
APPENDIX A: NOTICE OF PREPARATION AND SCOPING COMMENTS



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A1 - Notice of Preparation



DATE: March 7, 2023

TO California State Clearinghouse
Responsible and Trustee Agencies
Interested Parties and Organizations

SUBJECT: Notice of Preparation of an Environmental Impact Report for Livermore General Plan 2045

REVIEW PERIOD: March 7, 2023 to April 5, 2023

Notice is hereby given that the City of Livermore (City) will prepare an Environmental Impact Report (EIR) for the proposed Livermore General Plan 2045, also known as Imagine Livermore 2045 (proposed project). Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15206, the proposed project is considered a project of statewide, regional, or areawide significance. The City, acting as the lead agency, will prepare an EIR to address the potential environmental impacts associated with the project at a programmatic level, consistent with CEQA Guidelines Section 15168. The program-level EIR will evaluate the environmental impacts associated with the broad policies of the proposed General Plan 2045 and the likely type and amount of development allowed within the General Plan horizon of 2045. The EIR will not evaluate future site-specific development projects that are consistent with the proposed General Plan 2045. An evaluation of project alternatives that could reduce significant impacts will be included in the EIR. The proposed project, its location, and potential environmental effects are described below, and additional information on the Livermore General Plan 2045 is available at <https://imagineLivermore2045.org/>.

Project Location: Livermore is situated in the Livermore Valley, in eastern Alameda County, approximately 40 miles southeast of San Francisco. Interstate 580 and State Route 84 provide regional access to the city. Please see the *Livermore Regional and Vicinity Map* attached to this Notice of Preparation (NOP).

Project Summary: The City of Livermore is preparing a comprehensive update to its existing General Plan. The update will guide the City's development and conservation through 2045. State law requires that the General Plan contain eight elements: Land Use, Circulation, Housing, Open Space, Noise, Safety, Conservation, and Environmental Justice. The overall purpose of the proposed General Plan 2045 is to create a policy framework that articulates a vision for the General Plan planning area in 2045. The key components of the proposed project will include broad community goals for the future of Livermore and specific policies and implementing actions that will help meet the goals. The proposed General Plan 2045 will add new and expanded policy topics to address the current requirements of State law, modernize the City's policy framework, and update the General Plan land use map to plan for future services, jobs, parks, and housing and to address land use mapping issues and inconsistencies. To achieve the proposed General Plan 2045 vision, the City will analyze land use alternatives and will prepare a refined preferred land use scenario that is developed through an extensive public process. Details of the public process and alternatives will be available on the project website for the proposed General Plan 2045 at <https://imagineLivermore2045.org/>. General Plan land use changes supporting additional development capacity will occur primarily in select focus areas.

Probable Environmental Effects of the Project: The EIR for the proposed project will address the range of impacts that could result from the proposed project. The following environmental topics will be examined in the EIR: aesthetics, agricultural and forestry resources, air quality, biological resources, cultural and tribal cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, parks, and recreation, transportation, utilities and system services, and wildfire.

Contact Information: For more information regarding the proposed project, please refer to the following detailed project description or contact Andy Ross, Economic Development Manager, at (925) 960-4475 or aaross@LivermoreCA.gov. A copy of the NOP is available for review at the City of Livermore Community Development Department or on the City of Livermore website: <https://www.livermoreca.gov/departments/community-development/planning/environmental-documents>

NOP Comment Period: Written comments should be submitted at the earliest possible date, but not later than 5:00 p.m. on Wednesday, April 5, 2023, to Andy Ross, Economic Development Manager, City of Livermore Innovation and Economic Development Department, 1052 South Livermore Avenue, Livermore, CA 94550, (925) 960-4475, or aaross@LivermoreCA.gov. Please include “*Livermore General Plan 2045 EIR*” as the subject. Public agencies providing comments are asked to include a contact person for the agency.

NOP Scoping Meeting: In addition to the opportunity to submit written comments, a NOP scoping meeting will be held to inform interested parties about the proposed project, and to provide agencies and the public with an opportunity to provide comments on the scope and content of the EIR. Further information on the date and time of the scoping meeting is provided below.

EIR Scoping Meeting on the Livermore General Plan 2045

Tuesday, March 21, 2023 at 7:00 pm

Meeting Location:

Planning Commission

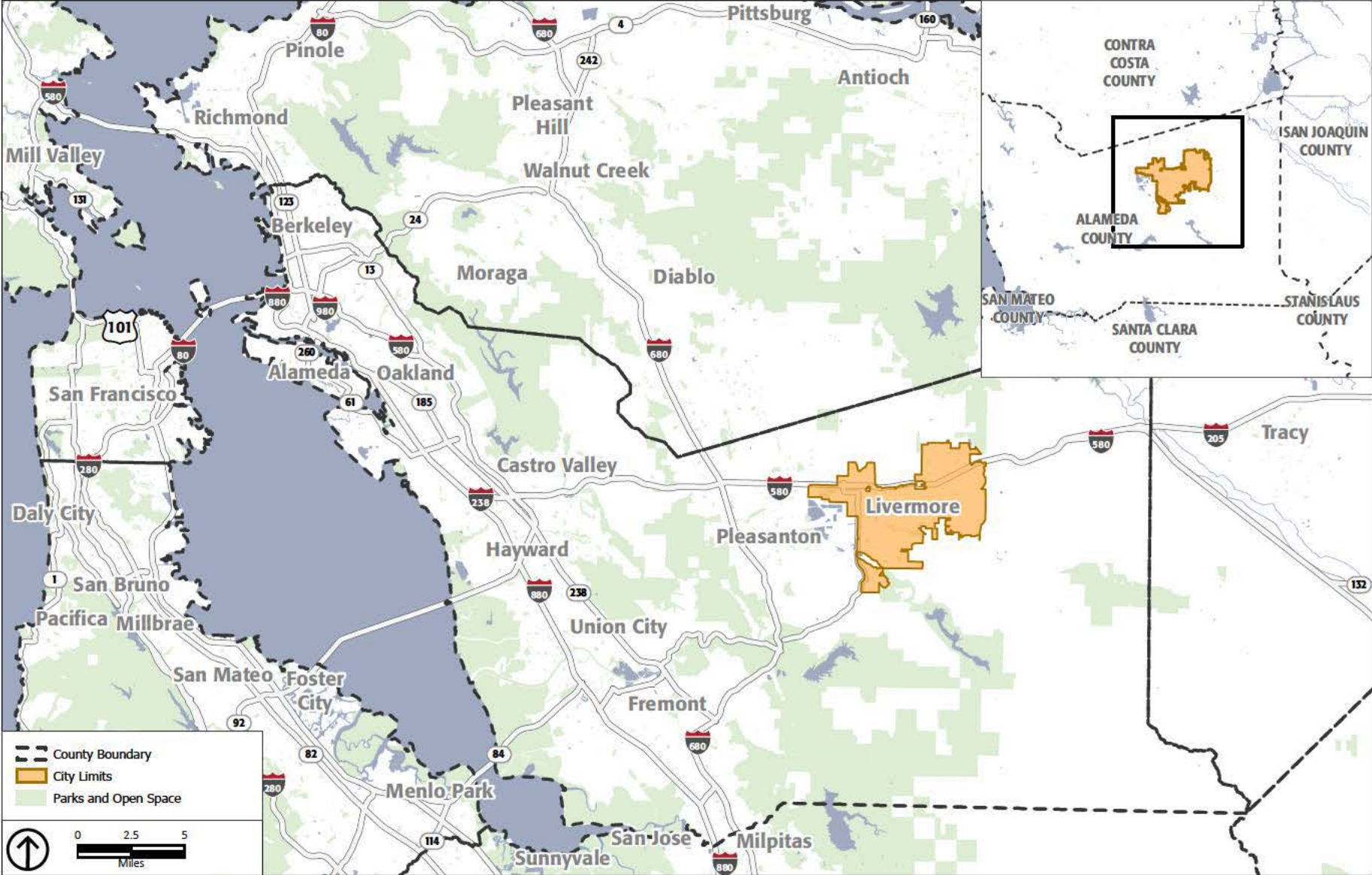
Civic Center Meeting Hall, City Council Chambers

1016 S. Livermore Avenue

Livermore, CA 94550

No action by the Planning Commission is required for this item

NOTICE OF PREPARATION



Source: City of Livermore, 2021; Esri, 2021.

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A2 - Scoping Comments



NATIVE AMERICAN HERITAGE COMMISSION

March 9, 2023

Andy Ross
City of Livermore
1052 S. Livermore Avenue
Livermore, CA 94550

Re: 2023030225, Livermore General Plan 2045 Project, Alameda County

Dear Mr. Ross:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

[AB 52](#)

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**Raymond C.
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NAHC HEADQUARTERS
1550 Harbor Boulevard
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West Sacramento,
California 95691

NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse



MARCH 20, 2023

VIA EMAIL: AAROSS@LIVERMORECA.GOV

Andy Ross, Economic Development Manager
City of Livermore
Innovation and Economic Development Department
1052 South Livermore Avenue
Livermore, CA 94550

Dear Mr. Ross:

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
LIVERMORE GENERAL PLAN 2045 PROJECT, SCH# 2023030225

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Livermore General Plan 2045 Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

Project Description

The City of Livermore is preparing a comprehensive update to its existing General Plan. The update will guide the City's development and conservation through 2045. The overall purpose of the proposed General Plan 2045 is to create a policy framework that articulates a vision for the General Plan planning area in 2045. The key components of the proposed project will include broad community goals for the future of Livermore and specific policies and implementing actions that will help meet the goals. The proposed General Plan 2045 will add new and expanded policy topics to address the current requirements of State law, modernize the City's policy framework, and update the General Plan land use map to plan for future services, jobs, parks, and housing and to address land use mapping issues and inconsistencies. To achieve the proposed General Plan 2045 vision, the City will analyze land use alternatives and will prepare a refined preferred land use scenario that is developed through an extensive public process.

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. CEQA requires that all feasible and reasonable mitigation be reviewed and applied to projects. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.

All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

Consistent with CEQA Guidelines, the Department recommends the consideration of agricultural conservation easements, among other measures, as potential mitigation. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."])

Mitigation through agricultural easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

[California Council of Land Trusts](#)

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. Indeed, the recent judicial opinion in *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project's conversion of agricultural land. KG Farms does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland).

The Department recommends further discussion of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Projects compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.
- If applicable, notification of Williamson Act contract non-renewal and/or cancellation.

Conclusion

Thank you for giving us the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Livermore General Plan 2045 Project. The Department suggests the lead agency review the proposed projects compatibility with the existing Williamson Act contract. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at [REDACTED]

Sincerely,

Monique Wilber

Monique Wilber
Conservation Program Support Supervisor

I would like to provide my general thoughts on the Livermore General Plan EIR as a resident of Livermore CA.

(1) I hope that the EIR will take into consideration multi-modal transportation such as walking and biking and the improvements to health, climate, neighborhood character, and noise levels if people shift from cars to bikes and walking. I would love to see more bike lanes, better bike lanes, road calming, mixed use developments, and more connections between neighborhoods in Livermore (most new developments in town have one giant entrance and exit, assuring massive car usage).

(2) I hope that the EIR will take into account the profound need for housing in the city. Very few apartments get built here and the new developments that do get built waste enormous amounts of space on setbacks, landscaping, FAR requirements, height limits, and parking. I understand that each of these has their own specific reason, but the cumulative total of all these anti-density requirements helps sprawl the city outwards rather than upwards, degradate open land, encourage car usage, and make walking difficult (and impossible in the newer 'planned' areas of town).

Thank you for your time,

Zachary Cosenza

Dear Mr. Ross

The California Geological Survey (CGS) has received the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Livermore General Plan 2045 (SCH #2023030225). This email conveys the following recommendations from CGS concerning geologic issues related to the project area:

1. Fault Rupture Hazard

The Livermore Valley and environs contain earthquake zones of required investigation (ZORI) for surface fault rupture associated with the Greenville, Las Positas, Pleasanton, Verona, and Calaveras faults. The DEIR and supporting documents should address this hazard as it relates to the design of the proposed structures and should consider providing figures displaying the extent of these Earthquake Fault Zones (EFZ). Additional information is available at the links below:

<https://maps.conservation.ca.gov/cgs/EQZApp/app/>

[https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?
map=regulatorymaps](https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps)

2. Liquefaction and Landslide Hazards

CGS has published an Earthquake Zones of Required Investigation Map (EZRIM) for liquefaction and landsliding covering the Livermore, Dublin, and Altamont quadrangles, which include the project area. The EZRIM can be viewed here:

<https://maps.conservation.ca.gov/cgs/EQZApp/app/>

The Seismic Hazard Zone Reports, EZRIM, and associated GIS data are available for download here:

[https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?
map=regulatorymaps](https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps)

CGS suggests the DEIR should note that zones of required investigation for liquefaction and landsliding are mapped within the project area and should consider providing figures displaying the extent of these hazard zones.

3. Ground Shaking Hazards

The project area is located in an area that could experience significant ground shaking in the event of an earthquake on a nearby fault. The DEIR and supporting documents should address this hazard as it relates to the design of the proposed structures. Additional information about ground shaking hazard can be obtained at the following sites:

[https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=14d2f75c7c4f4619936dac0
d14e1e468](https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=14d2f75c7c4f4619936dac0d14e1e468) <https://earthquake.usgs.gov/scenarios/catalog/bssc2014/>

If you have any additional comments or questions, please feel free to call or email.

Thank you,
Judy Zachariasen



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

April 4, 2023

Mr. Andy Ross
City of Livermore
1052 S. Livermore Avenue
Livermore, CA 94550
AARoss@LivermoreCA.gov

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE
LIVERMORE GENERAL PLAN 2045 – DATED MARCH 7, 2023
(STATE CLEARINGHOUSE NUMBER: 2023030225)

Dear Mr. Ross:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of an Environmental Impact Report (EIR) for the Livermore General Plan 2045 (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the EIR:

1. California Environmental Quality Act documents frequently reference the listing compiled in accordance with California Government Code Section 65962.5, commonly known as the Cortese List. Not all sites impacted by hazardous waste or hazardous substances will be found on the Cortese List. DTSC recommends that the Hazards and Hazardous Materials section of the EIR address actions to be taken for any sites impacted by hazardous waste or hazardous substances within the Project area, not just those found on the Cortese List. DTSC recommends consulting with other agencies that may provide oversight to

hazardous waste facilities or sites impacted with hazardous substances in order to determine a comprehensive listing of all sites impacted by hazardous waste or substances within the Project area. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found on DTSC's [EnviroStor](#) data management system. The [EnviroStor Map](#) feature can be used to locate hazardous waste facilities and sites with known or suspected contamination issues for a county, city, or a specific address. A search within EnviroStor indicates that numerous hazardous waste facilities and sites with known or suspected contamination issues are present within the Project's region.

2. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of [Health and Safety Code section 101480](#) should provide regulatory concurrence that project sites are safe for construction and the proposed use.
3. The EIR should acknowledge the potential for historic or future activities on or near the project sites to result in the release of hazardous wastes/substances on project sites. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
4. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the Project described in the EIR.
5. If any sites within the Project area or sites located within the vicinity of the Project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any Project sites with current and/or former mining operations

onsite or in the Project site area should be evaluated for mine waste according to DTSC's 1998 [Abandoned Mine Land Mines Preliminary Assessment Handbook](#).

6. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers](#).
7. If any projects initiated as part of the proposed Project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 [Information Advisory Clean Imported Fill Material](#).
8. If any sites included as part of the proposed Project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

Mr. Andy Ross
April 4, 2023
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If you have any questions, please contact me at [REDACTED] or via email at [REDACTED].

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is fluid and cursive, with the first name "Gavin" being more prominent than the last name "McCreary".

Gavin McCreary, M.S.
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse

[REDACTED]

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control

[REDACTED]

