

**EAST BAY WATERSHED MASTER PLAN UPDATE
FINAL INITIAL STUDY/NEGATIVE DECLARATION
RESPONSES TO COMMENTS**

1. INTRODUCTION

1.1. Purpose of the Final Initial Study/Negative Declaration

This Response to Comments document has been prepared as Appendix A to the Draft Initial Study/Negative Declaration (Draft IS/ND) for the East Bay Municipal Utility District's (EBMUD) East Bay Watershed Master Plan Update (Project). The Draft IS/ND evaluated the potential impacts of the proposed Project and found that (1) the Project would not cause any significant effects on the environment that were not examined in the EBWMP Program EIR, (2) the Project is consistent with the EBWMP, and (3) none of the Public Resources Code section 21166/CEQA Guidelines section 15162 triggers for subsequent or supplemental environmental review were met.

This Appendix A responds to comments on and makes revisions to the Draft IS/ND as necessary. This Appendix A and the Draft IS/ND together constitute the Final IS/ND, which has been prepared for EBMUD's consideration – pursuant to the California Environmental Quality Act (CEQA) and its implementing regulations (the "CEQA Guidelines") – prior to EBMUD's decision as to whether to approve the Project.

1.2. Environmental Review Process and Public Involvement in Master Plan Update

On December 15, 2017, EBMUD (lead agency) released an Draft Initial Study and a Notice of Intent to Adopt a Negative Declaration for the Project (collectively, the "Draft IS/ND") for public review (State Clearinghouse No. 2017122044). The public review and comment period extended from December 15, 2017 through January 29, 2018. Contemporaneous notice of the Draft IS/ND and the opportunity for review and comment was provided (1) via mail to responsible and trustee agencies concerned with the Project, (2) via filing with the Alameda and Contra Costa County Clerks, (3) via publication in the Oakland Tribune and Contra Costa Times, (4) via posting at EBMUD's Administrative Building in downtown Oakland, and (5) via mail to over 100 public agencies local governments, and several thousand members of the public.

During the 45-day public review period, copies of the Draft IS/ND were available at EBMUD's Administrative Building, at the EBMUD Watershed Headquarters in Orinda, and on EBMUD's website.

This Response to Comments document has been prepared based on the comment letters received during the public review period. Many comments on the Draft IS/ND expressed policy preferences regarding a number of issues addressed by the EBWMP, but did not comment on the adequacy of the Draft IS/ND's analysis of environmental impacts associated with the EBWMP

Update. While those comments did not allege CEQA compliance deficiencies, EBMUD has provided responses as part of its public involvement process for the EBWMP Update itself.

1.3. Document Organization

This Response to Comments document is organized as follows:

- **Chapter 1: Introduction.** This chapter discusses the use and organization of the Response to Comments document.
- **Chapter 2: Responses to Comments.** This chapter contains a copy of the comment letters received during the public review period and responses to comments contained in those letters. For this Response to Comments, each comment is bracketed in the margin of the letter and assigned a primary comment category number and a secondary, category-specific letter for that comment category. The comment letters are followed by responses corresponding to the bracketed comments.
- **Chapter 3: Document Revisions.** This chapter presents changes to the Draft IS/ND that reflect text changes initiated by EBMUD staff subsequent to publication of the Draft IS/ND and in response to comments to clarify or modify the Draft IS/ND text. Revisions to the text and tables of the Draft IS/ND are contained in this chapter. Single-underlined text represents language that is being added to the Draft IS/ND.

The text changes and responses to comments do not constitute “substantial revisions” to the Draft IS/ND and, therefore, recirculation is not required pursuant to CEQA Guidelines § 15073.5.

2. RESPONSES TO COMMENTS

Chapter 2 presents the responses to comments received during the public review period. The comment letters are reproduced in their entirety. Each letter is followed by responses to its comments.

A number of comments on the Draft IS/ND raised similar issues, and responses to those comments have been addressed in a series of Master Responses, as follows:

- Master Response 1: Increased Bicycle Access on East Bay Watershed Lands;
- Master Response 2: Pesticide Use on East Bay Watershed Lands; and
- Master Response 3: Forestry Practices on East Bay Watershed Lands.

2.1. Master Responses

2.1.1. Master Response 1: Increased Bicycle Access on East Bay Watershed Lands

EBMUD received several comments regarding its proposal to allow bicycle use on a limited set (7.5 miles) of trails. Some commenters requested that EBMUD allow cyclists to access more trails than included in the EBWMP Update proposal, and others requested that EBMUD maintain the status quo by rejecting the Update's proposal to allow limited bicycle access.

The EBWMP Update proposes opening up approximately 7.5 miles of fire roads and a disc line to bicycle use, which is currently not allowed under the existing EBWMP or the Watershed Rules and Regulations. At the request of some trail user groups, staff evaluated five segments of the Bay Area Ridge Trail within the EBMUD watershed proposed for bicycle access. Two segments were single-track trails with sensitive and rare botanical populations and also presented safety issues for multi-use; a third segment would have intensified recreational use close to sensitive habitat and one of the District reservoirs. For these reasons, these three trail segments were removed from further consideration for bicycle access.

The other two trail segments – near San Pablo Reservoir and in the Pinole Valley, respectively – are on fire roads that already accommodate vehicular use and are routinely graded, as well as a short section of existing disc-line that will be compacted. Adding trail users including bicycles is expected to cause no significant impacts, and will be adequately managed and monitored with existing budget resources. For these reasons, these two trail segments are considered appropriate for bicycle use. In addition, EBMUD will implement new trail use guidelines to ensure user safety, including signage and additional enforcement so that trail rules are observed. These actions are described in detail on pages 11-12 in the Draft IS/ND.

The proposal in the EBWMP to permit bicycle access on two sections of trails in the watershed was the result of an extensive stakeholder engagement effort, seeking a balance between resource protection and community interest in expanded recreation opportunities. The proposed change in trail access for bicycle use responds to community demand for increased cycling access while maintaining the EBWMP's primary emphasis on protecting water quality and biodiversity. The EBWMP Update's proposed revisions to Guideline DRT.25 would limit bicycle access to the trail segments identified therein.

2.1.2. Master Response 2: Pesticide Use on East Bay Watershed Lands

In the EBWMP Update, the only change to existing pesticide-use practices would be to reduce the use of pesticides on East Bay watershed lands by prohibiting pesticide use on those lands where other feasible methods of pest control are available. Several commenters voiced concern regarding pesticide use on watershed lands. Most comments concerned EBMUD's ongoing process to review and potentially revise its Integrated Pest Management (IPM) Program, while others made generalized arguments regarding alleged impacts of pesticide use. This master response describes existing pesticide use on EBMUD's East Bay watershed lands, explains the relationship between EBMUD's IPM Program and the EBWMP, and describes the Update's proposed restrictions on pesticide use.

Existing Pesticide Use on EBMUD's East Bay Watershed Lands

Under existing practices, the only pesticide used on East Bay watershed lands is glyphosate, the application of which, has averaged 4 gallons per year from 2011-16 over the entire 29,000-acre watershed, for an average of 0.00014 gallons per acre per year. Recent annual usage data for glyphosate is as follows:

2011 – 0.7 gallons

2012 – 1.3 gallons

2013 – 5.9 gallons

2014 – 4.3 gallons

2015 – 8.4 gallons

2016 – 3.7 gallons

Water quality monitoring reports from regular sampling of the District's reservoirs indicate that no glyphosate has been detected.

Relationship between IPM Program and EBWMP

The IPM Program solely concerns pest management and guides pesticide use on all EBMUD property, including approximately 300 administrative and operating facilities, the approximately 100 mile-long Mokelumne aqueduct right-of-way, and approximately 58,000 acres of property between the East Bay and Mokelumne watersheds. In contrast, the EBWMP solely applies to the 29,000 acres of East Bay watershed lands and addresses all manner of management considerations for such lands, of which pesticide use is one small part.

Nothing in the IPM Program prevents EBMUD from reducing the amount of pesticides used in any sub-area of EBMUD lands, such as the East Bay watershed. Therefore, the EBWMP Update's proposed reduction in pesticide use in the watershed is allowed – but not required – by the IPM Program.

The IPM Program is currently under review. That review may lead to changes. What those changes may be and when they may occur are unknown, and until such time as changes are made, EBMUD's 2010 IPM Plan will continue to guide EBMUD's IPM practices. Some commenters have stated their belief that no pesticides should ever be used anywhere on EBMUD property. To the extent these comments concern lands other than the East Bay watershed, they are not relevant to the EBWMP Update process. To the extent they relate to watershed lands, they are relevant to EBMUD's decision on whether to approve the proposed EBWMP Update, but they are not relevant to the CEQA analysis of the impacts of that Update because the Update does not propose to completely eliminate pesticide use on East Bay watershed lands. The purpose of the CEQA analysis – including the Final IS/ND of which this Appendix A forms a part – is to describe the environmental impacts of the proposed Project, which, as it concerns pesticides, means the proposed EBWMP revisions related to pesticide use.

Some commenters have stated that EBMUD's decision on the proposed EBWMP Update should be postponed until after the IPM Program review is completed and any resulting proposals have

been added to the current Project description. While these comments may be relevant to how EBMUD exercises its discretion whether to delay its decision on the proposed EBWMP Update, they are not relevant to the CEQA analysis of the impacts of that Update, and nothing in CEQA requires such a delay.

Proposed EBWMP Revisions Related to Pesticide Use

The EBWMP Update proposes three revisions related to pesticide use.

First, the Update proposes to revise Guideline BIO.18 to further restrict EBMUD's levels of pesticide use on its East Bay watershed lands:

“BIO.18. Apply integrated pest management (IPM) strategies, eliminating pesticides where feasible, ensuring negligible impacts on water quality, biodiversity, and other resources and without increasing fire risk.”

(The revision is underlined.)

In BIO.18, the addition of the phrase “eliminating pesticides where feasible” requires that chemical pesticides are to be used in the watershed only after other methods (mechanical, biological, and cultural) have proven ineffective or infeasible, such that chemical pesticides provide the only feasible means of controlling the pest in question. Mechanical methods mean separation of the pest from the area of concern (e.g., hand pulling or mowing), biological methods include bio-control agents, and cultural methods use education, grazing, and human behavior modification. The impact of this change would be either (a) no impact (if no situations arise where eliminating pesticides is feasible) or (b) a reduction in the use of pesticides (by an unpredictable amount).

Consistent with CEQA Guidelines section 15364's definition of the term “feasible,” EBMUD would consider economic, environmental, legal, social, and technological factors when making feasibility determinations for chemical use in the watershed. For example, under the proposed revision to BIO.18, glyphosate would be used to treat areas of invasive vegetation such as thistle in the watershed, but only where mechanical removal would create extensive ground disturbance and soil erosion that would further, rather than control, the infestation. As another example, a hydrogen-peroxide based algaecide would be used to control algae blooms in EBMUD's surface water reservoirs,¹ but only if mechanical methods (e.g. use of water treatment plant technology such as ozone treatment and/or powdered activated carbon treatment) of controlling the taste and odor effects of the blooms proved insufficient to address taste and odor compounds in drinking water.

¹ Peroxide-based algaecides such as sodium carbonate peroxyhydrate (available under the commercial name Green Clean) immediately decompose into innocuous compounds after oxidizing organics in the surface layer of water. When applied to water, sodium carbonate peroxyhydrate breaks down into sodium carbonate and hydrogen peroxide. The hydrogen peroxide oxidizes the algae and kills it, subsequently breaking down into water and oxygen.

The second revision – to Guideline PW.5, which applies specifically to the Pinole Watershed portion of the East Bay watershed (whereas BIO.18 applies to the entire East Bay watershed) – is essentially identical:

“PW.5 Prohibit use of pesticides in the watershed, except for ~~those herbicides specifically approved for spot treatment of pest plant species according to District IPM guidelines and~~ where other methods of pest control are not feasible.”

(Again, the revisions are underlined and in ~~strikeout~~.)

The third revision is to Guideline FOR.11 to prohibit the use of pesticides in controlling eucalyptus stump-sprouting. The only expected impact is a reduction in the use of pesticides: “Prior to any harvest activities, ensure that adequate stump-sprouting control methods are available to reduce fire hazards and protect water quality. Herbicides will not be used to control stump resprouts.”

2.1.3. Master Response 3: Forestry Practices on East Bay Watershed Lands

Several comments related to the EBMUD’s forestry practices. Some comments urged EBMUD to stop removing trees from its East Bay watershed lands, while others requested increased removal of trees to minimize fire risk. Other than the revision to Guideline FOR.11 (to prohibit the use of pesticides in controlling eucalyptus stump-sprouting), the EBWMP Update proposes no changes in the EBWMP’s provisions regarding forestry practices. All other changes in EBWMP language regarding forestry practices are proposed to indicate that actions required by the original EBWMP have already been implemented. In other words, EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed. Therefore, while comments on these issues may be relevant to EBMUD’s decision on whether to approve the proposed EBWMP Update, they are not relevant to this CEQA document, the purpose of which is to analyze the impacts of the EBWMP changes that have been proposed.

Under existing practices, tree removal is mainly undertaken for reasons of public safety and/or when a tree is diseased. Some thinning of tree stands is also part of routine operations to minimize fire hazards. Tree cutting in the watershed is limited and highly selective. Annual tree removal over the past five years has averaged 225 Monterey pines, 52 eucalyptus, and 36 miscellaneous tree species. The pines that are removed are dead, diseased, and dying trees, and taken out to protect the remaining trees from disease and to reduce the fire danger resulting from all the dead standing trees. Then some of the tree branches are chipped and recycled into surrounding environs. Some of the branches and logs are burned and recycled back into the soil to improve soil health and overall forest vigor. The larger logs are left on-site and inoculated with mushroom spawn to accelerate decomposition and feed the forest.

Also under existing practices, the eucalypts are mostly removed for fuel volume reduction in the fuel break in the urban-watershed interface. Some are removed for public safety in the Community of Canyon, near homes and the school.

2.2. Individual Comments and Responses

Comments are listed in the order received.

Jerry Gray

From: Jerry Gray [mailto:jerrygray14561@aol.com]
Sent: Monday, December 18, 2017 10:27 AM
To: Watershed Master Plan
Subject: EBWMP Comments

EBMUD:

Mountain bikes should be allowed trail access on the EBMUD properties. Naturally, your standard fees should apply.

Comment

It can be proven mountain bikes are no more destructive, or harmful to the environment than other trails users.

It is by blind prejudice bikes are denied.

Jerry Gray

Response: Please see Master Response 1.

Tim Bezold

From: Tim Bezold [mailto:tim.bezold@gmail.com]
Sent: Monday, December 18, 2017 11:39 AM
To: Watershed Master Plan
Subject: EBWMP Comments

Re: DRT.25

I'm disappointed to learn how far EBMUD still lags behind on opening up recreational use for mountainbikers. Has there been any consideration given to opening up fire roads? Why has there been no consideration for opening up access across the board?

Comment

Thanks,
Tim Bezold

Response: Please see Master Response 1.

Bruce Muirhead

From: Bruce A Muirhead [mailto:bamu@comcast.net]
Sent: Monday, December 18, 2017 1:38 PM
To: Watershed Master Plan
Subject: EBMUD Watershed Master Plan - Comment

Hi,

Thanks for sending out the information. One quick comment -

Comment

It's hard to believe that allowing bikes access to 7.5 miles of trails in Pinole Valley and above San Pablo Reservoir won't have any negative impact.

Thanks, Bruce Muirhead

Response: As described in the Draft IS/ND, EBMUD carefully considered potential impacts of allowing bicycle access to the trail segments identified in the Draft IS/ND and concluded that impacts would be less than significant.

George Boscoe

From: Maggie & George [mailto:fleetwood7@comcast.net]
Sent: Monday, December 18, 2017 8:55 PM
To: Watershed Master Plan
Subject: RE: EBMUD Watershed Master Plan Update and Public Review

I believe the master plan should include the use of some regenerative hydroelectric power generation to allow the better use of solar and wind energy in the bay area. This would include the construction of pump stations and power recovery turbines where sufficient elevation allows economical power generation,, reservoir could be used to store energy.... Systems between san Pablo reservoir and briones are an example

Comment

George boscoe

Response: Comment noted. The District has investigated a <1MW hydropower project at Briones reservoir and is continuing to assess its feasibility. However, a pumped storage generating facility exchanging water between Briones and San Pablo reservoirs is not feasible due to water quality differences between the two reservoirs, which would negatively affect water treatment operations. Please also see the IS/ND at p. 17, which explains that renewable energy facilities that are consistent with the District's Strategic Plan and the EBWMP could be developed on watershed lands.

Tom Gandesbery

From: tomg [mailto:tomgandesbery2@gmail.com]
Sent: Wednesday, December 20, 2017 1:29 PM
To: Watershed Master Plan

Cc: Mike Udkow; John Roberts
Subject: EBWMP Comments

On behalf of Bicycle Trails Council East Bay, I want to thank the East Bay Municipal Utility District for listening to the cycling community when it recently considered its prohibition on bicycle use. The District has responded by proposing to open approximately 7.5 miles of ranch roads to cyclists. The fact that these roads, which are part of the Bay Area Ridge Trail, are open to hikers and equestrians but not cyclists never made sense to us. In addition these ranches are grazed by cattle and feature utility corridors so impacts by cyclists must be weighed against on-going ranching operations and utility maintenance.

Comment 1A

Remaining are the many other roads and trails within District holdings that could be feasibly opened to cyclists. These other alignments should be evaluated on a case-by-case basis. We look forward to working collaboratively with the District to enhance the trail experience for all users on these beautiful public lands.

Comment 2A

Sincerely,

Tom Gandesbery

Response 1A: Comment noted. The trail segments proposed for bicycle access include some new segments of service roads not previously open to recreation, and that are not on the Bay Area Ridge Trail. These include portions of Sludge Road, Simas Road, Ridge Road, and Goat Road that are specifically proposed to provide for safe multi-use including bicycles. The remainder of the trail segments continue on the Ridge Trail where Goat Road intersects with Ridge Road.

Response 2A: Comment noted. Please see Master Response 1. The proposal to permit bicycle access on two sections of trails in the watershed was the result of an extensive stakeholder engagement effort, seeking a balance between resource protection and community interest in expanded recreation opportunities.

Kristin Mortimore

From: Kristin Mortimore [mailto:kmortimore@gmail.com]
Sent: Thursday, December 21, 2017 4:37 PM
To: Watershed Master Plan
Subject: Please be inclusive in your land use

Dear East Bay Municipal Utility District:

As a long time Sierra Club member, (since 1995) I am very committed to protecting our environment. I live here in the East Bay hills where I am so lucky to be surrounded by our beautiful EBRP system, and EBMUD land. I would like very much to instill that love of nature in my son. I want him to grow into a thoughtful human and work to protect our environment and our planet. However I feel so sad that once again we have been excluded from these areas and he has not developed any sense of stewardship; for we are the evil mountain bike riders.

Comment 1A

As much as I have felt that rush of excitement at seeing a bald eagle fly over Chabot Park or a young coyote chasing cottontails in a back meadow in Redwood Park or watching a gaggle of male turkeys strutting in full regalia, I know that I can't show these things to my son. You see, most trails are illegal for mountain bikers and few youth will "hike to nowhere", as my son calls it. Mountain biking is the perfect vehicle for introducing our young people to the nature all around us and this is reflected in the rapid growth of high school mountain biking teams around the Bay Area and the country. The trails that are mostly fire roads which are too steep for heavy youth bikes to climb as well as being unpleasantly crowded with dogs and their barking and "biting" owners. Despite tremendous growth, no new trails have been designated for riders. If the goal is to encourage people to bike, instead of using a car, then we need to find a place for kids to learn to ride, develop skills, and become fit.

Comment 2A

Again and again there have been many studies showing that mountain bikes do not harm the environment. We do not eat red legged frogs or whip snakes or destroy native plants, we do not poop on the trails and or start fires. Trail erosion by cyclists is certainly less impactful than that of horses or cattle and possibly in line with that of hikers. If given more trail access cyclists could help monitor more remote areas from illegal cultivation, vagrants, dumping and vandalism. And with good trail planning, riders can safely share trails with other user groups.

Comment 2B

Currently we are two working middle-class parents who have no time to attend daytime meetings or organize counter attacks against the closure of trails. In our urban area these lands are not wilderness but are valuable open spaces that have been repeatedly logged, mined, ranched and currently commonly grazed. I believe that creating new single track trails that have more erosion controls and switchbacks for cyclist to use would be of benefit for our whole community. Your organization can help create new nature lovers and stewards of our lands. Instead of following our current national political climate of exclusion of the "other", why don't you embrace the other user groups, develop new young members, and strengthen protection of our open space?

Comment 2C

Sincerely,
Kristin Mortimore

Response 1A: Comment noted.

Response 2A: Dogs are not allowed on trails in the East Bay watershed. 7.5 miles of new trails have been proposed for bicycle access. Please also see Master Response 1.

Response 2B: Please see Master Response 1.

Response 2C: Please see Master Response 1. EBMUD has no plans to build new single-track trails in the watershed.

Mike Vandeman

From: Mike Vandeman [mailto:mjvande@pacbell.net]
Sent: Thursday, December 21, 2017 4:41 PM
To: Watershed Master Plan
Subject: EBWMP Comments

The Eagle's Nest Trail is above the San Pablo reservoir, and so mountain biking on it will cause erosion, require more road maintenance, and potentially add silt to the reservoir. Pinole Valley is a future reservoir site, so allowing mountain biking there and later having to rescind that permission makes no sense. Mountain biking is environmentally and medically destructive and thus is not an activity that anyone should be promoting. Please restrict bicycles to paved roads, where they can't do as much harm. Any mountain biker who wants to visit those trails can walk there. There is nothing preventing them from doing that except their own laziness.

Comment 1A

Bicycles should not be allowed in any natural area. They are inanimate objects and have no rights. There is also no right to mountain bike. That was settled in federal court in 1996: <http://mjvande.info/mtbl0.htm> . It's dishonest of mountain bikers to say that they don't have access to trails closed to bikes. They have EXACTLY the same access as everyone else -- ON FOOT! Why isn't that good enough for mountain bikers? They are all capable of walking....

Comment 2A

A favorite myth of mountain bikers is that mountain biking is no more harmful to wildlife, people, and the environment than hiking, and that science supports that view. Of course, it's not true. To settle the matter once and for all, I read all of the research they cited, and wrote a review of the research on mountain biking impacts (see <http://mjvande.info/scb7.htm>). I found that of the seven studies they cited, (1) all were written by mountain bikers, and (2) in every case, the authors misinterpreted their own data, in order to come to the conclusion that they favored. They also studiously avoided mentioning another scientific study (Wisdom et al) which did not favor mountain biking, and came to the opposite conclusions.

Comment 3A

Those were all experimental studies. Two other studies (by White et al and by Jeff Marion) used a survey design, which is inherently incapable of answering that question (comparing hiking with mountain biking). I only mention them because mountain bikers often cite them, but scientifically, they are worthless.

Comment 3B

Mountain biking accelerates erosion, creates V-shaped ruts, kills small animals and plants on and next to the trail, drives wildlife and other trail users out of the area, and, worst of

all, teaches kids that the rough treatment of nature is okay (it's NOT!). What's good about THAT?

To see exactly what harm mountain biking does to the land, watch this 5-minute video: <http://vimeo.com/48784297>.

Comment 3B

In addition to all of this, it is extremely dangerous: http://mjvande.info/mtb_dangerous.htm .

For more information: <http://mjvande.info/mtbfaq.htm> .

The common thread among those who want more recreation in our parks is total ignorance about and disinterest in the wildlife whose homes these parks are. Yes, if humans are the only beings that matter, it is simply a conflict among humans (but even then, allowing bikes on trails harms the MAJORITY of park users -- hikers and equestrians -- who can no longer safely and peacefully enjoy their parks).

The parks aren't gymnasiums or racetracks or even human playgrounds. They are WILDLIFE HABITAT, which is precisely why they are attractive to humans. Activities such as mountain biking, that destroy habitat, violate the charter of the parks.

Comment 4A

Even kayaking and rafting, which give humans access to the entirety of a water body, prevent the wildlife that live there from making full use of their habitat, and should not be allowed. Of course those who think that only humans matter won't understand what I am talking about -- an indication of the sad state of our culture and educational system.

I am working on creating wildlife habitat that is off-limits to humans ("pure habitat"). Want to help? (I spent the previous 8 years fighting auto dependence and road construction.)

Comment 5A

Wildlife must be given top priority, because they can't protect themselves from us.

Please don't put a cell phone next to any part of your body that you are fond of!

Comment 6A

<http://mjvande.info>

Response 1A: The commenter states that opening up the Eagle's Nest Multi-Use Trail to bicycle access will (1) cause erosion, potentially adding silt to the San Pablo Reservoir, and (2) require

more road maintenance. The Draft IS/ND discussed potential erosion impacts and found them insignificant because (a) the Eagle's Nest trail was chosen for its low erosion potential (p. 8), (b) existing EBMUD management directions and guidelines require that EBMUD trails be managed to ensure that "currently permitted or new recreational activities do not increase the potential for additional soil erosion" (pp. 8-10, listing the specific management measures up to and including trail closure, if warranted), (c) the trail is already designed and maintained for vehicular traffic (p. 36-37), and (d) the increase in trail use is expected to be modest due to the existing low level of use, the rugged terrain, and the limited parking available at the trailheads (p. 37). None of these reasons is disputed, and, therefore, there is no basis for departing from the insignificance finding. No additional road maintenance will be required because, as noted, the trail is already designed and maintained for vehicular traffic (p. 36-37). The commenter also states that Pinole Valley is a future reservoir site, but, in fact, EBMUD no longer considers Pinole Valley as a future reservoir site.

Response 2A: Comment noted.

Response 3A: The commenter links to an article discussing a 2004 Wisdom et al. study comparing the impacts of ATV riders, mountain bikers, horse-riders, and hikers on elk. According to the linked article, the study found that "Peak movement rates of elk during the morning pass were highest for ATV riding (21 yards/minute), followed by mountain bike riding (17 yards/minute) and horseback riding and hiking (both about 15 yards/minute). ... By contrast, peak movement rates of elk during the control periods did not exceed 9 yards/minute during daylight hours." There are no elk in the East Bay watershed. The Draft IS/ND (pp. 28-31) discusses potential impacts on raptors, frogs, and fish, and finds them insignificant because of (1) existing management directions and guidelines that call for management actions up to and including trail closure to prevent species impacts, and (2) the selection of fire roads (for trail access) that already support vehicular traffic.

Response 3B: The potential impacts cited by the commenter are dependent on a variety of conditions, including the intensity of bicycle use, trail and soil conditions, weather, and management actions including enforcement of trail rules. As noted, the increase in trail use is expected to be modest due to the existing low level of use, the rugged terrain, and the limited parking available at the trailheads (p. 37). Also, the Draft IS/ND on pages 11-12 describes the actions EBMUD will take under existing management directions and guidelines to ensure that the proposed opening of two trails to bike access does not increase soil erosion, cause landscape modification (including creation of V-shaped ruts and damage to plants), or harm wildlife. In addition to limiting bicycle use to existing surface roads that accommodate vehicular use, EBMUD will: install barriers and signage; implement monitoring and enforcement, including fines for violations; undertake management and control measures, including trail closure as needed; and suspension of access if, for example, unauthorized trails are created. For these reasons, the potential impacts cited in the comment are not expected to occur.

Response 3C: The commenter states that biking can be dangerous. The Draft IS/ND addresses potential safety impacts and finds them insignificant because existing management directions and guidelines provide for management actions (up to and including trail closure, if warranted) to prevent safety problems. Please see the IS/ND at pages 11-12.

Response 4A: As explained on page 4 of the EBWMP, several guiding principles underlie EBMUD’s management of its East Bay Watershed lands. While the guiding principles emphasize protection of water quality and natural resources, they also call for the provision of “appropriate public access consistent with the protection of natural resources and water quality,” and “sensitive natural resource and recreation management.” These principles are unchanged from the EBWMP adopted in 1996. Consistent with those guiding principles, EBMUD provides appropriate recreational access on its East Bay Watershed lands in ways that are protective of the Plan’s overarching goals of protecting water quality and natural resources.

Response 5A: Comment noted.

Response 6A: Comment noted.

taylor@silcon.com

From: taylor@silcon.com [mailto:taylor@silcon.com]
Sent: Thursday, December 21, 2017 4:48 PM
To: Watershed Master Plan
Subject: comment

please provide more recreation, especially trails for both
hikers bikers.
thanks

Comment

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For information about volunteer opportunities in the San Francisco bay area, please contact the Bay Area Volunteer Information Center at www.volunteerinfo.org

Response: Please see Master Response 1.

Mike Udkow

From: Mike Udkow [mailto:mikeudkow@gmail.com]
Sent: Sunday, December 24, 2017 3:29 PM
To: Watershed Master Plan
Subject: EBWMP Comments

GREAT WORK DOUG!!!
 I KNOW HOW HARD YOU HAVE WORKED ON THIS
 AND HOW MUCH CRAP YOU HAD TO PUT UP WITH.
 It would be to imagine the Board voting the proposal down.
 Thank you,
 Mike Udkow

Comment

Response: Comment noted.

Dave Hammond

From: Dave Hammond [mailto:dhammond125@live.com]
Sent: Wednesday, December 27, 2017 8:30 AM
To: Watershed Master Plan
Subject: Comment on Master Plan

I will keep this short. I have been to numerous open forum meetings about this topic over two years and am frustrated at the duplication of effort and slowness of the process.

Comment 1A

The second largest user group of trails are mountain bikers and we are not all going fast and cutting illegal trails. I am a 64 year old who has mountain biked for over 25 years and I do it because it gets me out into nature. I take my camera and get exercise and enjoy the open spaces. But EBMUD is frustratingly slow at recognizing mountain biking as a user group and yet you have significant trails and acreage.

I ride over 2,000 miles each year on local trails and hike with my wife and friends as well. We have owned EBMUD passes and used some of your trails and in doing so I can't figure out why bikes are no allowed.

Comment 2A

I urge you to embrace your second largest user group and continue the permit process as a way to monitor and control use. But opening a couple short segments of fire roads is inadequate.

Thanks,

Dave Hammond
Alamo, CA

Response 1A: Comment noted.

Response 2A: Please see Master Response 1.

Sue Ingalls

From: Sue Ingalls [mailto:marknsue83@yahoo.com]
Sent: Wednesday, December 27, 2017 8:45 AM
To: Watershed Master Plan
Subject: EBWMP Comments

Of all of the land available, is there really only .77 miles available to mountain bikers and service roads and even that is subject to revocation at any time?

Hikers/horseback riders/mountain bikers can share trails. Mountain bikers yield to everyone, it's the rule we all know and practice. We gather to do trail maintenance throughout the year. We don't ride when the trails are wet to protect the trails. We don't ride on illegal trails.

Comment

I am disappointed.

Susan Ingalls
 318 Brown Street
 Napa, CA 94559
 (707) 319-2253

Response: 7.5 miles of trail segments are proposed for bicycle access. Please see also Master Response 1.

Morris Older

From: Morris Older [mailto:morrisolder@comcast.net]
Sent: Thursday, December 28, 2017 1:18 PM
To: Wallace, Douglas; Watershed Master Plan
Subject: RE: EBMUD Watershed Master Plan Update and Public Review

Hi Doug—and Scott,

I've been asked about a non-trail related section of the master plan revision and wanted to see why it hasn't been more thoroughly revised.

On page 182 of the redline version, we find:

El Toyonal Interface. A portion of the City of Orinda extends into the area generally between El Toyonal Road (to the north) and the District's deLaveaga Fire Road (to the south). This area is ~~developed with residential uses and has minimal new residential development.~~ could accommodate new residential development and the construction of approximately 47 single-family dwelling units on 30 acres of residentially zoned land. Access to this area is very limited because of a road closure at the north end of El Toyonal Road. Land configuration, limited access, narrow roadway, vegetative cover, and fire risks associated with this area and with urban development in general make management of this area extremely important.

In addition, the general plan stipulates that no major subdivision in the El Toyonal area shall be developed prior to completion of an extension of El Toyonal road to Camino Pablo or Wildcat Canyon Road. ~~designates a proposed collector street in this area to connect El Toyonal Road to Wagner Ranch School. This proposed collector street has not yet been constructed and its location is not defined, but it appears to bisect a District-owned parcel.~~ Construction of the proposed collector street has may have serious implications for managing the District-owned property, ~~and the acquisition will be strongly opposed.~~

It seems to me that language about 47 homes on 30 acres in the original document was a reference to the proposed Sullivan Ranch, which subsequent to the adoption of the Master Plan in 1995, was acquired by EBMPUD, and is now part of the OHA lease. If I am correct, then why is that language still in there at all? Shouldn't it be removed along with the wording about the "collector street [that would] bisect" the Orinda Horsemen's lease?

Comment

The only other buildable land of that size in that area, the Johnson Ranch, is much larger about 200 acres, and AFAIK that is zoned agricultural; in any event it is not specifically 30 acres with room for exactly 47 homes.

Also, the master Plan currently states that "the acquisition will be strongly opposed" and this is being deleted. And EBMUD did successfully oppose this plan. So why is it still mentioned in the revision. Does Orinda zoning have something to do with it?

Thanks for any light you can shed on this,

Morris

Response 1A: The Housing Element of the City Orinda's General Plan was updated in 2015 and is effective through 2023. The Summary of Development potential contained therein lists 28 acres/42 units on El Toyonal and 2 acres/5 units on Upper El Toyonal, for a total of 30 acres/47 units. The EBWMP will be accordingly edited to remove the second paragraph under the **El Toyonal Interface** header on page 102, and a sentence added at the end of the preceding paragraph: "The opportunity for development is limited due to the steep slopes in the El Toyonal area."

Mary McAllister (December 29, 2017)

From: marymcallister@comcast.net [mailto:marymcallister@comcast.net]

Sent: Friday, December 29, 2017 7:50 AM

To: Coate, Alexander; Wallis, Michael; Young, Marguerite; Wallace, Douglas

Cc: Marg Hall; Tanya Smith; Teri Smith

Subject: "Final" Watershed Management Plan must be withdrawn until IPM Guidelines are revised

TO: Alexander Coate, Doug Wallace, Michael Wallis, Marguerite Young

The "final" Watershed Management Plan (WMP) and its associated Initial Study with Negative Declaration has been published prematurely because EBMUD's IPM guidelines are in the process of being revised. When the IPM guidelines are finalized, the Watershed Management Plan and associated evaluations of environmental impact must be republished and a new public comment period announced.

Comment 1A

As you surely know, EBMUD's IPM guidelines exist only in draft form that was made available to the public on July 25, 2017. A copy of the draft guidelines are attached for your convenience. The "final"

WMP states that EBMUD’s revised IPM guidelines propose the following: “Apply integrated pest management (IPM) strategies, eliminating pesticides where feasible, ensuring negligible impacts on water quality, biodiversity, and other resources and without increasing fire risk.”

Comment 1A

In fact, the draft IPM guidelines made available to the public in July 2017, do not contain such a proposal nor any commitment to reduce pesticide use remotely resembling that statement. The draft IPM guidelines that were published in July 2017, contain no significant improvements over the original version that was published in 1996. In some respects the draft guidelines are weaker than the original guidelines.

The draft IPM guidelines now available in the public record were published prior to EBMUD hiring a consultant to evaluate its IPM program. The consultant, Blankinship & Associates, was required to make its report to EBMUD in November 2017. We made a public records request for that report, but were denied access to the report on the grounds that it would be published on EBMUD’s website on January 5, 2018, prior to the discussion of the report by the Sustainability Committee of the Board of Directors on January 9, 2018.

Comment 2A

In other words, **there are presently no IPM guidelines for pesticide use by EBMUD and there will not be any guidelines until the Board finalizes a proposed draft.** We cannot predict when the IPM policy will be finalized. We assume the consultant’s evaluation of the program must be considered before the policy is redrafted and ultimately approved by the Board of Directors.

Therefore, we are writing to request that the “final” WMP and associated documents be withdrawn and not published until the public has access to EBMUD’s revised IPM policy. Given that pesticide use is a central issue in any evaluation of environmental impact, EBMUD is not in a position to claim that a Negative Declaration is appropriate for the WMP, as it is presently drafted.

Comment 2B

Our request is not intended to be a substitute for our public comment on the WMP. However, we would like to point out a few obvious errors in this version of the “final” WMP, which we hope will assist EBMUD in making appropriate corrections before the document is republished **AFTER** the IPM guidelines are finalized, approved, and made available to the public.

The prematurely published Initial Study of the “final” WMP claims that the public expressed concern only about the use of glyphosate. That claim is not consistent with the public record. We have attached a copy of one of our public comments on the original draft WMP. It does not mention glyphosate use by EBMUD specifically. Rather it speaks about herbicides in general. We also have video recordings of the public meeting on August 15, 2016 (excluding comments about bicycles) regarding the draft WMP and the July 25, 2017 meeting regarding the draft IPM guidelines. Most speakers spoke in general about the dangers of pesticides, with only a few mentioning glyphosate specifically. These videos are available on request. EBMUD’s attempt to assign glyphosate the role of straw man in the “final” WMP is contradicted by the public record.

Comment 3A

EBMUD is not in a position to dismiss concerns about all pesticides by focusing only on glyphosate because the draft version of its revised IPM guidelines has eliminated a list of “approved” pesticides, which enables EBMUD to use ANY pesticide on the market. As you surely know, there are many pesticides that are more toxic than glyphosate. Glyphosate is easier to defend than many pesticides available on the market in the US. Substituting another pesticide for glyphosate will not accomplish anything with respect to reducing the health risks of pesticide use by the supplier of our drinking water.

Despite the attempt to defend a specific pesticide that is easier to defend than many others, the “final” WMP engages in several misstatements of fact in that defense. The WHO did not “reverse its determination” that glyphosate is a probable human carcinogen, as the “final” WMP claims. Rather, it

Comment 4A

qualified the original classification by adding the caveat, “through the diet.” Given the methods being used to spray glyphosate on EBMUD properties (such as spraying glyphosate with an ordinary garden hose), exposure to glyphosate can occur in a variety of ways, including direct physical contact.

- **The WHO says specifically that the report (<http://www.who.int/foodsafety/faq/en/>) of the Joint Meeting on Pesticide Residues (JMPR) cited by the Initial Study of the “final” WMP does NOT contradict the classification of glyphosate as a “probable human carcinogen” by the IARC.** The WHO asks this rhetorical question: “Q9. Are the JMPR conclusions on diazinon, glyphosate and malathion published in May 2016 contradictory to the IARC hazard classification published in 2015?” And the WHO answers that question: “No. JMPR, in its assessment, has taken the IARC review of these three compounds into account by taking their data and interpretations into consideration. The work by IARC and JMPR are different, yet complementary, and their respective functions can be seen as part of a continuum where potential hazards to public health are identified, and the level of risk associated with any such hazards is subsequently assessed.”

Comment 4A

Furthermore, the “final” WMP claims that European Food and Safety Authority has extended the relicensing of glyphosate for 10 years. The European Food and Safety Authority is the primary agency of the European Union for risk assessments regarding food safety. **The European Union extended the license for glyphosate sale in the European Union in November 2017 for only 5 years.** It was a very close vote that was postponed several times and there is considerable evidence that the decision was heavily influenced by American interference in the review process. https://www.nytimes.com/2017/11/27/business/eu-glyphosate-pesticide.html?_r=0

The evaluation of pesticides is controversial because laboratory tests have been conducted by the manufacturers and by “scientists” who were paid by the manufacturers. Recent court cases alleging injury and death from glyphosate exposure have revealed collusion between the manufacturer, hired “evaluators,” and government agencies. Anyone with a sincere interest in the dangers of pesticides should read the recently published book on that topic, *Whitewash: The Story of a Weed Killer, Cancer, and the Corruption of Science*, by Carey Gillam.

Finally, the “final” WMP contains the following “Management Direction” that contradicts EBMUD’s existing IPM guidelines: “PW.5 Prohibit use of pesticides in the watershed, except for those herbicides specifically approved for spot treatment of pest plant species according to District IPM guidelines and where other methods of pest control are not feasible.” The draft IPM guidelines for pesticide use in the watershed is presently much broader: “On District watershed lands, pesticides shall not be used within 1,000 feet of raw water reservoirs or tributary creeks, except for spot treatment of pest plant species **and use of selective herbicides broadcast sprayed for specific watershed management objectives.**” The draft IPM guidelines also provide several exceptions to those few restrictions and it invites pesticide applicators to request additional exceptions. In effect, existing IPM guidelines provide no restrictions for pesticide use in EBMUD’s watershed and the final WMP may not legally claim that they do.

Comment 5A

As you know, Initial Studies can be legally challenged and we believe this misguided attempt to put the cart before the horse makes the Negative Declaration vulnerable to legal challenge. Those who object to destruction of our urban forest and the associated use of pesticides have had many major legal victories and we hope that EBMUD will avoid another opportunity for a legal challenge. We therefore hope for a favorable reply to our reasonable request to republish the documents when the public has access to EBMUD’s IPM guidelines and restart the clock for public comments. Publishing important documents such as these during the holiday season will not enable EBMUD to avoid public scrutiny.

Comment 6A

Thank you for your consideration.

Forest Action Brigade

Marg Hall
Mary McAllister
Tanya Smith
Teri Smith

Cc: Center for Environmental Health
Coalition to Defend East Bay Forests
Hills Conservation Network
Save the East Bay Hills

Response 1A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed, and (c) nothing in CEQA requires that consideration of the proposed EBWMP Update be delayed until some uncertain time in the future when the IPM Program review is complete and any resulting changes to the Program are proposed. Also, EBMUD’s 2010 IPM Guidelines remain in effect.

Response 2A: Please see Response 1A, above.

Response 2B: Please see Response 1A, above.

Response 3A: Please see Response 1A, above.

Response 4A: Please see Response 1A, above, and Response 2G to the letter from Isis Feral.

Response 5A: Please see Response 1A, above. Also, the Guideline PW.5 has been amended to read: “Prohibit use of pesticides in the watershed, except for ~~those herbicides specifically approved for~~ spot treatment of pest plant species ~~according to District IPM Guidelines and where other methods of pest control are not feasible.~~”

Response 6A: Please see Response 1A, above.

Mary McAllister (1/8/18 email)

From: marymcallister@comcast.net [mailto:marymcallister@comcast.net]
Sent: Monday, January 08, 2018 5:15 AM
To: Coate, Alexander; Wallis, Michael; Young, Marguerite; Wallace, Douglas
Subject: Please revise the Initial Study for the WMP to conform to the current status of the IPM Program

TO: Alexander Coate, Doug Wallace, Michael Wallis, Marguerite Young

RE: Please revise the Initial Study for the WMP to conform to the current status of the IPM Program

The consultant’s evaluation of the District’s IPM practices and the District staff’s recommendation to the Board to implement the consultant’s recommendations to improve the District’s pesticide practices are now available to the public:

Consultant’s Evaluation:

Comment 1A

<http://www.ebmud.com/about-us/sustainability/> (Scroll down to Integrated Pest Management)

[Staff Report on plans to implement the consultant’s recommendations to improve pesticide practices:](#)

http://www.ebmud.com/files/7415/1517/3831/010918_sustainability_staff_reports.pdf

Comment 1A

The availability of these documents enables me to revise my request of December 29, 2017, regarding the Initial Study and its Negative Declaration for the “final” Watershed Master Plan. **I am now making the following request:**

Please delete all references to the IPM Program in the Initial Study so that the Negative Declaration applies only to changes in bike trails.

These are the arguments for making such a change:

- CEQA requires analysis of environmental impacts of significant changes in land use or environmental conditions. The only significant change in land use in the “final” WMP is changes in bike trails. The analysis of that specific change is the primary focus of the Initial Study. I agree that there is unlikely to be any significant negative impact on the environment of the proposed changes and that a Negative Declaration is appropriate for that change in land use.
- The consultant’s evaluation of the District’s IPM pesticide practices and recommendations for improving those practices do not fundamentally change the purpose of the District’s IPM Program. The consultant does not recommend reductions in pesticide use by the District nor does the consultant single out glyphosate for reduction. Therefore, statements regarding changes in IPM practices made in the Initial Study for the WMP are not accurate.
- The District managers with whom we have spoken are under the mistaken impression that pesticides are not used in watershed work units. In fact, the consultant observed that staff time spent applying pesticides is equal to staff time spent on non-chemical methods of plant eradication in all three watershed work units: “For MKW, PAR and WEB, this data suggests that the amount of effort is the same for both pesticide and non-pesticide techniques.”
- The District’s IPM guidelines exist only in draft form at the present time. The draft revision of IPM guidelines that was given to the public in July 2017 does not propose any significant changes in IPM practices. The guidelines continue to provide several exceptions to allow pesticide use on watershed lands and it invites managers of watershed work units to request more exceptions.
- District staff has made a proposal to the Board to implement the consultant’s recommendations for improvements in IPM practices and it predicts that these improvements will not be in place until mid-2019. There will not be a final version of the District’s IPM guidelines and associated practices for over a year. Final IPM guidelines are in the distant future. Claiming that the District’s IPM Program has no significant impact on the environment—as a Negative Declaration does—is both premature and inappropriate. Presently, there are no accurate records of how much pesticide the District uses.

Comment 2A

Comment 3A

Comment 4A

Comment 5A

Comment 5B

- The Initial Study for the WMP presently contains misstatements of fact about the classification of glyphosate as a “probable human carcinogen” by the WHO as well as a misstatement of fact about the continued use of glyphosate by the European Union.
- The consultant has observed that the District’s pesticide use is currently completely decentralized. Therefore, there is presently wide variation in the use of pesticide by all District work units as well as wide variation in pesticide use by individual pesticide applicators. The consultant has recommended developing guidelines for identifying pests and choosing a method of eradication as well as enhancing qualifications and training of pesticide applicators. The goal of the recommended improvements is to standardize pesticide use and improve record keeping. It’s possible that such standardization will result in reduced pesticide use, but no explicit commitment has been made to do so. It is also possible that standardized guidelines regarding pesticide use will result in increased pesticide use. It is not possible to predict the outcome of the proposed changes in pesticide practices at this time.

Comment 6A

Comment 7A

My revised request to delete all references to the District’s IPM Program from the Initial Study will enable the District to move forward with its revision of the Watershed Master Plan and its Negative Declaration. My request respects the autonomy and authority of the District without giving an essentially non-existent IPM Program a legal free pass with respect to potential environmental impacts.

Comment 8A

Thank you for hiring a consultant to evaluate the District’s pesticide use and for adopting the consultant’s recommendations for improving the District’s IPM Program. I am hopeful that the implementation of the consultant’s recommendations will result in improvements in the District’s pesticide practices. Please do not undermine those efforts by certifying a Negative Declaration based on misinformation about the status of the District’s IPM Program.

Comment 9A

Mary McAllister

Cc: Center for Environmental Health
 Coalition for Defense of East Bay Forests
 Forest Action Brigade
 Hills Conservation Network
 Save East Bay Forests

Response 1A: Please see Master Response 2.

Response 2A: EBMUD concurs that a Negative Declaration is appropriate for the proposed change in land use for bicycle access to the watershed trail system due to the lack of significant impact.

Response 3A: Please see Master Response 2.

Response 4A: Please see Master Response 2.

Response 5A: Please see Master Response 2.

Response 5B: Please see Master Response 2. The IS/ND does not assess the environmental impacts of the District’s IPM Program. Instead, it assesses the environmental impacts of the proposed project, i.e., the changes to the EBWMP reflected in the proposed EBWMP Update. The only proposed pest-management-related changes are designed to reduce pesticide use. The IS/ND concludes those changes will not have a significant impact.

Response 6A: Please see Response 2G to Isis Feral letter of January 29, 2018.

Response 7A: Please see Master Response 2 and Response 5B, above. The consultant’s recommendations have not yet resulted in a proposed project, i.e., a proposed set of pest management guidelines. This IS/ND not intended to serve as the CEQA document for any such future proposed project. Instead, it is intended to serve solely as the CEQA document for the proposed EBWMP Update.

Response 8A: Please see Master Response 2 and Response 7A, above.

Response 9A: Please see Master Response 2.

Mary McAllister (1/10/18 email)

From: marymcallister@comcast.net [mailto:marymcallister@comcast.net]
Sent: Wednesday, January 10, 2018 4:44 PM
To: Wallace, Douglas
Cc: Coate, Alexander; Ambrose, Michael; Wallis, Michael; Young, Marguerite
Subject: RESPONDING to you email of January 8, 2018

Hi Doug, Thanks for your responses to my questions, to which I will reply:

- 1. I see pesticides still listed as a "constituent of concern" in the version of the WMP that is not redlined. It does not inspire confidence that it was redlined.
- 2. Here is California State law regulating pesticide run off: <http://www.cdpr.ca.gov/docs/pressrls/2012/120718.htm> I am not a lawyer. This came up from an ordinary Google search. If I were a lawyer, I might be able to find other regulations on this subject. Such an off-hand response from people who are responsible for water quality suggests that they are unaware of the law. Again, it does not inspire confidence that EBMUD even knows the laws they are obligated to follow, let alone is following them.
- 3. I don't find that a satisfying answer to my question. This is a WATERSHED Master Plan. Therefore a water quality specialist is needed for all “coordinated resource planning” that affects the WATERSHED. If EBMUD wishes to claim that water quality is its highest priority, it should ensure that a water quality specialist is involved in “resource planning.”

Comment 1A

Comment 2A

Comment 3A

Here are more concerns about the revised WMP that invite further deterioration in the District’s pesticide practices:

1. This caveat has been added to BIO18: “eliminating pesticides where feasible.” The word “feasible,” absent any definition of that word, is a loophole big enough to drive a truck through. It renders the preceding words in BIO18 meaningless.

Comment 4A

2. This phrase has been deleted from BIO 23: “and evaluate consistency with other EBWMP direction.” In other words, if IPM policies or practices become more rigorous—as the District claims they will—the Master Plan is not obligated to revise its commitments to protect plant and animal species. That is another loophole that renders plans to improve District pesticide practices meaningless.

Comment 5A

3. This caveat has been added to PW65: “and where other methods of pest control are not feasible.” Now PW65 reads, “PW.65 Prohibit use of pesticides in the watershed, except for those herbicides specifically approved for spot treatment of pest plant species according to District IPM guidelines and where other methods of pest control are not feasible.” The addition of the word “feasible” enables staff to use pesticides in the watershed wherever they consider them necessary. Given the decentralized nature of the District’s pesticide practices and the lack of guidelines regarding their use, this caveat is an open invitation to increase pesticide use.

Comment 6A

I have many other concerns about the “final” WMP and its Initial Study. I hope these examples of the specific ways in which the Watershed Master Plan is being revised to accommodate MORE pesticide use will be illustrative. If the WMP is not revised and its Initial Study with Negative Declaration is not withdrawn, I will provide a complete list of the ways in which the plans contradict the District’s claims that it wishes to improve pesticide practices and reduce pesticide use in the watershed.

I am willing to meet with anyone at EBMUD about these issues at any time. Phone conversations for the purpose of identifying these issues are not effective because finding the appropriate text is difficult, as we learned when first we spoke.

Thanks again for your reply. I agree that revising these documents is preferable to the legal alternatives that are available.

Mary McAllister

Response 1A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of EBWMP changes that have been proposed. Also, while it is true that the original (1996) EBWMP did contain the statement (in Table 2-2 on p. 16), “pesticides have been detected in District reservoirs,” that statement concerned low level detections of heptachlor and atrazine identified in EBMUD water quality sampling conducted in 1992 and 1994, prior to adoption of the EBWMP in 1996 (see PEIR, Table 3-2). EBMUD water quality sampling also found DDT at a barely detectable level in Upper San Leandro Reservoir in 2000.

Response 2A: In the Water Quality Objectives discussion on page 46, the previous second bullet has been reinstated: “Ensure that surface water runoff from District lands meets state water quality standards.”

Response 3A: In BIO.8 on page 51, the previous sentence at the end has been reinstated, “Include a water quality specialist during coordinated resource management planning.”

Response 4A: Please see Master Response 2.

Response 5A: In BIO.23 on page 52, previous clause at end has been reinstated, “; evaluate consistency with other EBWMP direction.”

Response 6A: There is no PW.65. It appears the commenter intended to refer to PW.5 on page 94, which has been revised to read ““Prohibit use of pesticides in the watershed, except for spot treatments of pest plant species where other methods of pest control are not feasible.” Please also see Master Response 2.

Mary McAllister (1/15/18 email)

From: marymcallister@comcast.net [mailto:marymcallister@comcast.net]

Sent: Monday, January 15, 2018 11:13 AM

To: Wallace, Douglas

Cc: Coate, Alexander; Ambrose, Michael

Subject: A Legal Lesson for EBMUD

Dear Mr. Wallace,

As you know, I have advised EBMUD that its attempt to legally bless its non-existent IPM program with a Negative Declaration for the revised Watershed Master Plan, is a risky legal strategy. I understand you have heard that opinion from several organizations, including the Hills Conservation Network. HCN has had several major legal victories as it fights for the preservation for the urban forest and against the use of pesticides to prevent them from resprouting after they are destroyed. Their legal tool has been CEQA and NEPA laws regarding environmental impact reviews.

I am writing to give you a very recent example of such a legal challenge of inadequate environmental impact reviews and a significant legal victory for such a challenge.

In 2014, the State of California certified a Programmatic Environmental Impact Report allowing pesticide spraying “anywhere in the state, anytime, without further environmental review or input from the public. The California Department of Food and Agriculture’s statewide “pest management” program required no site-specific analysis of risks before the application of 79 pesticides, including some known to cause cancer and birth defects and to be highly toxic to bees, butterflies, fish and birds.”

<https://www.eastcountymagazine.org/court-rejects-californias-blanket-approval-pesticide-spraying>

This Programmatic EIR was approved without revision after the State received over 140,000 highly critical public comments, including from many scientists and medical professionals. Fortunately, many non-profit organizations who oppose the indiscriminate use of pesticides had the resources to sue and on Tuesday, January 9, 2018, they WON!

Comment 1A

“In a sweeping decision issued Monday, Judge Timothy M. Frawley ruled that the state agency failed to adequately review impacts or provide adequate notice of pesticide spraying. The agency also didn’t account for the full range of dangers caused by the program, including **risks of contaminating water supplies** and the cumulative danger of adding even more pesticides to the more than 150 million pounds of pesticides already being used in California each year.” <https://www.eastcountymagazine.org/court-rejects-californias-blanket-approval-pesticide-spraying>

Comment 1A

During the four year period in which this dangerous program existed, the California Department of Food and Agriculture carried out over 1,000 pesticide applications using this blanket approval mechanism, sometimes using some of the most dangerous pesticides on the market such as neonicotinoids and chlorpyrifos.

We submitted many public comments on EBMUD’s draft WMP in September 2016. The “final” WMP completely ignores the public comments we made. And we will make public comments on the Initial Study and its Negative Declaration as provided by CEQA. These public comments are the legal record for subsequent legal challenges of an inappropriate, if not illegal, Negative Declaration. Please understand that EBMUD is inviting a legal challenge of its Neg Dec if it continues to ignore our **reasonable request to delete all mentions of the non-existent IPM program from the Neg Dec.**

Comment 2A

Thank you for your consideration.

Mary McAllister

Response 1A: Please see Master Response 2. EBMUD does not propose to use the EBWMP Update IS/ND as a CEQA document for any future actions resulting from the independent on-going IPM Program review.

Response 2A: Comment noted.

Mary McAllister (1/18/18 email)

From: marymcallister@comcast.net [mailto:marymcallister@comcast.net]

Sent: Thursday, January 18, 2018 1:41 PM

To: Wallace, Douglas

Subject: Re: A Legal Lesson for EBMUD

Thanks, Doug. Yes there is one issue that we have not discussed that I hoped to talk about at our meeting. This is the sentence in the WMP that I hope to discuss:

“FOR.11 Prior to any harvest activities, ensure that adequate stump-sprouting control methods are available to reduce fire hazards and protect water quality.”

From my standpoint, this is not a new issue. Rather it is one of the most important issues in on my written public comment on the draft WMP. **I quote from that portion of my comment here:**

“EBWMP dodges the question of what methods will be used to prevent destroyed eucalyptus from resprouting

1. The EBWMP’s statement that methods of controlling eucalyptus resprouts after they are destroyed are to be determined is an artful and fundamentally dishonest dodge. EBMUD must inform the public of the methods they intend to use. If herbicides are used for this purpose, EBMUD’s use of pesticides will increase substantially.
2. The majority of public land managers are now using Garlon to prevent eucalyptus resprouts, i.e., East Bay Regional Park District, City of Oakland, UC Berkeley, and National Park Service. East Bay Regional Park District said in the Environmental Impact Statement for the FEMA project that it planned to use 2,250 gallons of Garlon for that purpose.
3. Garlon, with the active ingredient triclopyr, is one of the most toxic herbicides on the market. The risk assessment of triclopyr that was done for Marin Municipal Water District says that Garlon is acutely toxic to aquatic life and moderately toxic to birds and bees. It is also known to damage mycorrhizal fungi in the soil, which will retard the growth plants that remain when the trees are destroyed.
<http://www.marinwater.org/documentcenter/view/254>) The risk assessment done for the California Invasive Plant Council says that Garlon “poses developmental and reproductive risks” for female applicators. http://www.cal-ipc.org/symposia/archive/pdf/2014/Law_Johnson.pdf)
4. Garlon is sprayed on the tree stump shortly after the tree is destroyed while the cambium layer is still alive and capable of transporting the herbicide into the roots of the trees. It prevents resprouts by killing the roots after several applications. Garlon is known to be mobile in the soil, which is why it frequently damages non-target trees that are growing closely enough that their root structure intertwines with the roots of eucalyptus.
5. The only public land manager that has made a commitment to destroy approximately 15,000 eucalypts without using herbicides is UCSF for its open space on Mount Sutro in San Francisco. They have been destroying eucalyptus on their properties for several years. You can visit their property to see that they are not successfully controlling resprouts of the trees they have destroyed.
6. Marin Municipal Water District recently made a commitment to not using any herbicides on its properties. It did not make that commitment willingly. It was forced to make that commitment by its customers, who fought for years to accomplish that ban on herbicide use. EBMUD should take heed. The more pesticide EBMUD uses, the more likely the public will protest that use. I don’t know if MMWD has stopped destroying eucalyptus on its property. Given that it cannot use pesticides, it would be wise to stop destroying eucalyptus trees.
7. I walked (with collaborators) with Mark Silva, EBMUD Ranger Supervisor, on the EBMUD property he manages on Grizzly Peak Blvd, north of Fish Ranch Road in October 2015. Many eucalyptus and bay laurels have been destroyed on that property because it is on the ridgeline, where EBMUD believes a wildfire could move from one side of the hills to the other side. He considers bay laurels just as flammable as eucalyptus. He initially used Garlon to prevent resprouts. Then he noticed that the herbicide was damaging everything growing around the trees that were destroyed and sprayed with herbicide. He quit using herbicides. Now he controls resprouts by cutting them down once or twice a year. He says it takes about 7 or 8 years to finally kill the eucalyptus. He has never successfully killed bay laurel trees with this method.

Comment 1A

Comment 2A

Comment 3A

Comment 4A

Comment 5A

If EBMUD persists with its plans to destroy all eucalyptus trees on its properties it must inform the public of what method it intends to use to prevent resprouts. EBMUD will not be

Comment 6A

able to make a negative declaration to satisfy CEQA requirements without explicitly stating its intentions. If EBMUD does a full CEQA EIR – as the Sierra Club demands – it will be required by CEQA to describe in detail the materials and methods it will use. EBMUD must choose between two bad options if it destroys the trees. If it uses herbicides to prevent resprouts, it will contaminate our water supply. If it controls resprouts by cutting them down once or twice a year, it will substantially increase its labor costs. The best option is to abandon the foolish plan to destroy all eucalyptus on its property.”

Comment 6A

My request that the WMP identify how eucalyptus resprouts will be controlled was ignored, or in any case, not addressed. Now we all know a great deal more about the District’s pesticide use. I am now in a position to add the following arguments to those I made in my original public comment:

1. When Garlon is applied to the eucalyptus stump, it is done by the same contractor that destroys the tree because it must be done immediately, while the cambium layer is still functional and capable of carrying the herbicide to the roots. Now we know that the District’s records of pesticide use do not include pesticide applications by contractors. Therefore, the District does not know if and when its foresters are using herbicide to prevent resprouts.
2. We now know from the consultant who evaluated the District’s pesticides practices, that every work unit, as well as every individual employee, is making independent decisions about when to apply pesticides. The fact that Mark Silva chooses not to use pesticides to prevent resprouts does not prevent other District employees from making different decisions, including authorizing contractors who destroy trees to apply herbicides to the stumps.

Comment 7A

Comment 7B

Therefore, I ask the District to revise the statement in the final WMP to read:

“FOR. 11 Herbicide will not be used to control stump resprouts when eucalyptus are destroyed.”

Comment 8A

The strongest arguments for making this revision are that Mark Silva has demonstrated that it is possible to prevent resprouts without using herbicides and that the District wants to reduce the use of pesticides on its properties.

Thank you for giving me this opportunity to add an important issue that we have not yet discussed.

See you on Monday.

Mary McAllister

Response 1A: FOR.11 on page 54 has been revised to read, “Prior to any harvest activities, ensure that adequate stump-sprouting control methods are available to reduce fire hazards and protect water quality. Herbicides will not be used to control stump resprouts.”

Response 2A: EBMUD staff do not use Garlon on the East Bay watershed, and all contractors are prohibited from using Garlon on the East Bay watershed. As noted in Response 1A, the EBMWP has also been revised to prohibit the use of all herbicides to control stump resprouts.

Response 3A: Comment noted.

Response 4A: Please see Master Response 2.

Response 5A: In the exchange described, Mr. Silva was referring to glyphosate, not Garlon, which is not used on EBMUD’s East Bay watershed lands.

Response 6A: Please see Master Response 3. EBMUD has found that it can successfully control resprouts without the use of pesticides.

Response 7A: Please see Response 2A, above.

Response 7B: Please see Response 1A, above.

Response 8A: Please see Response 1A, above.

Rick Bingham

From: Rick Bingham [mailto:rickbingham@gmail.com]
Sent: Saturday, December 30, 2017 9:09 AM
To: Watershed Master Plan
Subject: EBWMP Comments

I would like to make a request that further exploration and development of mountain bike trails be included in the EBMUD master plan. Many progressive communities around the country have developed programs that allow for cyclists, hikers, and horse to enjoy trails together. Programs include designated trails, on/off days for biking, and shared planning and development.

Comment

Thank you for your consideration.

Rick

Response: Please see Master Response 1. In addition, the proposal in the EBWMP to permit bicycle access on two sections of trails in the watershed was the result of an extensive stakeholder engagement effort, seeking a balance between resource protection and community interest in expanded recreation opportunities.

Elizabeth Starr

From: juty blue [mailto:jutyblue@yahoo.com]
Sent: Saturday, January 06, 2018 11:57 AM
To: Watershed Master Plan
Subject: STOP the logging and Pesticide use on EBMUD land, it's our drinking Water!

Dear EBMUD:

PLEASE STOP the logging and Pesticide use on EBMUD land ASAP, it is where our drinking water originates and many people are becoming sick, and many more will become ill from ingesting these very serious toxins in the water.

Comment 1A

it is also a big concern regarding the health and well being of the animals who live on the EBMUD land as they will become ill and disabled, and potentially die from ingesting these toxic pesticides.

Comment 1B

The trees provide much needed oxygen and shade. The pines are beautiful and aromatic. There is no reason to cut them down as it's hardly a forest or many trees so not a fire hazard.

Comment 2A

We recently viewed the Pine trees being logged and smelled the fumes from the pesticide. There is no reason to clear cut, then spray this pristine land!

Comment 3A

PLEASE STOP logging and spraying, it's seriously bad for humans and animals and the air quality on EBMUD and surrounding lands. Pesticides drift with wind patterns and it's a dangerous situation for those of us with asthma and severe chemical sensitivities as there are not many clean places to go anymore.

Comment 4A

Thank you,

Sincerely,

Elizabeth Starr
Berkeley, CA
94702

Response 1A: Please see Master Responses 2 and 3.

Response 1B: As noted in Master Response 2, glyphosate is the only pesticide in use on the watershed, and the level of use has averaged 0.00014 gallons per acre per year in recent years. According to the National Pesticide Information Center, “pure glyphosate is low in toxicity to fish and wildlife,” although other ingredients such as surfactants in some glyphosate products may be toxic. EBMUD uses only a 1% dilution of glyphosate on the watershed. There is no evidence that animals have been affected by EBMUD’s limited historic use of glyphosate, and the only pesticide-related changes proposed in the EBWMP Update are designed to reduce pesticide use. The purpose of the CEQA analysis is to assess the environmental impacts of those changes, not of the pre-existing status quo regarding pesticide use. Even if the changes are ineffective, pesticide use will remain the same, and the changes will therefore have caused no impact.

Response 2A: Please see Master Response 3. As noted there, EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed.

Response 3A: Pine trees on the watershed are not being clear cut or sprayed with pesticide. Please see Master Responses 2 and 3.

Response 4A: As noted in Master Response 3, EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Moreover, also as noted in Master Response 3, under existing practices, tree cutting in the watershed is limited and highly selective. The pines that are removed are dead, diseased, and dying trees, and taken out to protect the remaining trees from disease and to reduce the fire danger resulting from all the dead

standing trees. The eucalypts are mostly removed for fuel volume reduction in the fuel break in the urban-watershed interface. As noted in Master Response 2, the only proposed pesticide-related changes are designed to reduce pesticide use, and, again, the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Isis Feral (1/7/18 email)

From: isis feral <isisferal@yahoo.com>
To: watershedmasterplan@ebmud.com; douglas.wallace@ebmud.com
Cc: lesa.mcintosh@ebmud.com; john.coleman@ebmud.com; marguerite.young@ebmud.com; andy.katz@ebmud.com; douglas.linney@ebmud.com; william.patterson@ebmud.com; francis.mellon@ebmud.com
Sent: Sunday, January 7, 2018 1:41 AM
Subject: MISSING DOCUMENTS FROM WATERSHED PLAN

Apparently we are having a repeat of the same problem I complained about during the initial public review of the update of the EBMUD Watershed Master Plan (see our previous email exchanges below).

Comment 1A

Again documents to be reviewed by the public reference the district's IPM guidelines, but no such guidelines are included. How is the public expected to provide informed feedback when relevant details of the plan are being withheld?

But this time it's even worse, because your IPM policy itself is currently under review, and as such previous IPM documents are outdated, and irrelevant to the plans outlined in the update of the watershed plan.

The public cannot properly review plans that are not fully disclosed, and you cannot fully disclose them until you complete the IPM plan. Posting a deadline for the public to review the update of the watershed plan prior to all relevant documents being completed is putting the cart before the horse.

Comment 2A

In fact, you cannot conduct a study of a plan, when part of the plan is related to guidelines that have not been completed, and as such both the study and the Negative Declaration are premature and meaningless.

The staff report for the Tuesday, January 9 Sustainability and Energy Committee meeting indicates that IPM decision documents are expected to be completed by the end of 2018.

The update of the watershed plan must be halted and postponed until after the IPM plan is completed, and all parts of the watershed plan are fully disclosed to the public.

Isis Feral

Response 1A: See Response 1A to Isis Feral email of 1/22/18.

Response 2A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed, and (c) nothing in CEQA requires that consideration of the proposed EBWMP Update be delayed until some uncertain time in the future when the IPM Program review is complete and any resulting changes to the Program are proposed.

Isis Feral (1/15/18 email)

From: isis feral [mailto:isisferal@yahoo.com]
Sent: Monday, January 15, 2018 4:50 PM
To: Watershed Master Plan; Wallace, Douglas
Cc: McIntosh, Lesa; Coleman, John; Young, Marguerite; Katz, Andy; Linney, Doug; Patterson, William; Mellon, Frank
Subject: Re: MISSING DOCUMENTS FROM WATERSHED PLAN

It has been two weeks since I wrote to alert you that there are documents missing from the public comment page for the update of the EBMUD Watershed Master Plan, that are referenced in the update (see below), and it's been one week since several of us admonished you about the missing documents in the public comment session of the EBMUD Sustainability and Energy Committee meeting. I have received no response, nor have missing documents been appended to the watershed plan update.

Comment 1A

During the Sustainability and Energy Committee meeting some of you claimed that the IPM review and the watershed plan update are separate processes. While that may be true in the context of how you structure your own bureaucracy, it is not true in the context of the public's legal right to review all relevant documentation during CEQA public comment periods.

Comment 2A

On page 94 of the watershed plan update you explicitly mention "herbicides specifically approved...according to District IPM guidelines". This makes the IPM guidelines and the list of approved herbicides relevant documentation that the public is legally entitled to review as part of the watershed plan update. It is illegal to deny the public access to all relevant documentation on which we are expected to base our public comments during CEQA review.

Comment 3A

As your IPM policies are currently under review themselves, it is impossible for you to make claims about future IPM policies in the watershed plan update. The Negative Declaration and associated study are incomplete, irrelevant, and illegal without first finishing the IPM review. Any such declarations must be reevaluated and any study redone after you have finished all policy reviews relevant to the watershed plan update.

Comment 4A

I am again demanding that you immediately cancel the Negative Declaration and halt the public comment period for the watershed plan update until you have completed the IPM review.

Isis Feral
Oakland

Response 1A: See Response 1A to Isis Feral email of 1/22/18.

Response 2A: Comment noted. Please also see Master Response 2.

Response 3A: Please see Master Response 2. PW.5 on page 94 of the EBWMP has been revised to read: "PW.5 Prohibit use of pesticides in the watershed, except for those herbicides specifically approved for spot treatment of pest plant species according to District IPM guidelines and where other methods of pest control are not feasible."

Response 4A: Please see Master Response 2.

Isis Feral (1/22/18 email)

From: isis feral [mailto:isisferal@yahoo.com]

Sent: Monday, January 22, 2018 2:38 PM

To: Wallace, Douglas

Cc: Coate, Alexander; Watershed Master Plan; McIntosh, Lesa; Coleman, John; Young, Marguerite; Katz, Andy; Linney, Doug; Patterson, William; Mellon, Frank

Subject: Re: MISSING DOCUMENTS FROM WATERSHED PLAN

Thank you for posting the IPM documents. This should warrant at least an extension of the public comment period, as per the precedent set when the same error was made during the first phase of public comment in 2016, to allow the public time to review the watershed plan in the context of the IPM policies cited.

However, this time an extension of the comment period is not enough, because the posted IPM documents are currently in the process of being superceded by the ongoing review of the district's IPM program. The update of the watershed master plan relates to activities in the future, and references to future IPM activities cannot be judged by an outdated policy that is in an active process of being revised, and the Study and Negative Declaration could not have taken into account the actual policies under which the plan is to be implemented.

I ask again that EBMUD take seriously the right of the community to have access and adequate time to review all relevant documents during the CEQA mandated public process, and that you postpone the watershed master plan review process until all relevant policies are written and disclosed.

Thank you.

Isis Feral

Oakland

Comment

Response: CEQA Guidelines Section 15073(a) requires a proposed negative declaration to be circulated for a period of 20 to 30 days. Exceeding this requirement, EBMUD circulated the IS/ND on December 15, 2017 for a 45-day comment period ending January 29, 2018. At commenter's request and with two weeks remaining in the 45-day comment period, EBMUD provided the requested documents on the EBWMP website. Given the already lengthy comment period, which exceeded CEQA's requirements by two weeks, and the fact that two weeks still remained in the comment period, EBMUD reasonably determined that no extension was necessary. Please also see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed, and (c) nothing in CEQA requires that consideration of the proposed EBWMP Update be delayed until some uncertain time in the future when the IPM Program review is complete and any resulting changes to the Program are proposed.

Isis Feral (January 29, 2018)

From: isis feral [mailto:isisferal@yahoo.com]

Sent: Monday, January 29, 2018 7:21 AM

To: Watershed Master Plan; Wallace, Douglas

Cc: Coate, Alexander; McIntosh, Lesa; Coleman, John; Young, Marguerite; Katz, Andy; Linney, Doug; Patterson, William; Mellon, Frank

Subject: Receipt Requested: Comments on EBWMP Update

Please confirm receipt of comments on EBMUD's watershed plan, pasted below (as well as attached for possibly easier reading).

Thank you.

Isis Feral

**Comments on the East Bay Municipal Utility District (EBMUD)
Update of the East Bay Watershed Master Plan**

Isis Feral
January 29, 2018

Some of the comments that follow are a repeat of my comments on the draft update of the watershed plan in September 2016, because they have not been adequately addressed.

Comment 1A

My primary concerns about the watershed plan continues to be the use of toxic chemicals, and removal of trees. While I recognize that these are not newly planned practices, an update necessarily puts the entire plan under scrutiny again. My comments are not just in response to proposed changes, but also to established policies that need to be revisited and revised.

Much has been learned about pesticides and environmental health since the 1999 Programmatic Environmental Impact Report (PEIR) for the watershed plan was conducted, and the impacts better understood now were not addressed in that process.

Comment 1A

In light of similar projects throughout the East Bay, EBMUD's actions can no longer be viewed in isolation, but must be considered in a much broader context than the 28,000 acres of public land under the district's control. As such, this public process, the Initial Study, and the Negative Declaration are inadequate, and a much more extensive environmental analysis and fundamental policy changes are required.

CHEMICAL USE:

Transparency and public policy

In my comments in 2016 I thanked EBMUD for providing missing documents cited in the draft update of the watershed plan and for extending the comment period to allow the public to review them.

I hoped that the responsiveness to public input would continue throughout this process, and result in informed policy changes for public safety and ecological protection, but instead the same problems with transparency continue.

In 2016 documents that were referenced in the draft update of the watershed mater plan, but not appended or linked to, were specific to the district's use of pesticides.

The draft cited "IPM guidelines" for more details, but the district's website search feature did not produce a single result for IPM.

Comment 2A

I requested that all relevant documents be posted along with the draft, and the comment period extended, at the public hearing on the watershed plan on August 15, 2016, and twice by email to the watershed plan address and the entire board of directors on August 20 and 22.

Initially the IPM documents were sent to me personally, but were not provided to the rest of the public with additional time to review them, but to EBMUD's credit, the documents were finally posted on August 31 and the comment period extended by two weeks.

Now in this current phase of engaging public feedback in the CEQA process, we had a repeat of the same problem we had during the initial public review of the draft update, and the same information was missing.

I again had to make repeated requests, by email to the watershed plan address and the entire board on January 7 and 15, and in person at the January 9 Sustainability and Energy Committee meeting, before I received a response that the IPM guidelines were posted to the watershed plan update page on January 16. However, this time the district did not follow its own precedent of extending the comment period after posting the documents. My demand, which I repeated by email on January 22, that the entire process be postponed because of inconsistencies with the IPM documents, was altogether ignored.

Comment 2A

The IPM documents provided are in the process of being superseded by the currently ongoing review of the district's IPM program.

Comment 2B

The watershed plan update relates to activities in the future, and references to future IPM activities cannot be judged by an outdated policy that is in an active process of being revised. The study and declaration could not have taken into account the actual policies under which the plan is to be implemented, and as such all previous IPM documents are irrelevant to the plans outlined in the watershed plan update. Neither the study nor the watershed plan update can be considered final.

Comment 2C

The Negative Declaration and associated study are incomplete, irrelevant, and illegal without first finishing the IPM review. Any such declarations must be reevaluated and any study redone after you have finished all policy reviews relevant to the watershed plan update.

Comment 2D

The original watershed plan was studied in a PEIR under the California Environmental Quality Act (CEQA) in 1999, but the current study points out that "Hazards and hazardous materials were not evaluated by the PEIR"

(http://www.ebmud.com/index.php/download_file/force/5480/1967/?EBWMP_Final_Initial_Study_2017-12-11.pdf page 42). Since pesticides are hazardous materials, and extensive research since 1999 has revealed further hazards, the activities planned in the watershed plan update are not covered by the PEIR, and require a more in-depth environmental review than a Negative Declaration.

Comment 2E

Not only is the study incomplete, because it could not review a non-existent IPM policy central to the plan, but it also contains factual errors that further put its reliability in question.

Comment 2F

For example, on page 6 the study claims that the World Health Organization (WHO) reversed its classification of glyphosate as a probable human carcinogen, when in fact the classification was only modified in regards to exposure through food, not other types of exposure, such as those caused by EBMUD's use of the chemical. The report from a May 2016 joint meeting on pesticide residues between the United Nation's Food and Agriculture Organization (FAO) and the WHO that is cited in the study (<http://www.who.int/foodsafety/jmprsummary2016.pdf>) clearly acknowledges "evidence of a positive association between glyphosate exposure and risk of NHL" (non-Hodgkin lymphoma).

Comment 2G

On the same page the study claims that the European Food and Safety Authority relicensed glyphosate for another 10 years because it was determined not to be carcinogenic, but in fact there was no consensus on safety, and it's renewal was for only 5 years

(https://ec.europa.eu/food/plant/pesticides/glyphosate_en), consistent with the vote by European Parliament only weeks prior to ban glyphosate altogether by 2022 (<https://sustainablepulse.com/2017/10/24/meps-vote-to-ban-glyphosate-in-european-union-in-2022/>).

Comment 2G

During the Sustainability and Energy Committee meeting in January some board and staff claimed that the IPM review and the watershed plan update are separate processes. While that may be true in the context of how EBMUD structures its own bureaucracy, it is not true in the context of the public's legal right to review all relevant documentation during CEQA public comment periods.

On page 94 the watershed plan update explicitly refers to "herbicides specifically approved....according to District IPM guidelines" (http://www.ebmud.com/index.php/download_file/force/5476/1967/?EBWMP-2017-final-public-review-draft-12-08-17.pdf). This makes the IPM guidelines and the list of approved herbicides relevant documentation that the public is legally entitled to review as part of the watershed plan update. It is illegal to deny the public access to all relevant documentation on which we are expected to base our public comments during CEQA review.

Comment 3A

I ask again that EBMUD take seriously the right of the community to have access and adequate time to review all relevant documents during the CEQA mandated public process, and that you postpone this watershed master plan review process until all relevant policies are actually written.

Comment 4A

IPM policy review

The IPM review itself seems to be taking steps backwards, and the documents so far made available to the public do not include a list of pesticides the district intends to use. I'd like to infer from this omission that EBMUD will no longer use any pesticides, but then there would be no need to talk about herbicides in the watershed plan at all. The study discusses the obstacle for eliminating pesticides as vaguely determined to be "feasibility".

Comment 5A

The staff report for the July 25 Sustainability and Energy Committee meeting, where the IPM review was on the agenda, clearly showed that an update to the "policy regarding pest management and/or use of pesticides" is not front and center, but little more than an afterthought, and not even a plan, but only a "consideration" (https://www.ebmud.com/index.php/download_file/view/5091/1899/ page 6).

Comment 5B

Instead of spending the last year eliminating pesticide use, and sitting down with your colleagues at the Marin Municipal Water District (MMWD), which is in the process of doing just that and extended an offer to assist you, the July staff report revealed that your workgroup wants to set up "data management systems" to "evaluate the volume and toxicity of pesticides applied", which wouldn't be necessary if you just stopped using them!

Comment 5C

It's time for the workgroup to stop staring at a computer screen, and go out into what's left of nature, and do some soul searching about how to preserve it, rather than kill it.

I have since learned that EBMUD also perceives the wild boar as a pest concern, and traps and murders them.

Comment 6A

Not only is there no list of permitted pesticides in the current IPM review documents, but the sample activity log shown in them does not require disclosure of specific pesticides either, only a check mark if any were used at all. It is becoming even less clear exactly what pesticides will be allowed under the new policy.

Comment 7A

As someone disabled by pesticide poisoning, I remind you that access to details of pesticide use is a matter of public safety, and lack of disclosure makes you liable for injuries.

Comment 7B

Transparency and public safety

It shouldn't be this much work to find information about EBMUD's use of pesticides in our public commons. Access to such documents is not a privilege to be granted only to individuals who notice that they are missing, but the public's right, and it's EBMUD's responsibility to make them available, not just in this process, but in general.

The district's use of pesticides under its IPM policy is a matter of public safety, and should be easily accessible at all times. The public has the right to know what chemicals EBMUD is exposing us to. Some of us are already injured and disabled by pesticides, and avoid land managed by EBMUD to protect ourselves from toxic exposures. The pesticides present an access barrier to us, and a threat of being injured further.

Comment 8A

The watershed plan update only mentions pesticides in passing, with no details of what chemicals are being used, where, and by what method. The now outdated IPM documents posted with the update were never all that much more informative:

In 2016, two IPM documents were posted with the draft update. The first document was dated December 1996, and listed 20 pesticide products, most with registration numbers. The second IPM document, on regulatory compliance, was dated October 2010, and contained an identical list, plus one additional product, which was misspelled, making it more difficult to research. Combined the documents listed 21 products containing a total of 16 different active ingredients. Currently only the 2010 document with the additional misspelled pesticide product is posted with the watershed plan update.

Comment 8B

While these are the documents most recently provided to the public, the documented reality looks very different. In 2015 EBMUD reported using yet another 9 pesticide products in Alameda and Contra Costa Counties, totaling 7 additional active ingredients that were not listed on either of the posted lists. *(1 - see end notes for list of products/ingredients)

As explained by researchers at the Death of a A Million Trees blog, who obtained the 2015 pesticide use reports, they appear to be incomplete, yet what pesticide use is reported by EBMUD is already far more than the pesticide use reported on much larger acreage by the East Bay Regional Park District (EBRPD) (the park district's pesticide use is also being challenged by the community): <https://milliontrees.me/2016/08/25/east-bay-municipal-water-district-is-using-a-lot-of-pesticide-and-its-new-master-plan-will-require-that-they-use-a-lot-more/>

Comment 8C

The inconsistencies in these public records are not confidence inspiring. A bureaucracy that can't keep track of its own use of toxic chemicals, can't be trusted to responsibly manage our water supply. It is unclear if the inconsistencies are a deliberate pattern of lack of transparency, or simply a dangerous lack of awareness of what is actually going on out there.

Comment 8D

It's time that EBMUD be transparent and accountable about exactly what chemicals are being used, where, when, by what means, and for what purpose. Particularly troubling is the continued listing of diazinon as a pesticide allowed by EBMUD in the 2010 IPM document, as all diazinon products were taken off the shelf after 2004.

Comment 8E

Chemicals in the water

One of the standard statements in EBMUD's "Annual Water Quality Reports" (though the most recent report posted on the district's website is still from 2016) relates to the source of potential contaminants in our water supply: "Pesticides and herbicides that may come from a variety of sources, such as agriculture, urban stormwater runoff and residential uses" (<http://www.ebmud.com/wqr>). No mention of EBMUD's own pesticide use!

Comment 9A

On page 16 the watershed plan update states that "pesticides have been detected in District reservoirs. These pesticides have not been detected in treated drinking water."

What a disturbingly disingenuous statement, considering that the district purposely adds fluoride to our water supply, which is also used as a pesticide, especially on grapes, and finds its way into our bodies by many routes in addition to what's added to the water (<http://fluoridealert.org/issues/sources/f-pesticides/>).

Fluoride is a neurotoxin, endocrine disruptor, carcinogen, and adversely affects the kidneys, thyroid, bone health and the reproductive and immune systems (http://fluoridealert.org/researchers/health_database/). Ironically it can also cause tooth decay, prevention of which is the purported reason it was added to the water in the first place. Fluoride bioaccumulates, and is toxic to various aquatic life (search keyword "aquatic" at <http://www.fluorideresearch.org/>).

Comment 10A

EBMUD claims that it is required by state law to fluoridate, and while that may be technically correct, the district does have a choice. EBMUD could choose to stop participating in dispensing a toxic chemical, that is difficult to filter out of the water on ethical grounds, as others have. Bad laws are not an excuse for poisoning the public. Many municipalities in California have rejected fluoridation and defied the law, which is not enforceable, as it lacks funding (<http://fluoridealert.org/researchers/states/california/>).

But EBMUD's deliberate choice was made clear in 2001, for example, when the district came out in opposition to California Assembly Bill 1565, which attempted to put at least some limited controls on fluoridation (<http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml>), and was supported

by the union of EPA scientists, The National Treasury Employees Union (NTEU) Local 280, which has officially opposed fluoridation since 1999 (http://www.nofluoride.com/epa_hirzy_letter.htm).

If EBMUD was merely concerned about complying with the law, but understood the dangers of fluoride, it would follow that the district would reduce fluoridation to the lowest mandated levels, and not exceed them.

The Bay Area Fluoride Awareness Coalition notified EBMUD in August 2015 that the U.S. Department of Health and Human Services (HHS) had reduced its recommended optimal fluoridation dose to 0.7 mg/L a few months prior, in April of that year. Only in October did EBMUD finally announce it had officially reduced its fluoridation levels (https://www.ebmud.com/index.php/download_file/view/3136/1382/).

In my comment from September 2016 I pointed out that the water quality data posted on the EBMUD site that month, nearly a year after the district officially lowered the dose, it still showed levels of 0.78 mg/L for the Orinda treatment plant, and 0.76 mg/L for Walnut Creek. While those plants are lower in the most recent posted data as of January 2018, now the Sobrante plant shows 0.74 mg/L (<http://www.ebmud.com/water-and-drought/about-your-water/water-quality/water-quality-data/>)

The Bay Area Fluoride Awareness Coalition has also been expressing concern about fluoride being added without properly taking into account raw water fluoride levels before treatment. Since fluoridation chemicals are contaminated with arsenic, (<https://fluoridealert.org/issues/water/fluoridation-chemicals/>) the coalition was also joined by Clean Water California, as recently as January 2016 (http://www.ebmud.com/download_file/view/3452), in demanding that arsenic levels in the fluoridation chemicals be measured, and reported with the monthly water data.

To further demonstrate irresponsible decision making in regards to chemical use, the district also adds chloramine, which is a mix of chlorine and ammonia - both also used as pesticides - to the water supply, and which has been making a lot of people sick. The district has known since at least 2005, when Citizens Concerned About Chloramine alerted you that chloramine was causing some residents life threatening respiratory distress and severe skin rashes (<http://www.chloramine.org/ccachistory.htm>).

Chloramine also causes digestive problems and may contribute to the development of gastric cancer. Unlike chlorine, which the district had been using previously, it is extremely difficult and expensive to filter out. It is corrosive, can cause leaks resulting in mold, and can leach lead from plumbing, causing more health problems. It is also toxic to fish, amphibians and other marine life (<http://www.chloramine.org/chloraminefacts.htm>).

EBMUD brags about the high quality water, and how it's protecting the reservoirs from contamination, but it's not. The district's own policies are contaminating our water supply, and every month I struggle to pay a lot of money for water I'm unable to drink. All I do is flush with it.

The chemical use by the district is appalling, and EBMUD should know better by now.

Comment 10A

Comment 10B

Comment 10C

Also back in 2005, on January 26, EBMUD participated in a townhall meeting called by then Oakland city council member Jean Quan, who was rallying landowners in the hills to support her quest to add yet another exemption to the city's pesticide policy (<http://www.eastbaypesticidealert.org/wpad.html>). A member of East Bay Pesticide Alert personally handed a package of toxicological profiles of some of the pesticides listed in the district's IPM policy - Roundup, Surflan, triclopyr, and simazine, to every panelist, including Stephen Abbors and Scott Hill of EBMUD, and another activist distributed a newly published glyphosate profile (links to those same documents below).

On page 12 the study misrepresents the public's concern to be about glyphosate, but at the public meetings I've attended many of us made comments opposing not only glyphosate products, but all pesticide use. In fact I submitted extensive toxicological information of the pesticides listed in the outdated IPM program, which is included again below, with my comments in September 2016.

Pesticides are hazardous to both human and ecological health. As is usually the case with pesticides, more hazards have been identified since the toxicological profiles at the following links were assembled from the research available at that time. Summarized are some of the dangers of herbicides EBMUD's IPM policy allows, which EBMUD was specifically notified about in 2005:

Roundup

<https://web.archive.org/web/20090423133524/http://www.alternatives2toxics.org/catsoldsite/round.htm>

<https://d3n8a8pro7vhmx.cloudfront.net/ncap/pages/26/attachments/original/1428423381/glyphosate.pdf>

The active chemical ingredient in Roundup is glyphosate. Roundup also contains the surfactant polyethoxylated tallowamine (POEA), which is even more toxic than glyphosate, and the combination of the two is more toxic than either chemical on its own. Acute exposure symptoms include, but are not limited to, eye and skin irritation, blurred vision, skin rashes and blisters, headache, nausea, dizziness, numbness, elevated blood pressure, heart palpitations, coughing, congestion, and chest pains. Extended exposures have been associated with non-Hodgkin's lymphoma, miscarriages, premature birth, and other reproductive harm. In lab animals there was an increase in testicular, kidney, pancreas and liver tumors, as well as thyroid cancer. Studies have shown glyphosate to be mutagenic, and to cause chromosome and DNA damage.

Since the above linked toxicological profiles were published, many other hazards of glyphosate have been identified, and a couple of years ago the World Health Organizations International Agency for Research on Cancer finally classified glyphosate as a probable human carcinogen (<http://monographs.iarc.fr/ENG/Monographs/vol112/mono112-09.pdf>)

Glyphosate also causes complex ecological impacts, including, but not limited to, inhibiting the growth of nitrogen-fixing bacteria and mycorrhizal fungi, reducing seed quality, and making plants more susceptible to disease. Glyphosate drifts extensively, and is mobile and persistent in soil. Its persistence in soil varies widely, from days to months, but has been found to persist on some forest sites for as long as 3 years. It has been found in both ground and surface water, has found its way into streams and rivers, and contaminated wells. Both glyphosate and POEA are toxic to fish. Roundup has been shown to kill various beneficial insects, such as species of parasitic wasps,

lacewings, ladybugs, predatory mites and beetles. Glyphosate also reduces the growth of earthworms, and affects other beneficial insects, spiders, birds, and wildlife by killing plants they depend on for food and shelter.

Surflan

<https://web.archive.org/web/20080827224318/http://www.alternatives2toxics.org/catsoldsite/surf.htm>

The active ingredient of Surflan is oryzalin. It is rated a possible human carcinogen. A contaminant during manufacture, N nitrosodipropylamine (NDPA) is a confirmed human carcinogen, and there are also concerns about another contaminant, ammonium 3,5 dinitro 4 di(n propyl)amino benzene sulfonate. In lab rats oryzalin caused thyroid, skin, breast, and other tumors. It targets the liver, blood, blood forming tissue, and is toxic to bone marrow. In animals tests there were adverse changes in blood chemistry, cholesterol levels, anemia, liver, spleen and bone marrow, as well as chromosome mutations. Prolonged exposure can cause irritation and allergic reaction, and higher temperatures may generate irritating vapors when inhaled.

As airborne dust oryzalin has severe explosive potential. One-half remains intact in soil for 30-160 days. It is not very soluble in water, but may reach aquatic systems with silt and soil particles it adsorbs to. It is toxic to fish and aquatic invertebrates, and has a tendency to bioconcentrate in aquatic organisms.

Garlon

<https://d3n8a8pro7vhmx.cloudfront.net/ncap/pages/26/attachments/original/1428423464/triclopyr.pdf>

The active chemical ingredient in Garlon is triclopyr. Acute exposure symptoms include, but are not limited to, difficulty breathing, lethargy, incoordination, weakness, and tremors, as well as skin sensitization, increasing subsequent exposure symptoms. In lab animals an increased incidence of breast cancer, kidney damage, various reproductive problems, and genetic damage, was observed. Triclopyr's breakdown product 3,5,6-trichloro-2-pyridinol (TCP) disrupts nervous system development, and in lab tests, it accumulated in fetal brains when exposed during pregnancy.

Triclopyr also causes complex ecological impacts, including, but not limited to, interfering with nitrogen cycling, and inhibiting the growth of beneficial mycorrhizal fungi that aid nutrient uptake in plants. It has been observed to reduce the diversity of mosses and lichens. The breakdown product TCP is toxic to soil bacteria. Triclopyr is mobile and persistent in soil, has contaminated wells, streams, and rivers, and has the potential to contaminate ground water. Increased growth of algae has been observed after triclopyr applications. It is highly toxic to fish, affects oyster larvae, and disturbs frog behaviors that help them avoid predators. It also decreases the survival of bird nestlings, is toxic to spider mites, and affects other beneficial insects and spiders by killing plants they depend on for food and shelter.

Simazine

<https://web.archive.org/web/20080911174134/http://www.alternatives2toxics.org/catsoldsite/sim.htm>

Simazine is the active ingredient of Sim-Trol, another herbicide listed, though misspelled in EBMUD's IPM program. It is a possible human carcinogen, and suspected endocrine disruptor. In lab animals it caused kidney, breast, and ovarian cancers, as well as stomach ulcers, intestinal bleeding, blood abnormalities, elevated cholesterol, and kidney stones.

Simazine is a common contaminant of groundwater and wells, and has also been detected in surface water. Its persistence in aquatic systems has been found to be moderate to long, with one-half persisting for 50-700 days in ponds. One-half is found in soil 56-84 days later, with detectable residues present for as long as three years. Fish, soil invertebrates and some earthworms are sensitive to simazine.

Another pesticide used extensively by EBMUD is Ronstar, with active ingredient oxadiazon, which is a recognized carcinogen and developmental toxin under California's Proposition 65, and is toxic to aquatic life and honeybees (http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC15). Also listed on the EBMUD pesticide use reports is Transline, with active ingredient clopyralid, which causes serious reproductive problems, and is toxic to ladybugs and lacewings. It is highly volatile, and drift to nontarget plants, has been measured in soil as long as 14 months, and has the potential of leaching into groundwater, as it has been found in water soil samples as deep as 6 feet 30 days after application

(<https://d3n8a8pro7vhmx.cloudfront.net/ncap/pages/26/attachments/original/1428423336/clopyralid.pdf>). *(2 - see end notes for additional toxicology for most other listed pesticides)

Undisclosed ingredients and chemical mixtures

In addition to active ingredients and their breakdown products, herbicides contain a large percentage of so-called "inert" ingredients, which are kept undisclosed, protected as "proprietary" by trade secret laws, though chemical companies have the laboratory equipment to easily determine the ingredients in a competitor's product, while it's the public that is being kept in the dark. These secret ingredients are frequently even more toxic than the active ingredients listed on the label, and are specifically designed to interact synergistically to achieve greater toxicity than each chemical by itself (<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1764160/pdf/ehp0114-001803.pdf>).

Some inert ingredients, such as the surfactant POEA in Roundup, have been identified. POEA causes eye burns, skin redness and swelling, blistering, nausea, and diarrhea. Another ingredient in some Roundup products is isopropylamine, which causes injury to the tissue of mucous membranes and upper respiratory tract, wheezing, laryngitis, headache, and nausea. The details about most other inert ingredients and their effect is being withheld from the public, including from medical workers. Some of the herbicides to be used in these projects are also to be mixed with undisclosed chemical dyes.

Contamination during manufacture further adds to the danger of chemical use. POEA is contaminated during manufacturing by 1,4 dioxane, which is recognized as a carcinogen under Prop

65. As mentioned previously, oryzalin is contaminated by N nitrosodipropylamine (NDPA), which is a confirmed human carcinogen as well.

Synergistic effects also come into play when herbicide products are being combined. Mixing can also occur when different herbicides are used near each other, and chemicals combine as they drift by air, water, soil, and contact. Because chemical residues can persist in the environment for a long time, subsequent applications of different herbicides can also combine into new mixtures.

Synergism can exponentially increase chemical toxicity

(<http://www.ourstolenfuture.org/newscience/synergy/mixtures.htm>).

Dose response

Manufacturers and other proponents of pesticides often downplay the dangers, by claiming that they are using a negligible quantity of chemicals. While this is debatable on many levels, it is also irrelevant. Some effects, specifically endocrine disruption, are subject to a nonmonotonic dose response, where decreasing exposure levels can actually cause greater impacts

(<http://www.ourstolenfuture.org/newscience/lowdose/nonmonotonic.htm>). Disruptions to the endocrine systems are far reaching, and can cause a vast number of reproductive problems, various cancers, and can impair immune and neurological functions.

Glyphosate has been shown to be an endocrine disruptor (see

<http://www.ncbi.nlm.nih.gov/pubmed/19539684> and <http://www.greenmedinfo.com/blog/breaking-glyphosate-roundup-carcinogenic-parts-trillion-range>), as are other pesticides in EBMUD's IPM program. Many pesticides have not been adequately studied, and with a large percentage of the ingredients undisclosed, so are their effects.

Body burden studies (<http://www.ewg.org/sites/bodyburden1/>) have shown that chemicals accumulate and persist in our bodies over time, including chemicals to which we were exposed by drift or extensive cross-contamination. Most alarming are the increasing findings that chemical injuries are being passed on by various means over generations

(<http://www.organicconsumers.org/Politics/toxins060605.cfm>).

Chemical exposures have harmed countless people, causing fatal or disabling illnesses, including, but not limited to, lung diseases, cancers, neurological disorders, reproductive harm, immune deficiencies, and increased sensitization to chemicals. For millions of people already disabled by exposure to toxic chemicals, the herbicide applications by EBMUD present especially severe health risks and direct barriers to access. They deny access to local public parks to those of us who have been injured, who struggle to breathe in the inner cities, and who are most in need of refuge from urban pollution. Obstacles to access to public space for people with disabilities are a violation of the Americans with Disabilities Act (ADA).

Risk Assessment vs Precaution

The approach of estimating "safe" exposure levels is typical of toxic industries and government agencies to defend their toxic actions. It's based on Risk Assessment methodology, which

determines what is an "acceptable" or "negligible" risk, as public and environmental health is weighed against "economic" benefits for some, and life and health of others is sacrificed.

The "acceptable risk" this methodology refers to are real people like myself, who have been injured and disabled by pesticide exposures previously, and others who are particularly vulnerable to the effects of poisoning, and I take personal offense at this approach. Loss or reduction of profits of the agencies involved is never deemed a "negligible" or "acceptable risk".

The polar opposite approach to Risk Assessment is the Precautionary Principle, which essentially makes decisions on the basis of "better safe than sorry", and puts the burden of proof that an action is truly safe on those who propose it, instead of on the potential or actual victims of the action.

Being a community means that we don't exclude and abandon the most vulnerable among us. Wrapping "science" in Risk Assessment terminology is used to divide and conquer, to turn us against each other, and to teach us that it's okay to risk the well-being of others for our own perceived comforts. It has nothing to do with science, and everything to do with the selfish aims of some.

Fire danger

Pesticide use is also contradictory with the watershed plan's stated goal of reducing fire danger. Herbicides increase the flammability of vegetation, and may themselves be flammable.

The manufacturer's Material Safety Data Sheets (MSDS) for various pesticides in EBMUD's arsenal indicate that these chemicals are fire hazards, and produce toxic fumes when they do burn. Some are mixed with carrier oils that may contribute further to their flammability and toxicity.

The warning that toxic vapors will be released if involved in a fire is very common for pesticide products, as such chemical use in fire prone areas is particularly irresponsible. (Pesticide labels and MSDS can be found here: <http://www.cdms.net/LabelsSDS/home/>)

Experiments by community activists also show that herbicides in general make vegetation more flammable than vegetation that was not exposed to herbicides (http://www.dontspraycalifornia.org/Cheriel_Response.html).

Progressive policy change

With all the numerous health and environmental hazards of pesticides, there is really no justification for their continued use. There are always nontoxic alternatives to any problem where pesticides might seem warranted, though more often than not the primary alternative is a change in attitude about what constitutes a "pest".

Comment 10E

Comment 11A

Comment 12A

I urge EBMUD to revisit its IPM policy on a more fundamental level than playing with gadgets to compile toxicity data, but to instead follow the example of the water district in Marin which is implementing a policy change to stop using herbicides.

Comment 12B

In the review and recommendations for the IPM program posted on January 4, 2018 "IPM policy goals of similar agencies were compiled", including California Invasive Plant Council, UC IPM Program, City of Boulder, City of San Francisco, Contra Costa County, East Bay Regional Park District (EBRPD), and Midpeninsula Regional Open Space District (http://www.ebmud.com/index.php/download_file/force/5515/178/?FINAL_EBMUD_IPM_Program_Report_1.4.18_.pdf page 9).

But one of our closest neighboring water districts was noticeably absent from this list, even though several public comments were submitted to you during this process that encouraged you to seek assistance from the MMWD, and Larry Bragman, who sits on the MMWD board of directors, submitted comments, personally offering to help you stop pesticide use (<https://milliontrees.files.wordpress.com/2016/09/mmwd-public-comment-from-board-member.pdf>). He was also mayor of Fairfax, which has a longstanding, successful pesticide ban in place. I resubmitted a copy of his invitation at both the July 2017 and January 2018 Sustainability and Energy Committee meetings when the IPM review was on your agenda.

It is possible and desirable to live without pesticides. Another examples of a municipality that successfully ended its use of pesticides years ago is Arcata in Humboldt County.

TREE KILLING:

At the July 2017 Sustainability and Energy Committee meeting some board members and staff claimed that EBMUD does not engage in killing trees, even though the watershed plan has included such activities for the nearly two decades that the plan has been in effect.

This glaring error was also echoed in the study, and leaves one to wonder if its authors actually read the watershed plan update they were studying at all. The study insists that "The Project would not involve tree removal" (page 32), but this directly contradicts what is written in the watershed plan update, which clearly indicates plans for "a long-term phased program to remove eucalyptus stands" (page 54) and "phased elimination of the Monterey pines surrounding the reservoir" (page 85).

Comment 13A

This 20 year policy of replacing so-called "non-native forest (Monterey pine and eucalyptus) with native forest" (page 54) is also in need of being revisited.

Deforestation and ecocide

EBMUD joins the University of California (UC), the East Bay Regional Park District (EBRPD), and the City of Oakland in active and planned pesticide applications and deforestation activities that together span thousands of acres of public lands in Alameda and Contra Costa Counties, and cannot be evaluated as isolated projects.

A "long-term phased program" to remove eucalyptus and Monterey pines may sound less drastic and dramatic, but it doesn't change the fact that EBMUD is needlessly killing healthy trees, whose roots and canopies connect a complex ecology of other living things that are also being killed or injured in the process.

Comment 13B

While EBMUD's tree removal may seem like a drop in the bucket compared to what the other agencies want to do - though the number of trees that have already been destroyed or are being targeted is not disclosed in the watershed plan, forests are connected and do not exist in isolation, and the district's activities contribute to an ideology that fuels deforestation and ecocide.

Xenophobia and pseudoscience

The sections in the watershed master plan that reference eucalyptus trees are contradictory, and appear to have been written by different people who hold opposing views. On the one hand the plan refers to eucalyptus trees as "naturalized" and lists some of their vast environmental benefits, and on the other it refers to them as "plantations" (page 19) and seeks to eradicate them.

Comment 14A

The plan promotes "restoration" of a so-called "native" landscape as an excuse to kill eucalyptus and Monterey pines, the latter of which are endangered just 80 miles down the road from the East Bay, in Monterey County.

The plan also maintains the myth that so-called "non-native" trees pose a particular fire risk, when living trees do not catch fire easily, but provide moisture and windbreaks that help prevent the spread of fire.

In fact the 1991 Oakland-Berkeley Mayor's Task Force on Emergency Preparedness & Community Restoration, which was tasked with investigating the causes of the 1991 Oakland hills fire and how to prevent future such fires from occurring, explicitly advised against singling out so-called "non-native" plant species for eradication

(http://www.hillsconservationnetwork.org/Additional_Resources_files/sc001635e6.pdf).

Comment 14B

As recalled by retired Oakland firefighter Dave Maloney, who was appointed to the 1991 Task Force, it was not trees, but human structures that were primarily to blame for the spread of that fire: http://www.contracostatimes.com/montclarion/ci_12946185

"The Task Force Report concluded that the spread of the fire was mostly due to the radiant heat generated by burning houses. A burning house has a sustained radiant heat transmission of 2,500-3,000 degrees. The spread of the fire was not due primarily to burning trees — eucalyptus or any other species."

The vilification of "non-native" trees as more fire prone than native ones, let alone the native grasslands that UC and the EBRPD hope will replace the forest, is based entirely on ideology, not on science or common sense, and is counter to the warnings by experts like Maloney and others, which are being willfully and dangerously ignored by vocal proponents of "Nativism" and "Invasion Biology".

Comment 14C

Conservation biologist David Theodoropoulos has done extensive research and field work that exposes "Invasion Biology" as a pseudoscience (<http://dtheo.org/InvasionBiology.htm>). In 2015 he

Comment 14D

gave a thorough and eye-opening presentation, along with Maloney and others, debunking both the "nativist" and "invasionist" belief system in general, as well as the tree removal projects in the East Bay hills specifically, to a large community hall packed to capacity. I urge all honest policy-makers to take the time to view this important event, which is posted online in its entirety here:

<https://www.youtube.com/watch?v=n1i3RP7eDFc>

Comment 14D

This ideology is scientifically bankrupt, and it is certainly not something that a municipal water district should base its policies on. Xenophobia and ecocide do not represent environmentalism, but that is what the language in the watershed plan is based on, not on sound evolutionary science, as Stephen Jay Gould explained in his article "An Evolutionary Perspective on Strengths, Fallacies, and Confusions in the Concept of Native Plants" (linked from and summarized here:

<http://milliontrees.me/2010/12/01/stephen-jay-gould-examines-the-concept-of-native-plants/>)

Native habitat

Ironically, the tree destruction that is fueled by this "nativist" ideology is actually a threat to already endangered native species in the East Bay. Herbicides threaten the California Red-Legged Frog, the Presidio Clarkia, whose habitats are not adequately protected against the drift these chemicals the district uses are known for, regardless of application method. Both the Alameda Whipsnake and Alameda Pallid Manzanita are fire-dependent and threatened by the exclusion of fire from their habitat. The Pallid Manzanita specifically cannot reproduce without fire to sterilize the soil and scar its seeds. These species are also threatened by human development in general.

Comment 15A

The fact is that these native species are threatened with extinction because of human development, chemical vegetation management practices, and aggressive wildfire prevention, the very actions UC, EBRPD, and Oakland propose more of, and which EBMUD is participating in with its chemical use and tree killing. The entire xenophobic framework of native vs. non-native species is full of such contradictions,

I want to reiterate again that the destruction of trees on public lands controlled by EBMUD cannot be considered in isolation, but is part of coordinated efforts to destroy hundreds of thousands of trees that are deemed invasive because they did not originate in this immediate area.

The panelists at Jean Quan's townhall meeting on January 26, 2005 included Robert Sieben (Wildfire Prevention Assessment District (WPAD) Advisory Council), Stephen Abbors and Scott Hill (EBMUD), Nancy Brownfield (IPM Specialist, EBRPD), and Jacob Sigg (former president, California Native Plant Society), with Tom Klatt (UC Berkeley) deferred to for his expertise in tree killing.

Comment 15B

Among the supporters of Jean Quan's plans, and closely associated with Tom Klatt, was the Claremont Canyon Conservancy, which continues to participate in promoting the eradication of so-called non-native trees.

Joining Tom Klatt in the disinformation at a 2013 forum, one of the most vocal proponents of the destruction of eucalyptus, Jon Kaufman, a member of the Board of Directors of the Claremont Canyon Conservancy, further demonstrated the contradictions and common lack of logic of the "Invasion Biology" framework quite well: <http://www.youtube.com/watch?v=w4Wmlze2xms>

Comment 15C

"Another concern was, aren't you going to be altering the ecosystem? Aren't there plants and wildlife and things on this hillside now that you're going to destroy when you remove the eucalyptus trees. Well guess what, that ecosystem was destroyed when those eucalyptus trees were planted a hundred years ago....What they're going to do in fact is restore it and make this area what it was intended to be in the first place." (58:21)

Aside from the misleading claim that the projects Mr. Kaufman is referring to are about restoration, even though there were no provisions for replanting vegetation of any kind in the plans he was promoting, one can't help but wonder just precisely who "intended" this area to be the way he believes it should be: Mr. Kaufman? God? The government? UC Berkeley?

Comment 15C

Mr. Kaufman's notion that ecocide somehow fixes previous ecocide is more than a little troubling. By this logic, people of European descent should be killed as to magically reverse the genocide of the native people who were here before the European invasion. It is particularly perverse that this hostility toward non-native species is largely promoted by people of European descent, who all the while refer to themselves as natives of the Bay Area (<http://www.claremontcanyon.org/board/>).

In contrast, the native community has a very different attitude towards so-called non-native plant life, as expressed by the defenders of Sogorea Te, the native burial ground in Vallejo, which has also been threatened with similar activities:

<http://web.archive.org/web/20150912091317/http://protectglencove.org/about/>

Comment 15D

"The Master Plan also calls for an aggressive extermination of non-native plant species. Procedures detailed in the Plan describe cutting down trees and applying herbicide to their exposed trunks and remaining root systems. The Plan also calls for years of ongoing herbicide application. Elders in the local Native community say that *All Life is Sacred*. We oppose extermination of the trees and plants that have taken root on this Sacred Burial Ground, regardless of whether they are endemic species or relative newcomers."

REASONABLE EXPECTATIONS

The bottom line is that I should be able to reasonably expect my public water district to provide me with clean water, not to participate in the logging of hundreds of thousands of trees and spreading of toxic chemicals, but to stop using pesticides altogether, including fluoride in our water supply.

I expect clean water that's safe and healthy to drink and bathe in, and I do not consent to chemicals being added to my water supply that are not easily dissipated or filtered out.

It shouldn't be necessary to say that I also expect the water district not to contribute to the deforestation and poisoning of the East Bay. EBMUD's projects are not isolated from the massive assault on our forests by the University of California, the East Bay Regional Park District, the City of Oakland, and various private landowners.

Comment 16A

The sections of the update of the watershed plan that concern chemical use and native landscape restoration need to be changed completely. Take out the poison, and take out the misguided ideology that you can turn back the clock to a different time in history by killing plants you don't

deem "native" enough. There is simply no excuse for this toxic, destructive behavior. Stop interfering with nature. Let living forests live.

*** Additional Notes**

1)

Pesticide products and registration numbers listed in IPM Program document dated December 1996 (with active ingredients added):

http://www.ebmud.com/index.php/download_file/force/4074/1967/?EBMUD_IPM_Program.pdf

Accord 534-326 (glyphosate)
Diquat multiple products (diquat)
Direx multiple products (diuron)
Expedite 524-432-66435 (glyphosate)
Garlon 62719-40 (triclopyr)
Karmex DF 352-508 (diuron)
Krovar 352-505 (diuron bromacil combination)
Oust 352-401 (sulfometuron methyl)
Rodeo 524-343 (glyphosate)
Ronstar multiple products (oxadiazon)
Roundup Pro 524-445-ZB (glyphosate)
Surflan A.S. 62719-113-AA (oryzalin)
Telar 342-404 (chlorsulfuron)
Diazinon 4E 655-457 (diazinon)
Diazinon (Knox out 2FM ant spray) multiple products (diazinon)
Pyrethrin based wasp and hornet sprays (pyrethrins)
Demon TC 10182-107-AA (cypermethrin)
Tempo 20WP 3125-380 (cyfluthrin)
Combat 64240-25 (hydramethylnon)
Dragnet 279-3062-AA (permethrin)

IPM Regulatory Compliance IPM Section dated October 2010, product added to 1996 list:

http://www.ebmud.com/index.php/download_file/force/4073/1967/?EBMUD_Regulatory_Compliance_IPM_Section7_10.pdf

Simtrol 90 DF 35915-12-60063 (simazine) [correct spelling: Sim-Trol 90DF]

Pesticide Use Reports 2015, products reported but not listed on posted IPM lists:

Kleenup (glyphosate)
Ranger (glyphosate)
Dimension (dithiopyr)
Goal (oxyfluorfen)
Milestone (aminopyralid)
Pendulum Aquacap (pendimethalin)
Portfolio (methanesulfonamide)
Transline (clopyralid)
Embark Turf/Ornamental Growth Regulator (diethanolamine salt of mefluidide)

2)

Toxicology for most pesticides listed in EBMUD IPM and pesticide use documents:

(documents with * provided to EBMUD in January 2005)

aminopyralid

http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC39684

bromacil

http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC35049

chlorsulfuron

http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC35428

clopyralid

<https://d3n8a8pro7vhm.cloudfront.net/ncap/pages/26/attachments/original/1428423336/clopyralid.pdf>

cyfluthrin

<https://d3n8a8pro7vhm.cloudfront.net/ncap/pages/26/attachments/original/1428423339/cyfluthrin.pdf>

cypermethrin

<https://d3n8a8pro7vhm.cloudfront.net/ncap/pages/26/attachments/original/1428423343/cypermethrin.pdf>

diazinon

<https://d3n8a8pro7vhm.cloudfront.net/ncap/pages/26/attachments/original/1428423353/diazinon.pdf>

diethanolamine salt of mefluidide

http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC32885

dithiopyr

http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC33292

diuron

<https://d3n8a8pro7vhm.cloudfront.net/ncap/pages/26/attachments/original/1428423366/diuron.pdf>

diquat

http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC33217

glyphosate

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<https://web.archive.org/web/20090423133524/http://www.alternatives2toxics.org/catsoldsite/round.htm>

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<https://d3n8a8pro7vhm.cloudfront.net/ncap/pages/26/attachments/original/1428423381/glyphosate.pdf>

<http://monographs.iarc.fr/ENG/Monographs/vol112/mono112-09.pdf>

hydramethylnon

http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC33088

oryzalin

*

<https://web.archive.org/web/20080827224318/http://www.alternatives2toxics.org/catsoldsite/surf.htm>

<https://d3n8a8pro7vhm.cloudfront.net/ncap/pages/26/attachments/original/1428423416/oryzalin.pdf>

oxadiazon

http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC15

pendimethalin

http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC33194

permethrin

<https://d3n8a8pro7vhm.cloudfront.net/ncap/pages/26/attachments/original/1428423426/permethrin.pdf>

pyrethrins

<https://d3n8a8pro7vhm.cloudfront.net/ncap/pages/26/attachments/original/1428423441/pyrethrinspyrethrum.pdf>

simazine

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<https://web.archive.org/web/20080911174134/http://www.alternatives2toxics.org/catsoldsite/sim.htm>

http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC34340

sulfometuron methyl

<https://d3n8a8pro7vhm.cloudfront.net/ncap/pages/26/attachments/original/1428423451/sulfometuron.pdf>

triclopyr

*

<https://d3n8a8pro7vhm.cloudfront.net/ncap/pages/26/attachments/original/1428423464/triclopyr.pdf>

Manufacturer generated pesticide labels and Material Safety Data Sheets with limited information can be found here: <http://www.cdms.net/LabelsSDS/home/>

Response 1A: Please see Master Responses 2 and 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, (b) the only proposed pesticide-related changes are designed to reduce pesticide use, and (c) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, risks associated with pesticide use were addressed in the PEIR. See, pp. 2-243 (comments of

Robert C. Stebbins): “Polychlorinated biphenyls (PCBs), DDT (still present in the environment) and certain other pesticides, and other man-made contaminants are now known to mimic some naturally-occurring hormones. Some, when ingested by pregnant females, can seriously derail normal embryonic development. One of the ways they do so is by out-competing natural hormones for some of the receptor sites of the cells of developing embryos, including those of humans, thereby disrupting normal development which can lead to a variety of disabilities including cancer in later life. Many are estrogenic, mimicking the natural hormone estrogen, and have feminizing effect on mates. Some toxicants cause outright damage or death without following the endocrine route.”) See also p. 2-247 (EBMUD’s response: “The District appreciates the commenter’s recommendations and views regarding biodiversity and protecting complex biological ecosystems, and they will be considered when the Board of Directors considers EBWMP adoption.”). Finally, the commenter refers to “similar projects throughout the East Bay,” but does not identify any such project, much less explain how it is relevant to the assessment of the impacts of the proposed EBWMP Update.

Response 2A: CEQA Guidelines Section 15073(a) requires a proposed negative declaration to be circulated for a period of 20 to 30 days. Exceeding this requirement, EBMUD circulated the IS/ND on December 15, 2017 for a 45-day comment period ending January 29, 2018. At commenter’s request and with two weeks remaining in the 45-day comment period, EBMUD provided the requested documents on the EBWMP website. Given the already lengthy comment period, which exceeded CEQA’s requirements by two weeks, and the fact that two weeks still remained in the comment period, EBMUD reasonably determined that no extension was necessary.

Regarding alleged inconsistency with the “IPM documents”, please see Master Response 2 (including the discussion of the distinction between the proposed EBWMP Update and the independent process of reviewing the IPM Program).

Response 2B: See Master Response 2. As noted there, the IPM Program is currently under review. That review may lead to changes. What those changes may be and when they may occur are unknown.

Response 2C: Please see Master Response 2. As noted there, the IPM Program is currently under review. That review may lead to changes. What those changes may be and when they may occur are unknown. Also as noted in Master Response 2, (a) the only pesticide-related changes proposed in the EBWMP Update are designed to reduce pesticide use on watershed lands, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 2D: Please see Master Response 2 and Response 2C, above. As noted in Master Response 2, nothing in CEQA requires that consideration of the proposed EBWMP Update be

delayed until some uncertain time in the future when the IPM Program review is complete and any resulting changes to the Program are proposed.

Response 2E: Please see Master Response 2 and Response 1A, above. As noted in Response 1A, above, EBMUD was informed (by the PEIR) of risks associated with pesticide use (including reproductive toxicity and carcinogenic risks up to and including death) prior to its decision to adopt the original EBWMP. As noted in Master Response 2, (a) the only pesticide-related changes proposed in the EBWMP Update are designed to reduce pesticide use on watershed lands, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 2F: Please see Master Response 2, which describes the existing IPM Program.

Response 2G: Please see Master Response 2 and Responses 1A and 2E, above. As noted in Responses 1A and 2E, above, EBMUD was informed (by the PEIR) of risks associated with pesticide use (including reproductive toxicity and carcinogenic risks up to and including death) prior to its decision to adopt the original EBWMP. As noted in Master Response 2, (a) the only pesticide-related changes proposed in the EBWMP Update are designed to reduce pesticide use on watershed lands, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

The comment selectively quotes from the May 2016 FAO/WHO study (found at <http://www.who.int/entity/foodsafety/jmprsummary2016.pdf>) in an effort to show that the latest science indicates glyphosate is carcinogenic. Even if true, this would be irrelevant because, as noted above, the carcinogenicity of pesticides is not new information, and, in any event, the proposed project would **reduce** pesticide use.

Moreover, the comment's selective quotation is misleading. The comment states the study "clearly acknowledges 'evidence of a positive association between glyphosate exposure and risk of NHL' (non-Hodgkin lymphoma)." Following is the quoted language placed within important surrounding study language that the comment omitted:

"... Several epidemiological studies on cancer outcomes following occupational exposure to glyphosate were available. The evaluation of these studies focused on the occurrence of NHL. Overall, there is some evidence of a positive association between glyphosate exposure and risk of NHL from the case-control studies and the overall meta-analysis. **However, it is notable that the only large cohort study of high quality found no evidence of an association at any exposure level.** ... Several carcinogenicity studies in mice and rats are available. The Meeting concluded that glyphosate is not carcinogenic in rats but could not exclude the possibility that it is carcinogenic in mice at very high doses. In view of the absence of carcinogenic potential in rodents at human-relevant doses and the absence of genotoxicity by the oral route in mammals, and considering the epidemiological evidence from occupational exposures, **the Meeting concluded that**

glyphosate is unlikely to pose a carcinogenic risk to humans from exposure through the diet. ... [Emphasis added.]

The comment also states, “the classification was only modified [from carcinogenic to non-carcinogenic] in regards to exposure through food, not other types of exposure, such as those caused by EBMUD’s use of the chemical.” Again, the implication of carcinogenicity via non-dietary pathways is irrelevant because, as noted above, the carcinogenicity of pesticides is not new information, and, in any event, the proposed project would **reduce** pesticide use. Moreover, the comment provides no evidence of carcinogenicity via non-dietary pathways caused by EBMUD’s use.

Response 2H: Please see Master Response 2 and Response 2D, above.

Response 3A: PW.5 on page 94 of the EBWMP has been revised to read: “PW.5 Prohibit use of pesticides in the watershed, except for ~~those herbicides specifically approved for~~ spot treatment of pest plant species ~~according to District IPM guidelines and~~ where other methods of pest control are not feasible.” Please also see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 4A: Please see Master Response 2 and Responses 2A and 2D, above.

Response 5A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. The comment states that any reduction in pesticide use under the proposed EBWMP Update depends on what is “vaguely determined to be ‘feasibility.’” Feasibility is a determination commonly and regularly used in making adaptive management decisions. See Response 2A to STEP’s comments. Moreover, the worst case scenario (from the commenter’s perspective) would be that no reduction would be found feasible. In that case, there would be no change in pesticide use from current practices, and there would be no impact under CEQA.

Response 5B: This comment concerns EBMUD’s review of its IPM Program, and not the EBWMP Update. Please see Master Response 2.

Response 5C: Please see Response 5B, above.

Response 6A: Please see Response 10A to Bev Von Dohre regarding wild boar population control.

Response 7A: Please see Response 5B, above.

Response 7B: Comment noted. EBMUD has not withheld information regarding pesticide use.

Response 8A: Comment noted. Please also see Master Response 2 regarding pesticide use on watershed lands.

Response 8B: The 1996 document was routed in error in 2016, prior to development of the final proposed EBWMP Update. The 2010 IPM Guidelines reflect current EBMUD IPM practices. Please see Master Response 2. As noted there, only glyphosate (which is listed in the 1996, 2010, and 2015 documents) is used on the East Bay Watershed, the subject of the proposed EBWMP Update.

Response 8C: As confirmed by a review of District records and explained in the January 9, 2017 Sustainability/Energy Committee meeting attended by the commenter, pesticide use on the East Bay watershed constitutes only a very small portion of the total pesticide use reported by the District. The vast majority of EBMUD pesticide use occurs at District facilities and along District rights-of-way that are not located on watershed lands. Please also see Master Response 2 concerning pesticide use.

Response 8D: EBMUD has not used diazinon since it was banned in 2005. Diazinon's inclusion in the 2010 document was due to a clerical error.

Response 9A: Please see Master Response 2.

Response 10A: The Draft IS/ND concerns the management of EBMUD's East Bay Watershed lands, not the fluoridation of drinking water. However, the comment that fluoride is added "without properly taking into account raw water fluoride levels before treatment" is not accurate. At each water treatment plant, EBMUD measures the amount of naturally-occurring fluoride in the raw water, and adds additional fluoride to achieve the target concentration in the plant effluent (generally 0.7 mg/L). Fluoride concentrations are measured regularly, both in the plant effluent and at various points throughout the distribution system.

Response 10B: The Draft IS/ND concerns the management of EBMUD's East Bay Watershed lands, not the use of chloramine to treat water to meet drinking water standards.

Response 10C: EBMUD's use of chemicals to treat water to meet drinking water standards is responsible and consistent with industry standards.

Response 10D: See Master Response 2 and Responses 1A, 2E, and 2G, above. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use on East Bay watershed lands, (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed, (c) EBMUD was informed (by the PEIR) of risks associated with pesticide use (including reproductive toxicity and carcinogenic risks up to and including death) prior to its decision to adopt the original EBWMP, and (d) glyphosate is the only pesticide used on East Bay watershed lands.

Response 10E: Comment noted.

Response 11A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use on East Bay watershed lands, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Hence, if, as the comment asserts, pesticides make vegetation more flammable, then fire danger would either be reduced or remain the same (depending on the effectiveness of the pesticide-reduction components of the proposed EBWMP Update). Moreover, when herbicides are used, they are applied early in the plant's growth cycle, which retards further growth and reduces the potential fuel load. Therefore, the fire risk is typically reduced as a result of herbicide application.

Response 12A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use on East Bay watershed lands, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 12B: Please see Master Response 2.

Response 13A: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 13B: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 14A: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 14B: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Moreover, the comment's focus on tree eradication is misplaced and inconsistent with EBMUD's approach to forest management, as described in the EBWMP itself. FOR.10 in the EBWMP calls for removal of eucalyptus and replacement with native woodland only where eucalyptus poses a significant fire risk. Similarly, FOR.12 calls for replacement of Monterey pine with native species only where feasible and appropriate to reduce fire hazards, enhance biological value, and maintain water quality. Buttressing this approach of focused and limited tree removal, FOR.6 and FOR.7 call for alternative management approaches where replacement of non-native forest with native forest is not feasible or desirable, to avoid adverse impacts on water quality, biodiversity, visual quality, or other resource values. Consistent with these management guidelines, EBMUD's Fire Management Plan (2000) calls for "selective thinning of pyrophytes (plants high in oils or resins, such as pines, junipers, and eucalyptus globulus)" (page B-8), not eradication. The Fire Management Plan also acknowledges that "[s]tands [of

eucalyptus] that have been thinned or logged with appropriate understory treatments do not represent significant fire hazards” (page E-26).

Pursuant to these guidelines and directives, forest management is achieved through selective management of the non-native forests, where necessary and financially feasible, to maintain and increase the vigor of the stands. Priorities for conversion will be based on the need to reduce fire risks, maintain and enhance biological values, and protect water quality. Native forests will be managed to encourage regeneration processes and maintain and biological values. The eucalypts are mostly removed for fuel volume reduction in the fuel break in the urban-watershed interface. Some are removed for public safety in the Community of Canyon, near homes and the school.

Response 14C: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, the EBWMP recognizes the benefits provided by non-native tree stands and does not call for eradication of these species. Please see also Response 14B.

Response 14D: Comments noted.

Response 15A: Please see Master Responses 2 and 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, (b) the only proposed pesticide-related changes are designed to reduce pesticide use, and (c) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Moreover, the two primary goals of the EBWMP are to protect water quality and biodiversity. The plan has effectively guided management of watershed lands and does not rely on methodologies that result in harm to listed species. Additionally, the Low-Effect HCP was adopted to enhance protections for listed species. These species include Alameda whipsnake, pallid manzanita, and California red-legged frog. Overall, the implementation of the EBWMP in 1996 and HCP in 2008 have significantly improved habitat conditions. The range of areas occupied by Red-legged frogs has expanded significantly since the early 2000s. Whipsnake habitat is mapped every 5 years and has remained stable. Additionally, new populations of the species have been discovered on watershed lands. In the case of pallid manzanita, significant habitat enhancement has occurred at the single isolated population existing on watershed land.

Response 15B: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Moreover, the surface area covered by Monterey pine and eucalyptus on the East Bay watershed constitutes less than 3% of the total watershed. EBMUD’s removal of these species has focused on critical areas of the urban-wildland interface and has not significantly diminished the land area covered since adoption of the original EBWMP in 1996.

In addition, 250 acres of watershed in the Berkeley Hills owned and managed by EBMUD was recently named the “[r]ichest botanical spot in the entire East Bay” by the California Native Plant Society. In addition to four eucalyptus groves managed for wild fire safety, this area contains 253 species of native plants, 69 species listed in EBCNPS Rare and Unusual database, and 13 special status species.

Response 15C: Comment noted.

Response 15D: Comment noted.

Response 16A: Please see Master Responses 2 and 3 and response 15B, above.

Marla Schmalle

From: Marla Schmalle [mailto:mschmalle@yahoo.com]
Sent: Sunday, January 07, 2018 10:29 AM
To: Watershed Master Plan; Wallace, Douglas
Cc: Young, Marguerite
Subject: IPM Guidelines

Mr Wallace, EBMUD Directors, and Staff,

I have read the red line WMP and the consultant report on IPM. However, it is impossible to comment in a way that may be helpful without reviewing EBMUD's proposed IPM guidelines to which the WMP refers.

Comment 1A

In the interest of receiving informed and thoughtful public input, please rescind your negative declaration and make the new guidelines available before starting the clock for the 45 days of public review and comment.

Comment 2A

It will be more efficient for both the district and the concerned public to follow the procedure laid out for public input, rather than first having to argue over improper push through of policy. Such situations

Comment 3A

are always contentious. The district will gain respect of the public if they present and defend their draft with an open mind for valid public input.

Comment 3A

Marla Schmalle

Response 1A: Please see Master Response 2.

Response 2A: Please see Master Response 2.

Response 3A: Comment noted.

Elizabeth Watts

From: Elizabeth [mailto:elizabeth.watts@verizon.net]
Sent: Monday, January 08, 2018 6:10 PM
To: Watershed Master Plan
Subject: East Bay Watershed Master Plan

Dear Mr. Wallace,

I am confused by the East Bay Watershed Master Plan which, according to the website, "proposes changes to address issues that have arisen since the first plan was adopted in 1996, such as *climate change*, invasive mussels and toxic algae. It also incorporates plans for *habitat conservation*, grazing and *fire protection*, and considers changes to recreational access programs and options for limited access to specific watershed trails by cyclists" (emphasis mine).

Comment 1A

- Cutting down trees does nothing to further the stated mission of the plan, which in contradiction, includes many reasons for NOT cutting down trees. For example, the plan states that:

- - large trees, like Eucalyptus and Monterey Pine, "provide nesting habitat for raptors, woodpeckers, and cavity-nesting birds. A thick litter layer provides cover for amphibians and small mammals."

Comment 2A

- Monterey Pine "support a wildlife community" and that " Eucalyptus trees provide a source of nectar and pollen .. Hummingbirds and many migratory bird species feed extensively on the nectar."

- "These tall trees are used as roosting sites for birds. Bald eagles have roosted in eucalyptus groves in the San Pablo Reservoir watershed, and a great blue heron rookery exists in the eucalyptus trees at Watershed Headquarters in Orinda. A great blue heron and great egret rookery was active near the northern arm of Chabot Reservoir in the recent past."

If the purported mission of the plan is to fight climate change, conserve habitat, and prevent fire, I suggest you revamp it to exclude cutting down forest because a century ago, that forest was not there, or was not composed of the trees that exist there now. I would draw your attention to the following article regarding forest resilience:

<https://www.sciencedaily.com/releases/2017/12/171212090545.htm>

One of the researchers made a most salient point: "Managers may want to plant species that are adapted to the current and future climate, not the climate of the past," she said.

Cutting down trees is the last thing anyone on this planet needs.

Thank you.

Elizabeth Watts

Response 1A: Comment noted.

Response 2A: As noted in Master Response 3, EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Moreover, the EBWMP acknowledges the ecological value of non-native tree stands (page 19), as noted by the commenter. The 1996 PEIR (pages 3-28 and 3-29) describes the eucalyptus and Monterey pine stands in the watershed, and the specific conditions under which fire risk is increased (e.g. stand density, Foehn or “Diablo” winds). On page 4-8 the PEIR explains how fire management practices in the EBWMP reduce the risks of large, intense wildfires. Master Response 3 explains the limited and highly selective nature of tree cutting in the watershed. Please also see Response 3A to the Stephanie Thomas comments.

Response 2B: Please see Master Response 3.

San Francisco Forest Alliance

From: SF Forest [mailto:sfforestnews@gmail.com]

Sent: Tuesday, January 09, 2018 9:23 PM

To: Coate, Alexander; Wallis, Michael; Young, Marguerite; Wallace, Douglas

Subject: Comments on EBMUD Watershed

Dear EBMUD,

In view of the fact that

- herbicidal chemicals are often more toxic, more dangerous, more persistent, and more mobile than their manufacturers disclose;
- much research on herbicides is funded or otherwise influenced by groups with an interest in encouraging their use;
- East Bay watersheds are essential to a safe water supply and provide habitat for birds, pollinators, and other wildlife;
- all trees fight global warming by sequestering carbon;

- the danger from "weeds" is aesthetic rather than to health and welfare;

We oppose using herbicides and removing trees (except directly hazardous ones) in all public properties, particularly in parks and watersheds.

Comment 2A

Sincerely,

San Francisco Forest Alliance

Response 1A: Please see Master Responses 2 and 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, (b) the only proposed pesticide-related changes are designed to reduce pesticide use, and (c) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 2A: Please see Master Response 2.

Madeline Hovland

Comment by Madeline Hovland, HCN 1/9/2018 on EBMUD Watershed Master Plan

I am a board member of Hills Conservation Network speaking in behalf of our organization. HCN objects to EBMUD's filing of a Negative Declaration for the underlying 1995 EIR because, due to lack of specificity of the IPM methodology, the impact of this 1PM program cannot be known.

Comment 1A

(Additionally, we are concerned that with the substantial changes in the local environment since the EIR was released in 1995 it is not reasonable to believe that a document that is this old can be relied upon to adequately assess the benefits and risks associated with any policy change.

Comment 1B

We believe that by issuing the Negative Declaration as EBMUD has done, EBMUD has increased the likelihood of a legal challenge to the underlying EIR.

It is for these reasons that HCN asks that the Negative Declaration be rescinded to allow for public comment for a minimum of 45 days after the release of the IPM.

HCN's primary goal is to mitigate the risk of fire in the East Bay Hills, specifically in the EBMUD watershed. We want EBMUD to maintain-not remove--vegetation that is least likely to ignite, and when ignited, will bum with lower, less intense, flames. The watershed Master Plan mentions tree removals, but it does not make clear how many trees and what species of trees will be removed. These questions are important to the evaluation of EBMUD's Integrated Pesticide Management Plan, which is difficult to evaluate since it does not exist at this time.

Comment 2A

When tall trees of any species are removed, weeds, chaparral brush, and tallgrass move into the formerly shaded areas. This transformation of the landscape would result in two choices for EBMUD: (1) to encourage the replacement of non-native forests with native species over the long term• (unfortunately, the recent North Bay fires have shown these native species to be highly flammable, or (2) to use a whole lot of pesticides to remove the flammable chaparral brush, weeds and grasslands, and encourage oaks, which never grew where non-native forests have stood for more than a hundred years.

Comment 2B

Both of these choices, in fact, require pesticide management that should be a primary concern for EBMUD. We don't know the amounts and kinds of pesticides, as well as the dangers of the pesticides that EBMUD has used in the past, and intends to use in the future. EBMUD's IPM consultants have recommended improvements in EBMUD's IPM practices, and District staff have proposed that these improvements should be implemented, but the final version of the District's IPM guidelines, which we hope will result in improvements, will not be in place until mid-2019.

Comment 2B

It is highly unprofessional, if not illegal, for the District to claim that its nonexistent IPM practices-before any of the consultants' recommendations have been implemented-- have no significant effect on the environment. No one knows or can predict how these changes will impact the environment. It is important to delete all references to the District's IPM program from the Initial Study so that EBMUD can move forward with revising the Watershed Master Plan. It may be necessary for EBMUD to develop a separate re- port on a new IPM program, which we hope will be based on the consultants' recommendations as well as containing detailed information about the pesticides that will be used.

Comment 3A

Healthy trees should not be cut down unless they are a hazard to humans or nearby structures. Replacing healthy, living trees with native trees such as coast live oak --where oaks never grew before--would seem to be the height of folly when sudden oak death has killed thousands of oaks. There is absolutely no scientific evidence that native vegetation is less flammable than non-native trees which store carbon dioxide and have evolved to thrive in a warmer climate. Attempting to restore chaparral and grasslands, oak/bay woodlands or oak savannas will simply result in the need for more pesticides, and lead to more tragic fires.

Comment 4A

Madeline Hovland 781 Alvarado Rd. mhoyland@mindspring.com

Response 1A: Please see Master Response 2.

Response 1B: Please see Master Response 2. Also, the comment refers to “substantial changes in the local environment” since the PEIR was issued in 1996 but does not identify any such changes.

Response 2A: Please see Master Responses 2 and 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, (b) the only proposed pesticide-related changes are designed to reduce pesticide use, (c) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed, and (d) nothing in CEQA requires that consideration of the proposed EBWMP Update be delayed until some uncertain time in the future when the IPM Program review is complete and any resulting changes to the Program are proposed.

Response 2B: Please see Master Responses 2 and 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, (b) the only proposed pesticide-related changes are designed to reduce pesticide use, and (c) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, EBMUD does not employ clear-cutting as a forest management strategy on the watershed. EBMUD selectively thins trees to avoid opening up the canopy and stimulating understory

growth. Brush is managed to reduce fire intensity and the spread of surface fire into the trees, creating a fuel bed that is manageable in the event of a wildfire. When removing brush to reduce fire intensity and control spread, the structure of the brush cover is altered to create more spatial separation, reduce height, density and dead organic material. Techniques used to maintain the integrity of the habitat include mowing mosaic patterns to create more edge to improve habitat value, selectively removing individual bushes by hand, and pruning, both by hand and/or mechanically to reduce fuel height and density. The intent is to maintain ecological function while incorporating fuel management objectives into these treatment methods.

Response 3C: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. EBMUD agrees that the EBWMP Update and IPM Program review processes are separate.

Response 4A: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Mel Bearns

From: Mel Bearns [mailto:melvillebearns@gmail.com]
Sent: Wednesday, January 10, 2018 10:02 AM
To: Watershed Master Plan
Subject: I vehemently object to your plan for tree removal and toxic pesticide use

To whom it may concern:

Your proposal to cull perfectly healthy trees that provide oxygen, trap carbon, secure soils and create habitat for local wildlife is insane. Added to that is your continued use of carcinogenic herbicides which are being detected in our watersheds and reservoirs which is borderline criminal.

Comment 1A

Your 'plan' is outright schizophrenic and does not reflect what the vast majority of the people who live here want.

Comment 1B

We want you to leave the trees alone and stop using Garlon and other herbicides known and proven to cause cancer.

We want you to stop this ill-gotten agenda of nativism and stop indoctrinating children about this ridiculous notion that nothing that wasn't here 200 years ago must go.

Comment 2A

We want you to respect our wishes and stop hewing to the call of politicians and Monsanto.

My family, my friends and many thousands more object to your nativist agenda and demand that you stop pursuing this nonsense immediately. Anything other than a complete reversal of this idiotic 'plan' is criminal.

Comment 2A

Mel Bearns
Parent, Citizen, Nature Advocate

Response 1A: Please see Master Responses 2 and 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, (b) the only proposed pesticide-related changes are designed to reduce pesticide use, and (c) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 1B: Please see Master Responses 2 and 3.

Response 2A: Comment noted.

Margaret Hall

From: Margaret Hall [mailto:sismhall1@aol.com]
Sent: Wednesday, January 10, 2018 6:23 PM
To: Wallace, Douglas
Cc: Coate, Alexander; Ambrose, Michael; Wallis, Michael; Young, Marguerite; Mary McAllister
Subject: Re: RESPONDING to you email of January 8, 2018

Hi Doug-

Marg Hall here (another member of FAB) with this followup question.

Re question #2-Objectives in Water Quality: what about the Clean Water Act? it's enforced at the state level by the Regional Water Quality Boards, no?. Doesn't that impact runoff water quality standards? Who reviews you NPDES permit? Don't you use BMP's to filter sediment and reduce pollution of runoff? Perhaps that was the original intent of the original language re state standards on runoff water quality.

Comment 1A

Marg

On Jan 10, 2018, at 4:44 PM, <marymcallister@comcast.net> <marymcallister@comcast.net> wrote:

Comment 2A

Hi Doug, Thanks for your responses to my questions, to which I will reply:

1. I see pesticides still listed as a "constituent of concern" in the version of the WMP that is not redlined. It does not inspire confidence that it was redlined.

2. Here is California State law regulating pesticide run off: <http://www.cdpr.ca.gov/docs/pressrls/2012/120718.htm> I am not a lawyer. This came up from an ordinary Google search. If I were a lawyer, I might be able to find other regulations on this subject. Such an off-hand response from people who are responsible for water quality suggests that they are unaware of the law. Again, it does not inspire confidence that EBMUD even knows the laws they are obligated to follow, let alone is following them.
3. I don't find that a satisfying answer to my question. This is a WATERSHED Master Plan. Therefore a water quality specialist is needed for all “coordinated resource planning” that affects the WATERSHED. If EBMUD wishes to claim that water quality is its highest priority, it should ensure that a water quality specialist is involved in “resource planning.”

Here are more concerns about the revised WMP that invite further deterioration in the District's pesticide practices:

1. This caveat has been added to BIO18: “eliminating pesticides where feasible.” The word “feasible,” absent any definition of that word, is a loophole big enough to drive a truck through. It renders the preceding words in BIO18 meaningless.
2. This phrase has been deleted from BIO 23: “and evaluate consistency with other EBWMP direction.” In other words, if IPM policies or practices become more rigorous—as the District claims they will—the Master Plan is not obligated to revise its commitments to protect plant and animal species. That is another loophole that renders plans to improve District pesticide practices meaningless.
3. This caveat has been added to PW65: “and where other methods of pest control are not feasible.” Now PW65 reads, “PW.65 Prohibit use of pesticides in the watershed, except for those herbicides specifically approved for spot treatment of pest plant species according to District IPM guidelines and where other methods of pest control are not feasible.” The addition of the word “feasible” enables staff to use pesticides in the watershed wherever they consider them necessary. Given the decentralized nature of the District's pesticide practices and the lack of guidelines regarding their use, this caveat is an open invitation to increase pesticide use.

I have many other concerns about the “final” WMP and its Initial Study. I hope these examples of the specific ways in which the Watershed Master Plan is being revised to accommodate MORE pesticide use will be illustrative. If the WMP is not revised and its Initial Study with Negative Declaration is not withdrawn, I will provide a complete list of the ways in which the plans contradict the District's claims that it wishes to improve pesticide practices and reduce pesticide use in the watershed.

I am willing to meet with anyone at EBMUD about these issues at any time. Phone conversations for the purpose of identifying these issues are not effective because finding the appropriate text is difficult, as we learned when first we spoke.

Thanks again for your reply. I agree that revising these documents is preferable to the legal alternatives that are available.

Comment 2A

Mary McAllister

From: Wallace, Douglas
Sent: Monday, January 8, 2018 11:15 AM
To: marymcallister@comcast.net
Subject: RE: "Final" Watershed Management Plan must be withdrawn until IPM Guidelines are revised

Mary, regarding the three questions you raised in our call last week, I have some answers for you. The deletion of pesticides from the list of constituents of concern in Table 2-2 in the redline version was inadvertent; you will see that they are still listed in the public review draft clean copy, therefore no change is proposed here.

On the second bullet under the Objectives in Water Quality: "Ensure that surface runoff from District lands meets state water quality standards", this was deleted because no such state standards on surface runoff from District lands ever existed or could be identified, therefore upon review this Objective was considered undefined and unnecessary.

In BIO.8, we deleted the clause "Include a water quality specialist during coordinated resource management planning" because the subject of the coordination effort in this paragraph was mostly focused on landscape management on land, and involvement of water quality specialist may only be necessary in some but not all cases.

I know you have more questions and I would be happy to discuss them with you at your convenience.

Doug

From: marymcallister@comcast.net [<mailto:marymcallister@comcast.net>]
Sent: Thursday, January 04, 2018 3:36 PM
To: Wallace, Douglas
Subject: Re: "Final" Watershed Management Plan must be withdrawn until IPM Guidelines are revised

Comment 2A

Hi Doug, Thanks for speaking to me yesterday.

The consultant's evaluation has been posted to the District's website this afternoon: [file:///C:/Users/Owner/Downloads/FINAL_EBMUD_IPM_Program_Report_1.4.18_%20\(2\).pdf](file:///C:/Users/Owner/Downloads/FINAL_EBMUD_IPM_Program_Report_1.4.18_%20(2).pdf)

If you haven't read that report, I hope you will do so. It might help you understand the public's concern about EBMUD's pesticide practices. A one-word description of EBMUD's pesticide practices is HAPHAZARD.

Mary McAllister

From: "Douglas Wallace" <douglas.wallace@ebmud.com>
To: "marymcallister" <marymcallister@comcast.net>
Sent: Wednesday, January 3, 2018 9:57:14 AM
Subject: RE: "Final" Watershed Management Plan must be withdrawn until IPM Guidelines are revised

Let's talk at 4:30 if that will work for you. I will call you, but for reference my number is (510) 287-1370.

Thank you, Doug

From: marymcallister@comcast.net [<mailto:marymcallister@comcast.net>]
Sent: Wednesday, January 03, 2018 9:55 AM
To: Wallace, Douglas
Subject: Re: "Final" Watershed Management Plan must be withdrawn until IPM Guidelines are revised

Yes. Please give me a time and I will make a point to be home. 510-547-2563.

Since sending this email to EBMUD, I have read the 1996 PEIR for the original WMP. Therefore, I have a better understanding of EBMUD's legal vulnerabilities.

Thank you,
 Mary McAllister

From: Wallace, Douglas
Sent: Wednesday, January 3, 2018 9:47 AM
To: marymcallister@comcast.net
Subject: RE: "Final" Watershed Management Plan must be withdrawn until IPM Guidelines are revised

Comment 2A

Hello Mary, would you have time later this afternoon or tomorrow for a phone conversation?

And, happy new year!

Doug

From: marymcallister@comcast.net [<mailto:marymcallister@comcast.net>]
Sent: Friday, December 29, 2017 7:50 AM
To: Coate, Alexander; Wallis, Michael; Young, Marguerite; Wallace, Douglas
Cc: Marg Hall; Tanya Smith; Teri Smith
Subject: "Final" Watershed Management Plan must be withdrawn until IPM Guidelines are revised

TO: Alexander Coate, Doug Wallace, Michael Wallis, Marguerite Young

The "final" Watershed Management Plan (WMP) and its associated Initial Study with Negative Declaration has been published prematurely because EBMUD's IPM guidelines are in the process

of being revised. When the IPM guidelines are finalized, the Watershed Management Plan and associated evaluations of environmental impact must be republished and a new public comment period announced.

As you surely know, EBMUD's IPM guidelines exist only in draft form that was made available to the public on July 25, 2017. A copy of the draft guidelines are attached for your convenience. The "final" WMP states that EBMUD's revised IPM guidelines propose the following: "Apply integrated pest management (IPM) strategies, eliminating pesticides where feasible, ensuring negligible impacts on water quality, biodiversity, and other resources and without increasing fire risk."

In fact, the draft IPM guidelines made available to the public in July 2017, do not contain such a proposal nor any commitment to reduce pesticide use remotely resembling that statement. The draft IPM guidelines that were published in July 2017, contain no significant improvements over the original version that was published in 1996. In some respects the draft guidelines are weaker than the original guidelines.

The draft IPM guidelines now available in the public record were published prior to EBMUD hiring a consultant to evaluate its IPM program. The consultant, Blankinship & Associates, was required to make its report to EBMUD in November 2017. We made a public records request for that report, but were denied access to the report on the grounds that it would be published on EBMUD's website on January 5, 2018, prior to the discussion of the report by the Sustainability Committee of the Board of Directors on January 9, 2018.

In other words, **there are presently no IPM guidelines for pesticide use by EBMUD and there will not be any guidelines until the Board finalizes a proposed draft.** We cannot predict when the IPM policy will be finalized. We assume the consultant's evaluation of the program must be considered before the policy is redrafted and ultimately approved by the Board of Directors.

Therefore, we are writing to request that the "final" WMP and associated documents be withdrawn and not published until the public has access to EBMUD's revised IPM policy. Given that pesticide use is a central issue in any evaluation of environmental impact, EBMUD is not in a position to claim that a Negative Declaration is appropriate for the WMP, as it is presently drafted.

Our request is not intended to be a substitute for our public comment on the WMP. However, we would like to point out a few obvious errors in this version of the "final" WMP, which we hope will assist EBMUD in making appropriate corrections before the document is republished **AFTER** the IPM guidelines are finalized, approved, and made available to the public.

The prematurely published Initial Study of the "final" WMP claims that the public expressed concern only about the use of glyphosate. That claim is not consistent with the public record. We have attached a copy of one of our public comments on the original draft WMP. It does not mention glyphosate use by EBMUD specifically. Rather it speaks about herbicides in general. We also have video recordings of the public meeting on August 15, 2016 (excluding comments about bicycles) regarding the draft WMP and the July 25, 2017 meeting regarding the draft IPM guidelines. Most speakers spoke in general about the dangers of pesticides, with only a few mentioning glyphosate specifically. These videos are available on request. EBMUD's attempt to assign glyphosate the role of straw man in the "final" WMP is contradicted by the public record.

EBMUD is not in a position to dismiss concerns about all pesticides by focusing only on glyphosate because the draft version of its revised IPM guidelines has eliminated a list of "approved" pesticides, which enables EBMUD to use ANY pesticide on the market. As you surely know, there are many pesticides that are more toxic than glyphosate. Glyphosate is easier to defend than many pesticides

Comment 2A

available on the market in the US. Substituting another pesticide for glyphosate will not accomplish anything with respect to reducing the health risks of pesticide use by the supplier of our drinking water.

Despite the attempt to defend a specific pesticide that is easier to defend than many others, the “final” WMP engages in several misstatements of fact in that defense. The WHO did not “reverse its determination” that glyphosate is a probable human carcinogen, as the “final” WMP claims. Rather, it qualified the original classification by adding the caveat, “through the diet.” Given the methods being used to spray glyphosate on EBMUD properties (such as spraying glyphosate with an ordinary garden hose), exposure to glyphosate can occur in a variety of ways, including direct physical contact.

- **The WHO says specifically that the report (<http://www.who.int/foodsafety/faq/en/>) of the Joint Meeting on Pesticide Residues (JMPR) cited by the Initial Study of the “final” WMP does NOT contradict the classification of glyphosate as a “probable human carcinogen” by the IARC.** The WHO asks this rhetorical question: “Q9. Are the JMPR conclusions on diazinon, glyphosate and malathion published in May 2016 contradictory to the IARC hazard classification published in 2015?” And the WHO answers that question: “No. JMPR, in its assessment, has taken the IARC review of these three compounds into account by taking their data and interpretations into consideration. The work by IARC and JMPR are different, yet complementary, and their respective functions can be seen as part of a continuum where potential hazards to public health are identified, and the level of risk associated with any such hazards is subsequently assessed.”

Furthermore, the “final” WMP claims that European Food and Safety Authority has extended the relicensing of glyphosate for 10 years. The European Food and Safety Authority is the primary agency of the European Union for risk assessments regarding food safety. **The European Union extended the license for glyphosate sale in the European Union in November 2017 for only 5 years.** It was a very close vote that was postponed several times and there is considerable evidence that the decision was heavily influenced by American interference in the review process. https://www.nytimes.com/2017/11/27/business/eu-glyphosate-pesticide.html?_r=0

The evaluation of pesticides is controversial because laboratory tests have been conducted by the manufacturers and by “scientists” who were paid by the manufacturers. Recent court cases alleging injury and death from glyphosate exposure have revealed collusion between the manufacturer, hired “evaluators,” and government agencies. Anyone with a sincere interest in the dangers of pesticides should read the recently published book on that topic, *Whitewash: The Story of a Weed Killer, Cancer, and the Corruption of Science*, by Carey Gillam.

Finally, the “final” WMP contains the following “Management Direction” that contradicts EBMUD’s existing IPM guidelines: “PW.5 Prohibit use of pesticides in the watershed, except for those herbicides specifically approved for spot treatment of pest plant species according to District IPM guidelines and where other methods of pest control are not feasible.” The draft IPM guidelines for pesticide use in the watershed is presently much broader: “On District watershed lands, pesticides shall not be used within 1,000 feet of raw water reservoirs or tributary creeks, except for spot treatment of pest plant species **and use of selective herbicides broadcast sprayed for specific watershed management objectives.**” The draft IPM guidelines also provide several exceptions to those few restrictions and it invites pesticide applicators to request additional exceptions. In effect, existing IPM guidelines provide no restrictions for pesticide use in EBMUD’s watershed and the final WMP may not legally claim that they do.

As you know, Initial Studies can be legally challenged and we believe this misguided attempt to put the cart before the horse makes the Negative Declaration vulnerable to legal challenge. Those who object to destruction of our urban forest and the associated use of pesticides have had many major legal victories and we hope that EBMUD will avoid another opportunity for a legal challenge. We therefore hope for a

Comment 2A

favorable reply to our reasonable request to republish the documents when the public has access to EBMUD’s IPM guidelines and restart the clock for public comments. Publishing important documents such as these during the holiday season will not enable EBMUD to avoid public scrutiny.

Comment 2A

Thank you for your consideration.

Forest Action Brigade

Marg Hall
Mary McAllister
Tanya Smith
Teri Smith

Cc: Center for Environmental Health
Coalition to Defend East Bay Forests
Hills Conservation Network
Save the East Bay Hills

Response 1A: The District works closely with the local regional water quality control board and regional stakeholders to manage water quality in the reservoirs to meet water quality objectives and support the designated beneficial uses of these waterbodies. The District has programs in place to ensure compliance with the Clean Water Act at each of its permitted facilities regulated by National Pollutant Discharge Elimination System (NPDES) permit requirements. The NPDES permit program is specific to point source discharges in to receiving waters. In the event that there is a limited term construction activity on the District’s watershed areas that has the potential to discharge flow from the work site then that specific project would be covered under the Statewide General NPDES Permit for Stormwater Discharges Associated with Construction Activities and the required BMPs would be implemented in accordance with permit. In addition, in the Water Quality Objectives discussion on page 46, the previous second bullet has been reinstated: “Ensure that surface water runoff from District lands meets state water quality standards.”

Response 2A: Please see responses to Mary McAllister comments.

Heidi Tarver

From: heidi tarver [mailto:heiditarver@gmail.com]
Sent: Wednesday, January 10, 2018 11:51 AM
To: Watershed Master Plan
Subject: your master plan

I have been a resident of the East Bay for over 30 years. Part of the reason I moved here from the east coast was the beautiful wild lands, parks and wildlife in the area. The East Bay Regional Parks and wildlife areas are a gift to all who live in our area.

Comment 1A

I am appalled at the plans by EBMUD to destroy our forests and kill all the animal life that calls them home through the use of pesticides and other toxic chemicals. I have been following the progress of the Master Plan, and I think it is completely wrong headed. Responsible stewardship would involve caring for the trees rather than chopping them down, and protecting the wildlife that calls our open spaces home.

Comment 2A

Shame on you EBMUD for doing the easy thing rather than the responsible thing. Your plans must change. The are an abomination.

Thank you for reading and responding to my comments.

Heidi Tarver
Berkeley Garden Coach

Response 1A: Comment noted.

Response 2A: Please see Master Responses 2 and 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, (b) the only proposed pesticide-related changes are designed to reduce pesticide use, and (c) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Save East Bay Hills

From: Save East Bay Hills [mailto:saveeastbayhills@gmail.com]

Sent: Thursday, January 11, 2018 10:18 AM

To: Watershed Master Plan; Wallace, Douglas; Katz, Andy; Linney, Doug; Mellon, Frank; Coleman, John; McIntosh, Lesa; Young, Marguerite; Patterson, William

Subject: EBMUD Master Plan

This serves as our response to the East Bay Municipal Utility District’s proposed East Bay Watershed Master Plan (“Master Plan”). It also serves as an addendum to our earlier letters on the *draft* Master Plan, dated August 15, 2016 and September 2, 2016. Rather than repeat our concerns, those letters are attached and incorporated herein by reference as the Master Plan suffers from similar deficiencies.

Specifically, the Master Plan is plagued by internal contradictions that undermine water quality, human health, wildlife protection, and biodiversity. On the one hand, it admits that:

- “Large trees,” — specifically, Monterey Pine and Eucalyptus — “provide nesting habitat for raptors, woodpeckers, and cavity-nesting birds. A thick litter layer provides cover for amphibians and small mammals.”;
- Monterey pine plantations “support a wildlife community similar to that occurring in hardwood and native conifer stands.”;
- Eucalyptus trees “are used as roosting sites for birds. Bald eagles have roosted in eucalyptus groves in the San Pablo Reservoir watershed, and a great blue heron rookery exists in the eucalyptus trees at Watershed Headquarters in Orinda. A great blue heron and great egret rookery was active near the northern arm of Chabot Reservoir in the recent past.”;
- So-called “native” trees are dying: “Sudden Oak Death (SOD) is a forest disease caused by the pathogen *Phytophthora ramorum*, which has reached epidemic levels in some coastal forests of central and northern California” and that “occurrences of SOD have been found on the East Bay watersheds.”; and,

Comment 1A

- EBMUD must “Implement erosion control standards and BMPs to reduce soil erosion, sedimentation, and nutrient impacts throughout the watershed.”

Comment 1A

And, on the other hand, it seeks “to replace Monterey pine forest with native species” and likewise to “remove eucalyptus stands and restore native woodland...” despite those functions, replacing them with so-called “native” trees which will not survive SOD and a changing climate, and despite that removing trees is inconsistent with prevention of soil erosion.

Likewise, the Master Plan claims that EBMUD’s chief goal is to “Maintain the high quality of water stored in District Reservoirs” on the one hand. And, on the other, it admits that “pesticides have been detected in District reservoirs” and further indicates that it will continue to use cancerous and poisoning pesticides on District lands. In fact, pesticide use by EBMUD has not only increased, it is being done in violation of manufacturer specifications and EBMUD’s own internal policies designed to limit drift, exposure, and impact. Worse, it does so despite the clear example of the Marin Municipal Water District having banned the use of pesticides due to its impact on water quality and thus human health.

Comment 2A

Finally, we take issue with EBMUD’s call to indoctrinate children to likewise revere the native and hate the foreign by vilifying trees, plants, and animals who do not meet its xenophobic litmus test of worthiness. The Master Plan seeks to, “Conduct an outreach and educational program that emphasizes school participation in watershed restoration projects.” “Restoration” is code for poisoning animals, ripping up plants, and chopping down trees. EBMUD has no business schooling children to embrace its never ending war on nature.

Comment 3A

Response 1A: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and, again, (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Please also see the response to comment 3A in the Stephanie Thomas comments, the response to comment 3C in the Martha Rossman comments, and the responses to comments 12C and 12D in the Bev Von Dohre comments.

Response 2A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, while it is true that the original (1996) EBWMP did contain the statement (in Table 2-2 on p. 16), “pesticides have been detected in District reservoirs,” that statement concerned low level detections of heptachlor and atrazine identified in EBMUD water quality sampling conducted in 1992 and 1994, prior to adoption of the EBWMP in 1996 (see PEIR, Table 3-2). EBMUD water quality sampling also found DDT at a barely detectable level in Upper San Leandro Reservoir in 2000.

Response 3A: Comment noted.

Hills Emergency Forum



Via email: watershedmasterplan@ebmud.com

January 10, 2018

EBMUD
 375 11th St.
 Oakland, CA 94607
 Attn: Douglas Wallace, MS901

RE: Support for Draft East Bay Watershed Master Plan

Dear Mr. Wallace

The Hills Emergency Forum supports the East Bay Watershed Management Plan and environmental review documents (Initial Study and Negative Declaration). The Plan will help reduce the threat from wildfire to life and property, while preserving the high quality drinking water and biodiversity for the citizens of the East Bay.

The East Bay Municipal Utility District is not alone in its commitment to reduce the wildfire risk in the East Bay Hills. The Hills Emergency Forum members continue to work together with the District to provide a coordinated regional approach for responsible wildfire management in the East Bay Hills. Members include the East Bay Municipal Utility District along with the Cities of Berkeley, El Cerrito-Kensington, Oakland, the California Department of Forestry and Fire Protection, East Bay Regional Park District, Lawrence Berkeley National Laboratory, Moraga Orinda Fire District and the University of California, Berkeley.

As a forum that facilitates cooperative approach to addressing urban wildland interface fire issues in the East Bay Hills, the Hills Emergency Forum commends the District for their planning effort and their on-going dedication to fire hazard reduction and resource management in the East Bay Hills.

Sincerely,

Vincent Crudele, Vegetation Management Unit Supervisor
 City of Oakland Fire Department HEF SLC
 Chair 2017-2018

*• City of Berkeley • City of El Cerrito • City of Orinda
 + California Department of Forestry and Fire Protection • East Bay Municipal Utility District
 • East Bay Regional Park District • Lawrence Berkeley National Laboratory*

Comment

Response: Comment noted.

Pam Walatka

From: Pam Walatka [mailto:pamwalatka@gmail.com]
Sent: Thursday, January 11, 2018 1:11 PM
To: Watershed Master Plan
Subject: Please keep ALL the trees

Please realize that all trees help prevent erosion. Do not pre-judge trees based on their provenance. Soon, the nativist agenda will be replaced. Don't set yourself up to regret killing innocent trees.

Pam Walatka

pamwalatka.com

Comment

Response: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Norma Wallace

From: Norma Wallace [mailto:thestqnj@gmail.com]
Sent: Wednesday, January 17, 2018 2:53 PM
To: Watershed Master Plan
Subject: EBMUD Watershed Master Plan Update

Please postpone the public comment deadline until the IPM review is completed. The current information is insufficient.

I am a voter, a resident, a tax payer and regular user of EBRPD parks.

I cannot adequately review your plan unless you provide full and complete details OF the plan.

Norma Jean Wallace
Richmond CA

“Animal products cause more damage than [producing] construction minerals such as sand or cement, plastics or metals. Biomass and crops for animals are as damaging as [burning] fossil fuels.” United Nations

Response: Please see Master Response 2. Also, the EBWMP Update does not address East Bay Regional Parks, which are managed by East Bay Regional Parks District, not EBMUD.

Comment

Stephanie Thompson

From: Stephanie Thompson [mailto:sasysdwch@yahoo.com]
Sent: Saturday, January 20, 2018 4:30 PM
To: Watershed Master Plan
Subject: Comments on master plan update

I am not opposed to opening appropriate trails in some areas to bicycle use, but I am concerned about potential user conflicts. Is the District planning on implementing a speed limit and pedestrian right-of-way rule for bicycles? I am concerned about the safety of pedestrian trail users, particularly those with disabilities. I regularly hike on trails in the East Bay Park District and I also use some of the trails within EBMUD land as allowed by my permit. I am not saying all bicyclists are aggressive but I have encountered numerous, aggressive, speeding bicyclists (especially down hill) who cause a potential danger to pedestrians and to themselves. Many of these encounters have been on trails not authorized for bicycle use. If any potential bike-use trails will also be designated for equestrian use, speeding would be even more of a safety concern.

Comment 1A

Is the District also planning on implementing trail closures when the soil conditions are too moist? Bicycles regularly use the trails in the Siesta Valley Area, including during the spring when the soil is extremely wet. The tires make deep ruts in the soil on the trails and they drive off trail to avoid deep mud, causing ruts in the surrounding soil and vegetation. I have never witnessed any enforcement against bicycles in that area. I’m surprised that newts are not a concern during certain months of the year, considering that nearby Southpark Dr in Tilden Parks gets closed for that reason.

Comment 1B

I hope the District will be able to implement a plan which maximizes both pedestrian and bicycle use where appropriate, and which also maximizes user safety, minimizes resource and environmental damage and minimizes potential disturbance to protected and sensitive species known to inhabit the corresponding areas. I also hope the new plan will allow for the District to make discretionary trail closures in the future, to one or more uses, should they find that that negative impact of those uses is harming resources.

Comment 1C

Response 1A: The speed limit on East Bay watershed trails varies from 5-15 mph, depending on conditions. As stated in DRT.4, trails will be closed “as needed to ... address ... public safety concerns.” Please also see Master Response 1.

Response 1B: Yes. As stated in DRT.4, trails will be closed “as needed to protect sensitive wildlife species ... and special-status species [and] curtail soil erosion...” Bicycles are not

allowed on the EBMUD trails in the Siesta Valley Area. When there is evidence of illegal bicycle use in the area, EBMUD requests increased patrol of the area by our police services provider. As explained on p. 9 of the Draft IS/ND the Pinole Valley Ridge Trail and Eagle's Nest Trail will be added to patrol routes to prevent unauthorized bicycle access to nearby trails. Please also see Master Response 1.

Response 1C: DRT.4 authorizes trail closures “as needed to protect sensitive wildlife species ... and special-status species, curtail soil erosion, protect water quality, reduce fire hazards, and address other public safety concerns.” Please also see Master Response 1.

Laura Fend

From: Laura Fend [mailto:ljfend@pacbell.net]
Sent: Sunday, January 21, 2018 3:57 PM
To: Watershed Master Plan
Subject: EBWMP Comments

Dear Board of Directors,

I am writing with regard to the proposed Master Plan for EBMUD.

I have concerns regarding the plan to allow bike riders on Eagle Nest Trail. Aside from the fact that there are very few trails left that are not over run with bike riders, this particular trail would present several dangerous issues. The trail is quite steep in several sections, and bike riders would have a difficult time keeping their speed down, even if they wanted to; and most mountain bike riders love the thrill of speed as they slalom down the trail. There are also numerous blind curves in this trail, so other trail users would be at risk of being run into when riders come around a corner even at moderate speed.

Please reconsider this addition to the plan for the safety of all concerned.

Thank you,
Laura Fend

Response: The Draft IS/ND addresses potential safety impacts and finds them insignificant because existing management directions and guidelines provide for management actions to prevent safety problems. Please see pages 11-12 of the Draft IS/ND. The actions include education through signage, enforcement through monitoring and patrol, and, if warranted, trail closure.

Safe Trails, Environmental Protection (STEP)

From: helen burke [mailto:helenburke@sonic.net]
 Sent: Monday, January 22, 2018 11:25 AM
 To: Watershed Master Plan
 Cc: Sykes, Richard; Wallace, Douglas
 Subject: STEP comments on EBMUD's Watershed Master Plan

To: EBMUD Please find attached STEP's comments on EBMUD's Watershed Master Plan Update, 2017. Thank you for this opportunity to comment.

COMMENTS BY STEP (SAFE TRAILS, ENVIRONMENTAL PROTECTION) ON EBMUD'S EAST BAY WATERSHED MANAGEMENT PLAN (EBWMP, UPDATE 2017), INITIAL STUDY FOR THE EBWMP AND NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OF EBWMP

January 2018

Safe Trails, Environmental Protection (STEP) is submitting comments on EBMUD's East Bay Watershed Management Plan (EBWMP, Update 2017); Initial Study for the EBWMP; and Notice of Intent to Adopt a Negative Declaration of EBWMP. STEP is an alliance of environmental and equestrian organizations—Sierra Club, California Native Plant Society (CNPS), Audubon Society, Metropolitan Horseman's Association, Regional Parks Association and Claremont Canyon Conservancy—that oppose allowing bikes on narrow trails in EBMUD watershed lands.

East Bay Watershed Management Plan (WMP, Update 2017) Comments

STEP appreciates the distance EBMUD has come to make its current recommendations about bicycle access to watershed lands which represents a compromise between bikers who would like unlimited access to EBMUD watershed lands and environmentalists who don't want any bikes on watershed lands at all. Further, STEP appreciates that EBMUD has gone from proposing a two-year pilot project to a permanent change subject to conditions and limitations to retain narrow trails for hiking and equestrians and open only two fire roads not currently open to mountain biking.

Some background on the history of STEP is in order to understand STEP's viewpoint. In 2015 when the District began its update of the EBWMP, District staff proposed that four different trail segments be opened up to bicycle use: two on narrow, single track trails and two on fire

roads. One of the narrow trail segments was proposed for the Skyline Gardens area, a popular, environmentally sensitive and biodiverse area, and a project of the California Native Plant Society (CNPS) to promote native plants and discourage non-native species.

Another small segment adjoining Redwood Park would have taken mountain biking to the entrance of a sensitive East Bay Park preserve, Huckleberry, that only has narrow trails. A third segment of the proposed Pinole Valley trail would have directed mountain hikers to the entrance of another sensitive East Bay Regional Park preserve, Sobrante Ridge, that also has a narrow through trail limited to hikers and equestrians.

Reaction to the proposal to put bikes on narrow trails with hikers, joggers, equestrians, birders, nature and plant enthusiasts triggered strong opposition in the environmental community who were concerned about possible collisions between bikers and other users, disruption of solitude in enjoying nature and environmental protection.

In 2016 six environmental and equestrian organizations formed an alliance to oppose the proposal to open narrow trails to bicyclists, including the Sierra Club, California Native Plant Society (CNPS), Audubon Society, Regional Parks Association (RPA), Claremont Canyon Conservancy and Metropolitan Horseman's Association. Through STEP's communicating with Board members about the significance of the Skyline Gardens and other trails from a biodiversity standpoint, meeting with EBMUD staff and focusing media attention on the issue, over time EBMUD staff eliminated opening narrow trails to bicycles, finally proposing that only two fire roads be made open to bicycles—Pinole Valley Trail and Eagle's Nest Trail.

So it goes without saying that STEP strongly supports EBMUD's decision in the EBWMP to limit bicycle use to two service roads with relatively low use: Pinole Valley Trail and Eagle's Nest trail. STEP also commends EBMUD on their decision not to allow bicycles at all on narrow trails. STEP also strongly supports EBMUD's proposal to close these trails if sensitive flora and fauna are determined to be threatened.

General Management Direction, Developed Recreation and Trails (p.64). DRT.3 states: "Avoid overutilization in the developed recreation areas. Monitor use levels and modify as necessary." STEP concurs that the District must monitor use levels on the two new bicycle trails and modify them as necessary, using an adaptive management process. Any data collected should be shared with the EBMUD Board and interested members of the public such as the proposed stakeholder group.

DRT.4 (p. 64) states: "Close recreational facilities and trails as needed to protect sensitive wildlife species (e.g. nesting birds) and special-status species, curtail soil erosion, protect water quality reduce fire hazards, and address other public safety concerns." STEP supports the flexibility of this guideline as a way to deal with future situations.

DRT.25 (p. 67) states: "Use of designated unpaved roads or trails shall be limited to hiking and equestrians with restrictions as provided in the watershed rules and regulations and by signage

Comment 1A

at trailheads, except in those portions of the Lake Chabot watershed that are leased to EBRPD or as required under ADA. Bicycle access shall be allowed only on designated portions of the Pinole Valley and Eagle’s Nest trails, consisting of service roads. The EBMUD Board of Directors reserves the right to revoke bicycle access on these trails at any time and for any reason.” This statement reiterates STEP’s basic concern about putting bikes on trails with other slower-moving user groups. STEP strongly supports this guideline.

Comment 1A

Adaptive Management (p.10). EBMUD states: “An adaptive management process that continually evaluates the effectiveness of various avoidance, minimization, and mitigation measures is an important element of any watershed management plan.” While STEP supports using an adaptive management approach, it would be helpful to provide more specifics about how that would work in practice.

Comment 2A

Special-Status Species (p. 25). EBMUD mentions in several places in the EBWMP the need to update the Low-Effect Habitat Conservation Plan (HCP) approved by the US Fish and Wildlife Service in 2008 for the existing EBWMP. Low-Effect HCP’s are those involving: 1) minor or negligible effects on federally listed, proposed, or candidate species and their habitats covered under the HCP; and 2) minor or negligible effects on other environmental values or resources. Since a major concern is how these new trails will impact select-species like the California red-legged frog and Alameda whipsnake, STEP supports the District’s monitoring and enhancing the habitat for these species in the watershed.

Comment 3A

Watershed management goals and adaptive management. STEP supports EBMUD’s continued commitment to the twin goals in the EBWMP of protecting water quality and biodiversity of plants and animals in managing the watershed. Furthermore, STEP supports EBMUD’s use of adaptive management as the tool for maintaining sustainability in the watershed. Specifically, STEP supports the following statement on p. 1: “The District has determined that managing lands and reservoirs to protect water quality and important, high-quality biological resources can best be achieved by promoting biological diversity (biodiversity). Biodiversity is defined here as “the variety and variability among living organisms and the ecological complexes in which they occur.” (Office of Technology Assessment 1987)

Figure 3-2, Regional Trail Connectors proposed or in place on District property (p.68). This Figure shows the American Discovery Trail/Mokelumne Coast to Crest Trail going along the south side of Briones and the tip end of San Pablo Reservoir. Question: Are there signs for this trail?

Comment 4A

Initial Study (IS) comments

Changes to Access Policy for the Watershed Trail System. On p. 8, EBMUD states: “The proposed trail segments selected for evaluation in this Initial Study are composed of fire roads and a disced firebreak that would require no redesign to address safety concerns other than signage. No heavy equipment would be required for construction of trails – a tractor would be used to compact the edge of the 0.75 mile firebreak edge for the Pinole Valley trail – and no

new maintenance operations beyond the existing annual grading of fire roads and discing of the firebreak would be introduced. **No single-track mountain bike trails would be allowed under this proposal.** However, the Proposed Pinole Valley Multi-Use trail traverses designated critical habitat for the California red-legged frog and the Alameda whipsnake (Figure 4).” [Emphasis added.]

Further on, under the Environmental Checklist, Biological Resources (p. 29), EBMUD states: “The Pinole Valley Trail is a disced fire break that traverses grassland habitat and several drainage and stream crossings along Sludge Road, with a short segment along Goat Road that passes through oak woodland and adjacent to a drainage.”

Based on these two quotes, given that EBMUD plans no new construction with heavy equipment and that there are several drainages and stream crossings—the question is: can these drainages and stream crossings be traversed by bicyclists on the roads/disc'd firebreaks without any further construction? Wouldn't these areas subject to wet conditions have to be buttressed in some way? The answer to this question is important because EBMUD is resting its case for a negative declaration on the fact that no new construction is required.

Comment 5A

Low-Effect Habitat Conservation Plan (HCP) (p. 8) Because it covers both why a negative declaration has been chosen as well as conditions for the new use on EBMUD watershed lands, a key discussion about the updated WMP starts on p. 8 of the Initial Study.

The IS states that: “No single-track mountain bike trails would be allowed under this proposal. However, the proposal Pinole Valley Multi-Use trail traverses designated critical habitat for the CA red-legged frog and the Alameda Whipsnake (Figure 4). EBMUD’s Low-Effect HCP was negotiated under the existing EBWMP and the trail access regulations, therefore, a change in trail use may require HCP amendments.” STEP is interested in US Fish and Wildlife’s response to whether HCP amendments would be required.

Comment 6A

Characterizing trail conditions (p. 9) EBMUD commits to collecting information regarding types of use and frequency based on observations of the two trails, including unauthorized trail use. They plan to use this information to characterize trail segments before opening to bike use. The question is: what biological information does EBMUD have about these two trails? What the District needs is a baseline biological information before bikes are allowed on the trails against which to measure impacts, particularly on the two special-status species, the California red legged frog and Alameda whipsnake.

Comment 7A

EBMUD might consider undertaking a scientific baseline study BEFORE any new activity begins. EBMUD could design this baseline to identify ecological characteristics that will be monitored for impacts and describe impact thresholds that, if exceeded, would require management actions. These actions might include restrictions to trail access, increased patrols, new speed limits and enforcement, seasonal access restrictions, frequency and numbers of mountain biking users and trail closure.

Comment 7B

Comment 7C

Stakeholder involvement (p. 9). STEP supports EBMUD’s convening a meeting of interested stakeholders on a periodic basis to review and assess opening up the trails to bike use. STEP would be happy to be a participant in this group. The characterizing trail conditions and monitoring plan could be submitted to this group for input. STEP would be happy to be represented on this group. Having a group like this that represents all trail users – i.e. hikers, equestrians, bikers, birders, photographers, joggers, amateur botanists and those wanting to be out in nature – makes good sense. Issues can be brought to this group for discussion and input to be resolved before the District has to take action.

Comment 8A

Signage and barriers (p. 9). STEP supports EBMUD’s proposal to post signs at appropriate locations regarding trail etiquette. However, STEP does support specific definitions of promotion of a “tread lightly” message as long as it includes a stronger enforcement message. For instance, STEP would like EBMUD to install signs posting enforcement messages like the requirement for a permit to ride on trails for bikers as well as hikers and equestrians and proscriptions against constructing “rogue” trails and riding on trails not open to bikes. Signs should also include clear information on trail Right of Way. The use of physical barriers if needed to maintain compliance with trail access rules makes sense.

Comment 9A

Monitoring and enforcement (P. 9). STEP supports the District’s requiring a permit for cyclists, similar to hikers and equestrians. Amending Watershed Rules and Regulations to include enforcement by EBMUD Rangers and EBRPD Police Officers is necessary as is amending the contract between EBMUD and EBRPD to include the two trails in the patrol route.

Comment 9B

Instituting an online trail incident reporting tool for permit holders is needed as a way to involve the public in monitoring and enforcing EBMUD’s rules. As part of this program EBMUD should consider educating the public by putting information on how to report incidents as part of the information accompanying EBMUD’s bimonthly bill through use of a smart phone. This information should also be available on signs near trailheads. When the District has some experience with the new use, it can consider using volunteer patrols comprised of different trail user groups to educate and inform other trail users as well as to collect feedback on how the new use is working out. These volunteers can also record incidents of illegal use.

Comment 9C

Fines (p. 9). STEP supports EBMUD amending the Watershed Rules and Regulations to apply to bicyclists for any violation that is an infraction of the rules; however, the fines seem low, likely to have been determined some time ago for infractions by hikers and equestrians. STEP suggests doubling the fines so they have a greater deterrence value. That would mean a fine for \$100 for a first violation; a fine of \$200 for a second violation of the same ordinance within one year; and a fine of \$500 for each additional violation of the same ordinance within one year.

Comment 9D

Maintenance and Control Measures (p. 9). STEP supports the District using physical control measures such as fences, gates or other barriers to make sure bicycle access does not increase soil erosion, landscape modification, or pollutant loading that would adversely affect other

watershed or reservoir resources. Question: at what point do such issues become a problem—when there is one incident of hiker-biker use conflict? The District should establish a zero tolerance policy for incidents in which a hiker or equestrian is harmed by a fast-moving biker or alternatively when a hiker or equestrian injures a biker.

Comment 10A

Trail closure (p. 10). STEP strongly supports the District’s closing a trail if there are persistent user conflicts and/or resource impacts and even one injury as mentioned above. STEP supports the District clearly posting signs announcing the rationale for this policy at trailheads.

Comment 11A

Figure 2: Proposed Pinole Valley Multi-Use Trail (p.11). STEP supports EBMUD’s layout for the Pinole Valley Multi-Use Trail which leaves the current trail, part of the Bay Area trail on Ridge Road in its current form (in red) open to hikers and equestrians but closed to bikes, and opens a Preferred Alignment (in yellow) along Sludge, Sims, Goat, and Windmill Road to bikers, in addition to hikers and equestrians. There is a pond along the latter alignment which is home to the red-legged frog. EBMUD should post signs in the immediate area telling users to stay out due to presence of threatened species.

Comment 12A

Environmental Checklist—Biological Resources (p. 29). EBMUD describes the Pinole Valley Trail as “... a discd fire break that traverses grassland habitat and several drainage and stream crossings along Sludge Road, with a short segment along Goat Road that passes through oak woodland and adjacent to a drainage.” See earlier comments about the possible need for construction for passage over a drainage.

Comment 13A

Mandatory Findings of Significance (p. 68). EBMUD finds that “...the project does not have the potential to substantially reduce the habitat for a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plan to animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Any potential short-term increases in potential effects to the environment during implementation of the project are less-than-significant as described throughout the IS.” Further, EBMUD states that “This IS determined that the proposed project would have no impact for housing, public services, and utilities and service systems. Therefore, the proposed project would not contribute to cumulative impacts related to these issue areas. The remaining resource areas evaluated in this IS resulted in less than significant impacts with no mitigation required.” EBMUD bases this finding on the fact that there would be no new construction and that “new trail access would be limited to existing roads (and a disc-line to be compacted) that already accommodate vehicular traffic.”

Notice of Intent to Adopt a Negative Declaration, East Bay Watershed Master Plan Update

Based on the results of the Initial Study, EBMUD determined that any impacts from adoption of the Update would be less than significant, and a Negative Declaration was prepared. Since no significant impacts are anticipated to result from Project approval, no mitigation is required.

Comment 14A

This approach is acceptable as long as there is no new heavy construction and special-status species are not harmed.

Comment 14A

Response 1A: Comment noted. EBMUD intends to hold regular meetings with interested stakeholders to provide information and receive feedback on the experience of multi-use trail recreation on Eagle's Nest and in the Pinole Valley. Please also see Master Response 1.

Response 2A: Adaptive management is an iterative process designed to improve long-term management outcomes by ensuring (a) the effectiveness of management actions is continually evaluated, and (b) those actions are adjusted as necessary to ensure overall management goals and objectives are met. However, it is important to recognize that the EBWMP is a high-level document intended to provide long-term management direction to management of EBMUD's East Bay watershed lands. While EBMUD may alter its strategies through the adaptive management process, those changes in strategy would be aimed at ensuring the EBWMP's goals and objectives are met, not on changing the goals and objectives themselves.

There are numerous examples of the use of adaptive management by EBMUD's land managers. With the range management program, stocking levels are adjusted annually, based on forage production and rainfall, to achieve both fuels management and pasture viability. Fire and Fuels management similarly requires annual adjustments based on weather conditions to achieve goals for fuel load reduction. Trail conditions vary from year to year, affecting seasonal closures. In developed recreation areas, weather conditions affect availability of recreation, and reservoir access may be limited due to storm conditions. This iterative process enables land managers to identify patterns and trends and become better able to proactively plan for future events and implement long range mitigation strategies for watershed and recreation protection, consistent with the overall objectives and goals set forth in the EBWMP.

Similarly, adaptive management is practiced with wildlife management on the watershed. As part of the EBWMP Update, the East Bay Low-Effect Habitat Conservation Plan (HCP) was added as a guiding document for watershed management. Section 8 of the HCP includes a description of the adaptive management process, species triggers, and response actions. For example, if rainbow trout redds (nests) are not observed within Upper San Leandro Reservoir drainages, spawning gravel enhancement will be initiated. In another instance, if western pond turtle populations decrease (based on basking counts) over the course of three years, a number of actions would be initiated including predation evaluation, nesting habitat enhancement, additional site protection (fencing), and assessment of potential presence of diseases. All of the adaptive management measures are dependent on a feedback loop linking to the original measurable standard. In the case of the species covered under the HCP, those triggers are population numbers, habitat quantity or a combination of the two.

Response 3A: Comment noted.

Response 4A: Yes, there are signs for the ADT/Mokelumne Coast to Crest Trail.

Response 5A: During dry conditions drainages and stream crossings are passible by bicycles without further improvements and without erosive damage, and overall impacts will be less than significant because of anticipated low usage. During wet conditions the clay soil type and lack of tree cover are anticipated to render the trail impassable. Consistent with the implementation practices set forth in the Draft IS/ND at pages 11-12, if EBMUD determines that trail use during the rainy season is increasing soil erosion or resulting in other impacts such as landscape modification, pollutant loading, or other adverse effects on watershed resources, maintenance and control measures will be implemented such as temporary or seasonal restrictions, up to and including trail closure. Accordingly, buttressing or other trail construction to enable wet weather access would not be required.

Response 6A: HCP amendments are not required for the EBWMP Update, as confirmed by USFWS.

Response 7A: The biological information EBMUD has about the two trails in question includes the following. In regards to California red legged frog, EBMUD has collected data regarding the number and locations of inhabited ponds, along with population estimates and pond conditions (cover, depth, other species, basking habitat, vegetation). Alameda whipsnake habitat has been mapped and the amount of key habitat (primarily scrub/brush) enumerated. Annual rainbow/steelhead trout spawning counts (redd numbers) and habitat conditions (gravel size and amount, habitat type, sedimentation, cover) have been compiled. Additionally, locations and use of raptor nests are tracked by staff and NGO groups. Ranger naturalists track rangeland habitat condition as it relates to cover using residual dry matter (RDM). RDMs are used as a gauge of meeting criteria established in the range management plan and master plan. Information has been added to the IS/ND to provide more detail on existing conditions in the trail areas.

Response 7B: Surveys for sensitive wildlife species and their habitat have been routinely conducted by EBMUD Fisheries and Wildlife biologists since the mid-90s when EBMUD's East Bay Watershed Master Plan was initially adopted. Annual monitoring for sensitive species is also conducted under EBMUD's East Bay Low Effect Habitat Conservation Plan (HCP), which was implemented in 2008. Annual monitoring will continue to be conducted for the 30-year term of the HCP. Additionally, EBMUD biologists, independent researchers, citizen science groups and scientists from educational institutions conduct surveys for mammals, amphibians, reptiles, raptors, nesting birds and rare plants on EBMUD watershed land. The collected information is utilized to provide feedback for adaptive watershed management in order to enhance fisheries and wildlife habitat across EBMUD's 29,000 acres of East Bay landholdings.

EBMUD has worked with researchers, biologist, and professors, including the late Robert Stebbins, to develop lists of all species on the watershed and to create guidelines for EBMUD's biological survey protocols. The results of these surveys have been cataloged in a GIS database

that serves as a master list of species presence data across EBMUD's watershed lands. EBMUD's managed species database is similar to the California Department of Fish and Wildlife's (CDFW's) California Natural Diversity Database (CNDDDB) and continues to be updated with results of targeted fish and wildlife surveys. This information is shared with the U.S. Fish and Wildlife Service (USFWS) and CDFW.

The following list describes the types of biological surveys recently conducted or ongoing near the Eagle's Nest and Pinole Valley trail segments, which are proposed for mountain bicycle access.

- Ponds and stream pools have been annually sampled to detect rare aquatic species.
- Evening eye-shine and daytime breeding surveys have been conducted annually to document California red-legged frog presence and abundance. A radio telemetry project was conducted to track California red-legged frog movements through Pinole Valley.
- Western pond turtle point counts are conducted annually and two mark/recapture studies have been conducted to document turtle population fluctuations. Western pond turtle movements have also been tracked within Pinole Valley to document potential nesting sites.
- Spawning and juvenile recruitment surveys have been conducted annually within the Pinole and San Pablo Creek watersheds to document the presence of rainbow trout or steelhead. Additionally, benthic macro invertebrate assemblages have been sampled to document stream health.
- Alameda whipsnake habitat has been mapped across EBMUD watershed lands. Suitable patches of scrub habitat have been sampled using funnel trap arrays to detect Alameda whipsnake presence in Pinole Valley and Sobrante Ridge.
- Remote camera trapping studies are ongoing along established fire roads.
- Bird-nesting surveys and point counts have been conducted by EBMUD biologists, volunteers and independent researchers. Known pairs of nesting raptors are monitored annually.
- Rare plant surveys have been conducted by qualified botanists at regular intervals.
- A wetland delineation has been conducted in Pinole Valley.

As noted in Response 7A, information has been added to the IS/ND to better characterize existing conditions in these areas, based on the data collected through these studies.

Response 7C: The EBWMP sets out the applicable thresholds in the Developed Trails and Recreation chapter for adaptive management to prevent significant impacts. The Draft IS/ND on pages 11-12 includes a detailed discussion of the measures EBMUD will take to manage the change in recreation usage on the two trails.

Response 8A: Comment noted.

Response 9A: Information will be presented in a positive manner and with succinct messages, including trail rules and etiquette.

Response 9B: No contract amendment is necessary. The current agreement between EBMUD and EBRPD provides for public safety on all EBMUD watershed lands. If the EBWMP Update is approved by EBMUD, any necessary amendments to the Watershed Rules and regulations will be proposed to address other aspects of changes in trail use prior to allowing bicycle use.

Response 9C: EBMUD's online trail incident report form can be found at <https://www.ebmud.com/recreation/east-bay/report-trail-problem>. Current watershed trail signage also provides information on how to report trail incidents. Instead of using the bimonthly bill which reaches all customers, the District proposes using a more targeted approach with an existing mailing list to reach all trail permit holders, as well as other notifications, regarding information on trail use.

Response 9D: Current Watershed Rules and Regulations apply to all persons using any part of EBMUD's watershed lands, recreation areas, and trail system. Current fines are effective and significant to serve as a deterrent. The initial violation base fine is \$32.00, plus ~\$300.00 in administrative fees for a total of ~\$332.00.

Response 10A: The District has described a number of actions on pages 11-12 of the Draft IS/ND including characterizing trail conditions, involving stakeholders, installing signs and barriers, monitoring and enforcement, maintenance and control measures, imposing fines, and closing trails to manage the new trail uses and prevent impacts. User conflicts will be critically examined and appropriate modifications implemented to achieve intended objectives.

Response 11A: DRT.4 authorizes trail closures "as needed to protect sensitive wildlife species ... and special-status species, curtail soil erosion, protect water quality, reduce fire hazards, and address other public safety concerns." The District will use all appropriate means of communication to inform trail users of new and existing policies. Trail signage is generally reserved for providing trail information and trail use rules, and not for the detailed explanation of policies.

Response 12A: Posting signs calling attention to sensitive species and habitats is not recommended as this can draw attention to otherwise nondescript features and increase impacts. Consistent with the bicycle access implementation practices set forth on pages 11-12 of the Draft

IS/ND, and depending upon conditions and likelihood for impacts, trail access through sensitive wildlife habitat may need to be controlled or restricted at certain times of the year, including breeding season, rainy periods, etc.

Access to EBMUD trails is limited and trail users are required to have a valid trail use permit. To obtain a trail use permit, users pay a nominal fee and agree to follow a list of rules aimed at protecting water quality and biodiversity. Trail permit holders who violate these rules are subject to having their permit suspended, and repeated violations can result permanent revocation. Trail users are required to sign in at the trail head before accessing the trail, and provide information on the modality of trail use. Sign-in sheets are collected on a routine basis and trail use activity is monitored. This information is evaluated to enable decision makers to adaptively respond to observed trail conditions or activity. In addition, trail signs, barriers and other control measures will be installed at key locations to reinforce compliance, and enforcement will be augmented as described on pages 11-12 of the Draft IS/ND. These measures improve trail user compliance and help to minimize any impacts.

Response 13A: Please see Response 5A, above.

Response 14A: Comment noted.

Jeff Mason

From: Jeff Mason [mailto:mason.jeff@att.net]
Sent: Monday, January 22, 2018 4:13 PM
To: Watershed Master Plan
Subject: Re: EBMUD Watershed Master Plan Update and Public Review

To who it may concern:

I would like to comment on the master plan and the direction of the watersheds in general.

I frequent the the Briones watershed and have been doing so for 35 years. I don't think the water district knows what a special place this is for solitude and wildlife viewing. It does not need any changes, period. Can't we leave well enough alone?If I want to ride a bike or go to a park, I just walk across the street to EBRPD property which has a massive amount of bike trails already. Briones Res. area is special and has lots of wildlife because it remains unimproved. The trail system is perfect as is.

Comment 1A

If I had to comment on the master plan, I would not let the public change what is all ready incredible. I do not agree with a decision to start letting bicycle's on some trails. Once you open this box, it won't stop at a few trails. The general public only knows how to ruin wild places, not preserve them.

Comment 1B

Another comment is about the Briones Reservoir. I have noticed 2 things that are significantly impacting wildlife here. First is the St. Mary's row team which runs off all the wintering waterfowl off the lake. I don't see anymore Ducks ,Geese, Herons when they run their drills. They also completely ruin anyone's peaceful walk around the Res. as they shout on their mega bull horns across the lake and shout obscenities during drills, operate motor boats. I can't count how many times over the years they have spoiled peaceful wildlife viewing outings. I sometimes bring kids to view the wildlife and they ruin the entire trip.

Comment 2A

At the same area I have noticed EBMUD starting to mow trails and clear brush to make the trails much wider. The trail size was perfect as is. I was seeing cottontail rabbits, Quail and Bobcats that feed on them, quite frequently until the mowing started and destroyed the cottontail Rabbit cover.

I hope this helps. Let's keep this place wild please. Thank you for allowing my input.

Jeff Mason

Response 1A: Comment noted. No changes in the management of Briones Reservoir are proposed in the EBWMP Update.

Response 1B: Comment noted. Please see Master Response 1. In addition, the proposal in the EBWMP to permit bicycle access on two sections of trails in the watershed was the result of an extensive stakeholder engagement effort, seeking a balance between resource protection and community interest in expanded recreation opportunities. The EBWMP language changes are clear and reflect EBMUD's desire to limit bicycle access to the trail segments specifically referenced in DRT.25.

Response 2A: No changes in the management of Briones Reservoir are proposed in the EBWMP Update. Pursuant to existing management directions and guidelines, the crew teams that practice on the Briones Reservoir have been admonished and directed to comply with the Watershed Rules and Regulations, including 8.01 (no endangerment to any animal) and 12.02 (no disturbance or interference with wildlife).

Response 3A: No changes in the management of Briones Reservoir are proposed in the EBWMP Update. There are two trails that circumnavigate Briones Reservoir. The Bear Creek trail is a single-track trail that is periodically maintained to allow for safe passage by hikers and equestrians. The Oursan Trail is a double-track fire road and is maintained to allow for safe passage by equestrians and hikers. In addition, Oursan Trail is essential access for first responders to medical emergencies and wildfires. Consequently, it is necessary to maintain wider roadside clearances for safe ingress and egress. Routine maintenance activities on the watershed, such as trail and fire road maintenance, are conducted pursuant to a Routine Maintenance Agreement (RMA) between EBMUD and the California Department of Fish and Wildlife. The RMA requires implementation of a number of measures to minimize impacts to natural resources and ensure that wildlife habitat is not significantly affected, such as limitations on the type and size of heavy equipment that can be used; restrictions on removal of debris from channels; restrictions on maintenance activities at stock ponds; restrictions on culvert maintenance; restrictions on tree removal in riparian areas; requirements for special-status species habitat assessments prior to conducting maintenance activities; and requirements for staff training and biological monitoring.

Regional Parks Association



**REGIONAL
PARKS
ASSOCIATION**

**P.O. Box 5536
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RPA Board Members

*President: Amelia Wilson, Vice-president: Jerry Kent, Treasurer: Reg Barrett Secretary Martha Martin
Judi Bank, Joe McBride, Carroll Williams*

EBMUD’S EAST BAY WATERSHED MANAGEMENT PLAN (EBWMP, UPDATE 2017), INITIAL STUDY FOR THE EBWMP AND NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OF EBWMP

January 23, 2018

Regional Parks Association is part of the STEP coalition whose extensive comments have been submitted concerning the intent to adopt a negative declaration concerning opening two of East Bay Municipal Utility District fire roads to bicycles.

However Regional Parks Association wishes to express its pleasure that compromise has been achieved between EBMUD, mountain bikers and environmentalists concerning the proposal to open some EBMUD trails/service roads to bikers. We are particularly pleased that no single track trails will be allowed for use by mountain bikers, and that the two fire roads to be opened will have protections should environmental damage or safety concerns occur.

Comment

We also echo STEP’s concerns about stream/drainage crossing should construction be needed, and heartily agree with EBMUD convening a stakeholder group to assess from a public’s view the usage and effects of this new policy.

Regional Parks Association supports the trail use amendments to the EBWMP as put forth in the proposed Negative Declaration document.

Amelia Wilson, president
Regional Parks Association

Response: Comment noted.

Bob Cooper

From: Denise Boucher [mailto:deboucher@sbcglobal.net]
Sent: Friday, January 26, 2018 8:38 AM
To: Watershed Master Plan
Subject: EBWMP Comments

To: EBMUD Board of Directors
From: Bob Cooper
Subject: Comments on East Bay Watershed Master Plan,

Mountain Bikes on Eagle Nest Trail Date: 1/20/2018

Hi-

I am an equestrian and have enjoyed trail riding on EBMUD’s extensive public trails since 1975. I want to comment on Page 67, paragraph DRT.25 which allows mountain bicycles on the Eagle Nest Trail. I strongly urge the Board of Directors not to allow mountain bicycles to use this trail because of its steepness and blind curves. Fast mountain bicycles will be a danger to themselves, hikers, and equestrians. Like they do elsewhere in the Bay Area, some mountain bicyclists will see how fast they can go down the Eagle Nest Trail, which is a steep, slalom course.

Description of Eagle Nest Trail:

To refresh my memory of the Eagle Nest Trail, I hiked it today. From Old San Pablo Dam Rd., where it starts, to San Pablo Dam Rd., it is a moderately steep, narrow, single track trail with a section in the middle that is 5 feet wide and flat. Where it is narrow, passing will be difficult for any trail users. The trail is covered with grass and leaves, making it slippery when wet. The steep sections slope to the downhill and the drop-off is steep.

Comment 1A

From San Pablo Dam Rd. to Nimitz Trail, Eagle Nest Trail is a fire road, 12+ feet wide, with mostly moderate curves. The road surface is smooth with no erosion gullies. There are two sections of trail that are very steep. There are very three short sections that are flat. The rest is steep. Lower down, under the trees, the trail is heavily covered with rotting eucalyptus bark, branches, and leaves, which make wheeled travel more difficult. There are fourteen blind curves and two blind “dips” on this section of Eagle Nest Trail.

Comment 2A

The entire trail was damp. I had to walk carefully on the very steep sections and under the trees because of the duff. Signs are present and gates are new. The information sign at the bottom of the upper section of the trail needs to be moved to a more visible location.

Recommendations:

Do not open the upper section of Eagle Nest Trail to mountain bicyclists for the following reasons:

Comment 2B

- The steepness of the Eagle Nest Trail will encourage mountain bikes to go too fast, endangering themselves and other trail users. Mountain bicyclists requested that Curran Trail in EBRPD be opened to bicycles. Curran Trail is similar to the Eagles Nest Trail but not as steep. EBRPD did not allow mountain bikes on the Curran Trail.
- The lines of sight on Eagle Nest Trail are not good because of the many blind curves and dips. Hikers and equestrians will be surprised by fast bicycles suddenly appearing, leading to accidents.
- During the wet times of the year, the very steep sections of the Eagle Nest trail will be unsafe for bicycles and will suffer significant erosion from linear bicycle tracks. The duff on the trail under the eucalyptus trees is very slippery and tricky for bicycle traffic.

Comment 2B

If members of the Board of Directors are still inclined to allow mountain bicycles on the Eagle Nest Trail and you have not personally hiked or ridden this trail, I urge you to do due diligence and get out there and see it for yourself. Don't just accept my negative words or mountain bicycle representatives' positive words about this trail.

- If opened to mountain bicycles, Eagle Nest Trail should have a speed limit of 15 mph. If a speeding bicycle causes an accident, there will be more liability for the bicyclist and less liability for EBMUD.
- If opened to mountain bicycles, the entrance gate to Eagle Nest Trail above new San Pablo Dam Rd. should be moved much closer to the road. This will prevent bicycles from gaining speed below the gate and trying to make a sharp right-hand turn onto busy San Pablo Dam Rd.

Comment 3A

Comment 3B

Under no circumstances, open the bottom section of Eagle Nest Trail to mountain bicycles. This section of trail is too narrow. There is no need for bicycles to use this section because they can easily enter the San Pablo Dam Recreation Area which leads to the Old San Pablo Dam Rd. Trail.

That you for your consideration. -Bob Cooper

Response 1A: EBMUD is not proposing to open any single-track trail segment – including the single-track section of the Eagle Nest Trail between the Old Dam Road and San Pablo Dam Road – to bicycle use.

Response 2A: Comment noted.

Response 2B: Please see the bicycle access implementation practices set forth on pages 11-12 of the Draft IS/ND for an explanation of steps the District will take to ensure safe multi-use on trails open to bicycles. See also Master Response 1. EBMUD's approach is to provide education through signage and enforcement through monitoring and patrol. Adaptive management may include the construction of trail features to control speed if necessary. As those practices pertain to signage for the Eagle's Nest Trail, signage will be posted to alert cyclists to the multi-use nature of the trail, the presence of steep grades and sharp curves, and that a speed limit of 10 MPH will be strictly enforced. Further, as stated in DRT.4 and in the implementation practices

set forth in the IS/ND, trails will be closed as conditions warrant, including as necessary to prevent soil erosion and provide for safe use of trails by the public.

Response 3A: The speed limit on East Bay watershed trails varies from 5-15 mph, depending on conditions. Caution signs will be posted on more hazardous sections of the trails (e.g., blind and steep curves) to reduce speed to 10 MPH. Please also see Master Response 1.

Response 3B: Comment noted.

Mary Sue Meads

From: msmeads dslextreme.com [mailto:msmeads@dslextreme.com]
Sent: Friday, January 26, 2018 11:15 AM
To: Watershed Master Plan
Subject: hope for master plan

I am writing to add to the cry of the public (your customners) to save those healthy trees and stop the poison applications.

I have been reading a book which explains that we really have no way of knowing what is truly native flora because humans have been messing with the land and its trees and other plants for thousands of years, even here in California. Also many "transplants" often save a local wild land or forest from disaster by providing missing elements that occur from a change in the area, for whatever caused it, which often is an addition (virus or predator) that came unbeknownst to the people nearby. Currently the entire earth is facing serious changes that will adversely affect our sustainability. That includes what is happening in our parks, both private and public. The very best plan yo can have is to STOP cutting down healthy trees, no matter their origin because they perform important functions for us, even as are more "native" oak trees are dying from SOD. So I ask you to save the tall tree ,especially eucalyptus, that were planted to give shade and windbreak to the East Bay hills and other locals nearby. The slaughter of these trees should be considered a crime, and is based on obsolete ideas about what is "native." in a climate that is ever changing, and has been for the many thousands of years that humans have been around. If the skin or bark, as it sheds, is considered a fire hazard it can be raked at less cost, often by very willing volunteers who wish to see our parks remain pleasant and useful. Wouldn't you rather hike under some shade than out in the hot dry grass on a summer

Comment 1

day? And that hot dry grass is a serious fire hazard. The EBMUD board has been told on several occasions of the benefits of keeping the healthy trees and we can only hope that some of the knowledge and science presented has penetrated enough of the board members to sway them to be very careful in their treatment of their watershed areas.

Comment 1A

Aside from cutting down healthy trees which have so many benefits while they are up, there is the issue of poisons. Application of many of these products is dangerous to both flora and fauna. Both people and wildlife are harmed by the poisons already applied--the compounds take decades to break down (if ever) and so are building up as more are applied. They can cause many diseases from allergies and cancers. It is already discovered that most of us have glyphosphate in our bodies. For some (both animals and humans) the build-up is severely harmful. But it is also futile and a waste of funds. Those poisons are not only on the stumps, they are carried by the wind, by fog moisture, eventually into our drinking water.

Comment 2A

The very best plan you could undertake is to let the watersheds wilds be as they are. Rake them occasionally, and forego the poison applications always.

Thank you,

Mary Sue Meads

Response 1A: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, EBMUD uses crews and volunteers to trim and rake under eucalyptus as the commenter suggests.

Response 2A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and, again, (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, all pesticides applied on watershed lands are done by, or under the direct supervision of, trained and licensed individuals who have earned a Qualified Applicator Certificate (QAC) from the California Department of Pesticide Regulation. One element of QAC training is to understand how atmospheric conditions, including fog and wind drift, have the potential to influence application. QACs will not apply pesticides if the atmospheric conditions at a given place and time are not consistent with product label instruction requirements and would allow for drift. The EPA product label for glyphosate provides detailed instructions for hand held applications which the applicator must follow.



From: Denise Boucher [mailto:deboucher@sbcglobal.net]
Sent: Sunday, January 28, 2018 9:08 AM
Subject: East Bay Watershed Master Plan Update Comments

I want to comment on Page 67, paragraph DRT.25 which allows mountain bicycles on the Eagle Nest Trail. I strongly urge the Board of Directors not to allow mountain bicycles to use this trail because of its steepness and blind curves. Fast mountain bicycles will be a danger to themselves, hikers, and equestrians. Like they do elsewhere in the Bay Area, some mountain bicyclists will see how fast they can go down the Eagle Nest Trail, which is a steep, slalom course which will endanger everyone including themselves.

Comment

Thank you,

Denise Boucher

Response: The Draft IS/ND addresses potential safety impacts and finds them insignificant because existing management directions and guidelines provide for management actions to prevent safety problems. Please see pages 11-12 of the Draft IS/ND. The actions include education through signage, enforcement through monitoring and patrol, and, if warranted, trail closures.

SPRAWLDEF

SPRAWLDEF
Sustainability, Parks, Recycling
And Wildlife Legal Defense Fund
802 Balra Drive, El Cerrito, CA 94530
510 526-4362 www.sprawldef.org n.laforce@comcast.net

January 28, 2018

VIA EMAIL

East Bay Municipal Utilities District
Attn.: Douglas Wallace,
Environmental Affairs Officer
375 11th Street, M/S 901
Oakland, CA 94607

RE: East Bay Watershed Master Plan Update

Dear Mr. Wallace:



**SIERRA
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Responses to Comments

SPRAWLDEF joins in the comments from STEP, the Claremont Canyon Conservancy, and Sierra Club. I will not repeat them here. I emphasize that SPRAWLDEF was created to ensure that the environment had a legal voice in local Bay Area environmental matters. It currently has a lawsuit pending against FEMA, and East Bay Regional Park District over vegetation management issues. It will be watching very carefully how well EBMUD attends to the removal of the fire risk that the groves of blue gum eucalyptus have created on its lands.

Sincerely yours,

Norman La Force
President

Response: Comment noted.

Sierra Club Bay Chapter

San Francisco Bay Chapter

Serving Alameda, Contra Costa, Marin and San Francisco Counties

January 28, 2018

VIA EMAIL

East Bay Municipal Utilities District
Attn.: Douglas Wallace,
Environmental Affairs Officer
375 11th Street, M/S 901
Oakland, CA 94607

RE: East Bay Watershed Master Plan Update

Dear Mr. Wallace:

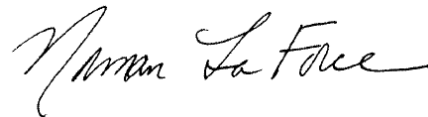
The Sierra Club provides the following comments on the East Bay Watershed Master Plan Update. First, in regard to the comments from STEP, the Sierra Club, as a participant in STEP, endorses those comments. The Sierra Club stress that the key to any successful implementation of policies allowing mountain bikes into the EBMUD Watershed, as proposed, must be rigorous enforcement of the rules. Without rigorous enforcement, rogue trails will be created in the watershed and user conflicts will occur. That is a fact of mountain bike use that both Marin County and the East Bay Regional Park District have experienced. The Sierra Club will be monitoring how well EBMUD actually enforces its rules.

Second, in regard to vegetation management, Sierra Club endorses the comments from the Claremont Canyon Conservancy and will not repeat those here. The Sierra Club stresses that EBMUD, like the East Bay Regional Park District, harbors large groves of fire dangerous eucalyptus in key ridge line areas and consequently have by such inaction created a major fire hazard in the East Bay Hills. It is useful to remember that the Great Fire of 1991 could have swept through the hills towards the UC Berkeley campus and in the opinion of fire personnel I personally talked to could have burned down most of the campus including the Bancroft Library. The longer EBMUD fails to remove these fire dangerous groves of eucalyptus the greater it imperils the communities adjacent to its watershed lands.

Comment 2A

From the statements that the EBMUD staff have made at public meetings, it is clear that EBMUD has failed to adequately fund necessary and vital vegetation management work. When, not if, but when, the next Great Fire occurs, I do not want to be in the position of having said, “I told you so.”

Sincerely yours,



Norman La Force, Chair
East Bay Public Lands Committee

Response 1A: Comment noted.

Response 2A: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and, again, (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Bev Von Dohre

From: Slakewings [<mailto:slakewings@aol.com>]

Sent: Sunday, January 28, 2018 5:06 PM

To: Watershed Master Plan; Wallace, Douglas; McIntosh, Lesa; Coleman, John; Young, Marguerite; Katz, Andy; Linney, Doug; Patterson, William; Mellon, Frank; Watershed Master Plan; Wallace, Douglas; McIntosh, Lesa; Coleman, John; Young, Marguerite; Katz, Andy; Linney, Doug; Patterson, William; Mellon, Frank; eastbayhills@googlegroups.com; slakewings@aol.com

Subject: My comments for the EBMUD Master Plan

These are my public comments on the Update of the EBMUD Watershed Master Plan. Also, a Negative Declaration is not an adequate environmental review for what you're planning.

To EBMUD,

EBMUD lands have been wonderful for leading nature hikes, which I often do at the Valle Vista Staging Area in Moraga at the Upper San Leandro Reservoir site. It's an excellent place to show people how more species diversity can be seen in a mixed native and exotic forest than in the nearby dark oak-bay woodlands. Each year, we look for nesting Red Shouldered Hawks and Great Horned Owls in the small Eucalyptus stand, while across the trail, the little Monterey Pine forest and nearby meadow has a wonderful variety of birds and unusual reptiles, including the Alameda Whip Snake, Sharp-tailed Snake, Rubber Boa, Kingsnake, etc. The meadow is also a good place to search for coyotes, deer, turkeys, etc., and the creek and lake, before it was almost drained (which I still do not understand since it was done when it had been fuller than I'd ever seen last year), has Wood Ducks, Kingfishers, Green Herons, Black-Crowned Night Herons, and the more usual Kestrels, Great Blue Herons and Great egrets, Grebes, Terns, White Pelicans, Caspian terns, etc. When we've been very lucky, we've seen wild boar. For those who want to see nature in person as opposed to a museum, this area is also one of the only places to see a large number of native Wood Rat nests, which are elaborately constructed pyramids, some as tall as humans, and are homes for a variety of species of animals.

I've been reassured in the past that this special place will not be altered, but now I'm worried it will be destroyed precisely because of its wonderful mix of species and eco-systems.

Visiting the EBMUD lands has felt like a refuge in comparison to our other public lands such as the EBRPD and UC Berkeley, where they are killing beautiful healthy trees for no rational reason, and then are increasing the pesticide spraying in our already massively poisoned East Bay. EBMUD rangers I have spoken with in the past, unlike some of the people who work for the EBRPD who I've talked with, actually seem to care about the plants, animals, water, etc., and also seem to know far more about science, ecology, nature, etc., which was very reassuring. They seemed to be in agreement that we need every tree we have, and even taught me that the native Bay Laurel (*Umbellularia californica*) is far more flammable than the maligned Eucalyptus.

Comment 1A

But now it seems that EBMUD is joining in unnecessary environmental destruction with the new "Master Plan." What is the real reason? With the EBRPD and UC, we suspect it's about money, under the guise of fire prevention and nativist fanaticism.

Comment 1B

The Moraga EBMUD land had been one of my favorite places to go to, partly because there doesn't seem to be poisoning or a targeting of trees for killing. But when I went last week, there had been a massive amount of cutting/tearing plants, including young trees, in a swath about ten feet on either side of the already large fire road. (This is the route to the horse area/shelter). Previously, an EBMUD employee showed us the new piece of equipment and they were killing *Baccharis* for no apparent reason. They said

Comment 1C

there needed to be room on the fire road, but there's no point in extending it past the width of the gate.

Most personally heart-breaking for me was what they did to my favorite little Acacia Baileyana. She is small, more like a group of saplings than a tree and she suffered in the freeze a few years ago. She was preparing to bloom, but they tore off and cut down about half her stems/branches/trunks for no reason since she's nowhere near the fire road. In the eighteen years I've been going to the Valle Vista staging area, I have never seen trees and other plants butchered like this.

Comment 1C

1. Would you halt the public comment period for the watershed plan update until you have completed the IPM review?

Comment 2A

Your "Master Plan" is contradictory, with admitting the benefits of Eucalyptus and Monterey Pines, and yet in another section, referring to the ultimate plan of completely removing both species. ("FOR.13 Where feasible and appropriate, implement long-term management to replace Monterey pine forest with native species to reduce fire hazards, enhance biological values, and maintain water quality." Monterey Pine/Pinus Radiata ARE native. fossils have been found throughout the Bay Area, from Marin to San Francisco to the East Bay.

Comment 3A

Some of the misinformation in your IPM Guidelines is horrifying. You call a keystone species like the California Ground Squirrel, who has language and who provides homes for many species (from Burrowing Owls to endangered amphibians) a "pest." You recommend using agents such as "parasites" to kill "pests." I cannot even imagine what harm introducing parasites into animals in our environment could cause, but similar plans have caused irreparable disasters in the past.

Comment 4A

2. My concern is also our personal and the environment's safety. As the company we pay to provide the East Bay with water, you need to make it the cleanest water possible and not add poisons to our drinking water that we are forced to pay for, without our permission or right to vote on it. Fluoride is an extremely toxic waste product of the fertilizer industry that causes cancer, brain and bone damage, dementia, osteoporosis, arthritis, etc. People who believe the con that it helps teeth could decide to poison themselves without subjecting everyone else to it being put in our public drinking water against our will.

Comment 5A

We also should not be forced to drink chloramine, which is far more toxic than chlorine and even kills fish. At least when chlorine was put into our water, we could leave it out for a day to dissipate. We still do not know why EBMUD made this decision, but I'm guessing, like with fluoride, it's about money.

It is unfair, that besides having to pay such high prices for water, we also have to pay to remove the toxins that EBMUD adds to our water.

3. EBMUD lists other agencies' use of poisons to justify your own, but why on earth have you not contacted the Marin Municipal Water District, which has a policy of no poison use on their enormous watershed land, (which includes large parts of Mt. Tamalpais and the many reservoirs and lakes they administer)? It's clear that no pesticides/herbicides are needed at all. What reason could you have to not learn from them other than getting kickbacks from Monsanto, Dow, etc.?

Comment 6A

4. There is absolutely no reason to use any poison on EBMUD land, which ends up in the reservoirs, streams, lakes, bay, etc. We already all have carcinogenic Glyphosate in our bodies. Switching to other pesticides is no answer since anything that kills plants will harm animals, including humans. No herbicide or the other petrochemicals added to it are safe. Every banned pesticide, like DDT, Dieldrin, Chlordane, etc. was once declared safe from studies funded by the pesticide industry and which the FDA approved. When the winds come, the dust full of herbicide will be windborne, damaging the health of everyone in the East Bay. Toxic herbicides will be in the sediments in our creeks, reservoirs, lakes, and bay. Some of the poison will evaporate into the air, adding to our air pollution problem.

Comment 7A

For years we were told that Glyphosate was perfectly safe, but I can't be the only person who's seen California Newts dying horrible deaths after crawling through a spray zone. Don't we have enough cancer and chronic illness already? Do we need one more case? (I am now asking if the EBMUD officials who insist that pesticides must be used would think about if they would volunteer to be the next in line for people getting cancer from exposure to their pesticides, fluoride, chloramine, etc.)

Comment 7B

I'm also wondering if the problem with toxic algae would disappear if the pesticides as well as toxic fertilizers were stopped. (Lake Temescal was poisoned years ago when there was a hard rain after synthetic fertilizer had been applied, which was then washed into the lake.)

Comment 8A

Meanwhile, an EBMUD employee I met on a trail insisted that he used "only a small amount of poison each year," which is not what your documents say. Is he lying or has he been lied to? The plants he was most concerned about are beautiful Yellow Star Thistle and "stinkwort" and Scotch Broom, which would not be a problem if more trees were allowed to grow since those plants need sun. In one area that had recently been devastated by a new piece of equipment, native poison oak was cut back ten feet from an already wide fire road, and seedlings of highly flammable Poison Hemlock and thistles were already sprouting. (I was told the road needed to be wide enough for fire trucks, but there is a gate they still would have to fit through so that doesn't make

Comment 9A

sense.) I could only think that there had to be dramatic killing of the plants to justify that new equipment.

Comment 9A

Another aspect of the heavy machinery used on EBMUD land is that endangered species, such as the Alameda Whip Snake, can end up being cut into pieces, which I've seen after a fire road was "graded." There has to be a way to do this safely.

Comment 9B

5. I get very different answers when I talk with different EBMUD representatives. One example is that I had been reassured for years that EBMUD was not trapping and killing wild boar, and then last month was told you were. I recently talked with an EBMUD person at a trailhead where I used to see boar. He aggressively stepped near me, laughing loudly, saying that I'd be terrified if I ever saw any boar close up. I said I'd seen them close many times and not often enough. He then said that if I ever saw a mother and her babies, I would be terrified and be glad they were being killed. I have seen mothers with babies several times and they were no threat at all. I love seeing such beautiful animals. I told him that if I had the choice of suddenly facing a strange aggressive man like him on the trail, or off leash snarling dogs (which is not uncommon), or a group of wild boar, I'd feel much safer with the boar.

When I've seen the lovely shy wild boar on EBMUD land, they always ran in terror, though I tried to get as close as possible to see them better. They are no threat at all, and, if anything, they make the trails safer since dog owners are more likely to keep their dogs on leash if boar are nearby.

Comment 10A

None of what I was told about how the boar supposedly hurt the environment makes sense, considering the large amounts of cattle that are on EBMUD land, which are incredibly damaging to the earth (grazed hillsides are easily recognizable years after the cattle are gone because of the damage) as well as introducing parasites like Cryptosporidium into our water. Boar actually rejuvenate the land as they dig and aerate the soil, and therefore act as an ecological replacement for the California Grizzly that was hunted to extinction.

PLEASE, can you leave the boar alone? They are one of the most exciting and beautiful animals to see in our parklands. Considering the species that are no longer in the East Bay because of humans killing them or destroying their habitat, why not appreciate this survivor species and let us enjoy them?

6. Even though the Monterey Pine is actually a native species to the Bay Area with fossils found in San Francisco, Marin, and the East Bay, this important tree is being called "non-native" and slated for killing, though these beautiful trees are almost extinct in their native habitat. Why? Monterey Pine forests create far more bird and plant

Comment 11A

diversity than oak/bay forest alone. They live up to 150 years and constantly regenerate, while every part of their life cycle nurtures our wildlife and plants. Raptors use dead pines to hunt from, while woodpeckers and other birds store acorns or nest in them. Insectivorous birds prey on small animals on the trunks. Mushroom lovers know the best place to see mushrooms is among Monterey Pines. The young pines are growing throughout our parks near their dead mothers, keeping the hills green with new trees, completing the cycle. These trees need no thinning, pruning, or cutting. As a gardener, I learned how much the Monterey Pine enrich soil, creating thick humus helping our otherwise clay earth nurture oak, bay, etc. seedlings, as well as wildflowers, mushrooms, etc. And with their extensive fog drip Monterey Pines help prevent fire.

Comment 11A

7. Yell "fire" and people run without thinking. It's a good way to manipulate people. But the EBMUD "Master Plan" will cause fires by eliminating the very trees that prevent fire. We have had no fire in our East Bay hills forests for 25 years precisely because of our forests. Killing Eucalyptus, Monterey Pines, Acacia species, etc. will cause MORE fires, not less.

The 1991 firestorm keeps being brought up to frighten people into cutting down Eucalyptus in particular, but that fire started in dried grass, was left to smolder and then re-ignited when kicked up the next day. The embers went to houses, which spread it. Trees did not start it or spread the fire. Some witnesses say that the Eucalyptus next to their houses made a wind break that saved them and their homes. But someone has to be blamed, rather than the humans who made multiple mistakes, like not having synchronized firehose fittings between city fire departments, so trees are made scapegoats. (I'm surprised Eucalyptus weren't blamed for sneaking over the border into the North Bay counties in October to start those horrific fires.)

Comment 12A

As soon as trees are cut down, the non-native, highly flammable thistles, grasses, poison hemlock, broom, etc. appear and spread, adding to the risk. There are places where this travesty was done several years ago which are still ugly, barren wastelands. (I can also show you the resurgence of poison hemlock seedlings sprouting in the area where EBMUD over-cut poison oak at Upper San Leandro Reservoir.)

Comment 12B

We need every tree, regardless of origin, to clean and cool our cities, but there is a misinformed vendetta against some of our healthiest trees in our parklands, but also on EBMUD land. Fifty percent of our native oaks, bays, etc. are dying from Sudden Oak Death, so each surviving tree is precious, yet the most maligned, Eucalyptus, are the healthiest and most disease resistant. Eucalyptus and our other tall non-natives also precipitate inches of water from the fog each year, moistening the earth, filling creeks

Comment 12C

and adding water to reservoirs, supporting green and fire resistant shrubs. Basing policies on myths promoted by fanatical nativists is disastrous.

Comment 12C

Since most fires start in grasslands and 90% are from arson, cutting down, pruning and thinning trees adds to fire risk by opening up the dense forest areas to arsonists, as well as creating wind corridors that fuel fire. Dense forest is far more fire resistant if people would actually learn about fire science. Another factor is that a forest undamaged by “stewardship” will be a healthier forest. I have information, if anyone wants to see it, about how trees work together to help each other heal, which is described beautifully in Peter Wohlleben’s “The Hidden Life of Trees.” Has anyone considered that leaving the trees alone might be one answer to Sudden Oak Death? Or that the presence of disease resistant Eucalyptus, which is used medicinally to fight human infection, might help stop the disease?

Comment 12D

EBMUD clearly knows about how native animals often prefer Eucalyptus and other exotic trees since you described how our native raptors, such as eagles, hawks, owls, etc., prefer Eucalyptus for nesting because they are the tallest trees and have an open canopy, which is good for spotting predators and for the largest birds to be able to safely fly in and out of. Also, you’ve included about how hummingbirds rely on Eucalyptus flower nectar and Monarch butterflies prefer Eucalyptus to rest in the millions during migration. So why then also state of goal of killing all those trees?

Comment 12E

8. Another issue with the drastic demands to leave hillsides barren of shrubs and trees is that when the rains start again, there will be far more landslides destroying homes. We can already see people desperately trying to stop landslides along Skyline Blvd. in Oakland. Every tree cut down endangers all the nearby houses.

Comment 12F

9. Another issue that destroys confidence in EBMUD is the close relationship with the EBRPD who has made bizarre responses when questioned about using poison and killing animals and trees. How do you EBMUD feel about their temporarily stopped plan to do aerial spraying of pesticides at Briones, which of course would contaminate the creeks and then reservoirs?

Can EBMUD help stop EBRPD’s contaminating and poisoning our reservoirs/lakes on EBMUD land? I hadn’t realized until recently that EBMUD has final control over Lake Chabot, and perhaps ultimate control over Del Valle. The amount of poison sprayed in those parks, next to the reservoirs, under picnic tables, etc. is horrific. No one has been able to explain why it’s being done. Del Valle in spring is magnificent with velvety green hills and the beautiful lake, nesting Bald Eagles, etc., but when I last went to show friends, we saw an EBRPD employee spraying poison illegally from unmarked containers a few feet from the entrance kiosk. The man in the kiosk was terrified, and

Comment 13A

pleaded with me to call the EBRPD. He didn't even know what or why they were spraying. This was also the time when magpies and other birds were gathering nesting material from the sprayed areas. We have to travel a long ways from Oakland to see beautiful magpies, and their numbers are diminishing, so why are they being subjected to poison? How many are dying as a result? Why not just do what the Marin Municipal Water District does instead of poisoning us all?

Why are you letting this happen? I gave up on going to Lake Chabot years ago, though it's quite close to where I live, because it is so poisoned I can't bear seeing it. Just like at most of the East Bay parks and watershed, the beautiful spring green soon is turned into a frightening and ugly burnt poisoned brown, which is also likely to be more flammable.

How much money would be saved and how many cases of cancer and chronic illness would be prevented if EBMUD also stopped spraying poison and forbade the EBRPD from poisoning our land and water on EBMUD land?

It also doesn't inspire confidence that for years the EBRPD representatives are so misinformed or clever that in an email, EBRPD called the pesticide, "Garlon," "Garland." (Try looking up the toxicology reports for "Garland.") (Contact me if you want to hear about some of the most bizarre reasons given for why the EBRPD is poisoning our parks, creeks, the bay, reservoirs, and even native animals, etc.)

The EBRPD seems to have NO certified arborist/forester to assess the health of trees, and, without nativist bias, recommend planting trees that are the most suited to our warming, drying climate. Does EBMUD have any arborists?

10. When trees are being planted, they seem to be the same species dying of Sudden Oak Death, or Redwoods, which are not doing well without regular watering for years because of the changing climate. However, if Redwoods were paired with the other main tree on Mt. Tamalpais, who rivals Redwoods in height and helps them from drying out with extensive fog drip, they do much better. So why not plant that exquisite, long-lived, drought tolerant tree, which is Douglas Fir/ Pseudotsuga menziesii?

Why not plant more of the native Monterey Pine as well? I could recommend other trees for consideration also, such as the beautiful Pinus Sabiniana/Gray Pine/Ghost Pine/Foothill Pine/etc., who grows further inland at Mt. Diablo, Del Valle, etc.? They create a lighter and brighter forest, as well as being are more suited to climate warming.

Comment 13A

Comment 13B

Comment 14A

Comment 14B

So PLEASE, help stop this disaster. Please, continue EBMUD being the refuge it's been for us to escape the other destroying of our parklands. Please say no to whatever pressure you are getting to kill trees and poison the land and water.

Bev Von Dohre

510-482-9494

Response 1A: All vegetation – including both eucalyptus and bay laurel – is flammable.

Response 1B: Since its adoption by EBMUD in 1996, the Master Plan has included provisions calling for responsible fire fuels management. The Master Plan Update includes only minor changes to those existing provisions, such as: Goal: Continue the ongoing Develop and implement a long-term plan for non-native forests...” Objectives: “~~Develop and i~~ Implement a long-term plan for managing non-native forest species...”

There are several other minor changes in the Guidelines, in addition to FOR.11 which now reads: “Prior to any harvest activities, ensure that adequate stump-sprouting control methods are available to reduce fire hazards and protect water quality. Herbicides will not be used to control stump resprouts.” No other changes are proposed for forestry practices, which have been in place since adoption of the EBWMP in 1996 and the Fire Management Plan in 2000. Please see also Master Response 3.

Response 1C: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. On the East Bay watershed, existing practice is to treat vegetation along fire roads to enhance safety for by establishing “firesafe” ingress and egress. This augments wildland fire control by reducing burning intensity and minimizing the potential fire ignition. These treatments increase overall effectiveness and provide responding fire agencies with pre-planned wildland fire control lines. The width of vegetation clearance is based on the need for fuel management and fire prevention as described in EBMUD’s Fire Management Plan on pages 3-7 and 3-8.

Response 2A: Please see Master Response 2, regarding the IPM/EBWMP relationship and timing of development.

Response 3A: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Please see also the responses to Isis Feral comment 14B and Stephanie Thomas comment 3A.

Response 4A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Moreover, no ground squirrel

populations exist on the East Bay watershed, and no eradication or population control of ground squirrels has been conducted by EBMUD since before the adoption of the EBWMP in 1996. The IPM Guidelines reference ground squirrels not on the watershed but rather only in relation to severe public health and safety risks that could be incurred from burrowing into earthen dams or levees.

Response 5A: Please see the responses to Isis Feral comments 10A and 10B.

Response 6A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also as noted there, the average use of glyphosate on the 29,000-acre watershed is 4 gallons per year. EBMUD does not accept any payments or compensation from manufacturers for using their products.

Response 7A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Please also see Response 2A to Mary Sue Meads.

Response 7B: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Please also see the response to Isis Feral comment 2G.

Response 8A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, there is no evidence that pesticides promote the growth of algae. In general, algal blooms occur when there are high concentrations of nutrients available coupled with warm temperatures. Lake Temescal is not located in the East Bay watershed and is not managed by EBMUD. Any historical fertilizer use on the watershed was limited to developed areas around San Pablo and Lafayette reservoirs, and terminated respectively in 2014 and 2015.

Response 9A: As noted in Master Response 2, the annual pesticide use over the 29,000-acre watershed is 4 gallons per year, which works out to an average of 0.00014 gallons per acre per year. The mowing of vegetation adjacent to the fire road is necessary to provide for safe ingress and egress for fire fighters responding to a wildfire and to establish pre-control lines to help slow the spread of a wildfire should an ignition occur. This location is at higher risk for an ignition because it is adjacent to and upslope of the staging area where people and vehicles congregate.

Response 9B: The proposed EBWMP Update does not include any changes in this regard. Under existing practices, when using heavy equipment, all the avoidance and minimization measures are followed to minimize potential impacts to sensitive species. Measures include surveying the

site prior to starting work, up to and including suspending work. All these activities are conducted in accordance with the Low Effect Habitat Conservation Plan Best Management Practices (Section 3), and Avoidance and Minimization Measures (Section 5). Whipsnake habitat is mapped every 5 years and has remained stable, and new populations of the species have been discovered on watershed land.

Response 10A: The proposed EBWMP Update does not include any changes regarding feral pigs (referred to by the commenter as wild boar). Feral pigs cause substantial damage to the environment through their rooting, wallowing, foraging, and hunting behaviors. In particular, their rooting behavior creates opportunities for weeds to invade, disturbs native vegetation, and reduces forage available to other wildlife. Rooting and wallowing also harms riparian areas, reducing habitat value for native and special status species. Feral pigs also carry several waterborne pathogens that can be infectious to humans and increase turbidity in water sources, thus increasing survival of those pathogens.

Given these risks, EBMUD currently manages feral pig populations on watershed lands consistent with the EBWMP's existing provisions regarding feral animal control. Feral animal control has been an element in the management of the East Bay watershed since before adoption of the EBWMP in 1996, and it supports EBMUD's primary goals of protecting water quality and maintaining biodiversity on watershed lands. EBWMP guidelines BIO.15-17 (renumbered) are unchanged from the previously adopted EBWMP, and require use of the least toxic effective methods to control feral animals and require EBMUD staff to focus control efforts on wildlife corridors and other sensitive habitat areas.

Response 11A: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, hardwood forest (9,533 acres) is the predominant forest type on the watershed lands and maintains its population through natural regeneration. Monterey Pine covers 513 acres and exhibits little natural regeneration. Hardwood forests provide habitat for approximately 175 species of wildlife and Monterey pine forests support a similar wildlife community. As noted in the EBWMP (page 19), “Monterey pine plantations support a wildlife community similar to that occurring in hardwood and native conifer stands.” The extent of forest cover of these two species has not changed appreciably since adoption of the 1996 EBWMP, except in critical wildland-urban interface areas. Please see also the response to Isis Feral comment 14B.

Response 12A: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, EBMUD's existing Fire Management Plan (2000) refers only to the “selective thinning of pyrophytes (plants high in oils or resins, such as pines, junipers, and eucalyptus globulus)” (page B-8), not eradication. It also acknowledges that “Stands [of eucalyptus] that have been thinned or

logged with appropriate understory treatments do not represent significant fire hazards” (page E-26). Please also see the response to Isis Feral comment 14B.

Response 12B: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, the area in question is a roadside treatment where vegetation is mowed to ensure safe ingress/egress for fire fighters in the event of a wildfire. These are recurring annual treatments of vegetation that do not involve the removal of trees.

Response 12C: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, it is not the case that fifty percent of oaks and bay laurels on the East Bay watershed are dying from Sudden Oak Death (SOD). Oak mortality from SOD on the watershed is well below five percent; bay laurels are carriers of the SOD pathogen but are not killed by it. EBMUD acknowledges that appropriately managed eucalyptus groves can provide fog drip and ground moisture.

Response 12D: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. The comment cites no evidence to support the claim about the causes of 90% of fires, nor the conjecture about means of stopping Sudden Oak Death. With oaks affected by SOD, EBMUD’s practice is to leave the trees in situ unless they pose a threat to public safety and must be removed. EBMUD follows the guidelines established in the EBWMP for forest management to ensure the protection and enhancement of forest health. EBMUD’s forestry goal is to develop and implement a long-term management program for non-native forests to maintain and enhance other environmental resources, including water quality, fire protection, biodiversity, visual quality, and recreation use. Please also see the response to Isis Feral comment 14B.

Response 12E: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Please also see the response to Stephanie Thomas comment 3A.

Response 12F: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, EBMUD does not use clear-cutting as a forest management technique and does not manage vegetation “to leave hillside barren of shrubs and trees.” Roadside mowing of vegetation is sometimes necessary to provide safe access for fire fighters and as a pre-containment wildfire

strategy. In the cases where mowing the roadside is necessary, treatment timing and vegetation composition are taken into consideration. Mowing height is set to maintain plant cover and root structure to minimize erosion potential. In addition, in high use areas trail access needs to be maintained to allow for safe passage by trail users.

Response 13A: EBMUD owns Chabot Reservoir and much of the surrounding property, and has leased the area for over 50 years to the East Bay Regional Park District so that it can provide public recreation. The lease requires EBRPD to comply with all applicable regulations including those related to pesticide use. EBMUD routinely visits the site to ensure EBRPD complies with lease provisions, and is not aware of illegal pesticide use. If the commenter has information on such use, please contact Mr. Scott Hill at scott.hill@ebmud.com and he will follow up with EBRPD's Lake Chabot Supervisor. Regardless of any future contact from the commenter, Mr. Hill will notify the EBRPD of your concern.

Del Valle Reservoir is owned and operated by the California Department of Water Resources as a component of the State Water Project, and the Del Valle Regional Park is owned by EBRPD. EBMUD recommends that the commenter call the EBRPD regarding these observations.

Please also see Master Response 2.

Response 13B: EBMUD's rangers have experience and expertise in selecting appropriate species for restoration or reforestation projects, as well as planting, pruning, and removal. On occasion, an arborist may be consulted regarding pest or pathogen identification and control.

Response 14A: As noted, SOD mortality on the East Bay watershed is low and does not trigger restocking of trees. Native tree restocking is typically performed under Routine Maintenance Agreement permit conditions from the California Department of Fish and Wildlife, which require that the replacement tree be of the same species as the tree removed at a ratio of 3:1. In addition, Douglas fir is not well suited to the ecology of the East Bay watershed as this species relies on moist coastal conditions. Tree removal on the watershed is at a nominal level on an annual basis. Most of the trees removed are dead, diseased, or dying and are removed to protect public safety or the health of the surrounding trees. The watershed forests are maintained through regeneration from the indigenous seed crop.

Response 14B: Like the Douglas fir, the pines common in the foothills of California are typically less suited to the ecology of the East Bay. In addition, recent pine mortality in the foothill and mountain areas of California is well documented, indicating that many pine species may be declining due to drought, and possibly climate change. Current forest management practices are focused on removal of dead, diseased, or dying pines to improve forest health and resilience against bark beetle infestations. These forests were over-stocked when originally planted in the 1940s. Consequently, the pine forests are highly susceptible to beetle infestation, and coupled with prolonged dry periods there are high levels of mortality in the pine, which attract more bark

beetles. By removing the dead trees EBMUD is changing the forest structure and releasing the young trees to grow, maintain, and regenerate the forest.

L. Darlene Pratt

From: l. darlene Pratt [mailto:totemtree@hotmail.com]
Sent: Sunday, January 28, 2018 10:33 PM
To: Watershed Master Plan
Subject: Comments

Please postpone the Public Comment Deadline until the IPM review is completed.

I am opposed to the current plans reliance on pesticides and the cutting of trees. New information has surfaced, since the drafting of the Master Plan, about the **dangers** of pesticides and the **value** of trees.

However, we should all know from years of research that pesticides are harmful. And most of us already knew of the immeasurable value of trees.

Thank you.

L. Darlene Pratt

Response: Please see Master Responses 2 and 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, (b) the only proposed pesticide-related changes are designed to reduce pesticide use, and (c) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Anastasia Glikshtern

From: Anastasia Glikshtern [mailto:apglikshtern@gmail.com]
Sent: Monday, January 29, 2018 12:04 AM
To: Watershed Master Plan
Subject: Comment on EBMUD Watershed Master Plan

To EBMUD:

The Watershed Master Plan is incomplete because its IPM review isn't finished.

The outdated Integrated Pest Management program documents were made available at the last minute, but were not available throughout most of the public comment period.

EBMUD should complete the review of its IPM program, make the documents available to the public, and, after that, designate a new public review period.



Comment



Comment 1A



Comment 2A

The Watershed Master Plan includes continued use of pesticides and destruction of trees classified as "non-native."

It ignores the dangers of pesticides and value of trees.

Use of any toxicity category I & II non-organic herbicides should be banned everywhere, especially on the watershed.

Here are some well known facts:

- Extremely low levels of pesticide exposure can cause significant health harms, particularly during pregnancy and early childhood;
- Pesticide exposure harms the structure and functioning of the brain and nervous system;
- Cancer rates among children are increasing at an alarming rate and pesticide exposure contributes to childhood cancer;
- Animals, both wildlife and pets, are at great risk from exposure to pesticides, including liver damage, blindness, seizures, cancer, and premature death.

Comment 3A

Because of undue influence of the chemical companies on public policy, extremely damaging herbicide use mostly continues unrestricted, but some conscientious entities are stopping the practice:

- the Marin Municipal Water District is herbicide free since 2005;
- city of Richmond had completely banned use of all herbicides by the city in 2016;
- in France the herbicides are now banned from public forests, parks and gardens. A ban of pesticides in private gardens will be complete by 2019:
<http://www.naturalblaze.com/2017/01/france-bans-pesticides.html>

Comment 4A

EBMUD should follow these examples.

The global warming is accelerating.

By most accounts, deforestation adds more carbon dioxide to the atmosphere than the sum total of cars and trucks on the world's roads.

Trees sequester carbon. When they are felled the stored carbon is released into the atmosphere, where it contributes to global warming.

People should be doing as much to prevent deforestation as to increase fuel efficiency and reduce automobile usage.

Healthy trees should not be cut down for any idiotic "native restorations" which do not restore anything but inflict a lot of damage.

Comment 5A

Sincerely,
Anastasia Glikshtern,

Response 1A: Please see Master Response 2.

Response 2A: Please see Master Responses 2 and 3.

Response 3A: Please see Master Response 2.

Response 4A: Please see Master Response 2.

Response 5A: Please see Master Response 3. EBMUD acknowledges that the carbon stored in a tree is released when the tree is cut down, but no change is proposed in the rate of tree-cutting so the proposed Project has no impact in this regard.

Contra Costa Resource Conservation District



January 29, 2018

Douglas Wallace EBMUD
375 11th Street Oakland, CA 94607

Dear Douglas Wallace,

Thank you for the opportunity to submit public comments. Our comments are as follows:

On page 56, LG.2 - What is the long-term goal of reducing the grazing extent over the watershed? A reduction in livestock grazing can potentially increase coyote brush, invasive plant populations, and fuel loads as a well as loss of annual grasslands. This seems to be in conflict with your fuels and fire management goals.

Comment

Sincerely,

Christopher Lim Executive Director

Response: The EBWMP Programmatic EIR explains that reducing livestock grazing levels “would assist in the recovery of riparian, native, grassland, and other vegetation communities that are sensitive to grazing pressures.” See PEIR at 4-8. To avoid the impact suggested in the comment, LG.2 requires EBMUD to ensure continued grazing occurs where needed to meet fire/fuel management, biodiversity, and other resource management objectives.

Eugene Bachmanov

From: Eugene Bachmanov [mailto:bsidecon@yahoo.com]
Sent: Monday, January 29, 2018 12:16 PM
To: Watershed Master Plan
Subject: Comment: EBMUD Watershed Master Plan

To EBMUD:

I request that killing of healthy trees - no matter what origin, and the use of toxic herbicides are removed from and explicitly banned in the Plan.

Comment 1A

Trees sequester carbon, clear the air, reduce wind and noise, provide wildlife habitat. We need every tree we have, and more should be planted. The herbicides EBMUD uses are more toxic, dangerous, persistent, and mobile than their manufacturers disclose.

The "weeds" these herbicides are supposed to eliminate do not endanger the health of people, animals, birds, pollinators - but herbicides do. East Bay watersheds should provide safe water supply for residents.

Comment 2A

The current plan makes said water supply unsafe.

Sincerely,
Eugene Bachmanov

Response 1A: Please see Master Responses 2 and 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, (b) the only proposed pesticide-related changes are designed to reduce pesticide use, and (c) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 2A: Please see Master Response 2.

Stuart M. Flashman

Law Offices of
Stuart M. Flashman 5626 Ocean View Drive Oakland, CA 94618-1533
(510) 652-5373 (voice & FAX) e-mail: stu@stuflash.com

Delivery via e-mail

East Bay Municipal Utilities District Attn.: Douglas Wallace,
Environmental Affairs Officer 375 11th Street, M/S 901
Oakland, CA 94607

January 29, 2018

RE: East Bay Watershed Master Plan Update

Dear Mr. Wallace:

I am writing on behalf of my client, the Claremont Canyon Conservancy (“Conservancy”), to comment on the above-referenced project and its proposed Negative Declaration. The Claremont Canyon Conservancy is a 501(c)(3) membership organization most of whose members reside in or near Claremont Canyon in the East Bay Hills. The Conservancy was established in the aftermath of the 1991 “Tunnel Fire” wildfire, which destroyed or threatened many of its members’ homes. The Conservancy is focused primarily on protecting and enhancing the environmental values of the Claremont Canyon (“Canyon”) and specifically improving its fire safety while also respecting its environmental and ecological value.

As you are aware, East Bay MUD’s East Bay Watershed lands include lands in and around the Canyon and its vicinity, and particularly lands at the east end of the Canyon along and surrounding the north-south ridgeline that divides the area. As the East Bay Watershed Master Plan Update (“Update”) explains, this area is subject, during the Fall season, to strong winds from the north and east, the Foehn or so-called “Diablo” winds. These winds tend to happen during periods of very warm and very dry weather. Consequently, these winds carry with them a strong risk of wildfire initiation and propagation. (See, Update at p. 57, 6th bullet point.)

Comment 1A

As a resident of Rockridge, which saw many homes destroyed during the 1991 Tunnel Fire, and as an EBMUD Board Member at the time of that firestorm, I share with my client the firm conviction that the Tunnel Fire was a disaster that must not be allowed to repeat itself. For that reason, the Conservancy applauds the Update’s continued focus on encouraging the replacement of non-native forests, and particularly their most highly flammable vegetation, with less hazardous native species over the long term. (Update, p.53.) However, the Conservancy has concerns about the lack of adequate information and direction in implementing this goal.

First, the Update list the Goal of the District’s forestry program as:

Continue the ongoing long-term management program for non-native forests to maintain and enhance other environmental resources, including water (Update, p.53.)

Comment 1B

That goal identifies five specific areas that are to be taken into account in implementing the District’s forestry strategy. It is important, however, to establish priorities among these areas, especially when financial resources may limit the District’s ability to do everything it would like. The Conservancy would suggest that, although those priorities may vary somewhat depending on the specific watershed areas involved, fire protection, water quality, and biodiversity should generally take precedence over visual quality and recreational use. Each of these three areas is central to the District’s mission statement. In addition, fire protection involves protecting not only the natural resources entrusted to the District but also the health, safety, well-being, and property of the many District customers who live in and around Claremont Canyon and other areas in the East Bay Hills where the District maintains watershed lands. This is also highlighted as the sixth Guiding Principle for the Update, “Provide for public safety for those who utilize the watershed and reside adjacent to it.” As the Conservancy’s recent letter to the District (copy attached) explains, failure to adequately maintain those lands could also result in the financial liability of the District in the event of another catastrophic fire like the Tunnel Fire.

One of the main areas that the Initial Study for the Update highlights is climate change. (Initial study at p. 6.) There is no question that climate change will dramatically affect EBMUD's watershed lands, as well as the entire Bay Area. As the Update itself notes, climate change can be expected to 1) increase average temperatures, with more frequent, intense and longer duration droughts, 2) increase the risk of erosion during more intense storms, 3) decrease soil moisture in a larger portion of the year, 4) augment the risk of fires, and 5) result in changes in the species compositions within the watershed. In addition, the wildfires that occurred this fall and early winter in both Northern and Southern California highlight another effect of climate change – increase the duration of the period in which Diablo winds may occur, as well as potentially increase their severity. The cumulative effect of these changes is that wildfires can be expected to become more frequent as well as more devastating in their potential effect.

Comment 2A

The Update proposes to address climate change through what it calls "adaptive management." It defined adaptive management as a "process that continually evaluates the effectiveness of various avoidance, minimization, and mitigation measures." (Update at p. 10.) In other words, adaptive management does not lock the District in to any one set of strategies, but allows the District to "go with the flow" and modify its strategies based on the strategies' effectiveness. As a result, it is difficult to predict what the impacts of the Update's implementation will be, because its adaptive management approach means that strategies may change in response to changed circumstances.

What this also means, however, is that it is imperative that the District continue to evaluate the impacts of the Update during its implementation, including undertaking supplemental environmental review as necessary. The Conservancy will be monitoring the District's implementation of the Update, especially as it applies to the watershed areas near the Canyon, and will raise any environmental issues that it feels that the District must address as implementation proceeds.

One specific area that the Conservancy feels it must bring to the District's attention is the urgency of addressing the large groves of mature eucalyptus trees Mr. Douglas Wallace – East Bay Watershed Master Plan Update Comment Letter 1/29/18
Page 3

located along and near the ridgeline of the Hills east of Claremont Canyon. As was shown in the 1991 Tunnel Fire and in other more recent California wildfires, in a high- wind situation, if trees burn at a sufficient density and intensity to create a crown fire, firebrands can be created and carried from those burning crowns more than a half-mile downwind of the main fire to "spot" and create new fire areas. Unfortunately, eucalyptus and Monterey pine, with their high resin content, burn at a high intensity. In addition, eucalyptus tends to drop bark strips and branches, and unless these are cleared at frequent intervals, fuel ladders can spread fire into the crowns. The current eucalyptus trees at or near the ridgeline present a severe hazard of spreading fires downwind and downslope to the west and south during a Diablo wind-driven fire. It should also be noted that the predominant eucalyptus species, the Tasmanian blue gum eucalyptus, is a very invasive species, and especially when located at or near the ridgetop, will spread seeds downwind on both sides of the ridge, exacerbating the future cost of their eventual removal.

Comment 3A

The Conservancy believes that these trees need to be a high priority for both management and replacement to reduce the risk of wildfire spread. In the short run, this means frequent pruning to eliminate branches susceptible to drop, and at least annual cleanup and removal of hanging and dropped bark strips and seeds. Also important is thinning the existing groves to reduce the potential fire intensity and make the area more

accessible to firefighters. In the long run, eventual full removal/replacement with more fire-safe species and less invasive is the best long-term solution.

Comment 3A

Finally, while the Conservancy fully supports the District's movement to Integrated Pest Management as its approach to pesticide use, it believes two points need to be kept in mind. First, while non-pesticide approaches, when feasible, are undoubtedly the most sustainable direction and minimize the risk of undesired impacts due to factors including toxicity, drift, soil mobility, and residue persistence, not all pesticides have equal risk. In particular, when pesticide use is necessary, the use of non-volatile pesticides that rapidly decompose into biodegradable nontoxic materials under natural condition is highly preferred. Secondly, in determining the feasibility of non-pesticide treatment strategies, cost must be taken into account. If limited financial resources mean that a non-pesticide treatment strategy cannot be effectively implemented, such strategies must be considered infeasible, and some pesticide strategies, especially those involving low environmental risk, must be considered.

Comment 4A

Thank you for the opportunity to comment on the Update and its Initial Study. Please keep the Conservancy informed of any future events in the environmental review and eventual adoption of this important Update.

Most sincerely,

Stuart M. Flashman

Response 1A: Comment noted.

Response 1B: The update to the EBWMP Forestry goal (page 53) changes "Develop and implement a long-term management program ..." to "Continue the ongoing long-term management program..." The goals and objectives for fire and fuels management (page 57) continue to include: conducting fire management planning; treating vegetative fuels to reduce fire hazards; conducting fire prevention and suppression activities; and using prescribed fire to manage other resources. These goals and objectives are unchanged from the 1996 EBWMP, and EBMUD will continue to pursue and implement them.

Response 2A: Adaptive management will require ongoing evaluation, and modification of strategies and management actions according to changing conditions, as the commenter suggests. Please also see the response to comment 2A in the STEP comments.

Response 3A: Please see Master Response 3.

Response 4A: Please see Master Response 2.

Wanda Warkentin

From: Wanda Warkentin [mailto:wandawarkentin@hotmail.com]

Sent: Monday, January 29, 2018 1:42 PM

To: Watershed Master Plan

Subject: Public comment re watershed master plan

It simply is not acceptable to lay down pesticides anywhere. It's insane to put it near watershed. The only reason you may believe that people don't object is because it hasn't been called to their attention properly. If you posted signs saying Glyphosate and other pesticides will be used near watersheds the citizens would not like it. What is the real agenda here? The people who talk some talk about saving nature (Sierra Club, University of California, etc.) are advocating the killing of nature and human beings.

Comment 1A

Although I believe that this public comment period could be a sham, you need to postpone the deadline in order for the IPM review to be completed first. If you don't It doesn't look good on your part. You are managing a public utility.

Comment 2A

Response 1A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 2A: Please see Master Response 2.

Svetlana Savchuk

From: Svetlana Savchuk [mailto:svetlana_savchuk@yahoo.com]
Sent: Monday, January 29, 2018 2:45 PM
To: Watershed Master Plan
Subject: EBMUD Watershed Master Plan

To EBMUD:

I strongly oppose the use of herbicides, particularly on the watershed.

There is growing evidence that even small amounts of herbicides can be toxic, and that they frequently remain in soil and water long after their supposed degradation times. In the interests of public health, as well as the environment, no herbicides should be used.

Comment 1A

The Marin Municipal Water District has banned the use of herbicides on their lands since 2005. The East Bay's people deserve nothing less.

I strongly oppose destruction of healthy trees - regardless of classification as "native" or "non-native." All trees fight global warming by sequestering carbon, all trees clean the air, all trees provide habitat for wildlife.

Comment 2A

Sincerely,
Svetlana Savchuk

Response 1A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 2A: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and, again, (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Teri Smith

From: Teri Smith [mailto:tsmith@sonic.net]
Sent: Monday, January 29, 2018 2:55 PM
To: Watershed Master Plan
Subject: Watershed master plan

To Whom it May Concern,

I urge you as stewards of our lands, watershed, and wild life that you respect, honor, and keep safe our drinking water, our soil, the wild life and all of the healthy trees that stand tall sequestering carbon, providing oxygen, and refuge for other forms of life. Please reduce or eliminate the use of pesticides using Marin water district as a model, and DO NOT CUT HEALTHY TREES.

Comment

Respectfully,

Teri Smith

Response: Please see Master Responses 2 and 3.

Vivian Warkentin

From: Vivian Warkentin [mailto:vivwark@sbcglobal.net]
Sent: Monday, January 29, 2018 3:22 PM
To: Watershed Master Plan
Subject: Your irresponsible use of glyphosate

To the Masterplanners at EBMUD:

There really is NO good reason to be using RoundUp at the watershed. I can only think that you are not thinking over there at EBMUD. You are just following orders. Some higher honcho like maybe some Monsanto people want you buying glyphosate. There seems to be a wide spread myth going around that RounUp is safe. But it causes severe gut issues among other dangerous health problems. There are plenty of other effective ways to deal with weeds.

Comment 1A

At this time when we are told to drink that "healthy" tap water why are you still doing things like this. It is unacceptable and I am going to do my best to expose it to other customers.

Comment 2A

Sincerely,

Vivian Warkentin

Response 1A: Please see Master Response 2. Please also see Response 2G to Isis Feral.

Response 2A: Comment noted.

Susana Klebaner

From: susanna klebaner [mailto:klebans2000@yahoo.com]

Sent: Monday, January 29, 2018 3:31 PM

To: Watershed Master Plan

Subject: Fw: EBMUD Watershed Master Plan

To EBMUD:

Below is the a short list of benefits for just one of the herbicides you use and plan to continue using - Garlon (triclopyr:)

- Garlon "causes **severe birth defects** in rats at relatively low levels of exposure." Baby rats were born with brains outside their skulls, or no eyelids. Exposed adult females rats also had **more failed pregnancies**.
- Rat and dog studies showed **damage to the kidneys, the liver, and the blood**.
- About **1-2% of Garlon falling on human skin is absorbed within a day**. For rodents, its absorbed twelve times as fast. It's unclear what happens to predators such as hawks that eat the affected rodents.
- **Dogs may be particularly vulnerable**; their kidneys may not be able to handle Garlon as well as rats or humans.
- It very probably **alters soil biology**. "Garlon 4 can inhibit growth in the mycorrhizal fungi..." (soil funguses that help plant nutrition.)
- It's particularly **dangerous to aquatic creatures**: fish (particularly salmon), invertebrates, and aquatic plants.
- Garlon can **persist in dead vegetation** for up to two years.
- Garlon is supposed to be **twenty times as toxic to women as to men**.

As you know, in spring of 2015 glyphosate (Roundup, Aquamaster) was reclassified by the International Agency for Research on Cancer (IARC) of the World Health Organization as a probable carcinogen.

Hundreds of lawsuits have been filed against Monsanto by people with cancer and by those who lost their loved ones to cancer.

The plaintiffs allege that Monsanto promoted false data and attacked legitimate research that showed the danger of glyphosate.

The unsealed documents suggest that Monsanto employees had ghostwritten studies attributed to academics that U.S. regulators used to determine glyphosate is not a cause of cancer. The documents also indicate that a former senior employee at the U.S. Environmental Protection Agency worked with the company to suppress reviews of the ingredient.

Comment 1A

There are now advertisements asking those who might've been exposed to join the lawsuits.

But EBMUD continues to use glyphosate.

It is necessary not only to eliminate two poisons mentioned above in the watershed - but to completely ban all toxicity category I & II non-organic herbicides in the Plan.

Comment 1B

"Weeds" those toxins are used to eliminate don't present any danger to people, animals, birds, pollinators - but the herbicides do.

The current practices and the EBMUD Watershed Master Plan make the East Bay water supply unsafe.

Sincerely,

Susanna Klebaner

Response 1A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, Garlon is not used on the East Bay watershed. Please also see Response 3A to Anastasia Glikshtern and Response 2G to Isis Feral.

Response 1B: Please see Master Response 2.

Bay Area Ridge Trail Council

January 29, 2018 EBMUD
375 11th St.
Oakland, CA 94607
Attn: Douglas Wallace, MS 901

RE: 2017 Final Public Review Draft: EBMUD Watershed Master Plan and Initial Study

Dear Mr. Wallace,
These comments relate to the 2017 East Bay Watershed Master Plan Final Public Review Draft (the "Plan") and the December 15, 2017 Watershed Mater Plan Update Initial Study (the "Initial Study"). The Council would like to address the remaining Ridge Trail use gaps on EBMUD lands, the importance of completing these bike connections and how this could be addressed through long-term flexibility of the Plan as well as ongoing planning efforts.

First, the Bay Area Ridge Trail Council ("Council") would like to express our sincere appreciation for EBMUD's willingness to consider policy updates related to mountain bike

Comment 1A

trail access. EBMUD’s proposed Plan would potentially open over seven miles of Ridge Trail to mountain bike riders by closing the Eagle’s Nest gap and nearly closing the Pinole Valley gap. We appreciate the thought and significant effort put forth by EBMUD Board and staff to consider access changes, and we consider the new policy to be a significant improvement.

Comment 1A

As you know, EBMUD manages five sections of Ridge Trail in the Pinole, San Pablo and San Leandro Watersheds. These five sections total about 16 miles, representing about 20% of the 80 miles of public trails on EBMUD properties in the East Bay. Unfortunately, the current prohibition of bikes on unpaved trails forces cyclists off-trail and often several miles out of their way, onto narrow and dangerous county roads. The need for continuous bicycle access through ongoing planning efforts would remain for the following four segments:

- (1) One-mile remaining gap on Pinole Watershed West;
- (2) Skyline/Fish Ranch Trail (between Tilden and Sibley);
- (3) Skyline Trail (between Sibley and Redwood Regional); and
- (4) Ramage Peak Trail (between Anthony Chabot and Cull Canyon).

Comment 2A

The vision for the Bay Area Ridge Trail is a 550-mile continuous multi-use loop trail tracing the ridgelines above the San Francisco Bay. There are currently almost 375 miles open for hikers, cyclists and equestrians. The successful completion of this important regional trail requires support and collaboration with over 75 major land management agencies that serve over 7 million people in our region with parks, open space and recreational trails. Our goal is to have

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[REDACTED] info@ridgetrail.org [REDACTED]RidgeTrail.org

a shared path for all trail users. Where that is not possible, we look for alternatives for the excluded user group(s). Continuous mountain bike access is essential for the success of our regional vision and future generations’ support for the trail.

We recognize the Plan can be amended at any time. However, as a practical matter, such changes are time-consuming and expensive. The current wording in Section DRT.251 of the Plan is highly restrictive, stating, “Bicycle access shall be allowed only on designated portions of the Pinole Valley and Eagle’s Nest trails consisting of service roads.” Since the Plan is generally only updated every 20-25 years, the Council encourages the final wording be more flexible than currently proposed, to grant current and future EBMUD Boards the leeway to consider allowing mountain bike usage on other trails, as needs and circumstances change over time.

Comment 3A

The Council is committed to working with the EBMUD Board, staff and stakeholders to find alternatives to close the remaining use gaps listed above. As described in your Initial Study, the Ridge Trail would like to be involved in ongoing stakeholder meetings to help review and assess changes in trail access policies. The Council would like the opportunity to continue to work with you to explore options for closing remaining bike gaps on the Ridge Trail in the East Bay. In addition, the Council and our partners are dedicated to assisting with the volunteer patrols proposed by the Initial Study, to educate and inform trail users.

Comment 4A

We have included the following attachments for your reference:

- 1. Joint Statement on EBMUD trails by Tilden-Wildcat Horseman’s Association, National Interscholastic Cycling Association, Bike Trail Council of the East Bay, and the Bay Area Ridge Trail Council; and

2. Map of Ridge Trail cyclist trail gaps on EBMUD land.

Thank you again for your willingness to open over seven new miles of the Bay Area Ridge Trail to mountain bike access. We look forward to closing these two use gaps in the Ridge Trail, which will bring us closer to our goal of creating a continuous 550-mile multi-use trail along the ridges of the entire Bay Area. We also look forward to continuing to work with you to eventually close all of the Ridge Trail use gaps on EBMUD-managed lands.

Sincerely,

Janet McBride Executive Director
Bay Area Ridge Trail Council

1

DRT.25: "Use of designated unpaved roads or trails shall be limited to hiking and equestrians with restrictions as provided in the watershed rules and regulations and by signage at trailheads, except in those portions of the Lake Chabot watershed that are leased to EBRPD or as required under the ADA. Bicycle access shall be allowed only on designated portions of the Pinole Valley and Eagle's Nest trails consisting of service roads. The EBMUD Board of Directors reserves the right to revoke bicycle access on these trails at any time and for any reason."

Response 1A: Comment noted.

Response 2A: Comment noted.

Response 3A: Please see Master Response 1. In addition, the proposal to permit bicycle access on two sections of trails in the watershed was the result of an extensive stakeholder engagement effort, seeking a balance between resource protection and community interest in expanded recreation opportunities. The language of DRT.25 is intentionally restrictive and was the result of that balancing process.

Response 4A: Comment noted.

Stephanie Thomas

From: Stephanie Thomas [mailto:skthomas@flash.net]
Sent: Monday, January 29, 2018 4:28 PM
To: Watershed Master Plan
Subject: EB Watershed Master Plan update

EBMUD
375 11th St.
Oakland, CA 94607
Attn: Douglas Wallace, MS 901

Dear Mr. Wallace,

Re the new plan that proposes changes re various issues, I will briefly comment on those relating to climate change, care of habitat use of chemicals on the lands and fire protection- not in any special order.

Regarding habitat, all of these issues complement each other.

Please pay attention to the comments sent in recently by Bev D., who is a naturalist, She has written about her observations and conversations w/ park personnel re the killing of animals such as the boar and plan for killing of the ground squirrels. She has seen destruction of plants along fire roads by widening unnecessarily. She has seen personnel spraying pesticides in unmarked cans during times when the birds are gathering nesting materials.

Since the Integrated pest management plan is not complete, observations and knowledge by your personnel as to how much and where spraying is occurring is not clear and is not transparent. These chemicals are not only a hazard to the habitat of the plants and animals, but also people and pets who walk there or ride there or work there in the EBMUD lands and of course there is air drift and water leaching to waterways.

How can the public comment if the report on that is not in. More time for this is needed.

In the report while it acknowledges the value of Eucalyptus and Monterey pine, there are plans to remove these trees for native plants. These big trees are important for reasons that I don't have time to make a complete list. Raptors nest there, fog drip is provided keeping the ground moist which keeps the heat down and fire risk lower. The big trees keep out grasses and brush and by clearing the trees flooding and land slides are a danger. Fire prone plants grow and the use of chemical to prevent resprouting has been used.

These trees provided needed wind breaks which is important in fire prevention. The bees need the yellow flowers in winter and the Monterey butterflies need them for wintering.

We need all the healthy trees we have for the climate change issue. Trees cool the lands and these trees are good for the climate Redwoods need much water to get started

Please get out there on the lands and take walks w/ naturalists , arborists and knowledgeable people before many of these ill-conceived measure take hold.

Thank you for paying attention to the beauty of what is there and please don't go and "restore" what nature has provided

Stephanie Thomas

Response 1A: Please see Responses 4A and 10A to Bev Von Dohre, and Response 3A to Jeff Mason.

Response 2A: Please see Master Response 2.

Comment 1A

Comment 2A

Comment 3A

Response 3A: EBMUD is not proposing any changes in the Plan related to forestry management, other than to prohibit the use of pesticides to control eucalyptus stump sprouting. EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed. Therefore, while comments on these issues may be relevant to EBMUD’s decision on whether to approve the proposed EBWMP Update, they are not relevant to this CEQA document, the purpose of which is to analyze the impacts of the changes that have been proposed.

Golden Gate Audubon Society

January 28, 2018
EBMUD
375 11th St.
Oakland, CA 94607
Attn: Douglas Wallace, MS 901
watershedmasterplan@ebmud.com

Re: East Bay Watershed Management Plan (EBWMP, Update 2017), Initial Study For The EBWMP And Notice Of Intent To Adopt A Negative Declaration Of EBWMP

Dear Mr. Wallace,

Thank you for this opportunity to submit comments from the Golden Gate Audubon Society (GGAS) on the draft East Bay Watershed Management Plan (EBWMP, Update 2017), Initial Study For The EBWMP And Notice Of Intent To Adopt A Negative Declaration Of EBWMP. GGAS is a 100 year old non-profit conservation organization with over 7,000 members who are dedicated to protecting native bird populations and their habitats.

GGAS incorporates by reference the comments submitted by STEP (Safe Trails, Environmental Protection) and submits additional comments in this letter. GGAS appreciates the commitment of EBMUD to reduce the original proposal from four mountain biking trail segments to two mountain biking trail segments. However, without a pre-project biological assessment of the character and function of the existing ecosystem, the impacts of this new activity will be poorly understood.

Comment 1A

A NEGATIVE DECLARATION IS PREMATURE UNTIL EBMUD UNDERTAKES A PRE-PROJECT BIOLOGICAL ASSESSMENT

Comment 2A

“A negative declaration...explains why a project will not have a significant environmental impact...(Pub. Resources Code, § 21064.) A negative declaration is proper only if the agency determines based on an initial study that there is no substantial evidence that the project may have a significant effect on the environment.”² A pre-project biological

² found at [Mejia v. City of Los Angeles \(130 Cal.App.4th 322\).PDF](#)

(Pub. Resources Code, § 21064.) (Pub. Resources Code, § 21080,subds. (c)(1), (d);

assessment will provide a baseline for determining whether the impacts from this new mountain biking activity will be significant.

Comment 2A

A PRE-PROJECT BIOLOGICAL ASSESSMENT OF THE TRAIL SEGMENTS WILL PROVIDE A FRAMEWORK FOR DETERMINING IMPACT THRESHOLDS

The Initial Study (Study) states: “the proposed Pinole Valley Multi-Use trail traverses designated critical habitat for the California red-legged frog and the Alameda whipsnake [and]... a change in trail use may require HCP amendments.”³ However, there appears to be no plan to undertake a baseline biological assessment. Instead, the Study describes management guidelines to “[e]nsure that currently permitted or new recreational activities do not increase the potential for additional soil erosion, landscape modification, or pollutant loading, or adversely affect other watershed...resources.” How will the land managers determine the threshold for when impacts are significant?

Comment 2B

A PRE-PROJECT BIOLOGICAL ASSESSMENT OF THE TRAIL SEGMENTS WILL PROVIDE SUBSTANTIAL EVIDENCE OF THE SIGNIFICANCE OF THE IMPACTS

The scope of the Study only characterizes trail conditions. “EBMUD will continue to collect information regarding the types of use and frequency based on observations and conditions of the Pinole Valley Ridge Trail and Eagle’s Nest Trail, including unauthorized bicycle use. This information will be used to characterize trail conditions prior to opening of the proposed trail segments to bicycle use.”⁴ However, this information only addresses trail use and frequency. There appears to be no plan to study the existing wildlife or habitat on which these trail segments are found.

Comment 2C

“‘Significant effect on the environment’ means a substantial, or potentially substantial, adverse change in the environment.” (Pub. Resources Code, § 21068.) The Guidelines define “significant effect on the environment” as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna...”⁵

Comment 2D

In order to collect substantial evidence of significant environment effects that may exceed impact thresholds, qualified biologists should inventory and characterize the potentially affected wildlife species and provide a detailed account of habitat function on which the species depend. Only a pre-project biological assessment will provide the necessary information for identifying disturbance management criteria that yield definitive impact thresholds.

Guidelines, §§ 15063, subd. (b)(2), 15070, subd. (a).)

³ p8 draft EBWMPUpdate, Initial Study, 15Dec2017

⁴ Ibid p15

⁵ found at [Mejia v. City of Los Angeles \(130 Cal.App.4th 322\).PDF](#)

MOUNTAIN BIKING ACTIVITY CONSTITUTES A DIRECT IMPACT THAT HAS A SIGNIFICANT EFFECT ON SENSITIVE HABITAT

The EBWMP Update distinguishes between direct and indirect impacts.⁶ The draft EBWMP Update describes mountain biking that damages sensitive habitat. “Mountain bike trespass onto the District’s Redwood Trail from EBRPD’s East Ridge Trail and trail damage in this sensitive area has already been documented.”⁷ “Because of the absence of law enforcement in [Hanna Ranch Development], a variety of urban/wildland interface effects have occurred, including ... mountain bike access.”⁸

Comment 3A

These reports arguably describe mountain biking has having a direct impact and causing significant effects. A conspicuous direct impact of mountain biking is the emergence and spread of invasive plant species. Such trailside-related phenomena should be monitored, measured, and factored into any trail-use program. Therefore, even on the proposed trail segments, significant environmental effects may be inevitable.

Comment 3B

EBMUD HAS A DUTY TO ENSURE THAT NO NET INCREASE IN ADVERSE ENVIRONMENTAL EFFECTS WILL RESULT FROM MOUNTAIN BIKING ON NEW TRAIL SEGMENTS

In its own draft EBWMP Update, EBMUD essentially promises that no net increase in adverse environmental effects will result from this new proposed mountain biking activity.⁹ GGAS asserts that the only way measure whether mountain biking results in a net increase in adverse environmental effects is to undertake a pre-project biological assessment such that described in Gutzwiller’s, “Assessment and management of wildland recreation disturbance.”¹⁰ See attached Appendix A.

Comment 3C

CONCLUSION

In conclusion, GGAS urges EBMUD to hire qualified independent biologists to design impact thresholds based on a pre-project biological assessment of the habitat on which

Comment 4A

⁶ p49 draft EBWMPUpdate, 15Dec2017 “Direct impacts include ... trail crossings, and loss of vegetation. Indirect impacts may include ... runoff from trails and roads.

⁷ p105 draft EBWMPUpdate, 15Dec2017

⁸ p106 Ibid

⁹ p65 Ibid. “Ensure that no net increase in adverse environmental effects will result from additions to or modifications of District recreation management programs, and prioritize protection of the interior watershed areas that serve as a refuge for plants and animals.”

¹⁰ Gutzwiller, Kevin J. and Dvid N. Cole, 2005. Assessment and management of wildland recreation disturbance. In: Braun, Clait E. (ed.) Techniques for wildlife investigations and management. Sixth edition. The Wildlife Society: Bethesda, MD: 779-796

the trail segments occur. Going forward, activities should be monitored and tested to determine whether impacts exceed an unacceptable threshold and constitute a significant adverse effect. After carefully analyzing the impacts, EBMUD will have a clear understanding of whether a negative declaration can be appropriately designated for this new activity.

Thank you for this opportunity for GGAS to comment on the East Bay Watershed Management Plan (EBWMP, Update 2017), Initial Study For The EBWMP And Notice Of Intent To Adopt A Negative Declaration Of EBWMP.

Please notify the Conservation Chair at the email listed below and the GGAS office of all developments relating to this topic.

Sincerely,

Pam Young

Pam Young
Golden Gate Audubon Society (GGAS)
Member, GGAS Board of Directors
Chair, GGAS East Bay Conservation Committee

email: pamyoung2@mac.com
phone: 510.725.2228

Response 1A: Please see the responses to STEP comments 7A and 7B.

Response 2A: Extensive biological surveys have been completed and are ongoing. Please see the responses to STEP comments 7A and 7B.

Response 2B: Please see the responses to STEP comments 6A, 7A and 7B. Continued implementation of the numerous ongoing studies and surveys on watershed lands will enable EBMUD to determine whether bicycle access is increasing soil erosion or resulting in other impacts such as landscape modification, pollutant loading, or other adverse effects on watershed resources. See Draft IS/ND at pages 11-12. The IS/ND has also been updated to clarify that updates on trail conditions, including erosion, landscape modification, pollutant modification, or other adverse effects will be provided at stakeholder meetings which will be regularly scheduled if the EBWMP Update is adopted.

Response 2C: Please see Master Response 1, and the responses to STEP comments 7A and 7B.

Response 2D: Please see Master Response 1, and the responses to STEP comments 7A and 7B.

Response 3A: These sporadic trespasses were successfully addressed through increased enforcement and the introduction of physical barriers to curtail illegal bicycle activity. With the

introduction of bicycles into the Pinole Valley, patrol priorities will be reestablished to elevate the presence of law enforcement to a level commensurate with the increased usage. See Draft IS/ND at page 11.

Response 3B: While the instances of mountain bike trespassing noted in the EBWMP indicate the potential for unlawful bicycle access in the absence of adequate law enforcement presence and other barriers to access, as noted above and in the Draft IS/ND, the implementation practices set forth on pages 11-12 are designed to minimize the potential for such behavior by cyclists.

Regarding potential environmental impacts of biking access, the project incorporates a 7-component program – including (1) characterizing trail conditions, (2) stakeholder involvement, (3) signage and barriers, (4) monitoring and enforcement, (5) fines, (6) maintenance and control measures, and (7) trail closures – designed to avoid significant environmental impacts. See Draft IS/ND, pp. 11-12. The commenter has not addressed these measures, much less provided any evidence that they will not work. EBMUD’s program restricts bicycle access on EBMUD watershed land to two stretches of wide gauge fire roads that are maintained for vehicular access and a disc line that will double as public recreation trails. No new trails will be constructed and no additional maintenance activities will be conducted as part of the program. Bicycles will not be permitted access to any single track recreation trails. The Eagle’s Nest and Pinole Valley trail segments were chosen for multi-use access because of their wide gauge, connectivity to existing bicycle trails on East Bay Regional Park District property and because significant impacts to wildlife or sensitive habitat are unlikely to occur along the proposed routes based on existing biological information. In fact, a proposed trail alignment along Skyline Blvd was rejected earlier in this process due to potential impacts to rare plant species and sensitive habitats.

Allowing limited bicycle access along the discrete Eagle’s Nest and Pinole Valley trail segments where vehicular access already occurs is not expected to have a significant impact on biological resources. No additional hiker or equestrian activity is anticipated as no new access points or parking facilities are included in the plan. The bicycle use is expected to be similarly low, with the greatest concentration of use anticipated on the 1/3-mile section of Goat Road on the Bay Area Ridge Trail that is adjacent to the Fernandez Ranch. Other limiting factors are the lack of substantial access for parking, the degree of difficulty in the hills, and the climate and conditions in winter that will make the trail impassible on a bike, along with seasonal trail closures.

Increased traffic from bicycles will be monitored through EBMUD’s established watershed trail permit process. Bicycle rules and signage will be displayed along the bicycle access routes to ensure that cyclists stay on existing trails, mind posted speed limits and do not stray into adjacent sensitive habitats. As part of the trail access proposal, these routes will be monitored to document: rogue trails, increased erosion, and excessive litter. Any damage to rare plants or sensitive natural resource communities from trail expansion, trampling, spread of invasive plants or disease will also be monitored and documented. The bicycle access will be suspended if unforeseen impacts from bicycle trail use occur or if environmental circumstances change. For

these reasons, the program is expected to have a less than significant impact on biological resources.

Response 3C: Please see the responses to STEP comments 7A and 7B. EBMUD’s long term monitoring and research has provided a suite of information about habitat and sensitive species use of these areas that extend beyond the scope of what is typically captured during a pre-project biological assessment. The results of EBMUD’s surveys and information from the CNDDDB and the California Native Plant Society databases were reviewed prior to proposing the current trail alignment for mountain bicycle access.

Response 4A: Please see Response 2A, above.

Martha Rossman

Public Respondent to the EBMUD proposed Master Plan

Submitted January 29, 2018

Thank you for this opportunity to comment.

At the beginning of the East Bay Municipal Water District’s proposed Master Plan there are emerging challenges noted which require a strategy of adaptive management for the District. A projected increase in the population served in the East Bay of 20% by 2040 (an estimated 300,000 people), combined with likely climate change, raises issues for an organization committed to sustainability, water quality and biodiversity.

My concerns are first, the destruction of viable trees of any kind in an era of rapid climate change, and secondly, the use of pesticides and herbicides to control vegetation in the watershed and adjacent areas.

The District’s introductory guidelines include:

- 2. Ensure protection of the natural, cultural, and historical resources of the watershed on a long-term basis.
- 3. Respect natural resources; sustain and restore populations of native plants and animals and their environments

These goals may not always be compatible.

The pressure of increased human population has brought rising levels of air and heat pollution, and climate change has created more volatile weather with heavy rains and longer periods of drought. The native plants favored to replace healthy forests thrived 200 or more years ago in the Bay Area when the

Comment 1A

Comment 2A

climate was cooler and there was more surface water available. This habitat was also the work of Native Americans who periodically burned off large areas of the hills to create grazing lands for prey and regenerate the woodlands. Controlled burns on any such large scale are not possible today.

Comment 2A

I question several assumptions in the proposed Master Plan.

- In the discussion of Forestry, “Forest management is defined as activity undertaken to manage vegetation in non-native forest stands (i.e. Monterey Pine and Eucalyptus). Management of the native forest is provided for under Biodiversity”. This defines away the question whether the existing Monterey Pine and Eucalyptus forests contribute to biodiversity in the present and creates an artificial division in forestry management. Earlier descriptions of the Eucalyptus specifically describe their importance to bees and hummingbirds that depend on their nectar, and to birds, especially high roosting and nesting species like raptors. I do not personally favor any one species more than another and would like to see all given consideration under “Biodiversity” as having an important role in our environment in 2018

Comment 3A

- In FF.8 oak woodlands are included as barriers that help “retard wildfire spread.” This seems an unsupported assumption.

Comment 3B

- Oaks are very difficult to propagate, and oak forests are under considerable pressure from the rapid spread of SOD. One study by a UC Berkeley Associate Professor in Wildcat Canyon Regional Park found over 20,000 oak trees that were dead or diseased and dying from SOD in that area alone. Many of these trees are not being removed and, as they dry out, become standing tinder for wild fires. Are living trees diablo more hazardous? It is hard to credit it.

Comment 3C

- FOR.10 states that a goal is to ,”implement a long term phased program to remove eucalyptus stands and restore native woodland or other natural habitats to reduce fire hazards...” The question whether eucalyptus is a greater fires hazard than other vegetation is a vexed one, with partisans who are vocal and vehement. I hope that EBMUD will continue to review this question in light of more research and more data. The native bay laurel has more volatile oils than the eucalyptus, and grassland fires have been more dangerous in many parts of the state than woodland fires. In Santa Barbara, fires that killed trees and grasses left the hillsides vulnerable to mudslides in the heavy rains. Perhaps preserving healthy and abundant vegetation, especially trees that also promote wetter and healthier soils, and that sequester carbon, is more desirable than a wholesale and experimental redesign of the landscape in the East Bay watershed.

Comment 4A

A second concern is the possibility, mentioned several times in the Plan, of more widespread use of chemical herbicides and pesticides to control vegetation in aid of reducing fire hazards. RoundUp Pro is specifically mentioned.

Comment 5A

Round Up and its carcinogenic potential has been debated recently, and it is banned in France, Brazil, India and other countries as too dangerous for humans to be used in agriculture. There are findings that it binds to calcium in water supplies and bypasses excretion in the liver to deposit in the kidneys. High incidences of kidney cancer in agricultural regions in India and Brazil have been linked to the widespread use of glyphosate.

Manufacturer funded research into the safety of glyphosate have concluded that they do not migrate long distances in the soil, or enter the food chain in significant amounts; and yet well over half our wild streams and lakes contain measureable quantities of glyphosate, as well as most wines tested, and even human milk. The soil migration studies were done under very controlled conditions that do not replicate the effects of our seasonal rains. Some researchers have suggested that repeated applications to dry soils followed by brief periods of heavy rains would result in much higher rates of chemical migration at higher toxic concentrations.

Comment 5A

If removing large numbers of healthy trees results in the emergence of brush and grasses that must be destroyed to prevent grassfires, then the District might be forced to use much more chemical herbicides and pesticides. These products are potentially toxic to the very biodiversity that is a priority for EBMUD. Sensitive insects, amphibians, birds, may all be affected.

Comment 6A

Please do consider carefully the overall environmental impacts of large scale changes in our landscape. Is it possible to take a limited and gradual approach to the goals stated in the Master Plan, and verify the results before proceeding with irrevocable changes? I hope so.

Respectfully submitted,

Martha Rossman

Resident of Oakland and Customer of EBMUD

Response 1A: Please see Master Responses 2 and 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, (b) the only proposed pesticide-related changes are designed to reduce pesticide use, and (c) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also as explained in Master Response 3, tree removal in the watershed is highly selective and targeted to trees that are dying and/or pose a public safety hazard. In addition, Master Response 2 describes the limited use of pesticides as one of several tools to control vegetation. Achieving multiple objectives in the watershed master plan requires a balance of different actions.

Response 2A: Comment noted.

Response 3A: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and, again, (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, the ecological value of non-native forest stands continues to be recognized in the EBWMP Update (page 19). Please also see the response to comment 3A in the Stephanie Thomas comments.

Response 3B: The USDA Forest Service and the Diablo FireSafe Council identify the California live oak, *Quercus agrifolia*, as a fire retardant plant because of its high mineral content, low fuel volume, and high moisture content. See:

[<https://www.fs.fed.us/database/feis/plants/tree/queagr/all.html#FIRE>

and <http://www.diablofiresafe.org/tolerance.html>] As such, the Plan appropriately refers to them as a potential barrier to retard wildfire spread.

Response 3C: The Wildcat Regional Park is not on the District’s watershed property, and is not managed by EBMUD. SOD infestation is nominal on EBMUD’s watershed lands. To prevent the spread of the pathogen that causes SOD, EBMUD’s practice is to leave the SOD-infested trees in situ. If this management approach causes an unacceptable fire risk or public safety hazard, then removal of the SOD trees is reevaluated.

Response 4A: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and, again, (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Specifically, a “wholesale and experimental” redesign of the landscape on the East Bay watershed is not under consideration. EBMUD’s forestry goal is to develop and implement a long-term management program for non-native forests to maintain and enhance other environmental resources, including water quality, fire protection, biodiversity, and recreation use. EBMUD’s Fire Management Plan (2000) calls for “selective thinning of pyrophytes (plants high in oils or resins, such as pines, junipers, and eucalyptus globulus)” (page B-8), not eradication. The Fire Management Plan also acknowledges that “[s]tands [of eucalyptus] that have been thinned or logged with appropriate understory treatments do not represent significant fire hazards” (page E-26).

Response 5A: Please see Master Response 2. As noted there, (a) the only proposed pesticide-related changes are designed to reduce pesticide use, and (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 6A: Please see Master Response 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, and, again, (b) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed. Also, EBMUD does not remove “large numbers of healthy trees.” Instead, existing

practices (to which no change is proposed) include a limited and gradual approach to nonnative tree removal. Moreover, existing tree-removal practices to date have not led to the need for large amounts of pesticides, as suggested by the comment. Instead, as explained in Master Response 2, EBMUD’s use of pesticides on its East Bay watershed lands is very limited, and EBMUD is not proposing any changes in management practices that would lead to increased use of pesticides.

Julie Long

From: JULIE LONG [mailto:julierl@pacbell.net]
Sent: Monday, January 29, 2018 7:18 PM
To: Watershed Master Plan
Subject: Postpone the Watershed Master Plan comment period deadline until the IPM Review is completed

Dear East Bay MUD:

Your Watershed Master Plan, which includes continued use of pesticides and destruction of many eucalyptus and Monterey pines because of their 'non-native' status, is premature, unwelcome in most of the East Bay, and downright toxic.

Comment 1A

To continue the deforestation of the East Bay, ruining the existing canopy and intensifying desertification, as well as using the carcinogenic glyphosate which most East Bay residents (as well as greater Bay Area populations) oppose vehemently, is folly.

Comment 1B

I'm a 4th generation Bay Area native, born in Berkeley and grew up in Oakland. My grandparents and parents would be angry, appalled and I certainly am, at the district's pesticide use and tree removal.

Comment 1C

I demand, on behalf of all my relatives and friends living in the East Bay, and all the East Bay kids who are too young to write, but not too young to feel the effects of increased fire danger that deforestation guarantees, nor too young to be poisoned by glyphosate, that EBMUD finish the IPM review first, before setting a public review deadline on a plan that is incomplete without the disclosure of the related IPM documents, which are currently outdated.

Comment 1D

Julie Long Gallegos

julierl@pacbell.net
652 Congo Street
San Francisco, CA 94131
Linkedin: <http://www.linkedin.com/pub/julie-long-gallegos/22/5b6/53a/>
tel: 415-794-1204

Response 1A: Please see Master Responses 2 and 3. As noted there, (a) EBMUD is not proposing to change its practices regarding how many – and what types of – trees are removed, (b) the only proposed pesticide-related changes are designed to reduce pesticide use, and (c) the purpose of the CEQA analysis is to assess the impacts of changes that have been proposed.

Response 1B: Please see Master Responses 2 and 3.

Response 1C: Please see Master Responses 2 and 3.

Response 1D: Please see Master Responses 2 and 3.

City of Orinda

February 1, 2018

22 Orinda Way • Orinda • California • 94563

East Bay Municipal Utility District
Attn: Douglas Wallace, Environmental Affairs Officer 375 11th Street, M/S 901
Oakland, CA 94607

Regarding: East Bay Watershed Master Plan Update: Notice to Adopt a Negative Declaration

Thank you for providing the City of Orinda with the opportunity to review EBMUD's Watershed Master Plan Update and corresponding Initial Study. The City does not have comments on the analysis provided in the Initial Study. However, we do wish to highlight two issues important to Orinda that were not included in the Master Plan update:

Comment 1A

- **Water Quality Program:** Table 2-2 in this section of the Master Plan lists constituents of concern but does not mention the high THM levels in Orinda or focus on that particular constituent as an ongoing issue. Susan Teefy, EBMUD Water Quality Manager, made a presentation to Orinda's City Council on August 15, 2017 regarding water quality. Recent water quality samples revealed high levels of THM in this area, and she noted that EBMUD was going to be engaging in a pilot program for THM removal. She confirmed the EBMUD was in the process of designing a UV system and would know more about cost estimates in approximately six months, and that quarterly sampling of THMs would continue. EBMUD should provide the Orinda Community with regular updates on the THM levels and the progress of future facility improvements to address this issue.

Comment 2A

- **Fire and Fuels Program:** There is no reference in this program to fire flow, which is inadequate in certain neighborhoods in Orinda. This program is focused exclusively on vegetation management for protection from wildfires. The entire community is considered "Wildland Urban Interface - Fire Threatened" according to CALFire. The northwestern and central northern portions of Orinda are considered Very High Hazard Severity Zones. There is insufficient water pressure to support the fire hydrants in some parts of the city, so the Moraga-Orinda Fire District must be prepared to bring 2,500-gallon water trucks when responding to fires in those areas. Voters rejected bond measures in 2002 and 2007 that would have paid for water pipe upgrades to fix this problem. The critical issue of low fire flow is a problem that should be jointly addressed by MOFD and EBMUD in coordination with the City of Orinda. The City has requested that EBMUD explore the possibility of pursuing a special benefit assessment district to implement fees on the water bills in the neighborhoods affected with low fire flow. The fees generated from this district would fund the replacement of existing water mainlines to provide the necessary fire flow capacities.

Comment 3A

Please provide responses as to why these two important issues were not included in the Master Plan.

If you have questions regarding this matter you may contact me by email me at dallen@cityoforinda.org or by telephone at (925) 253-4238.

Regards,

Daisy Allen, AICP
Senior Planner

CC:
Steve Salomon, City Manager
Larry Theis, Director of Public Works & Engineering
Drummond Buckley, Director of Planning

Response 1A: Please see the responses to comments 2A and 3A, below. As explained therein, THMs and fire flows are outside the scope of the EBWMP and therefore were not discussed or included in the EBWMP Update.

Response 2A: This comment concerns the presence of trihalomethanes (THMs) in treated drinking water. As explained in section 1 of the EBWMP, its purpose is to provide long-term management direction for EBMUD's 29,000 acres of watershed lands in the East Bay Area, including the 5 reservoirs (Briones, San Pablo, Upper San Leandro Chabot, and Lafayette) found on those lands. The EBWMP does not address or guide infrastructure management and development or water treatment. Rising THM levels experienced by EBMUD over the past few

years were not addressed in the EBWMP Update because they did not result from management of EBMUD's East Bay watershed lands. Instead, rising THM levels have been linked to various impacts of the most recent drought, including reduced water consumption, higher temperatures, and higher concentrations of natural organic carbon in untreated raw water from EBMUD's Pardee Reservoir, located in the Sierra foothills. (See <http://www.ebmud.com/water-and-drought/about-your-water/water-quality/disinfection-byproducts-drinking-water/> for more information.) As such, the comment does not raise an issue regarding the adequacy of the Draft IS/ND.

The comment requests regular updates on THM levels in Orinda and the progress of future facility improvements to address the issue. EBMUD is in the process of designing improvements to the disinfection system at the Orinda Water Treatment Plant that are expected to result in improved disinfection and lower levels of disinfection byproducts. EBMUD is in the process of developing a contract with the design consultant at this time. Design is expected to take approximately 2 years, and then construction will proceed. In the interim, we continue to closely monitor the plant and distribution system parameters and make adjustments where possible to ensure proper disinfection while also minimizing byproduct formation. Table 1 below includes THM results from the Valley View tap, located in Orinda. The first row shows each individual sample result, and the second row shows the average of the most recent four quarters. The regulatory standard of 80 ppb is based on the annual average, not the individual sample results.

Table 1. Trihalomethane (THM) Results for Valley View Tap, Orinda, CA

Date	2016 QTR 1 Jan	2016 QTR 2 Apr	2016 QTR 3 Jul	2016 QTR 4 Oct	2017 QTR 1 Jan	2017 QTR 2 Apr	2017 QTR 3 Jul	2017 QTR 4 Oct	2018 QTR 1 Jan
Instantaneous Result, ppb	33	56	77	58	79	87	46	42	42
Annual average, ppb	44	48	53	56	68	75	68	64	54

Should you have further questions regarding THMs, please contact EBMUD's Manager of Water Quality, Susan Teefy, at 510-287-1210.

Response 3A: This comment concerns fire flows in certain neighborhoods in Orinda. As explained in section 1 of the EBWMP, its purpose is to provide long-term management direction for EBMUD's 29,000 acres of watershed lands in the East Bay Area, including the 5 reservoirs (Briones, San Pablo, Upper San Leandro Chabot, and Lafayette) found on those lands. The EBWMP does not address or guide infrastructure management and development or water

treatment. Fire flows were not addressed in the EBWMP Update because they are a function of EBMUD's management and development of infrastructure, which is not relevant to or influenced by EBMUD's implementation of the EBWMP. As such, the comment does not raise an issue regarding the adequacy of the Draft IS/ND.

The EBMUD Board of Directors established Policy 3.03, Community Fire Flow Improvement Program (see attachment), to guide EBMUD action on working with government agencies and communities to support financing and implementation of community-initiated substantial fire flow improvements. Consistent with Policy 3.03, EBMUD has worked with the City of Orinda and the Moraga Orinda Fire District (MOFD) for many years regarding potential water distribution system improvements that would be required to increase fire flows in the City of Orinda, and will continue to do so. More recently, EBMUD staff has worked collaboratively with the MOFD to identify smaller-scale improvements and the associated costs to increase fire flow to critical hydrants within the City of Orinda. Any action taken by EBMUD with regard to fire flows in Orinda must be consistent with Policy 3.03. To discuss fire flow issues further, please contact EBMUD's Engineering Manager for Water Distribution Planning, Dave Rehnstrom, at 510-287-1365.

3. DOCUMENT REVISIONS

This chapter presents revisions that have been made to the IS/ND text. These revisions provide additions and clarifications. The text revisions are organized by resource topics, for which revisions were requested. Single underlined text represents language that has been added to the IS/ND, and strikeout text indicates removed language.

Throughout the document, a clarification has been that the proposed multi-use trails consist of fire roads *and* a disced firebreak. In addition, there are various references to the need for HCP amendments due to the change in trail use through critical habitat. These have been updated to reflect USFWS's concurrence that no amendments to the HCP are required.

Integrated Pest Management in the East Bay Watershed

On pages 7-8, the following changes were made:

The title was changed to **"Pest Management in the East Bay Watershed"**

In the Biodiversity section of the EBWMP, guideline BIO.18 states: "Apply integrated pest management (IPM) strategies, eliminating pesticides where feasible, ensuring negligible impacts on water quality, biodiversity, and other resources and without increasing fire risk." Through EBMUD's public process for consideration of the EBWMP update, members of the public expressed concerns about the use of ~~glyphosate herbicide (commonly known as Roundup)~~ pesticides on the watershed, and potential impacts of ~~glyphosate~~ on human health, citing a 2015 World Health Organization (WHO) determination that ~~glyphosate~~ is a "probable human carcinogen." ~~The WHO, however, later reversed this determination. In a 2016 report, the~~

WHO and the Food and Agriculture Organization of the United Nations (FAO) jointly concluded that “glyphosate is unlikely to pose a carcinogenic risk to humans from exposure through the diet.” <http://www.who.int/foodsafety/jmprsummary2016.pdf>, p. 2. Also, the European Food and Safety Authority in 2017 permitted a 10-year relicensing of the herbicide on the grounds that it did not pose a carcinogenic risk. Glyphosate is the only pesticide that is used on the watershed, and annual usage averages 4 gallons over the 29,000-acre watershed. Recent annual usage data for glyphosate is as follows:

2011 – 0.7 gallons

2012 – 1.3 gal.

2013 – 5.9 gal.

2014 – 4.3 gal.

2015 – 8.4 gal.

2016 – 3.7 gal.

Recognizing that hand and mechanical removal of noxious and invasive weeds is not always feasible, EBMUD is not proposing a strict ban on such pesticides, but proposes the following revisions to the guideline (revisions are shown in underscore and ~~strikethrough~~ text): “Apply integrated pest management (IPM) strategies ~~that have, eliminating pesticides where feasible,~~ ensuring negligible impacts on water quality, biodiversity, and other resources and without increasing fire risk.” Thus, in essence, the only change being proposed from existing practices is to eliminate the use of pesticides where feasible.

Consistent with the intention to reduce pesticide use on the watershed, the proposed revision to guideline PW.5 for the Pinole Watershed reads: “Prohibit use of pesticides in the watershed, except ~~those herbicides specifically approved~~ for spot treatments of pest plant species ~~according to District IPM guidelines and~~ where other methods of pest control are not feasible.”

Finally, a revision is proposed for the Forestry guideline FOR 11, which reads: “Prior to any harvest activities, ensure that adequate stump-sprouting control methods are available to reduce fire hazards and protect water quality. Herbicides will not be used to control stump resprouts.”

Changes to Access Policy for the Watershed Trail System

In the last paragraph on page 8, it now states that “(there are cumulatively nearly 8,000 permit holders in 2018).”

On page 10, the following underlined text has been inserted in the first paragraph after the sentence: “EBMUD’s Low-Effect HCP was negotiated under the existing EBWMP and trail access regulations; USFWS has confirmed that no amendments to the HCP are required for the EBWMP Update. Baseline conditions for the proposed trail alignment, along with the surrounding habitat, have been documented and described in both the EBWMP (Section 2) and East Bay HCP (Section 2). Vegetation types for watershed lands are depicted in Figure 2-4 and described in Section 2 of the EBWMP. Section 2 of the East Bay HCP also contains descriptions of vegetation types within the watershed along with maps. The Pinole Valley segment traverses

primarily annual grassland habitat with smaller sections crossing hardwood forest. The Eagle's Nest trail segment traverses through non-native eucalyptus forests at the lower elevations and annual grassland with pockets of shrubland towards the ridge. The road alignment within Pinole Valley also has many culverted crossings of permanent and ephemeral creeks.

Given the length of trail/fire road and habitats, there are numerous species inhabiting the surrounding area. Table 2-3 of the EBWMP lists special status plant and animal species known to occur on East Bay watershed lands. The table includes the preferred habitat (vegetation, wetlands, soil type, etc.) and known occurrences by watershed. Likewise, Section 2 of the East Bay HCP describes the vegetation and habitat associations of the 7 covered species (Table 2-3 East Bay HCP) along with what local watersheds they inhabit (Table 2 HCP). Additionally, District staff manages a species database developed as part of the EBWMP and includes species sightings and locations, including the area surrounding the proposed trail alignment. Finally, as part of the East Bay HCP annual surveys are conducted for covered species which include pond habitat assessments, breeding surveys for California red-legged frog and western pond turtle, spawning surveys for rainbow trout, and Alameda whipsnake habitat mapping. Staff also conducts periodic Alameda whipsnake trapping surveys. Results of these surveys are compiled and included in annual reports to USFWS.

Conditions within the areas that are traversed by the existing fire road in Pinole Valley and Eagle's Nest are considered to be good. Monitoring surveys are conducted within the area surrounding the fire roads as part of the East Bay Watershed Masterplan and Habitat Conservation Plan. Data collected from the surveys is compiled in various databases and included in reports to USFWS and CDFW. In general, land condition and species habitat have improved significantly since implementation of the watershed master plan in the mid-1990s. For an example, locations inhabited by California red-legged frogs have expanded from 10 to over 40 since implementation of the plan. The expansion has coincided with increases in wetland habitat due to pond and creek restoration and improved grazing practices including rotational pasture management and exclusion fencing resulting in reduced grazing pressure. The quantity of Alameda whipsnake habitat has remained constant over the last decade due to improved BMPs under the HCP. Again, the improvements for whipsnake are believed to be related, in part, to reduced grazing pressure.

When assessing potential impacts due to the new activities to areas surrounding the trail, staff will be examining those habitat features in which changes can be measured seasonally and attributable to the biking activity. The most likely type of potential impact would be the creation of rogue trails resulting in disturbance to vegetation. In this case, staff would be able to compare the area impacted to existing baseline maps to measure the amount of habitat disturbed. Also, unauthorized access to wetland habitats and ponds would be noted by mapping disturbances and quantities of area impacted would be summarized. These totals would be compared to baseline data. Actual trail use impacts from biking would likely be minimal compared to the annual road maintenance and grazing activities on the trail segments.”

Proposed References to Previously Approved Plans

On page 19, the first bullet has been edited as shown:

- Fire Management Plan, adopted in October 2000 ~~analyzed in a CEQA Negative Declaration;~~

2.3 Air Quality

On page 26, the first paragraph under Discussion has been edited as shown:

The Update's key issues considered for the air quality analysis includes the proposed changes to pesticide practices on watershed lands ~~the IPM Program~~ and the access policy for the watershed trail system.

On page 27, the last paragraph has been edited as shown:

~~Implementation of integrated pest management approaches would expand the variety of methods employed for weed management by limiting the use of herbicides with the active ingredient glyphosate, where feasible~~ The proposed change in the BIO.18 guideline would "eliminate pesticides where feasible," while continuing pest management IPM practices. Proposed changes to the FOR.11 and PW.5 guidelines could have a similar effect. Limiting the use of pesticides could result in ~~S~~substituting other weed management methods such as mowing, weed whacking, flaming, or burning, which could cause a temporary air quality disturbance.

2.4 Biological Resources

On page 31 after the bullet points, the beginning of the following paragraph has been edited as shown:

The adoption of changes to the BIO.18, FOR.11, and PW.5 guidelines could lead to greater use of non-pesticide methods for pest management in IPM. ~~Implementation of integrated pest management approaches would expand the variety of methods employed for weed management by limiting the use of herbicides with the active ingredient glyphosate, where feasible.~~ Substituting other weed management methods such as mowing, weed whacking, flaming, or burning, which could cause a temporary air quality disturbance.

2.8 Hazards and Hazardous Materials

On page 43, the bottom paragraph has been edited as shown:

Of the three key issues proposed in the EBWMP Update, one would affect hazards and hazardous materials: changes to access policy for the watershed trail system. As such, the analysis of hazards and hazardous materials impacts below is focused solely on that proposed change. As described in the Project Description, the EBWMP Update on Emerging Challenges serves to identify new development and issues that have arisen since adoption of the 1996 EBWMP, but does not necessarily specify detailed practices. Likewise, the ~~EBWMP Update on IPM emphasizes~~ revised BIO.18 guideline includes "eliminating pesticides where feasible", so while it is not specific in details, it would likely result in a reduction in pesticide use as compared to the 1996 EBWMP. Proposed changes to the FOR.11 and PW.5 guidelines could have a similar effect. Pesticide use is already minimal on the East Bay watershed, averaging 4 gallons per year and consisting solely of glyphosate.

2.9 Hydrology and Water Quality

On pages 47-48, the last paragraph has been edited as shown:

Of the three key issues proposed in the EBWMP Update, one would affect hydrology and water quality: changes to access policy for the watershed trail system. As such, the analysis of hydrology and water quality impacts below is focused solely on that proposed change. The other key proposed changes to the 1996 EBWMP – Emerging Challenges on the East Bay Watershed and Integrated Pest Management (IPM) – would not affect hydrology and water quality. As described in the Project Description, the EBWMP Update on Emerging Challenges serves to identify new development and issues that have arisen since adoption of the 1996 EBWMP, but does not necessarily specify detailed practices. Likewise, the ~~EBWMP Update on IPM~~ emphasizes revised BIO.18 guideline includes “eliminating pesticides where feasible”, so while it is not specific in details, it would likely result in a reduction in pesticide use as compared to the 1996 EBWMP. Proposed changes to the FOR.11 and PW.5 guidelines could have a similar effect. Pesticide use is already minimal on the East Bay watershed, averaging 4 gallons per year and consisting solely of glyphosate.

2.12 Noise

On page 55, the last complete paragraph has been edited as shown:

Less than Significant. There would be no construction or ground disturbance requiring heavy equipment associated with the changes to access policy for the watershed trail system. Therefore, no equipment that is known to generate excessive noise such as a backhoe, grader (beyond the already existing annual road grading and fire break discing) or excavator would be used. The adoption of the revised BIO.18, FOR.11, and PW.5 guidelines ~~Implementation of integrated pest management approaches~~ would expand the variety of methods employed for weed management by limiting the use of herbicides ~~with the active ingredient glyphosate~~, where feasible. Substituting other weed management methods...

2.15 Recreation

On page 61, DRT.25 has been revised to read:

DRT.25 Use of designated unpaved roads or trails shall be limited to hiking and equestrians with restrictions as provided in the watershed rules and regulations and by signage at trailheads, except in those portions of the Lake Chabot watershed that are leased to EBRPD or as required under the ADA. Bicycle access shall be allowed only on designated portions of the Pinole Valley and Eagle’s Nest trails consisting of ~~service~~ fire roads and a disced firebreak. The EBMUD Board of Directors reserves the right to revoke bicycle access on these trails at any time and for any reason.