



Alameda Creek Alliance

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Sent to james.gilford@acgov.org

Mr. James Gilford, Director
Alameda County Community Development Agency
224 W. Winton Avenue, Suite 110
Hayward, CA 94544

Re: Scoping comments on SMP-23 Reclamation Plan Amendment

These are the scoping comments of the Alameda Creek Alliance on the proposed CEMEX Eliot Facility Project SMP-23 Reclamation Plan Amendment. The Alameda Creek Alliance is a community watershed group with over 2,000 members, dedicated to protecting and restoring the natural ecosystems of the Alameda Creek watershed. Our organization has been working to protect and restore streams in the Livermore-Amador Valley since 1997.

We have concerns about the potential impacts of reclamation activities proposed in the project on native fish and wildlife, aquatic habitat, hydrology and water quality in Arroyo del Valle and downstream in Arroyo de la Laguna and Alameda Creek. We look forward to an analysis of these potential impacts in the draft Environmental Impact Report for the project.

We question whether it is appropriate under CEQA to define existing conditions for the project as previously permitted conditions (which the NOP acknowledges could not be permitted by regulatory agencies under current regulations), rather than actual conditions on the ground.

The Notice of Preparation for the project acknowledges the future potential for anadromous fish to be present in the project area in Arroyo del Valle. We recommend that Alameda County contact the National Marine Fisheries Service to determine whether a consultation is necessary under the Endangered Species Act regarding potential impacts to federally threatened steelhead trout (*Oncorhynchus mykiss*). We note the high potential for occurrence in the project area of the western pond turtle (*Actinemys marmorata*), a California "species of concern" that has been petitioned for protection under the federal Endangered Species Act.

The project proposes an option of rerouting Arroyo del Valle to the south of its existing location along Lake B. We support option 3 as discussed in the NOP, with no realignment of Arroyo del Valle and no mining south of the existing Arroyo del Valle channel, to avoid significant impacts to Arroyo del Valle and its aquatic and riparian habitat. We support elimination of the previously-proposed concrete spillways and concrete and riprap apron and diversion of Arroyo del Valle into Lake A. Rerouting Arroyo del Valle into quarry pits would have had a significant impact on stream flows and aquatic habitat conditions downstream.

The proposed realignment of Arroyo del Valle is described in the NOP as an "enhancement," but the draft EIR should describe the current ecological conditions in the reach of Arroyo del Valle along Lakes A and B, including existing aquatic habitat, native vegetation, riparian resources, native fish and wildlife, nesting birds, and the potential presence of any special-status wildlife. The draft EIR should compare existing conditions in Arroyo del Valle with the

proposed conditions in a realigned, reconstructed channel and compare the relative habitat values for native fish and wildlife. The draft EIR should also describe what existing native riparian trees are to be removed due to realignment. The draft EIR should evaluate the feasibility of proposed riparian “enhancement” plantings in a realigned stream channel, including a discussion of survival of plantings during extended drought conditions, a watering program for plantings, proposed monitoring of plantings, and requirements should mitigation plantings fail.

The draft EIR should discuss the hydrology of Arroyo del Valle and how existing and future operation of mining pits and proposed water management and diversion will impact surface flows and habitat conditions for native fish and wildlife in Arroyo del Valle, Arroyo de la Laguna and Alameda Creek. Studies of quarry and gravel pit impacts have shown alterations of groundwater flow paths, significant decline in aquifer water levels due to quarry dewatering and rock removal, changes in hydraulic gradient, and loss of surface stream flow. The draft EIR should analyze the potential for mining adjacent to Arroyo del Valle, especially were mining to occur to both the north and south of the stream, to leave the stream channel “perched” above the water table, with resultant impacts on stream flows.

The project proposes installation of water diversion and conveyance structures that could significantly alter the hydrology, surface flow, water quality and habitat values of Arroyo del Valle in the project area, and further downstream in Arroyo de la Laguna and Alameda Creek. The draft EIR should discuss how these structures and their operation is consistent or inconsistent with Regional Water Quality Control Board policies regarding impairment of natural stream flows. The draft EIR should also discuss the water rights (or any lack thereof) regarding proposed water diversions and storage. The NOP acknowledges that the project could have potentially significant impacts on hydrology and water quality, by violating water quality standards and discharge, depleting groundwater supply, substantially altering existing drainage patterns, creating or contributing runoff water or degrading water quality. We look forward to an analysis of these potential impacts in the draft Environmental Impact Report for the project.

The NOP notes that the proposed 500 cfs water diversion structure along Arroyo del Valle would consist of a gravel infiltration bed adjacent to the channel, with an “environmentally sensitive” in-channel rock and concrete grade control structure that would be 3.2 feet above the stream bed, to support diversion of surface flows into Lake A. The NOP discusses designing the diversion structure to allow for fish passage, fish screens and minimum bypass flows. The draft EIR should evaluate the potential for this structure and its water impoundment to create fish passage problems for native resident or migratory fish, degrade water quality, and create habitat conditions for invasive predators of native fish and wildlife.

We disagree with the NOP conclusion of less than significant impacts to biological resources regarding interference with movement of native resident or migratory fish. Construction and operation of the diversion structure has potential to interfere with movement of native fish, even with proposed fish passage provisions. The diversion of up to 500 cfs from Arroyo del Valle at the diversion structure has the potential to dewater Arroyo del Valle and strand fish downstream. The draft EIR should specify whether the discussed minimum bypass flows will actually be implemented or required, and whether they are adequate to prevent fish stranding and allow fish passage upstream and downstream.

The draft EIR should discuss cumulative impacts of the project with other nearby projects to native fish and wildlife, aquatic habitat, hydrology and water quality in Arroyo del Valle and downstream in Arroyo de la Laguna and Alameda Creek. The NOP notes the Caltrans proposal to add riprap to the Arroyo del Valle channel as part of the State Rout 84 widening project.

The NOP notes that the California Department of Fish and Wildlife considers the East Alameda County Conservation Strategy (EACCS) as a template for all project mitigation in the East County. Any impacts from the proposed reclamation project should mitigate according to the EACCS.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Miller". The signature is fluid and cursive, with the first name "Jeff" and last name "Miller" clearly distinguishable.

Jeff Miller
Director