, which requires geotechnical measures to ensure slope stability, and Measures 3.5-1a and 3.5-1b, which require control of runoff and compliance with water quality protection requirements, the project's contribution to cumulative geologic and soil impacts would be less than significant.

5.1.4 Hydrology and Water Quality

The second full paragraph on DSEIR page 5-3 is revised as follows:

The geographic scope of potential cumulative hydrology and water quality impacts generally encompasses Lauterwasser Creek and storm drains in the project area. As described in Section 3.2.4, Hydrology and Water Quality, project construction and earthmoving activities could result in increased erosion and sedimentation at construction sites adjacent to or near Lauterwasser Creek. The closest cumulative projects to the Happy Valley Pipeline project, including the Van Ripper Lane Pipeline Replacement, the 1 Sunnyside Lane development and the Orinda Groves housing development, are located adjacent to the alignment, approximately one mile, and two miles away, respectively. ~~Since neither of these projects~~ Of these, only the Van Ripper Lane Pipeline Replacement would

occur in the immediate vicinity of the project area ~~or~~ and Lauterwasser Creek, ~~no~~ reducing the potential for cumulative impacts related to hydrology and water quality are anticipated to occur. Hydrology and water quality impacts that could occur from the 1 Sunnyside Lane development and the Orinda Grove housing development include increasing impervious surfaces and the rate and volume of stormwater runoff, and increasing sediment and pollutant loads in surface waters. These impacts are expected to be minimized with the integration of vegetated swales and on-site stormwater detention to control and improve the quality of site runoff. The Van Ripper Lane Pipeline Replacement project would occur entirely within an existing roadway and would not result in an increase of impervious surfaces. Potential water quality impacts would be limited to construction related activities, especially exposing soil to erosion or discharging contaminants. These potential construction related impacts would be mitigated through EBMUD's construction specifications that require the prevention of erosion and discharge of hazardous substances. Further, the project's contribution to potential cumulative surface water quality impacts from construction and earthmoving activities would be less than significant with implementation of EBMUD's construction specifications and mandatory adherence to the National Pollutant Discharge Elimination System (NPDES) stormwater permitting requirements as well as implementation of WTTIP EIR Measures 3.5-1a and 3.5-1b. Potential impacts associated with the alteration of long-term drainage patterns would also be reduced to a less-than-significant level with implementation of Measure 3.5-7-HVPL, which requires a hydrological engineering analysis and design requirements to minimize erosion of the Lauterwasser Creek banks.

5.1.5 Biological Resources

The third paragraph on DSEIR page 5-3 is revised as follows:

The geographic scope of potential biological resources encompasses the jurisdictional waters and sensitive habitats (habitats for rare and endangered species and sensitive natural communities identified in federal, state, or local plans and regulations) within the project area as well as biologically linked areas in the vicinity of Lauterwasser Creek. The closest cumulative projects to the Happy Valley Pipeline project are the Van Ripper Lane Pipeline Replacement (adjacent to the project site), 1 Sunnyside Lane development (one mile away from the project), and Orinda Grove housing development (two miles away from the project) are approximately one and two miles away from the Happy Valley Pipeline project, respectively. While the Van Ripper Lane Pipeline Replacement would be developed near the proposed project, it would be developed entirely within Van Ripper Lane and would have minimal biological resource impacts. The Sunnyside Lane development and the Orinda Grove housing development could affect biological resources through the removal of native trees and the development of sensitive habitat; however, neither of these projects would directly overlap in area with the Happy Valley Pipeline project and because the locations of these cumulative projects are not biologically linked with the proposed project, no cumulative impacts related to biological resources are anticipated to occur. Thus, since neither of these projects would directly overlap in area

with the proposed project and because the locations of these this cumulative projects are not biologically linked with the proposed project, no cumulative impacts related to biological resources are anticipated to occur. Further, compliance with applicable state and federal regulations, general plan conservation measures, and project-specific permitting would mitigate any cumulative construction effects. For the proposed project, implementation of mitigation measures that address common and special-status species and tree protection (~~WTTP EIR~~ Measures 3.6-1a-HVPL through 3.6-1d, 3.6-2c-HVPL through 3.6-2f-HVPL, 3.6-3a through 3.6-3c, 3.6-4a-HVPL, 3.6-5, 3.6-6-HVPL, and 3.6-7a-HVPL through 3.6-7c, and 3.6-10-HVPL), would reduce impacts to affected biological resources. Therefore, with implementation of these measures, the proposed project's contribution to cumulative biological resource impacts would be less than significant.

5.1.7 Traffic and Circulation

The third full paragraph on DSEIR page 5-4 is revised as follows:

The geographic scope of potential cumulative traffic impacts includes Miner Road and Van Ripper Lane, the haul routes that would be used by construction vehicles traveling to and from the job site (including Lombardy Lane), and the detour routes used by drivers. Potential cumulative impacts could occur as a result of roadway improvement projects that occur on roadways affected by the proposed project, or by projects that generate increased traffic at the same time on the same roads as the proposed project. Among the projects listed in Table 5-1, the only projects that have potential to overlap in time and could affect the same roads as the proposed project include the Van Ripper Pipeline Replacement, Orinda Grove residential development on Altarinda Road and the 1 Sunnyside Lane residential development.

The first full paragraph on DSEIR page 5-5 is revised as follows:

These ~~two~~ three projects would generate construction traffic. While the Van Ripper Pipeline Replacement would be scheduled to avoid overlap in construction schedules, with the unknown schedule for the other two projects, ~~There~~ there is the potential for multiple construction-generated traffic for more than one project to use the same roads: that is, the total number of vehicle trips added to a common route due to concurrent construction of multiple projects could be cumulatively higher than the maximum number of daily and hourly vehicle trips used to determine impacts of a single project. However, the period of time of maximum trip generation would vary among the projects, and therefore, the maximum traffic flows on the common routes would not necessarily be the sum of the maximum trips generated by overlapping projects.

The second full paragraph on DSEIR page 5-5 is revised as follows:

The schedule of these ~~two residential~~ three projects listed in Table 5-1 is uncertain. Consequently, it is prudent to conclude that significant cumulative traffic and circulation and traffic-related noise impacts could occur. With implementation of Measure 5-1-HVPL,

the proposed project's potential impacts would not result in a considerable contribution to this potential cumulative impact.

The following row is added at the beginning of Table 5-1 on DSEIR page 5-8 to include additional cumulative project information received after publication of the DSEIR, as shown on the following on page.

Chapter 6. References

The following reference is added to after the fourth reference on DSEIR page 6-3:

Hanoian, Harvey, East Bay Municipal Utility District, email communication, February 3, 2011.

**TABLE 5-1
OTHER PROJECTS IN THE WTTIP AREA WITH POTENTIAL FOR CUMULATIVE IMPACTS**

Planning Jurisdiction	Project Name	Project Description	Project Status / Construction Schedule	Source
OTHER EBMUD PROJECTS				
<u>EBMUD (Orinda)</u>	<u>Van Ripper Lane Pipeline Replacement</u>	<u>Replacement of 1,800 linear feet of an existing 6-inch cast iron pipe on Van Ripper Lane with new 6-inch pipe. 450 feet of this replacement project parallels a segment of the Happy Valley Pipeline project.</u>	<u>Candidate replacement project / construction date uncertain.</u>	<u>Hanoian, 2011</u>

Appendix A. Mitigation Monitoring and Reporting Program

The following measure is added after Measure 3.6-9-HVPL on page A-7 of the MMRP:

**APPENDIX A
MITIGATION MONITORING AND REPORTING PLAN FOR THE HAPPY VALLEY PIPELINE PROJECT**

Note: This mitigation monitoring and reporting plan includes all mitigation measures identified in the WTTIP EIR that are applicable to the Happy Valley Pipeline Project, along with the new or revised measures identified in this SEIR. New or revised measures included in this SEIR include the tag HVPL after their number. Some text is shown in strikethrough to correct errata in the WTTIP EIR MMRP. The errata do not affect the Happy Valley Pipeline Project.

Mitigation Measures NOTE: Highlighted mitigation measures are those from the WTTIP EIR that have been revised.	Responsibility for Implementation	Responsibility for Monitoring	Impact(s) Being Mitigated	Check Box (Date)	Check Box (Date)	Check Box (Date)
<p>Measure 3.6-10-HVPL: Sudden Oak Death Minimization Measures. In order to reduce the possibility of spreading Sudden Oak Death (SOD) to oak woodlands at the project site, the District will incorporate the following measure into contract specifications for all work done within the District ROW:</p> <ul style="list-style-type: none"> • <u>Contractor shall clean vehicles, equipment, tools and personnel, upon first arrival at the project area and again each time vehicles, equipment, tools or equipment are used at another project site with the potential for SOD. Cleaning and sanitizing procedures shall include:</u> <ul style="list-style-type: none"> - <u>Clean vehicles by washing all soil and plant material off of tires, wheel wells, and the undercarriage and exterior of vehicles with water, using soap when necessary.</u> - <u>Use boot brushes, a metal scraper, soap, water and scrub brushes to remove mud and debris from all job site personnel.</u> - <u>Sanitize tools that have contacted vegetation or soils using Lysol ® spray, a 70 percent or greater solution of alcohol, or a Clorox ® solution (1 part Clorox ® to 9 parts water or Clorox Clean Up®).</u> - <u>Rinse tools following sanitation to prevent corrosion of metallic and fabric surfaces caused by cleaning products.</u> - <u>Remove any branches, limbs, twigs, seeds, or other tree debris from vehicles and worker's clothing.</u> - <u>Dispose of any branches, limbs, twigs, or other tree debris removed from vehicles or workers at a permitted landfill facility.</u> - <u>Sediments and wash water shall be contained, containerized and disposed of in accordance to local, State and Federal regulations. The procedure for setup and handling of the sediments, debris and wash water shall be addressed in the Storm Water Pollution Prevention Plan (SWPPP).</u> - <u>Locate cleaning station sites in paved or rocked, well-drained areas such that vehicles exiting the stations shall not be contaminated by wash water.</u> • <u>The District shall be responsible for inspecting all vehicles, equipment, tools and equipment for proper SOD cleaning prior to use in the project area.</u> 	<p><u>EBMUD's contractor</u></p>	<p><u>EBMUD engineer or EBMUD environmental manager</u></p>	<p><u>Impact 3.6-10-HVPL: Adverse effects to trees from Sudden Oak Death.</u></p>			