

Public Comments

Responses

BACKGROUND/INTRODUCTION

1. I would also ask that Nomad specify how many properties they actually visited and what percent of the total number of properties both in number and acreage this was. It will help anyone reading these years from now to know what detail Nomad collect by themselves.

2. Also, somewhere they should say how many properties there are in the area studied.

3. I would like to see an introduction section that explains how they created the document i.e. they gathered already existing information and put it together in one place – and that most all of the information is not theirs (and not really verified by them) but rather their organization of the latest information. Putting this as a paragraph in the beginning will help the reader to understand who the data were collected. It took me a number of pages to understand it was not their data. (If they have already said this then I missed it as my eyes fuzzed.).

4. Paragraph 1.4.6 – EACCS Clarification

1. To address this comment the following text was added to the Introduction and Sections 1.2 and 2.4. “The study consisted of a review of existing literature on the region combined with site visits to both accessible parcels and observations from public right-of-ways” (Intro). “This study area contains a total of 233 parcels in the NLSA” was added to Section 1.2. Added the following text to Section 2.4 “During these reconnaissance site visits, Nomad had access to 22 of the 233 parcels, where permission had been granted. These 22 parcels total 3,321 acres or 24% of the study area. Where access was not granted parcels that were adjacent to public right-of-ways were surveyed from the road. A total of 159 parcels were evaluated in this manner. Fifty-two parcels, totaling 3,127 acres, were neither directly accessible nor observable from any public right-of-way.

2. The following text was added to the Introduction, Sections 1.2 and 2.4, “There are 233 parcels in the NLSA”.

3. Added sentence in Section 2. Introduction “The study consisted of a review of existing literature on the region combined with site visits to accessible parcels.’ Under Section 1.4 Background included a sentence “The following sections provide a summary of these background documents and are intended to frame the NLSA in light of these efforts. Documents reviewed for study are listed below.” Included a bullet list of background documents that were reviewed.

4. Modified Section 1.4.6 to clarify East Alameda Conservation Strategy. Did not include URL because then we would have to add URL for every working group we discuss (Tri valley business council, Save Mt Diablo etc) and the URL is easy enough to find using Google.

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<p style="text-align: center;"><u>BOUNDARIES</u></p> <p>1. Mention is made of the eastern boundary as Brushy Peak Regional Preserve – but rarely was Brushy Peak mentioned as part of the eastern boundary. EBRPD owns the Regional preserve and the LARPD owns Brushy Peak itself.</p> <p>2. In addition, looking at the maps shows that neither of these areas is really the eastern boundary of the plan area – it is either Laughlin Road or the land fill – not the parks themselves. So there should be more accuracy regarding the details of the boundaries.</p>	<p>1 and 2: Brushy Peak is located NE of the boundaries – the east boundary goes through the Regional Preserve and along the boundary of the Preserve. Every map shows the boundaries –starting with Figure 1.1 – could show magnified versions if needed but if one was to review the study online then whichever map they are looking at could be magnified on screen.</p>
<p style="text-align: center;"><u>DATA RESOURCES</u></p> <p>1. Urge TVC to make sure the data used were the most up-to-date and accurate</p> <p>2. Zoning 7 pipeline (proposed – not updated)</p> <p>3. The draft north Livermore plan currently shows the pasture north of Hartford Road as low priority. In fact, that pasture has the best displays of field wildflowers anywhere in the East Bay, in good years, and it’s the only place people can get a sense of the glory that the valley was in Robert Livermore’s days. If you lose the Hartford pasture to vineyards or any other kind of plowing or development, the north Livermore conservation plan will be a failure. I have put the area concerned on a map and I am providing it to Heath.</p> <p>Attached are 3 maps that should be helpful in supplementing Nomad’s N. Livermore work. The first two were studies done by the NRCS in 2002. They show agricultural lands by generalized soil classification and Storie Index. The Storie index is a soils rating method for potential agricultural usage. The third map, which was done in 1997 by Harvey and associates, depicts the known range for the San Joaquin kit fox through the study area. I am sure that Heath will see that this range is well east of his study area and will so note it in his study.</p>	<p>Received updates from</p> <p>1 and 2. Based on the new GIS shape files sent by Mary Lim at Zone 7, their pipeline is no longer aligned within the Study Area; therefore the reference to the Zone 7 pipeline was removed from Section 4.5 Wildlife Corridors. Figure 4.11 will be revised to represent the new alignment. Also revised text in Section 4.8.3 Proposed Future Projects in the Region under Zone 7 to reflect new pipeline alignment. Figure 4.1.7 will be revised to show new alignment as well as the pipeline section north of 580, from Vasco Road through North front Road and then up Dyer Road as “preliminary” on maps per Zone 7 request.</p> <p>3. Added Wildflower Fields as a Vegetation Type using Holland Description and description in Edwards Thayer Four Seasons Article. Added Wildflower Fields to table 3.3.</p> <p>Will be adding acreage of Wildflower fields in Table 3.2 and decrease acreage of grassland in the same table. Calculations in the GIS model will be revised to reflect the addition of wildflower fields as they relate to priority ranking.</p>

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DATA RESOURCES cont...

4. At our meeting with Nomad, I agreed to research some of my past environmental documents such as geology and hydrology for Heath. Attached is related material that was part of the April 2000 DEIR for the North Livermore Specific Plan.
5. The first two attached sheets show the general location of the Greenville fault that cuts through the north side. The second sheet, figure 8.2, shows a more detailed location through the study area and the valleys various geological formations. This fault line is significant from a seismic issue, but also the effect is has on the valley's hydrology. And more specifically on the subsurface waters that feed into the Birds beak sump. You will note that on attached page 10-4, Ground Water Quality, the water on the western portion of the fault is good, while the water on the eastern side of the fault is of poor quality. (High concentrations of nitrate, boron, sodium chloride etc.) This high alkalinity water is not suitable for domestic, agricultural or industrial uses, but is apparently what the Birds beak thrives on.
6. Page 127, section 4.8.2 Conservation Easements: Incorrect information and location. Suggest adding a paragraph describing a biological conservation easement as compensation/mitigation for a project's effects/impacts to listed or sensitive species rather than listing an incomplete inventory
7. Figure 4.17: Map does not accurately represent planned/proposed development and conservation easements for listed species.
8. Page 129, section 4.8.3, Proposed Future Projects in the Region: Inaccurate information.

4 and 5. Compared the hydrology of the Questa and Springtown Management Plans and added this text to section 3.2.3. The hydrology and watershed that supports the Springtown Alkali Sink has been studied in both Coats (1988) and Questa (1998). After review, the hydrologic boundaries presented in both of these studies are nearly identical. For the purposes of this study the Coats (1998) hydrologic boundaries are utilized. We are not addressing groundwater as it relates to North Livermore as a part of this study.

6. Added the following text to Section 4.8.2 Conservation Easements are non-possessory, interests that are held by a party other than the landowner. The terms of the conservation easement are negotiated between the landowner and the conservation organization. Conservation easements restrict the uses which the landowner may make of the land, specifically activities which harm the conservation values of the land. Biological conservation easements are generally compensation/mitigation for a project's effects or impacts to sensitive biological resources. Will be breaking out Conservation Easements vs. true Public Land on maps.

7 and 8. Contacted City of Dublin for accurate development proposals.

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TRAILS

1. On his slide “Potential Trail Corridors” the “Trail Builders” are listed – but City of Pleasanton is included and this is nowhere near any of their city and they would not be involved in building trails in north Livermore
2. Also, the City of Livermore would not likely build trails outside the Urban Growth Boundary and outside the city limits.
3. It’s really only the LARPD, EBRPD and maybe the County that would build trails up there. So those two cities should be deleted.

1, 2 and 3. These trails are primarily in North Livermore BUT they will connect through City of Pleasanton and City of Livermore - see Figure 4.13.

During the presentation all four organizations were identified as “Builders”.

Currently LARPD trails for the SLVAP are being coordinated by City of Livermore Engineering for both construction and funding.

These trails are about connecting the community which should include acknowledgement and participation of all.

The legend in Figure 4.13 will be changed from City of Livermore to LARPD. In Appendix D in Table changed trails from Livermore to LARPD. Global searched City of Livermore and added LARPD if it was in reference to Trails.

IRRIGATION/AGRICULTURE

1. Water Needs of this area? Dry land farming and/or Irrigation?
2. How is this area watered? Irrigated? Well?
3. Friends of the Vineyards would like to see more emphasis on productive agriculture. The valley floor is already disturbed, not exactly a wilderness suitable for wildlife. Unless landowners can derive economic return from their holdings, the pressure for urban development will eventually become Overwhelming. We recognize that agriculture may be de-emphasized in the Document because high-income agriculture requires water and there isn’t much available at present. The Tri-Valley Business Council looked into this, and they came up with a (expensive) plan for imported water. The Winegrowers Association is sponsoring a meeting March 4th on water in the valley; maybe something interesting will happen there.

1. Section 4.7.2 page 120 discusses the potential from TVBC Agriculture Water Task Force Draft Working Landscape Plan.
2. Section 4.7.1 page 117 discusses the three locations that currently have irrigated agriculture. Added the sentence to Section 4.7.1 Irrigated Agriculture and Section 3.4.2 Land Cover “These areas occupy small acreages and presumably utilize ground water pumped from a well as the source of irrigation.”
3. Added under Section 4.7. Agricultural Lands. “Within the study area agriculture is identified as activates that are currently on-going. Although the North Livermore Intensive Agriculture Program provides a framework for additional agricultural opportunities in the future this section addresses only existing agriculture within the study area, not the future potential of agricultural operations in North Livermore. Existing agriculture in the NLPA includes dry land farming, grazing, and irrigated agriculture.

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NORTH LIVERMORE PROPERTY OWNERS

1. Would it make sense to list the major property owners up there and where their land is located. I assume the Lin Family are major players up there – but what parcels do they own?

2. I know it is included in the plan, but you might be able to better explain or emphasize that TVC works only on a voluntary basis, with no powers to forced compliance. And I would make it a point to tell the readers that TVC works with land owners to help them protect and preserve land that has been in their family (sometimes for many generations) from unwanted development.

3. Up until the public meeting on February 5th, it appears that there was no opportunity for public input, particularly by the affected property owners. Without their enthusiastic support, it seems the plan will be a nice addition to your bookshelf but will have little impact on the ground. The question arose as I looked at the maps and saw all the parcels, who actually owns the land? For example, did Pardee buy the land for their defeated proposal, or did they just get options?

1. This information is available at the County Clerk’s counter. TVC does not publicly list owners of parcels out of respect for the property owners.

2. This text was added to Section 1.1. “TVC accomplishes this mission by working with willing landowners and provides them alternatives to subdividing or developing their property through conservation easements, deed restrictions, and other methods. TVC works only on a voluntary basis. TVC has no power to condemn property, nor does TVC wish to have that ability. TVC works with land owners to help them protect and preserve land that has been in their family, sometimes for many generations, from unwanted development” (TVC 2008).

3. This information is available at the County Clerk’s counter should one need this information – TVC does not publicly list owners of parcels out of respect for the property owners.

CRITERIA FOR PRIORITIES

1. It will help the reader to know more detail on the criteria used to determine the high, medium, and low priority areas. In the document (which I read as much as I could on the screen until my eyes fuzzed over) the three levels seem to be based on when they might be developed, but the presented discussed priorities based on parcel size: so each set of criteria need to be clearly written somewhere.

1. There is a detailed description in Section 5, Key Parcels methodology.

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CRITERIA FOR PRIORITIES cont...

2. How are the factors weighted? Low point value for ag ~ Higher for alkali sink

3. Priorities ~ necessary to preserve the whole parcel?

4. Energy ~ Wind & Etc. How does it fit?

5. Conflicts – Encourage Ag vs. Habitat corridor
6. What about small parcels (20 acre)?
7. In section #1 and throughout the document, consider replacing the wording or reference to “prioritizing lands for conservation easement” with wording that says something to the effect of “identifying the extent to which a property can offer multiple conservation easements” In other words how much in the way of conservation opportunities does a specific piece of property offer (high medium, low). What I am suggesting is to clarify the notion that some properties are prioritized higher on the list for seeking an easement than other properties and that a low priority property might not be approached by TVC for years if ever. This may be true, but that doesn’t prevent any land owner in the plan area from negotiating an easement with TVC, even if their property is considered to be a low conservation producing property.

8. There appears to be no policy input on the part of TVC about your vision for the area. In ranking of parcels to be protected, there is a scoring system, but a vision for the area seems to play no part. The ranking seems to be based on flora, fauna, and habitat. It is called a Resource Conservation Plan, but shouldn’t there be some priority given to agriculture, recreation, and trails along with natural resources?

2. Added sentence to Section 1. Introduction that reads “Each Critical Conservation Resource was analyzed independently” and under Section 4 and 5 added “Each goal is analyzed independently.”
3. Language is in the document that states entire parcels do not necessarily need to be preserved depending on the conservation goal.
4. The majority of the area for Wind is up in the Altamont Pass not down in the NLVAP. There are those who are concerned about the breeding of the Golden Eagles – the study does identify them and habitat suitability on page 86.
5. This is a case by case situation.
6. Again case by case dependent on location and conservation values.
7. Added to Section 1 Intro: One parcel may meet one or several conservation goals and can offer multiple conservation easements.

Added to Section 5.2 Results: In addition, owners of parcels that are ranked low priority for Critical Conservation Resources may still negotiate a conservation easement with TVC and are encouraged to do so. Added sentence to Section 1. Introduction “Each Critical Conservation Resource was analyzed independently” and under Section 4 and 5 added “Each goal is analyzed independently.”
8. TVC’s vision for the area is to see land conserved, preferably under private ownership. Parcel location will be taken into consideration.

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<p><u>CRITERIA FOR PRIORITIES</u> cont...</p> <p>9. There is potential for conflict when implementing agricultural and habitat resource goals. The City is interested in the extent to which, and whether, the Conservancy will prioritize these plan goals in portions or all of the area.</p> <p>10. It wasn't clear that the alkali sink had any more priority over agriculture land that existed in the sink watershed.</p>	<p>9. This text was added to section 5.2. "It is the intent of this study to prioritize agricultural and habitat resource goals on a case-by-case evaluation. Examples of variables (soil types, slopes, land use, etc.) will be taken into consideration for each parcel."</p> <p>10. Section 5.2.3 identifies that if there is irrigated ag in the watershed careful design and monitoring will be required to prevent hydrologic impacts to the alkali sink.</p> <p>One value having priority over another priority is a case by case evaluation. The study identifies the Alkali Sink and Hydrology as a priority as well as agriculture.</p>
<p><u>FUNDING</u></p> <p>1. Examples of the financial arrangements with land owners may also be desirable, in the interest of transparency, and the financial impact on the county's tax base estimated for achieving your goals.</p> <p>2. Funding looks like a big problem. Listing all the cash-short agencies and foundations is interesting, but probably unlikely to be fruitful. I do not wish to sound like a doctrinaire free marketer, but it does seem that private investment in agricultural infrastructure should be sought.</p> <p>3. Section 6.2, Critical Conservation Resource Management: Suggest including a subsection for management funding and implementation.</p>	<p>1. Section 7 – Strategies and Sources for Conservation Acquisitions cites examples of commonly used approaches to landowners for conservation.</p> <p>2. Funding is always a problem. Indeed for certain types of preservation private investment will be an answer.</p> <p>3. See "Next Steps for TVC"#6</p>
<p><u>TVC AND CONSERVATION EASEMENTS</u></p> <p>1. Is TVC set up to do easements for species?</p> <p>2. Does TVC hold easements?</p> <p>3. Are Conservation Easements reversible?</p>	<p>1. TVC has the capacity to hold an easement for species – TVC is currently working with biologists on a property that has Tiger Salamander habitat.</p> <p>2. TVC holds 57 Conservation Easements over 101 properties.</p> <p>3. All Conservation Easements held by TVC may be terminated, in whole or in part, only by judicial proceedings in a Court of competent jurisdiction or by eminent domain.</p>

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<p><u>TVC AND CONSERVATION EASEMENTS</u> cont...</p> <ol style="list-style-type: none"> 4. Is TVC set up to do easements for species? 5. Does TVC hold easements? 6. Are Conservation Easements reversible? 7. Page 155, section 7.1.2, Conservation Easements: Suggest adding paragraph describing different types of conservation easements and their respective requirements. 8. Page 7.2.1, section 7.2.1, Impact Related Mitigation: Land Trusts and other appropriate easement holders should be a separate section. The mitigation section should describe types of mitigation and their requirements (e.g. Corps mitigation; ESA section 7 compensation). Appropriate easement holders, management, and funding could be subsections. 	<ol style="list-style-type: none"> 4. TVC has the capacity to hold an easement for species – TVC is currently working with biologists on a property that has Tiger Salamander habitat. 5. TVC holds 57 Conservation Easements over 101 properties. 6. All Conservation Easements held by TVC may be terminated, in whole or in part, only by judicial proceedings in a Court of competent jurisdiction or by eminent domain. 7. & 8. Section 7 provides an overview of strategies and sources – including discussion of protection mechanisms, mitigation lands and grant sources. <p>Specifically Section 7.4 identifies Partnerships and priorities for each organization</p>
<p><u>OTHER</u></p> <ol style="list-style-type: none"> 1. Would have liked to have had hard copies of the report more readily available before the meeting. 2. It would be nice to mention TVC’s offer to share the maps and information in the plan with other groups and people (for the cost to provide them of course). 3. I think TVC missed a really golden opportunity to tell all the public about the Conservancy and its mission and the way it protects ag lands, environmentally important lands, open space, etc. 	<ol style="list-style-type: none"> 1. TVC had two copies available for lending – TVC is trying to minimize paper waste and costs. TVC will have hard copies available for \$100 per copy and CDs for \$10 each. The Draft and the Final will be available online at TVC’s web site. 2. TVC staff does mention to all those they come across that maps and information are available. This will also be stated on TVC’s web site. 3. While we appreciate as noted there was the opportunity to go into more detail about TVC as an organization, its mission and current work due to time constraints and expectations of the attendees TVC chose to keep the evening’s focus and discussions for that evening on the North Livermore Resource Conservation Study.

Public Comments**Responses****EDITORIAL/GRAMMAR**

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| <ol style="list-style-type: none"> 1. Page 3 – first sentence “Measure D Urban Limit Line” should read City of Livermore Urban Limit Line 2. Page 78, section 4.4.1, Vernal Pool Fairy Shrimp: include "portions of critical habitat Unit 19c occur in NLPA" 3. Page 79, section 4.4.1 CA red-legged frog: proposed critical habitat includes a larger portion of the NLPA 4. Page 80, section 4.4.1 CA red-legged frog: delete the 1st paragraph of "Habitat Suitability and Occurrence Data" (appears to be a cut/paste typo) 5. Page 82, section 4.4.1 Alameda Whipsnake: the published recovery plan is a draft, correct title is "Draft Recovery Plan for Chaparral and Scrub Community Species East of San Francisco Bay, California" 6. Section 7.4: Suggest changing the title to Potential Partnerships if various groups are not currently partners in the process. 7. Page 160: Coastal Conservancy (not Commission) as the Conservancy is the appropriate agency to administer Proposition 84 funds. 8. Page 163 the paragraph describing the main priorities for Coastal Conservancy in the Livermore Valley, please add “agricultural lands, including rangelands” to the list of priorities. Also prefer the next sentence to read “The Conservancy is also interested in buffer properties along the Measure D boundary and conservation and restoration opportunities for the alkali sink area. 9. Page 166, section 7.4: Insert general language that can be found on our website like: "The U.S. Fish and Wildlife Service is a federal government agency dedicated to the conservation, protection, and enhancement of fish, wildlife and plants, and their habitats. The Service is responsible for implementing and enforcing the Endangered Species Act." | <ol style="list-style-type: none"> 1. Global searched Measure D Urban Limit Line and changed it to City of Livermore Urban Limit Line Edit legend in Figure 1.2 and Figure 5.6 2. Added sentence under Section 4.4.1 Vernal Pool Fairy Shrimp ‘Portions of designated critical habitat Unit 19c occur in the NLSA’ (Check this with Jerry). 3. Added comment for Jerry under Section 4.4.1 CA red-legged-frog ‘proposed critical habitat includes a larger portion of the NLSA’ 4. Deleted paragraph that appeared to be a copy paste error. 5. Changed sentence to read: ‘Critical habitat was designated for this species on October 2, 2006 (USFWS 2006a) and a draft recovery plan was published in 2002, titled Draft Recovery Plan for Chaparral and Scrub Community Species East of San Francisco Bay, California (USFWS 2002b).’ 6. Changed title of Section 7.4 to ‘Potential Partnerships’ 7. In Section 7.3.5 changed ‘Coastal Commission’ to ‘Coastal Conservancy’ 8. Section 7.4 Edited paragraph as suggested ‘The main priorities of the Coastal Conservancy in the Livermore Valley area include regional trails, properties with rare and endangered species and habitats, wildlife corridors, rare plant communities, restoration opportunities, and agricultural lands, including rangelands. The Conservancy is also interested in buffer properties along the City of Livermore urban limit line in North Livermore and conservation and restoration opportunities for the alkali sink area. Through the parcels identified in this document TVC is a natural partner for California Coastal Conservancy to acquire lands within the NLSA’. 9. Added the following text as suggested ‘The U.S. Fish and Wildlife Services (USFWS) is a federal government agency dedicated to the conservation, protection, and enhancement of fish, wildlife, plants, and their habitats. The Service is responsible for implementing and enforcing the Endangered Species Act.’ |
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NEXT STEPS FOR TVC

1. Doc going anywhere after this or is it just for TVC? Will it be used to adopt zoning?

2. It does not set goals or speculate where, how, or when to implement your conservation strategies?

3. Now that TVC has a draft plan, Friends of the Vineyards wishes to emphasize North Livermore in the coming year and begin to make things happen there similar to the South Livermore Plan. We would like to invite you to our next board meeting to discuss these things March 26th.

4. Section 6.2, Critical Conservation Resource Management: Suggest including a subsection for management funding and implementation.

5. Weighing these options (e.g., land versus habitat) and deciding what to pursue as far as raising money, contacting owners, etc. is really hard work, working through all the factors that go into decision-making and setting priorities. The Board may want to hire a facilitator or someone well experienced in decision analysis to guide their discussions.

6. Section 6, Conservation Approach and Management and Section 7, Strategies and Sources for Conservation Acquisitions – recognizing that TVC has expanded its mission from one primarily focused on protecting valuable vineyards through conservation easements to include protecting other agricultural lands , habitat lands, scenic and recreational resources of the North Livermore Area through fee title or other land acquisition strategies, you might consider addressing this expanded mission in terms of how it will be carried out with current staff and resources.

1. This document is available for everyone’s use. This study is to identify values that should be considered when planning is done in the North Livermore Area.

2. This document’s intent was to identify and study conservation resource values. Strategies will be discussed with other stakeholder groups.

3. TVC will attend the meeting to hear what FOV has to say but will not comment about TVC’s role in this effort since TVC BOD has not taken a position at this time.

4. This is one of the next steps for TVC to evaluate once the study has been approved.

5. This is one of the next steps for TVC to evaluate once the study has been approved.

6. This is one of the next steps for TVC to evaluate once the study has been approved.