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Save Mount Diablo



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Re:	eller Canyon Landfill S	copina	CC:		
Phone: (925) 335-1238		Date:	1/16/2009	
Fax: (925) 335-1299		Pages:	10	
To: /	atthew Kelley		From:	Troy Bristol	



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anuary 16, 2009

Deidra Dingman, Project Planner

CCC Community Development Department

County Administration Building, 4th Floor

51 Pine Street

Martinez, CA 94553

Re:

File #:

LP08-2026

Tax Parcel #:

094-360-012

Applicant:

Keller Canyon Landfill Keller Canyon Landfill

Owner: Location:

901 Bailey Road, Pittsburg Area

Dear Ms. Dingman,

save Mount Diablo appreciates being given the opportunity to make comments on scoping for the Keller Canyon Landfill Conditions of Approval amendment application.

The County has stated that it intends to prepare a supplemental environmental impact eport which limits the scope of review to simply evaluate the impacts of the changes equested in the conditions of approval.

Save Mount Diablo's Position

Regardless of whether a supplemental or a full EIR is prepared Save Mount Diablo believes that there have been a large enough changes in circumstance to equire substantial analysis of all EIR categories of impacts, with special ittention to Biological Resources, Recreational Opportunities, Aesthetics, and Water Quality and Hydrology.

Save Mount Diablo believes this application is an opportunity to re-evaluate the significant environmental impacts of the Keller Canyon Landfill given changes in the surrounding areas and to properly mitigate and apply appropriate conditions of approval to the project.

The environmental conditions of East Contra Costa County and the lands surrounding he Keller Canyon Landfill have changed dramatically since the original Environmental Impact Report for the project was conducted in 1989. These changes reate new circumstances that require a re-evaluation of how the Keller Canyon andfill impacts a variety of resources.

Issues for Study

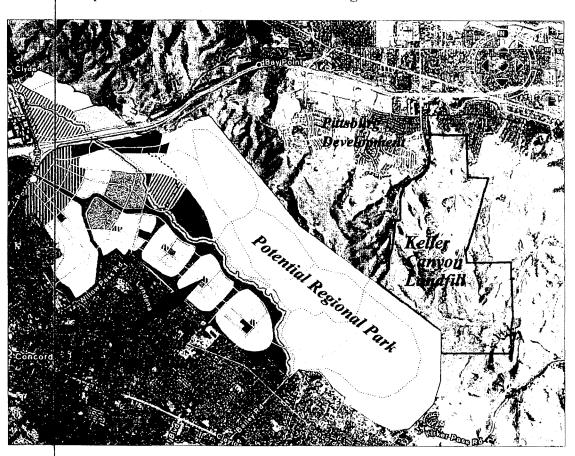
1. Land Use

Expansive development has occurred throughout East County over the past 20 years, converting large open space areas into residential use and depleting the natural habitat and movement corridors for a variety of species. More development is planned in the Pittsburg Hills and the Concord Naval Weapons Station – both in close proximity to the landfill – that will further limit wildlife habitat in the area. As a result, impacts of the landfill on natural resources are more significant and preservation of lands surrounding the landfill is even more important.

Contra Costa County adopted its Urban Limit Line in 1990. The creation of the ULL is meant to discourage major development in areas that contain high biological resource and aesthetic value and contribute to the County's agricultural viability. The Keller Canyon Landfil is located outside of the ULL and, as a result, the significance of its impacts on the surrounding areas may be greater than in 1989.

The East Contra Costa Habitat Conservation Plan (HCP) was adopted in 2008. The HCP establishes a coordinated process for permitting and mitigating impacts to special status species and their habitats. The landfill is located within the HCP's 174,018 acre inventory area which includes a variety of special status species and their habitats—a much longer list of special status species than considered in depth by the original Keller EIR.

Prior to the passage of Measure WW, East Bay Regional Park District updated its Master Plan to include a regional park at the Concord Naval Weapons Station and a regional trail from the Weapons Station to Black Diamond Mines Regional Preserve.



2. Compliance with Conditions of Approval

The updated Environmental Impact Report should include an analysis of whether the applicants have complied with the Conditions of Approval required in the original project and in subsequent LUP amendments. As we suggested in our previous letter, the EIR should include a condition by condition checklist in which a description and date is provided for each of the most previous actions taken to satisfy the conditions, and analysis of monitoring and mit gation effectiveness.

Specifically, the 1989 EIR states that "1,036 acres would be reserved for open space and agricultural uses and would serve as a Special Buffer Area. An 82-acre portion of the primary project ocated west of Bailey Road would also serve as a buffer area." (1989 EIR, Chapter 2, Pg. 2-1) The new EIR should describe how this open space has been preserved as well as a discussion of how biological conditions have changed since the preservation of the land.

Further, at the time of the original project very weak language was sometimes used to dedicate development rights; there may be the opportunity to tighten up protections in the current project.

Additionally, failure of compliance with the Conditions of Approval and mitigations would mean that impacts identified in the 1989 EIR and previous amendments have not been fully mitigated. If this is the case, the new EIR should require additional conditions and mitigations to properly address impacts that may have gone unmitigated.

3. Cumulative Impacts

In addition to the expansive development that has already occurred in East Contra Costa County current and future applications for development in the area present even greater threats to open space. The City of Concord is currently considering the reuse project for the Concord Naval Weapons Station, which abuts the Keller Canyon Landfill. The Naval Weapons Station reuse project could result in as many as 13,000 new residential units and the loss of over 2,000 acres of open space. The City of Pittsburg has approved the development of thousands of homes in the southwest hills near the Keller Canyon Landfill.

Cumulative impact analysis should include recent and proposed projects in the vicinity of the landfill

4. Biological Resources

As was stated above, the conditions in East Contra Costa County have changed significantly since the approval of the 1989 EIR. Expansive development in East Contra Costa County has limited the amount of suitable habitat for special status species in the area. In adopting the urban limit line and in subsequent tightening of the ULL, and several voter approvals, Contra Costa County has created policies which protect areas known to provide suitable habitat for special status species. The East Contra Costa County HCP/NCCP has identified a number of special status species that are found in the vicinity of the Keller Canyon Landfill. The new EIR should evaluate whether these changes have increased the significance of biological resources impacts.

The 1989 EIR states that "other than the San Joaquin pocket mouse, no unusual species were observed during the surveys or expected to occur on site." (1989 Keller Canyon Landfill EIR, Appendix J)

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We now know much better the full extent of species in the vicinity. According to the East Contra Costa Habitat Conservation Plan, a total of 69 special-status wildlife and 11 specialstatus fish species are known to occur or have the potential to occur within the inventory area. Given habitat in the lands surrounding the Keller Canyon Landfill, there is a high likelihood that 17 of the special-species identified occur in the project area. The project site is part of a known wildlife corridor for San Joaquin kit fox. Below is a complete list of all 17 special status species that have a high likelihood of occurring on the site along with a habitat description for each.

Longhorn fairy shrimp - Small, clear pools in sandstone rock outcrops of clear to moderately turbid clay- or grass-bottomed pools

Vernal pool fairy shrimp - Common in vernal pools; also found in sandstone rock outcrop pools

Midvalley fairy shrimp - Small, short-lived vernal pools, seasonal wetlands and depressions

Vernal pool tadpole shrimp - Vernal pools and ephemeral stock ponds

California tiger salamander - Small ponds, lakes, or vernal pools in grass-lands and oak woodlands for larvae; rodent burrows, rock crevices, or fallen logs for cover for adults and for summer dormancy

California red-legged frog - Permanent and semipermanent aquatic habitats, such as creeks and cold water ponds, with emergent and submergent vegetation; may estivate in rodent burrows or cracks during dry periods.

Silvery legless lizard - Habitats with loose soil for burrowing or thick duff or leaf litter; often forages in leaf litter at plant bases; may be found on beaches, sandy washes, and in woodland, chaparral, and riparian areas.

Alameda whipsnake - Valleys, foothills, and low mountains associated with northern coastal scrub or chaparral habitat; requires rock outcrops for cover and foraging.

Golden eagle - Nest on cliffs and escarpments or in tall trees overlooking open country; forages in annual grasslands, chaparral, and oak woodlands with plentiful medium and largesized mammals.

Swainson's hawk - Nests in oaks or cottonwoods in or near riparian habitats; forages in grasslands, irrigated pastures, and grain fields.

Western burrowing owl - Level, open, dry, heavily grazed or low stature grassland or desert vegetat on with available burrows.

San Johquin kit fox - Saltbush scrub, grassland, oak, savanna, and freshwater scrub.

California horned lizard - Grasslands, brushlands, woodlands, and open coniferous forest with sandy or loose soil; requires abundant ant colonies for foraging.

Northern harrier - Grasslands, meadows, marshes, and seasonal and agricultural wetlands.

White-tailed kite - Low foothills or valley areas with valley or live oaks, riparian areas, and marshes near open grasslands for foraging.

California horned lark - Common to abundant resident in a variety of open habitats, usually where large trees and shrubs are absent; grasslands and deserts to dwarf shrub habitats above tree line.

Loggerhead shrike - Prefers open habitats with scattered shrubs, trees, posts, fences, utility lines, or other perches.

The bioric analysis of the original EIR discusses the potential loss of habitat for the California tiger salamander and the Alameda whipsnake as an impact of the project. Both of these species are considered threatened and are impacted by the loss of habitat due to residential development. As more land is converted to residential uses in East Contra Costa County the remaining open areas, such as those surrounding the Keller Canyon Landfill, have become more important for these species and many others. The updated EIR should conduct new biotic studies in the area to determine the status of rare species on the project site and vicinity.

The Bic tic Resources section of the 1989 EIR identified Lawlor Creek as a perennial creek which crosses the buffer area of the property but provided only limited habitat value because it was so degraded by cattle usage. However, as part of the mitigations for the project a 35-acre area was to be fenced to exclude cattle and 11.6 acres of the Lawlor Creek's riparian corridor was to be revegetated as part of a restoration plan. The Keller Canyon Landfill Project Mitigation Plan section of the 1989 EIR states that "in its present condition, the woodland provides limited habitat value, but would offer habitat of significantly greater value, it improved." (1989 Keller Canyon Landfill EIR, Appendix J)

The new EIR should pay special attention to the segment of Lawlor Creek that was the subject of this restoration plan. If the 1989 EIR is correct in stating that habitat value would be greatly improved by the restoration of the creek, then it is likely that a biotic study would discover more wildlife in the area than the 1989 biotic studies were able to find. With conditions of the creek improved and habitat value increased, it is more likely that special status species, including California red-legged frog and California tiger salamander which are found in abundance on the neighboring Weapons Station property, will be found on the property.

The new EIR should evaluate whether the fencing and restoration of Lawlor Creek was implemented as was required as part of the mitigations in the 1989 EIR. In addition to biotic studies, consultation with regulatory agencies should be undertaken, and mitigations prepared as part of the EIR.

5. Recreational Opportunities

The open space corridor stretching across the Los Medanos hills from Suisun Bay and the Concord Naval Weapons Station to Black Diamond Mines Regional Preserve and Mount Diablo State Park offers a number of resources in addition to wildlife corridors and habitat.

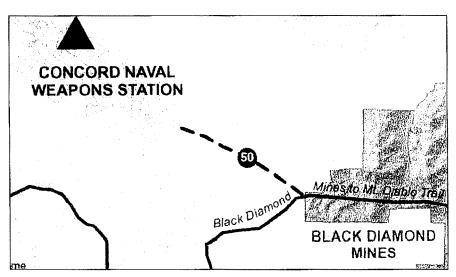
East Bay Regional Park District has applied for a public benefit conveyance to develop and manage a new regional park as part of the reuse plan for the Concord Naval Weapons Station. The Concord City Council has recently voted to approve a footprint for the Weapons Station which maintains 3,200 acres of the land as parks and open space — most of which is located on the eastern portion of the property adjacent to the project site. EBRPD identified

the acquisition of this property as one of its priority projects to pursue with the passage of Measure WW. The new regional park would be adjacent the Keller Canyon Landfill property.

In addition, the Park District recently updated its Master Plan to include a proposed trail in the vicinity of the Keller Canyon Landfill. While the Plan is conceptual in nature and trails aren't precisely located, the proposed trail would connect the CNWS to Black Diamond Mines Regional Preserve.

East Bay Regional Park District is close to completing a corridor of preserved land connecting Mount Diablo State Park to Black Diamond Mines Regional Preserve. With the acquisition of a few key parcels and the dedication of a regional trail easement, East Bay Regional Park District would be able to develop a recreational connection which would lead from the Concord Naval Weapons Station through Black Diamond Mines to Mount Diablo State Park.

The EIR should include mitigations which would require the dedication of a segment of a potential trail corridor stretching from the Concord Naval Weapons Station across the upper elevations of the land fill and toward Black Diamond Mines.



6. Aesthetics

The Los Medanos hills remain largely undeveloped and offer a beautiful landscape of rolling hills and sweeping canyons.

Thousands of people traveling Kirker Pass and Bailey Road on their daily commutes enjoy the dramatic landscape of the area despite increasingly intense traffic. As more land is preserved and recreational uses increase, the Los Medanos Hills will become an area for residents of Contra Costa County to come to seek tranquility and enjoy the area's natural beauty.

Areas surrounding landfills sometimes become littered with trash that either falls out of trucks on their way to the landfill or is blown out of the landfill by wind. As the undeveloped areas surrounding the landfill become littered, the aesthetic qualities of the area are compremised.

The EIR should evaluate what impacts the Keller Canyon landfill has on the scenic qualities of the area.



7. Water Quality and Hydrology

A healthy riparian corridor is essential to maintaining good water quality and hydrology. The 1989 EIR included mitigations and conditions which required preservation of Lawlor Creek and a planting plan to revegetate the riparian habitat corridor the creek. The goal was to "enhance the Lawlor Creek riparian corridor by fencing to exclude livestock, allowing vegetation to re-establish, planting oaks and riparian trees, and improving channel and stream flow conditions." (1989 Keller Canyon Landfill EIR, Appendix J)

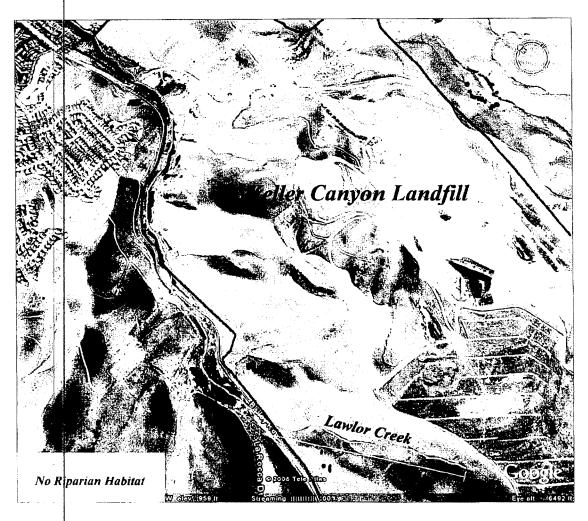
The enlancement measures proposed in the original EIR included, but were not limited to:

- Constructing a fence line along the perimeter of the 35 acre area to exclude cattle from the riparian oak woodland.
- Collection, planting and protection of oak trees along the slopes of the canyon.
- Establishment of willow thickets along most of the creek corridor to provide cover and thermal relief for wildlife.
- Establish a monitoring and caretaker program to ensure that wildlife habitat values are maintained in the future. (1989 Keller Canyon Landfill ElR, Appendix J)

Looking at aerial images, it appears as though none of the actions proposed by the 1989 EIR were implemented in the upper portion of the creek area. This portion of the creek corridor contains almost none of the trees or plants that would create a healthy riparian habitat. Was this portion of Lawlor Creek included in the area specified for protection and habitat enhancement? If not, the new EIR should include a mitigation measure which requires that the entire length of Lawlor Creek within the property be fenced and a planting restoration plan implemented.

If the nitigation measures from the 1989 EIR were meant to include the entirety of Lawlor Creek, the new EIR should evaluate whether those mitigations were implemented. The EIR should include discussions which specifically identify whether fencing was constructed to protect the entire creek corridor and whether any planting was done to enhance the riparian habitat

Furthernore, the EIR should state whether a monitoring and caretaker program was ever established. If such a program was established, the EIR should evaluate the way in which this program has been implemented and whether any reporting was included as part of the program. If no such program exists, the EIR should require the applicant to create one which includes regular reporting of conditions of the creek and specific actions being taken to confront issues.



8. Traffic and Air Quality

The population increase that has occurred in Eastern Contra Costa County has had a major impact on traffic and transportation throughout the Bay Area. Many people living in Antioch, Pittsburg, Brentwood, Oakley and areas further east work in Central Contra Costa County, Oakland, or San Francisco. Intense traffic on Highway 4 forces many commuters travelling from East County to the rest of the Bay Area to seek alternative routes, such as Bailey Road, to get to and from work every day.

The traffic volume in Bailey Road has increased to a level that was not planned and was not foreseen in the 1989 Keller Canyon Landfill EIR. As the only route allowed for service trucks to access Keller Canyon Landfill, the EIR should consider how the estimated 320 daily trips to the landfill further contributes to the high levels of traffic already experienced on Bailey Road.

In the twenty years that have passed since the original Keller Canyon EIR was prepared, the increased awareness of the effects of green house gases (GHG) has caused state and regional planning agencies and governing bodies to alter their planning goals and policies. California state laws such as Assembly Bill 32 and Senate Bill 375 place an emphasis on reducing greenhouse gases by trying to alleviate the major causes of traffic, especially in the areas of the state with the most gridlock. The 320 daily trips to the Keller Canyon Landfill along Bailey Road exacerbate the traffic conditions of Eastern Contra Costa County and further contribute to green house gas emissions.

The EIR should evaluate how the use of Bailey Road to access the Keller Canyon impacts traffic conditions and greenhouse gas emission in the area. Traffic impact assessments in the 1989 EIR are inadequate because they were assessed at a time in which traffic levels in the area were much lower and the severity of the impacts of greenhouse gases was unknown.

We appreciate your consideration of our comments and hope that they are useful when evaluating the impacts of and designing mitigations for the Keller Canyon Landfill.

Sincerely,

Troy Bristol

Save Mount Diablo