

APPENDIX A

ADDITIONAL RESPONSES TO THE NOTICE OF PREPARATION

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April 8, 2003



Chevron

Ms. Nina Oshinsky
City of Antioch
Community Development Department
Third & "H" Streets
Antioch, CA 94509

Chevron Pipe Line Company
Los Medanos Team
2360 Buchanan Road
Pittsburg, CA 94565
Fax (925) 753-2030

**NOTICE OF PREPARATION AND INITIAL STUDY
GENERAL PLAN EIR; CITY OF ANTIOCH
CONTRA COSTA COUNTY
CHEVRON'S KLM, BAPL & UI PIPELINES**

Dear Ms. Oshinsky:

Thank you for giving us the opportunity to answer your questions. We would like to give you a little background on our pipelines and some of the safety requirements we require before allowing any work near our pipelines.

Chevron received your Notice of Preparation and Initial Study of a Draft Environmental Impact Report dated March 26, 2003, for the **CITY OF ANTIOCH GENERAL PLAN** covering the City of Antioch.

Chevron owns and operates two (2) active pipelines within the City Limits of Antioch. These buried high pressure pipelines are designed to transport a variety of petroleum products. Chevron shares ownership of a third pipeline with ConocoPhillips (formerly Tosco). Extreme caution should be used when excavating, drilling, or grading around these pipelines.

You are being sent one (1) copy of several vicinity maps indicating the approximate location of the pipelines within the City limits of Antioch, and the General Plan area. The vicinity maps indicate the **approximate** location of Chevron Pipe Line Company's high pressure pipelines. The pipeline that Chevron shares ownership with ConocoPhillips is located along what is termed "Standard Oil Avenue" trending south/north between Buchanan Road and California Avenue. Chevron assumes no responsibility for the accuracy of these maps and they should be used only for the general location of our facilities. Actual depths and alignment could only be determined by field checking and potholing the pipelines. Chevron will provide a Facility Inspector to mark and help locate our pipelines. Your agency and/or any future developers would be responsible to provide a backhoe and operator and a surveyor if needed.

We consider your request as very preliminary fact finding. Chevron will require several weeks of lead time to provide any detailed information regarding facilities and right-of-way information. A request for more specific information should be requested through Larry Whitehead (Chevron Right of Way Specialist) at (925) 753-2003, mailing address 2360 Buchanan Rd., Pittsburg, Ca. 94565.

Our pipelines are operated and maintained under Federal Regulations (D.O.T. 195) and State Regulations (California Pipeline Safety Act).

Chevron, Federal, and State regulations require 12-inches (minimum) clearance between petroleum pipeline and other crosslines that intersect at a 90° angle (perpendicular to each other).

If the intersection angle is less than 90°, the minimum clearance between the two pipelines must be 24-inches or greater.

Chevron recommends that the potholing of the Chevron pipelines be done before construction plans are completed so conflicts between any future development and our pipelines can be avoided. Chevron requires



April 8, 2003

that arrangements for potholing of its pipeline be made at least forty-eight (48) hours in advance with Mr. Larry Whitehead at (925) 753-2003. Chevron will provide a Facility Inspector to locate the pipeline and assist with the potholing.

Regarding restrictions on development over our pipelines, as previously mentioned, our pipelines and easements are operated and maintained under Federal Regulations (D.O.T. 195) and California Pipeline Safety Act (CAPSA). CAPSA Section 51014.6 provides that the pipeline and easement must be maintained clear of obstructions so that aerial observation can be conducted. Inspection of the pipeline rights-of-way are required by Federal law D.O.T (CFR 195.412), and is extremely important in maintaining safe pipeline operations. That is why Article 51014.6 (a) of CAPSA specifies that no person, other than the pipeline operator, shall (1) build, erect or create a structure or improvement within the pipeline easement or permit the building, erection, or creation thereof. (2) Build, erect or create a structure, fence, wall, or obstruction adjacent to any pipeline easement which would prevent complete and unimpaired surface access to the easement, or permit the building, erection, or creation thereof. Section 51014.6 (b) recites that no shrubbery or shielding shall be installed on the pipeline easement which would impair aerial observation of the pipeline easement.

In order to comply with the above stated regulations it is imperative that Chevron has the opportunity of reviewing and evaluating all construction and development plans that involve proposed right-of-way encroachments. **In addition, any proposed modification to the existing grade over the pipeline including the addition or elimination of soil by cut or fill will need to have prior approval of Chevron.** All excavations within 24-inches of Chevron's facilities must be done by hand tools only.

Please be advised that any modification, relocation and / or removal of any of Chevron's pipeline facilities would be at the cost and expense of the developer, including the acquisition by the developer of a replacement easement agreement if required, and Chevron would be reimbursed for the total costs of any adjustment of our facilities to accommodate the proposed development.

All work that would affect our pipelines needs to be coordinated with our office at 2360 Buchanan Rd., Pittsburg, Ca. 94565.

Notify Underground Service Alert (USA) at 800-227-2600 **at least** 48 hours prior to any excavation work. If you have any questions or need additional information, please contact me at (925) 753-2003. Thank you for the advance notice on this project, we look forward to working with you.

Respectfully,



LARRY WHITEHEAD
RIGHT OF WAY SPECIALIST

WLW/wlw
Enclosures

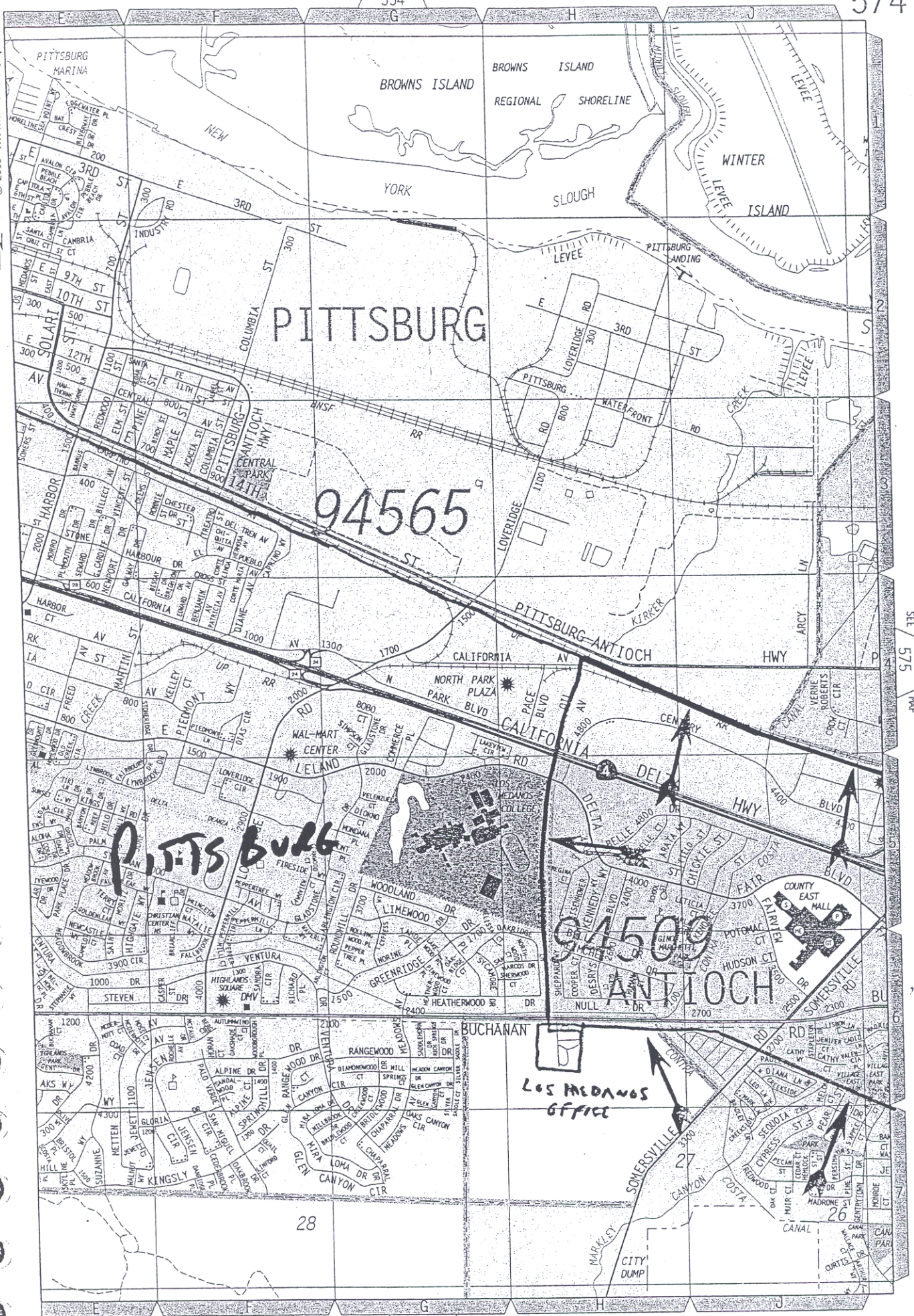
Cc: Cary Wages

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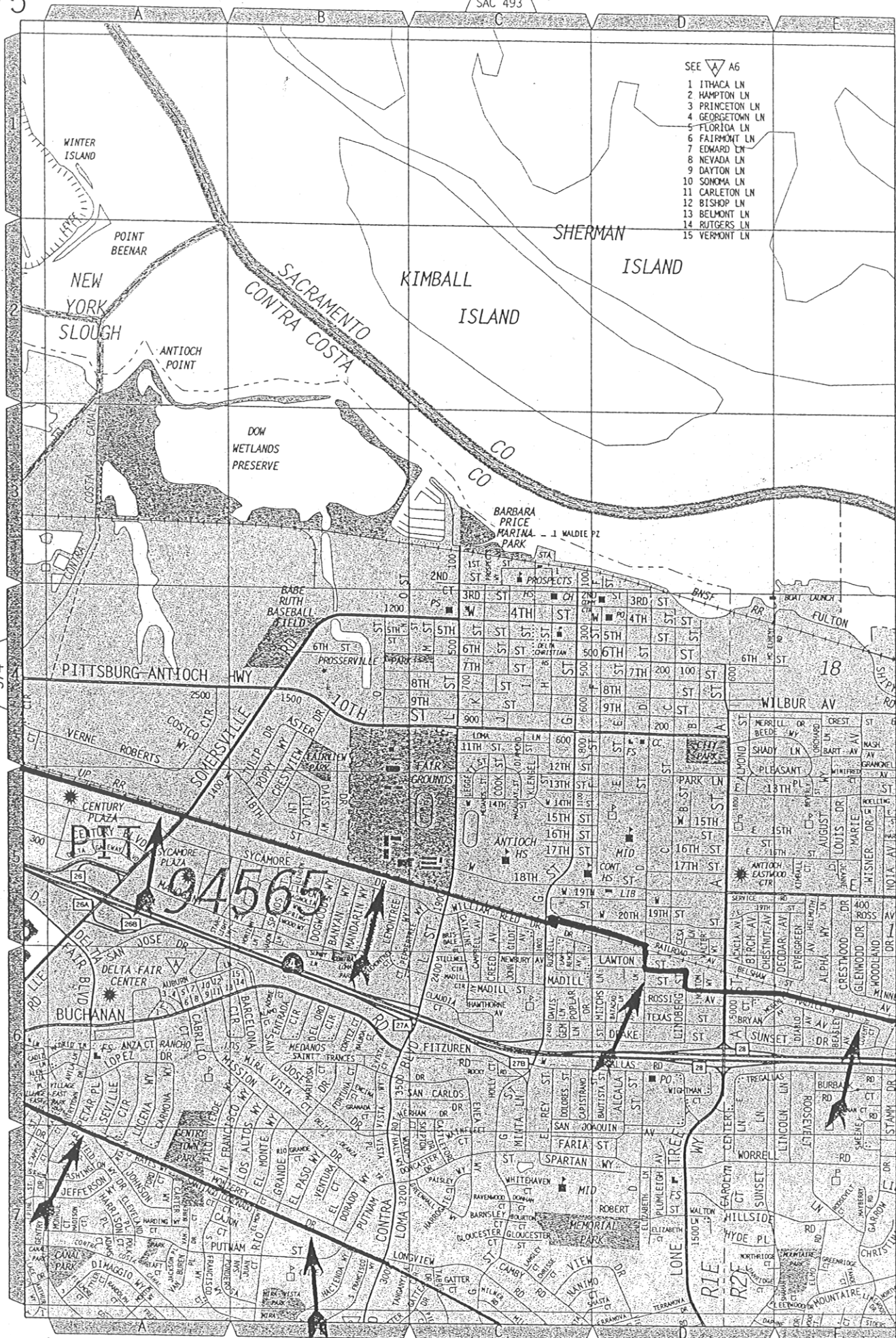
CONTRA COSTA



SEE 575 MAP

SEE 594 MAP

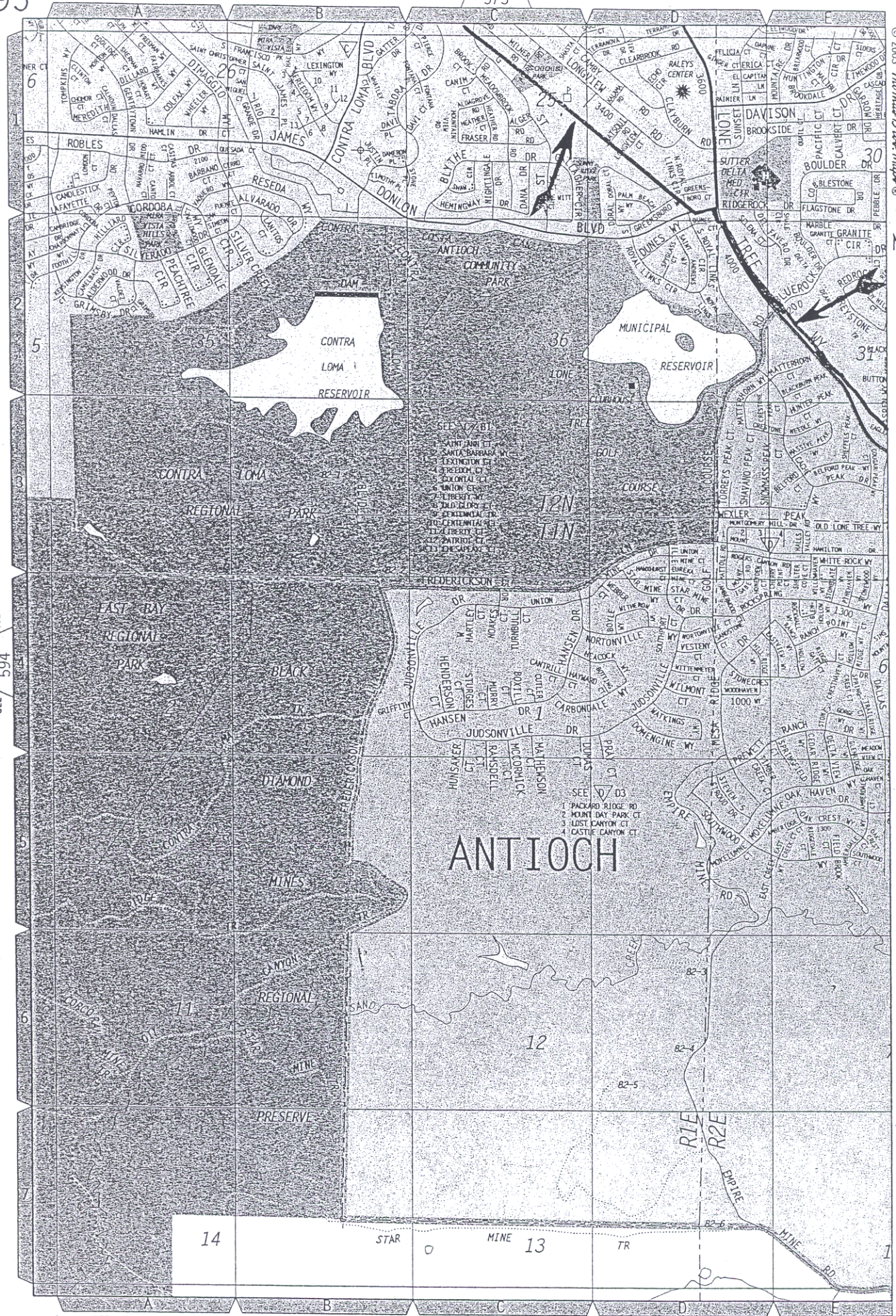
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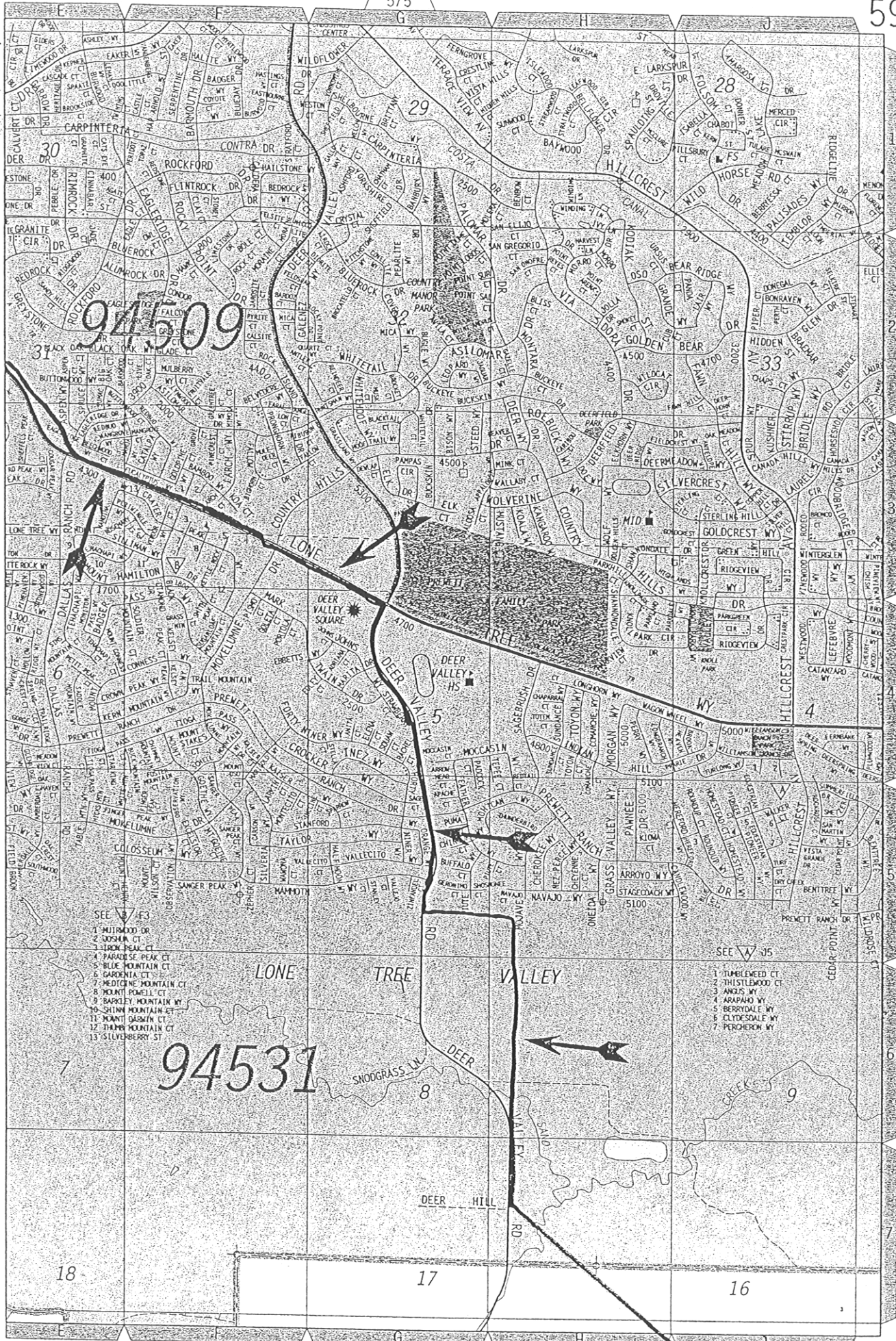
SEE 574 MAP

CONTRA COSTA

SEE 594 MAP

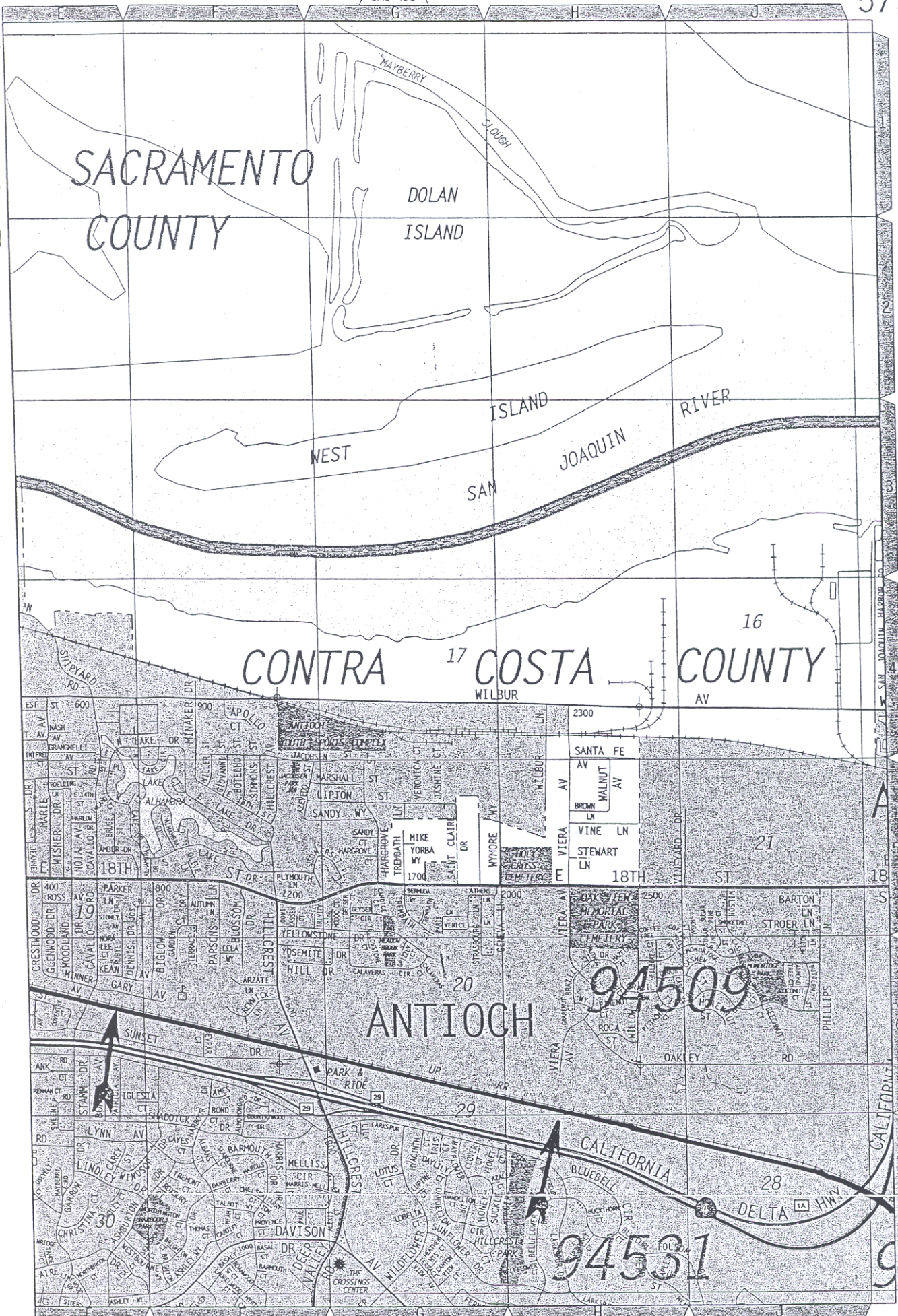


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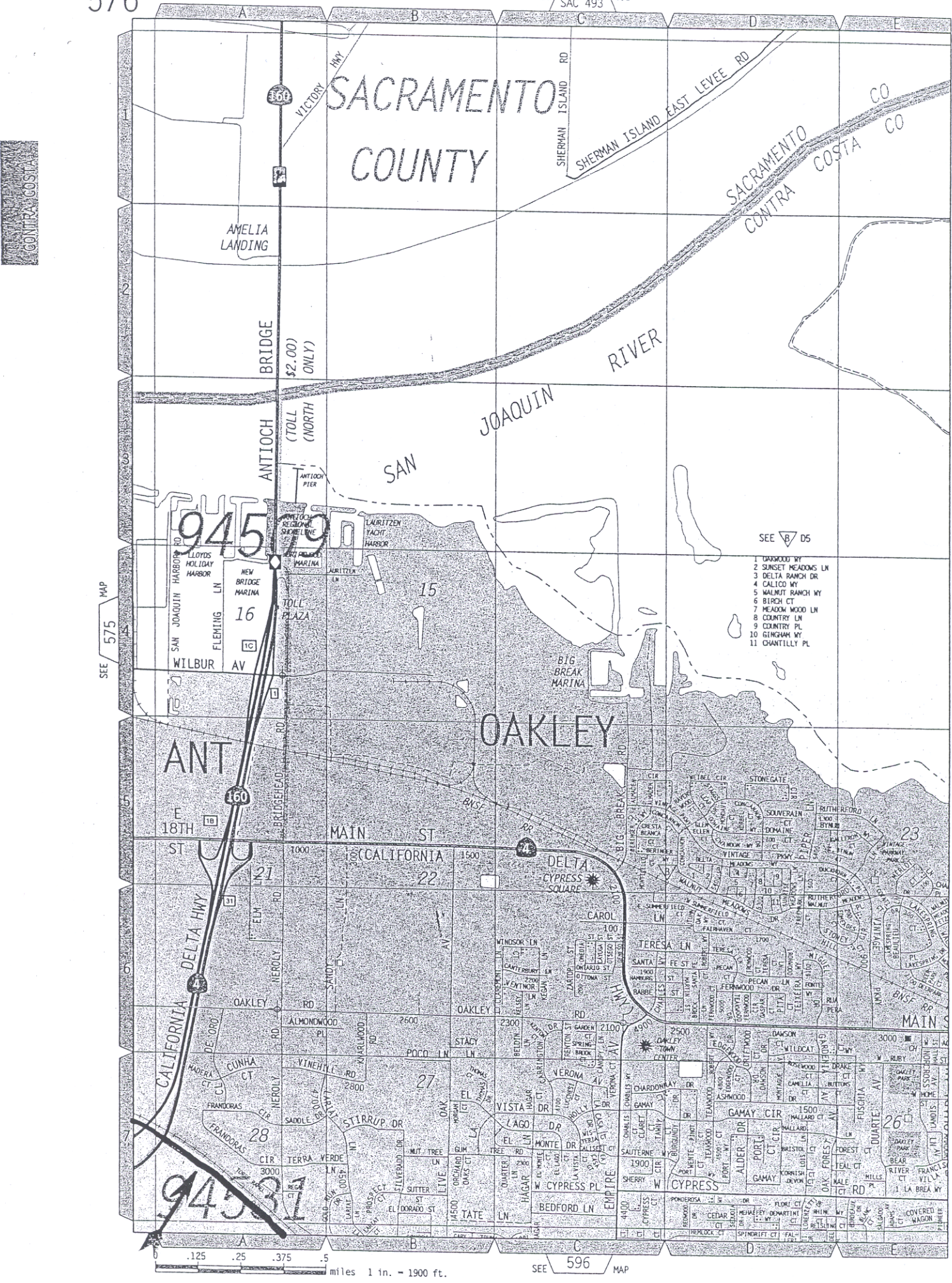


- SEE V-43
- 1. MURWOOD DR
 - 2. DODSON CT
 - 3. PARKWAY DR
 - 4. BLUE MOUNTAIN CT
 - 5. GARDENIA CT
 - 6. MEDICINE MOUNTAIN CT
 - 7. MOUNT POWELL CT
 - 8. BARKLEY MOUNTAIN CT
 - 9. SHILSH MOUNTAIN CT
 - 10. MOUNT DAKOTA CT
 - 11. MOUNTAIN CT
 - 12. SILVERBERRY ST

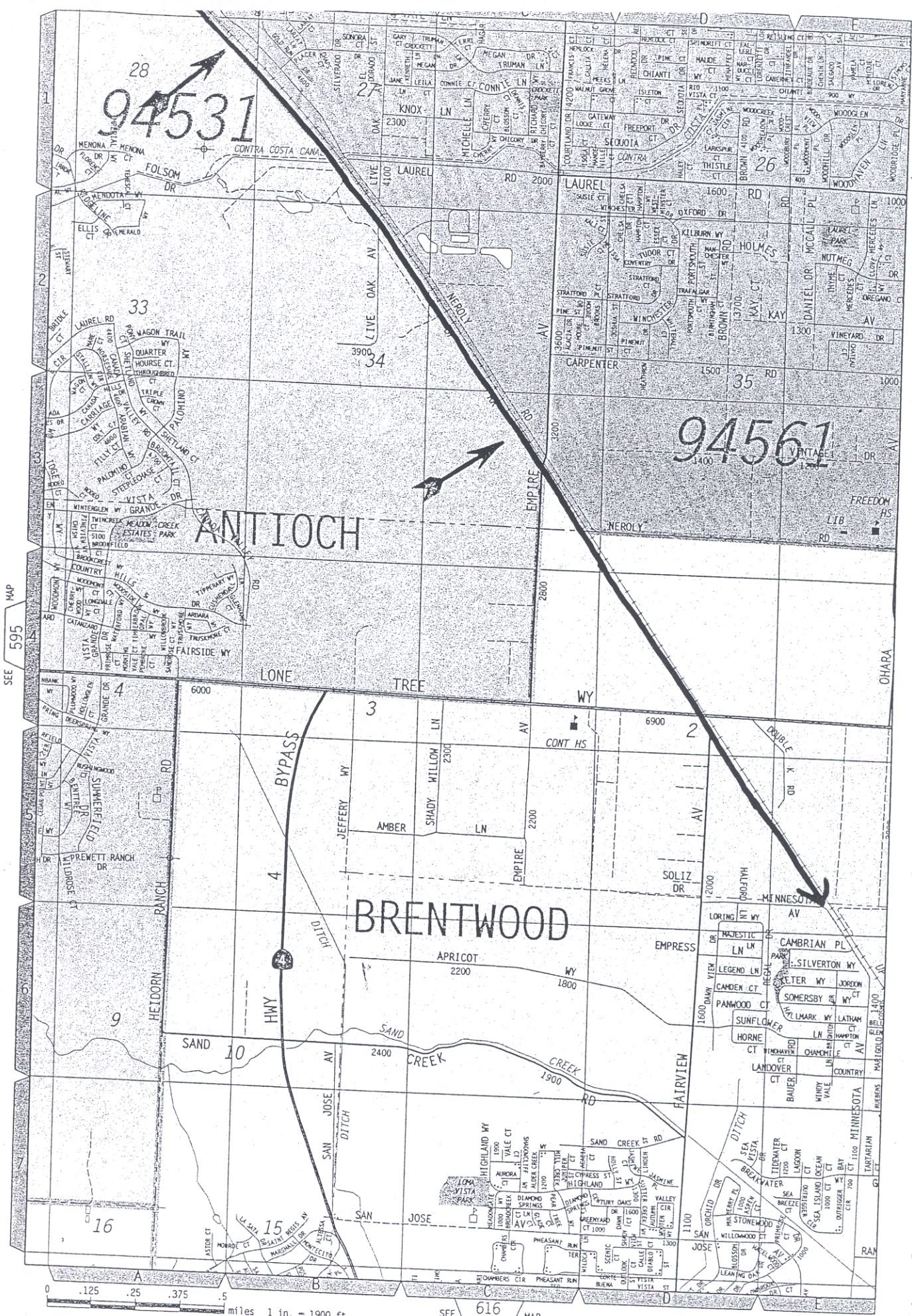
- SEE V-45
- 1. TUMBLEWEED CT
 - 2. THISTLEWOOD CT
 - 3. ANGLIS WY
 - 4. ARAPAHO WY
 - 5. BERRYDALE WY
 - 6. CLYDEDALE WY
 - 7. PERCHERON WY



CONTRA COSTA



CONTRA COSTA



CCWD Planning Department Facsimile Transmission

Date : July 29, 2003Number of Pages : 3
(including Cover Sheet)

To: Victor Carniglia Deputy Director of Community Development, City of Antioch (Voice) 925 779-7035 925 779-7034 (Fax)	From: Mark Seedall Contra Costa Water District P.O. Box H ₂ O Concord, CA 94524-2099 (925) 688-8119 (Voice) (925) 688-8142 (CCWD Fax) mseedall@ccwater.com
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☒ For Action ☒ For Information ☐ As Requested ☐ For Files**SUBJECT:** City of Antioch General Plan Draft EIR**COMMENTS:**

Victor Carniglia:

The Contra Costa Water District has received a CD version of the City of Antioch General Plan Draft EIR. This format is very difficult to use for our review and we are requesting a hard copy version of the document as we intend to comment on this report.

It does not appear that CCWD's comments provided in the NOP phase of the Antioch General Plan are included or referenced in Draft EIR.

I am attaching CCWD's NOP comments to this fax and would appreciate some explanation as to whether this document was received by the City of Antioch and whether it was considered in the preparation of the Draft EIR. I can be reached at 688-8119.

Sincerely,

Mark Seedall
Senior Planner**RECEIVED**

JUL 29 2003

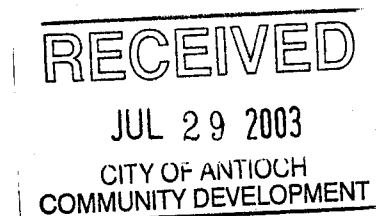
CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

**CONTRA COSTA
WATER DISTRICT**

1331 Concord Avenue
P.O. Box H20
Concord, CA 94524
(925) 688-8000 FAX (925) 688-8122

*File
clearing house Binder*

April 28, 2003



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Karl L. Wandry

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General Manager

Ms. Nina Oshinsky
City of Antioch
Community Development Department
Third & "H" Streets
Antioch, CA 94509

**Subject: Regarding: Notice of Preparation (NOP): General Plan
Environmental Impact Report City of Antioch**

Dear Ms. Oshinsky:

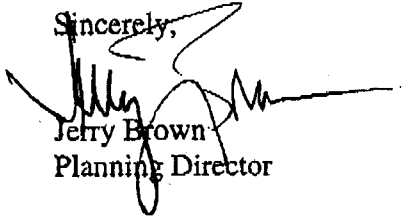
Thank you for the opportunity to comment on the City of Antioch's NOP dated March 26, 2003. The Contra Costa Water District (CCWD) is the primary raw water service provider for the City of Antioch and is providing three brief comments:

- 1) The western portion of the planning area designated as the Sand Creek Specific Plan is outside of the CCWD service area. The western area of the Sand Creek Specific Plan, known as Higgins Ranch, is not eligible for water supplies either under CCWD's Amendatory Contract with the U.S. Bureau of Reclamation (USBR), or CCWD's contract with the East Contra Costa Irrigation District (ECCID).
- 2) In 1993, CCWD submitted an application to the USBR for inclusion of the Higgins Ranch area into CCWD's CVP service area. USBR requested additional information, including evidence that the ownership has complied with the Federal Endangered Species Act (ESA) section 10 consultation requirements with the U.S. Fish and Wildlife Service. Such evidence has yet to be provided.
- 3) CCWD's Interim Service Area, on Listed Species Occurrences and Potential Habitat Map dated June 2000, indicates most of the proposed area contained in the Sand Creek Specific Plan, Roddy Ranch and Ginocchio areas appears to be within the designated range of the San Joaquin Kit Fox, a federally endangered species. Please ensure that the Antioch General Plan EIR meets U.S. Fish and Wildlife Service Requirements for all federally listed species.

Ms. Nina Oshinsky
City of Antioch
April 28, 2003
Page 2

If you have any questions on the above comments or need further information on CCWD, please contact Mark Seedall at 925/688-8119.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Brown", is written over the typed name and title.

Jerry Brown
Planning Director

JB/MS:crp

cc: Cay Goude, Assistant Field Director, U.S. Fish & Wildlife Service,
Sacramento
Robert Edwards, Chief, Engineering, Maintenance & Operations, USBR
Tracy



IN REPLY REFER TO:

1-1-03-TA-1791

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

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MAY 13 2003

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

MAY 8 2003

Ms. Nina Oshinsky
City of Antioch
Community Development Department
Third and H Streets
Antioch, California 94509

Subject: Comments on the Notice of Preparation and Initial Study for the City of Antioch General Plan Update, Contra Costa County, California

Dear Ms. Oshinsky:

This letter is in response to the March 27, 2003, Notice of Preparation and Initial Study for the City of Antioch General Plan Update, submitted by the City of Antioch, Contra Costa County, California. This document was received by the U.S. Fish and Wildlife Service (Service) on March 28, 2003. The Notice of Preparation and Initial Study for the City of Antioch General Plan Update describes the anticipated construction of 38,512 single family dwelling units, 14,768 multi-family dwelling units, 11,157,495 square feet of commercial and office space, and 38,562,500 square feet of industrial space within the City of Antioch General Plan study area. Our primary concern and mandate is the protection of federally listed species and their habitats. Because this project is likely to result in take of federally-listed species, the Service is providing comments pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

Section 9 of the Act prohibits the "take" (*e.g.*, harm, harass, pursue, injure, kill) of federally-listed wildlife species. "Harm" (*i.e.*, "take") is further defined to include habitat modification or degradation that kills or injures wildlife by impairing essential behavioral patterns including breeding, feeding, or sheltering. Congress established two provisions (sections 7 and 10) that allow for the "incidental take" of endangered species of wildlife by Federal agencies, private interests, and non-Federal government agencies. Incidental take is defined as take that is "...incidental to, and not the primary purpose of, the carrying out of an otherwise lawful activity." Such take requires authorization from the Service or the National Marine Fisheries Service, as appropriate, that anticipates a specific level of take for each listed species.

Vernal pool tadpole shrimp and vernal pool fairy shrimp

The Service has concerns about the proposed City of Antioch General Plan Update's implementation and its potential effects on the endangered vernal pool tadpole shrimp (*Lepidurus packardii*) and threatened vernal pool fairy shrimp (*Branchinecta lynchi*). Information in the Notice of Preparation and Initial Study for the City of Antioch General Plan Update indicates that vernal pools with fairy shrimp and tadpole shrimp are present within the City of Antioch General Plan Update boundaries. At this point, project applicants that have vernal pools in their project area may choose one of two options to request incidental take authorization from the Service. If applicants assume that federally listed brachiopods are present, then sampling is not required and authorization for incidental take of these animals may be requested from the Service. If the applicant does not assume presence, then Service approved protocol surveys should be completed as described in the *Interim Survey Guidelines to Permittees under Section 10(a)(1)(A) of the Endangered Species Act for the Listed Vernal Pool Branchiopods*, dated April 19, 1996.

East Contra Costa County Habitat Conservation Plan (HCP)

The Antioch City Council has voted not to participate in the East Contra Costa County HCP. This planning effort has been underway for several years and will likely be completed and adopted prior to the completion of the City of Antioch General Plan Update. Your General Plan Update may conflict with this HCP. The East Contra Costa County HCP takes a regional approach towards species conservation, it addresses the individual and cumulative effects of a number of developments, including Antioch's, and it provides a coordinated strategy for mitigating the effects of development.

The cost and procedural requirements of individual applicants far exceed what could otherwise be accomplished through the East Contra Costa County HCP. In addition, increasing the planning area to include many landowner activities, under auspices of permit holders that are local government agencies, can spread the cost and allow for equitable and shared responsibility in meeting legal requirements under the Act. The East Contra Costa County HCP would:

- (1) maximize flexibility and increase options in developing mitigation programs;
- (2) reduce uncoordinated decision making which may result in incremental habitat loss for both listed and non-listed species;
- (3) reduce the economic and logistic burden of environmental compliance on individual landowners and streamline the responsibilities of local jurisdictions;
- (4) reward interested private landowners economically for resources on their property;
- (5) decrease permitting agencies' project review time and facilitate timely progression of projects;
- (6) bring a broad range of activities under the permit's legal protection;
- (7) allow input into the process by affected stakeholders; and
- (8) help maintain a quality environment for the benefit of Contra Costa County's residents by setting aside areas for open space.

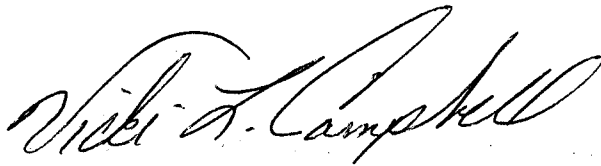
Two of the largest benefits the East Contra Costa County HCP offers local jurisdictions are early identification of significant resource issues, and regulatory certainty and predictability in planning for future urban growth and development. For these reasons, the Service recommends participation in the East Contra Costa County HCP.

environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 CFR § 1508.7). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”

The Service recommends that the issues in this letter be addressed prior to the completion of the Draft EIR for the City of Antioch General Plan Update. Addressing these concerns will allow the Service to adequately assess the impacts from the proposed projects on listed species. The Service recommends that the biologists who conduct surveys for the proposed development projects coordinate with the Service to ensure adequate survey design.

Please contact Mike Nepstad or Dan Buford of my staff at (916) 414-6625, if you have any questions regarding this response to the City of Antioch General Plan Update.

Sincerely,


for Michael Fris
Division Chief, Endangered Species Program

cc:

USACE, Sacramento District, Sacramento, CA (Attn.: Nancy Haley)

National Marine Fisheries Service, Sacramento, CA (Attn.: Michael Aceituno)

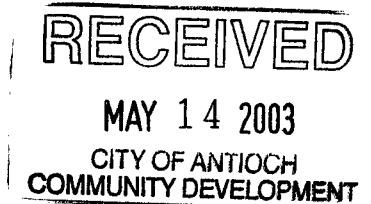
California Department of Fish and Game, Yountville, CA (Attn.: Carl Wilcox)

California Department of Fish and Game, Yountville, CA (Attn.: Warden N. Kozicki)



May 12, 2003

Ms. Nina Oshinsky
Community Development Department
City of Antioch
P.O. Box 5007
Antioch, CA 94531



RE: Antioch General Plan Update

Dear Ms. Oshinsky,

The following citizens formally request a notice of completion of the Draft Environmental Impact Report for the General Plan. Please include information regarding the price of the document, and where to view the document if they do not wish to purchase it.

Dave Walters, 3510 Di Maggio Way, Antioch CA 94509

N. Bachmann, 4427 Pampas Ct. Antioch CA 94531

Sherry Starks, 5046 Toyon Way Antioch CA 94531

Clinton Fields, 2496 Stanford Way, Antioch Ca 94531

Paul Cooney, 3204 Gentrytown Dr. Antioch CA 94509

Dale Watson, 232 Brookside Dr. Antioch Ca 94509

Barry Mitchell, 1 Doral Ct. Antioch CA 94509

Stephanie Lattuca, 2744 Sunset Lane, Antioch CA 94509

Francisco Mejia, 5257 Clydesdale Way Antioch CA 94531

Nell Chadwick 909 W. 14th St. Antioch CA 94531

Bernadette King 2625 Point Sur Ct Antioch Ca 94531

Thank you.

Sincerely,

Elinor Buchen

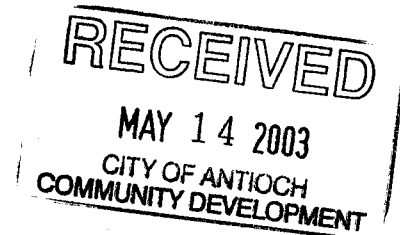
East Bay Associate Field Representative
Greenbelt Alliance

MAIN OFFICE ♦ 530 Bush Street, Suite 303, San Francisco, CA 94108 ♦ (415) 398-3730 ♦ Fax (415) 398-6530
SOLANO/NAPA OFFICE ♦ 725 Texas Street, Fairfield, CA 94533 ♦ (707) 427-2308 ♦ Fax (707) 427-2315
SOUTH BAY OFFICE ♦ 1922 The Alameda, Suite 213, San Jose, CA 95126 ♦ (408) 983-0539 ♦ Fax (408) 983-1001
EAST BAY OFFICE ♦ 1601 North Main Street, Suite 105, Walnut Creek, CA 94596 ♦ (925) 932-7776 ♦ Fax (925) 932-1970
SONOMA/MARIN OFFICE ♦ 50 Santa Rosa Avenue, Suite 307, Santa Rosa, CA 95404 ♦ (707) 575-3661 ♦ Fax (707) 575-4275
info@greenbelt.org ♦ www.greenbelt.org



May 13, 2003

Ms. Nina Oshinsky
Community Development Department
City of Antioch
P.O. Box 5007
Antioch, CA 94531



Subject: General Plan Update

Dear Ms. Oshinsky,

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the City of Antioch General Plan Update. In addition to the potential impacts listed in the NOP, please consider the following issues:

Agricultural Resources: The planned General Plan build out would impact the region's agricultural resources. Agriculture is the current use for most of the land south of Antioch. In addition, development of areas in FUA #1, Roddy Ranch, and/or the Ginocchio property would have growth-inducing impacts on the prime farmlands to the east and grazing lands to the south

Biological Resources: The East Contra Costa Habitat Conservation Plan is in the process of being drafted. It could be completed and adopted before the General Plan Update is complete and there are likely to be conflicts between the two documents.

Geology and Soils: The General Plan proposes development in areas with underground mines. There are major public safety risks that need to be studied.

Land Use: The General Plan build out anticipates development outside of the County Urban Limit Line (ULL), therefore the project is in conflict with ULL. As mentioned above, there are potential conflicts with the East County Habitat Conservation Plan.

Transportation/Traffic: Until the Kaiser facility on Deer Valley is complete, the project would result in inadequate emergency access. Significant increases in the amount of traffic on local and regional roads make it difficult for emergency vehicles to get through. In addition, the project conflicts with Measure C, the County's Transportation and Growth-Management sales-tax.

Thank you for your consideration. Please feel free to contact me with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elinor Buchen', with a stylized, flowing script.

Elinor Buchen
East Bay Associate Field Representative
Greenbelt Alliance



**CONTRA COSTA
WATER DISTRICT**

1331 Concord Avenue
P.O. Box H20
Concord, CA 94524
(925) 688-8000 FAX (925) 688-8122



June 25, 2003

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Vice President

Bette Boatman
James Pretti
Karl L. Wandry

Walter J. Bishop
General Manager

Ms. Nina Oshinsky, Senior Planner
City of Antioch
Department of Community Development
Third and "H" Streets, P.O. Box 5007
Antioch, CA 94531-5007


Subject: City of Antioch Draft General Plan Dated June 16, 2003

Dear Ms. Oshinsky:

The Contra Costa Water District (CCWD) has received a copy of the City of Antioch's General Plan dated June 16, 2003. CCWD would like to be kept informed of any and all public hearing dates for this project.

Please continue to send all notices regarding the City of Antioch General Plan update to Mark Seedall. He can be contacted at 925-688-8119.

Sincerely,


Jerry Brown
Director of Planning

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