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October 28, 2011

Demian Hardman
Contra Costa County
Department of Conservation and Development
651 Pine Street
Martinez, CA 94553

RE: Creekside Memorial Park Cemetery Draft Environmental Impact Report (State Clearinghouse Number 2007012069, County File No. LP052096)

Dear Mr. Hardman,

Thank you for the opportunity to comment on the draft Environmental Impact Report (dEIR) for the proposed Creekside Memorial Park Cemetery (Project) in Tassajara Valley. We appreciate being involved in the review process on this project.

The Tassajara Valley is of particular interest to Save Mount Diablo (SMD). It is within our area of interest, which not only includes Mount Diablo, but its surrounding foothills and watersheds, as well. It is also important to SMD because it offers spectacular open space views, supports significant habitat and movement corridors for a variety of rare, threatened, or endangered flora and fauna, its agricultural lands which buffer nearby parks and habitat, and its importance in efforts to provide outdoor recreation for residents in this growing area of Contra Costa County. In fact, the Project is located next to Hidden Valley Open Space and near to the Brown Ranch, which is under a conservation easement (see Figures 1 and 2).

We visited the Project site on October 13, 2011. We also met with Sid Corrie (of the Corrie Development Corporation), the Project applicant, and his representative, Jim Parsons (of PA Design Resources) on October 24, 2011. We appreciate their willingness to show us the site and to discuss the Project with us. The Applicant noted during our October 24 meeting that there have been some updates to plans for the Project since the dEIR materials were prepared, including

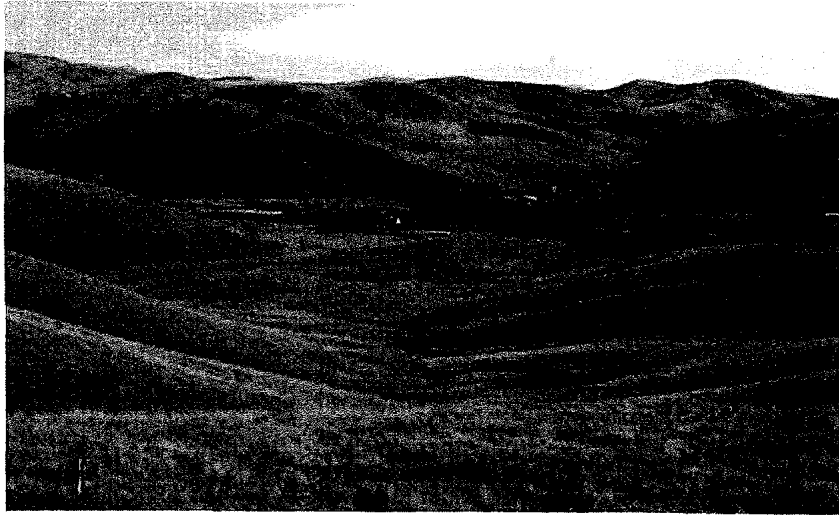


Figure 1. The Tassajara Valley from Hidden Valley Open Space; the image shows the northern half of the proposed Creekside Memorial Park Cemetery site. The bottom slopes of the ridge for the upper garden appear at the left.

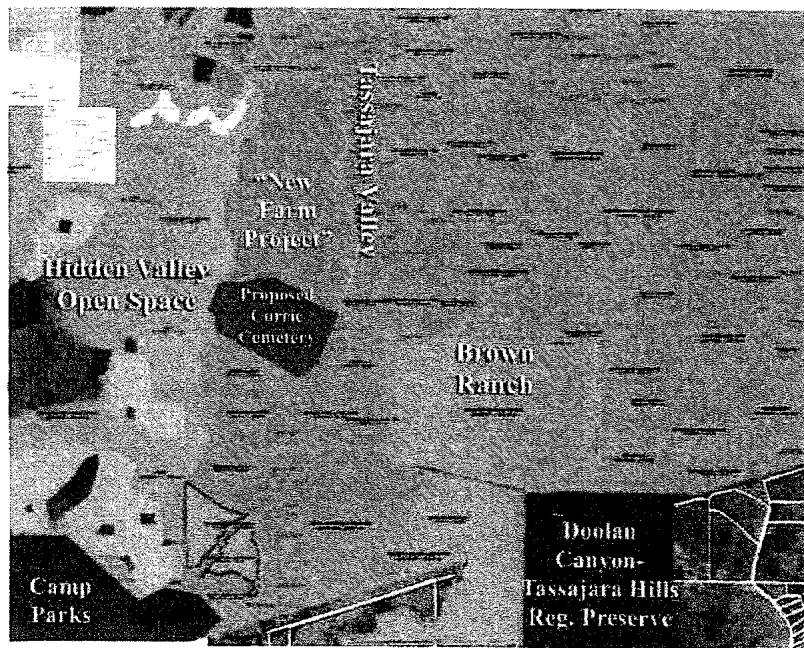


Figure 2. Location of the proposed Creekside Memorial Park Cemetery

changes related to the conceptual landscaping plans described in the dEIR and, in turn, shown in the photo simulations of the Project. Our comments here are focused on the content of the dEIR, but also try to reflect our discussions with the Applicant and observations made on the site visit.

SUMMARY OF MAIN CONCERNS

Cemeteries are a potentially allowable use in A-80 agricultural zoned lands under the County's General Plan. We have three main concerns with the Project's potential environmental impacts. These are summarized below.

- 1) **Impacts on Adjacent Hidden Valley Open Space and Tassajara Ridge Regional Trail**
The water tank which will provide water for the facilities is located at the western boundary of the property adjacent to Hidden Valley Open Space, which was protected as wildlife mitigation for Dougherty Valley development. Along with the proposed upper garden access road, it is a few feet from the Tassajara Ridge Regional Trail in the Hidden Valley Open Space (the trail parallels the boundary fence in this area). The trail is both a City of San Ramon designated trail, and a designated regional trail in the East Bay Regional Park District Master Plan. The tank is planned for a site where a minor ridge intersects with a County-designated scenic ridgeline. The water tank should be set back further from the open space boundary in order to create a buffer between it and the trail. In addition, we support mitigation measures described under Impact 3.2-1, which describe placing the tank partially below grade, painting the tank in an environmentally appropriate color, and using native plants to make the tank less visually prominent and to screen it from view.

- 2) **Fragmentation of Open Space and Mitigation Land**
Our most significant concern is with the upper garden and its access road; we believe that the proposed upper garden area should be eliminated from the project. The access road to the proposed upper garden area (including a short spur maintenance road to the water tank) bisects the property and fragment proposed mitigation habitat at the site. It effectively cuts the property into two pieces. This limits the connectivity between the two halves at least for some species which, under existing conditions, travel freely through and around the property. This loss of connectivity is a potentially significant environmental impact on federally listed California red-legged frog (CRLF) and California tiger salamander (CTS), both of which have been documented in the two ponds located on opposite sides of the property (see Figure 3). The Project is within the area designated as Critical Habitat for CRLF. The dEIR does not propose mitigation for this impact, which could be avoided by eliminating the upper garden, as in the Smaller Project alternative discussed in the dEIR or by other modifications, such as realigning the road or moving the upper garden to one side of the Project site or the other. Current mitigation is not adequate to fully compensate for this impact. The dEIR should be revised to evaluate the impact of habitat fragmentation on these species and to include mitigation addressing it.

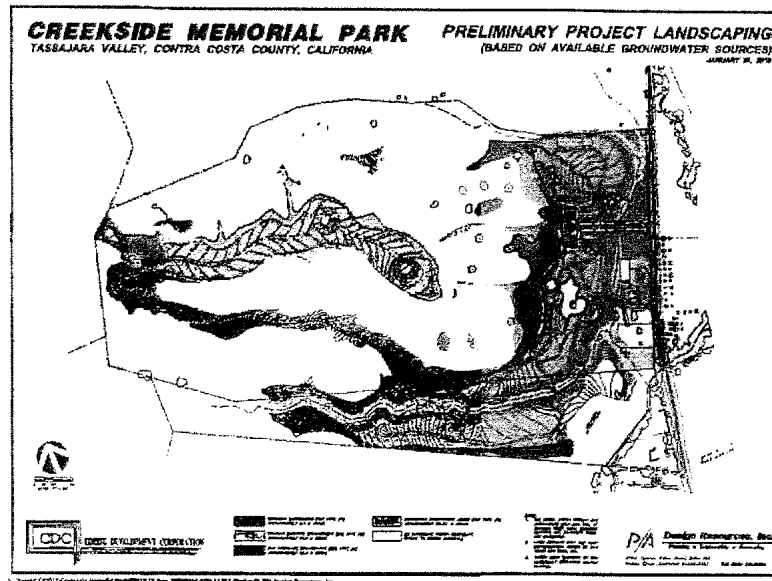


Figure 3. The Site Plan for the Project includes an access road and upper garden which divide the site in half, fragmenting habitat for special status species.

3) Rare Plants and Plant Communities

The entryway for the new cemetery passes over a seasonal drainage to Tassajara Creek via a free-standing bridge (there are no supports within the creek). However, the entry is located within an area featuring alkaline soils that supports an alkaline meadow or scald plant community. This habitat type is 'a sensitive plant community' and, as the dEIR notes, is considered of high priority by the California Natural Diversity Database (NCDDDB) for inventory. Alkaline meadows are rare and becoming more so as development increases in the more rural grassland parts of the County. It also contains rare native plants, specifically, the Congdon's tarplant (*Centromadia parryi ssp. congdonii*) and San Joaquin Spearscale (*Atriplex joaquiniana*), both of which are listed as 1B rare plants by the California Native Plant Society. The Project would directly impact 0.8 acres of this community through construction of the entry and an additional area of just over 1.19 acres of habitat for these rare plants through planned enhancements of the riparian corridor. The Project may also have

additional potential indirect impacts over time through accidental introduction of invasive non-native weeds (common during disturbance caused by construction-related grading activities) which can crowd out native plants. In addition, runoff from cars traveling across the bridge often carries harmful chemical contaminants (e.g., copper from brake pads, petroleum products, etc.), which would also potentially impact these rare plants. Impacts to this rare plant community could be entirely avoided by moving the entry away from the alkaline area. As it stands, the dEIR proposes to mitigate for these impacts through translocation or transplantation of rare alkaline-dependent plants. However, translocation schemes are known to be unreliable at best and should be used as a mitigation measure of last resort (see California Native Plant Society, Policy on Transplanting and Statement Opposed to Transplanting as Mitigation; see attached). The dEIR suggests that if translocation does not work, then off-site mitigation would be provided; however, it does not demonstrate that appropriate sites are available, nor how this mitigation would be implemented. The dEIR should be revised to demonstrate avoidance and minimization of these impacts and to include proven methods of mitigation for any remaining unavoidable impacts.

4) **Miscellaneous Other Concerns**

In addition to these three major concerns summarized above, we are also concerned with the Conceptual Landscape Plan described for the site, which includes riparian and oak woodland enhancement. If the conceptual drawings and photo simulations are accurate representations of how this will be carried out, we believe the density of plantings is too great. If the density is too high, grassland habitat maybe negatively impacted, some sensitive species maybe displaced from the riparian corridor, and water use at the site maybe unsustainable and cause a variety of secondary impacts on biological resources as well as other agricultural and residential users in the vicinity. We also believe that the Project should construct a trail along its frontage on Camino Tassajara Road in order to protect equestrians and hikers accessing nearby trailheads and open spaces; such a trail would protect them from increasing traffic along the road.

PROJECT DESCRIPTION

The main components of the Project consist of constructing a cemetery and associated buildings and infrastructure on approximately 58.7 acres of a 221.66-acre parcel on Camino Tassajara Road. Nearly 153 acres of land will remain as open space, but would be severely fragmented by the project. The cemetery as proposed would ultimately consist of two main areas: a lower garden (fully and conventionally landscaped and irrigated) which includes above ground mausoleums, an administrative office/chapel and storage buildings, and a parking area on 45.5 acres. The lower garden area will also include construction of a lake of about .88 acres.

The Project also proposes an upper garden a little over 13 acres in size located on a spur ridgeline above the main facilities. The upper garden would have burial plots along with family crypts and mausoleums. According to the project description it would be non-irrigated and xeriscaped.

The Project site would be accessed via a free-standing twin-bridge entry way. The upper garden would be accessed via a paved, 24-foot wide road that is largely located on the existing alignment of an unpaved ranch road, which travels along hillsides with known landslide issues. The Project also proposes a program of riparian and oak woodland enhancements, although oak woodland is inappropriate in this area, as part of its plans for the site and includes a Conceptual Planting plan and related diagrams in the dEIR (see dEIR pages 2.0-11, 3.4-38 and its Figures 2.0-6 and 2.0-7).

Comment on Project Master Plan

Proposed mitigation: Given hydrologic conditions and special status species, it is important that as small an area as possible be irrigated. If an upper garden area is approved, Conditions of Approval should be included that guarantee that it will not be irrigated other than at initial planting establishment.

Comment on Conceptual Landscape Plan – Enhancement Program

We are concerned that the Conceptual Landscape Plan, which include oak woodland and riparian enhancement plans calls for planting more trees than the site would naturally support if the conceptual planting plans shown in the dEIR Figures 2.0-6 and 2.0-7 (included here as Figures 4 and 5) are an accurate representation of what will be constructed. Large numbers of trees are not appropriate in grassland ecosystems and not all riparian corridors support an extensive populations of trees (even native cottonwoods, buckeye, or oaks), particularly small seasonal drainages in areas with conditions like those found in Tassajara Valley. In subsequent chapters of the dEIR, this particular component of the Project is identified as a potentially significant adverse impact on the existing grassland habitat. The dEIR also includes a mitigation measure eliminating the enhancement plan from the Project's Conceptual Landscape Plan (dEIR page 3.4-45 and mitigation measure 3.42d).

In an apparent contradiction, in the dEIR (Part C) on page 3.4-62, the dEIR appears to suggest that enhancement planting would serve as mitigation for the Project's contribution to cumulative impacts to biological resources. The dEIR must be clarified to address this inconsistency.

Our discussion with the Applicant and his representative indicated that they are open to modifying this aspect of the plan; however, it remains unclear how and/or to what extent an enhancement program will be included in the Project. As a result, it is commented on in this letter as originally proposed. We strongly suggest that this element of the Project be revised to

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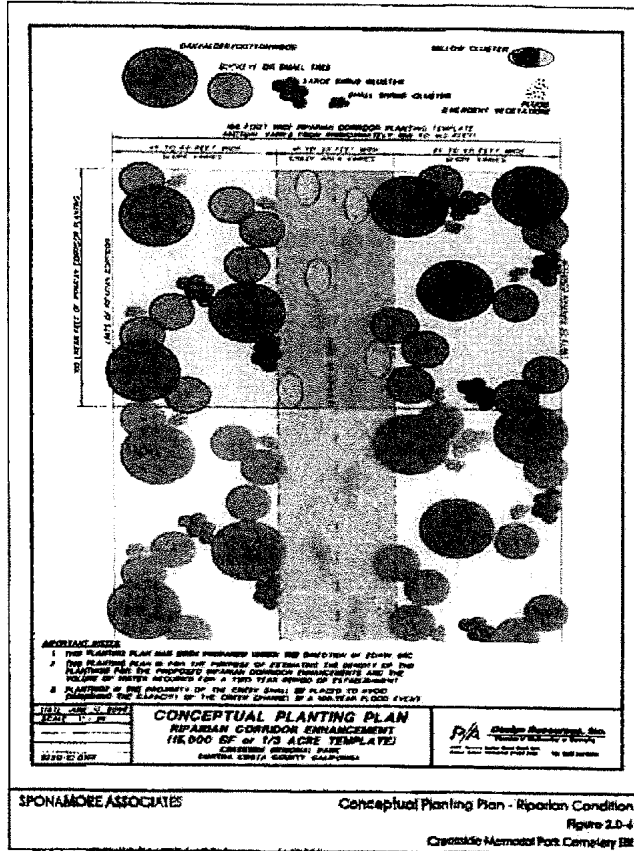


Figure 4. Conceptual Planting Plan for the riparian corridors.

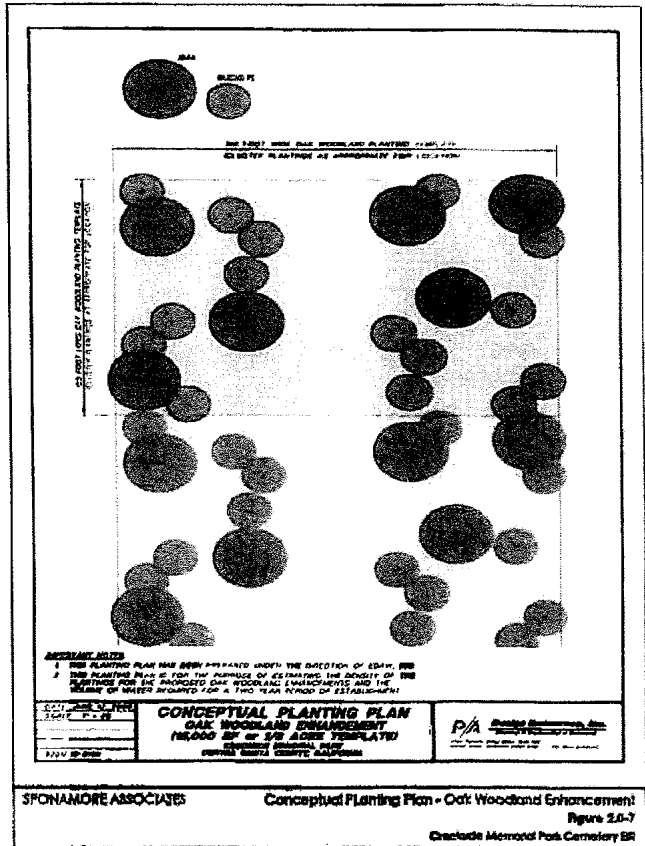


Figure 5. Conceptual Planting Plan for oak woodland enhancements.

reflect a habitat enhancement plan that is more appropriate for the habitat types currently existing at the site. The dEIR should be revised to reflect this change and mitigations included to clarify that grassland will not be landscaped.

Comment on Conceptual Landscaping Plans – Plant Selection

While the Project Description specifies the use of xeriscaping in the upper garden, it does not provide for review a list of the plant species that will be used. The dEIR should either be revised to include such a list or, as a condition of approval, the Project should be required to use native plants for the xeriscaping in the upper garden and to the maximum extent possible, in the main, lower garden, as well. The choice of plants that will be used has potential impacts both on water use as well as on native plants, since many ornamental species have the ability to rapidly spread (become invasive) and may introduce harmful pests and diseases that would, in turn, impact native plants. Non-native ornamental plants also require more chemical treatment (fertilizer, pesticides, etc.) that can contaminate stormwater runoff leading to impacts to the sensitive species found in the low-lying alkaline meadow and in the seasonal streams at the site.

The dEIR should evaluate these potential impacts and include mitigation to address them.

Comment on Overall Project

We are pleased that the majority of the site would be left largely unchanged and that a conservation easement would be placed on the portions of the property not developed for the cemetery and its related facilities. This ensures that the Project does not grow incrementally and result in additional, cumulative impacts to the area. This should be made a condition of approval for the Project. However, a conservation easement is only as good as its enforcement and monitoring. The dEIR indicates that the conservation easement would be dedicated to the County and that the land would be managed in perpetuity for special status species. It does not explain how such management would be funded or how monitoring would be conducted to ensure this objective is achieved; the dEIR should be revised to explain how these would be carried out.

COMMENTS BY CHECKLIST CATEGORY

Aesthetics

1) Impact 3.1-1 Overall Site Characteristics, Comment 1

Under natural conditions, most of the Project site would feature native grasslands with some oak savanna. This plant community is characterized by the predominance of bunch grasses interspersed with occasional trees. Most of the native bunch grasses are gone as a result of years of cattle grazing and the introduction of European grasses. However, the existing appearance and function of the site as grassland remains largely intact. The Project includes landscaping the lower garden, with park-like lawns, shrubs, and trees, including conifers (dEIR, page 2.0-11 and photo simulations shown in dEIR Figures 3.1-3, 3.1-5, 3.1-7). The climate and rainfall patterns in the Tassajara Valley do not naturally

support large numbers of trees. The Project would have fewer visual impacts -- it would stand out less from the surrounding landscapes -- if the trees planted in the lower gardens are primarily native oaks. This has the added advantage of requiring less water and fewer other inputs (fertilizer, pesticides, etc.) and because such species are adapted to the soil, rainfall, and climatic conditions at the site, they have a higher likelihood of long-term survival.

2) Impact 3.1-1 Overall Site Characteristics, Comment 2

The Project includes a riparian and oak woodland "enhancement" component that would include planting numerous trees on the hillsides above the lower garden. As described above, the Tassajara Valley, under natural conditions, would be native grassland with some oak savanna; would not support large numbers of trees such as those depicted in the photo simulations Figures 3.1-3, 3.1-5, and 3.1-7 of the dEIR. This would substantially alter the existing visual qualities of the site, which currently mimic its natural condition. We suggest that the Project should be revised, such that only limited planting of native tree species is included where necessary for screening. Again, as mentioned above, in addition to maintaining the existing visual qualities and native grassland habitat, a revised planting plan would also demand less water.

With specific respect to the riparian areas at the Project site, it must be noted that not all riparian zones support significant numbers of trees. Plantings in this area should be done in close consultation with a qualified botanist/ecologist. Enhancement of the seasonal creeks does not need to rely on planting trees; habitat enhancement could be achieved through a variety of other measures (in addition to some planting): restoring the banks of the creeks making them more stable, excluding cattle from the creek area, etc. Also, as mentioned previously, it is unclear at this point whether or to what extent an enhancement plan will be part of the Project.

The dEIR should be revised to clarify the extent of the riparian and oak woodland enhancement plans for the site.

3) Impact 3.2-1 Ridgeline and Open Space

The Project is adjacent to Hidden Valley Open Space (HVOS) on the west (the side of the property opposite Camino Tassajara Road). The Tassajara Ridge Regional Trail, a well-used trail is at the boundary between HVOS and the Project site (see Figure 6). Users of the trail would have a clear view of the newly constructed cemetery, particularly the water tank proposed for a location adjacent to the boundary that will be installed to provide water for the irrigation, fire, and the rest of the facilities.

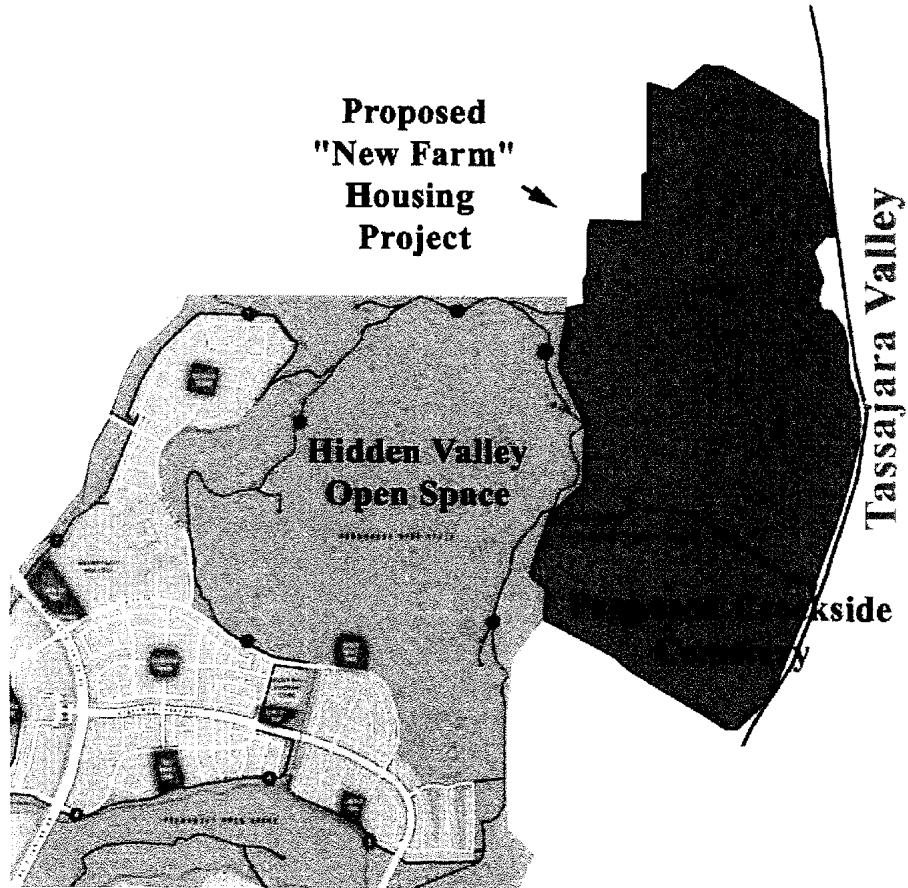


Figure 6. Hidden Valley Open Space's Tassajara Ridge Trail and its proximity to the proposed Creekside Memorial Park Cemetery water tank and upper garden. The proposed New Farm project is also shown.

We believe the tank should be moved away from the fence and trail. We support the proposed mitigation measures for this impact which include placing the tank below grade, painting it in a color that blends with the environment, and providing screening through plantings of native shrubs and/or trees (dEIR, mitigation measures 3.1-1 and 3.1-2). In meetings with the Applicant and his representative, they indicated that they are open to moving the tank further from the fence along with other mitigation measures already offered.

Agriculture

1) Cumulative Impacts on Agriculture

As the dEIR points out, the Tassajara Valley is considered of local importance for agriculture as indicated on County maps (see Figure 7). The general area, including the Project site, is primarily used for cattle grazing operations. The Project will convert 58.7 acres from existing agricultural uses for the purposes of the cemetery and supporting facilities. This conversion contributes to the overall decline and fragmentation of agriculture in the Tassajara Valley, particularly when considered in light of other proposed development in the area, such as the "New Farm" project, adjacent to this project on the north.

The discussion of impacts to agriculture in the dEIR dismisses the potential for any cumulative effects from the Project and gives this a rating of "no impact" after a three-sentence description. This is insufficient. The dEIR should be revised to provide a more thorough analysis the potential cumulative impacts in the Tassajara Valley, particularly given the proximity to other projects and the regions status as "important agricultural land."

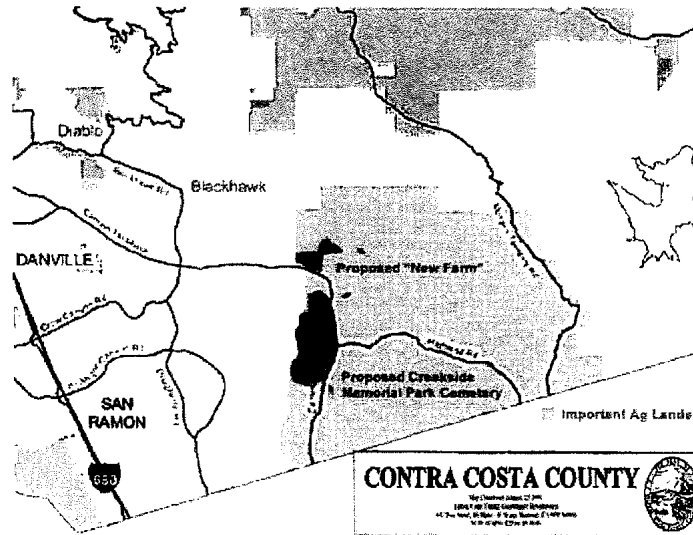


Figure 7. Important Agricultural Lands in the Tassajara Valley, include the proposed Creekside Memorial Park and "New Farm."

Biological Resources

1) Project Baseline

We understand that plans for the Project have been in preparation for a considerable number of years. As a result, it appears that several of the studies providing baseline information for the evaluation of potential environmental impacts to biological resources are outdated. For example, the survey used to evaluate for presence of burrowing owls was conducted in 2003. The wetland delineation – used to identify waters of the U.S. as defined under the Clean Water Act – is from 2006. Verified wetland delineations are only acceptable for five years, so this study is at the upper limit of its validity.

When the surveys were conducted is particularly important with respect to understanding impacts to rare, threatened and endangered species, such as California red-legged frog, California Tiger Salamander, burrowing owl, golden eagle, and American badger – all of which were documented at the Project site. Such species are especially vulnerable to habitat loss and fragmentation. This part of the County has undergone significant development over the last few years that converted rural land to more suburban residential uses, placing additional stress on already struggling, sensitive species.

The purpose of establishing baseline conditions under the terms of the California Environmental Quality Act (CEQA) is to ensure that impacts resulting from a project are understood within their proper context. This dEIR has not provided an up-to-date baseline for evaluating the Project's impacts to biological resources. We suggest that moving forward, before permitting or as a condition of approval, studies 5 years or older be updated (the dEIR notes some of the surveys were updated by the EIR biologist, though most of the reference dates used in the text remain 2006 or earlier nor does the text specify whether appropriate protocols were used (see page 3.4-1). Updating the surveys will ensure that the significance of impacts from the Project is evaluated in light of the current status of the sensitive species.

2) Mitigation Plans, Monitoring, and Success Criteria

The biological impact analysis portion of the dEIR defers details on many mitigation measures to a future date when a Biological Maintenance and Monitoring Plan (BMMP) will be written. The dEIR outlines a general approach to preparation of the plan and its components, but lacks critical details which matter when analyzing the likelihood of success. Because this plan is not yet available, it is not possible to fully evaluate whether the mitigation for the Project is adequate, appropriate, and includes verifiable success criteria. The dEIR should also describe the monitoring methods, so those can also be reviewed to determine their adequacy to ensure that mitigation achieves its objectives.

The dEIR should be revised to provide more specific, detailed information on mitigation measures and monitoring for impacts to biological resources.

3) Unsupported conclusions/lack of data

With no supporting data, the dEIR dismisses the potential occurrence of some species, including the Valley Elderberry Longhorn beetle (VELB), which is federally listed as threatened. It is insufficient to dismiss potential occurrence of species merely through inference or speculation without conducting protocol-based surveys for them where appropriate habitat exists (in the case of VELB, the elderberry trees they inhabit are documented at the Project site). The US Fish and Wildlife Service (USFWS) normally requires surveys for this species.

The dEIR should be revised to include results of such a survey for VELB at the site.

4) Hillside Habitat and Riparian Enhancement Plan

On page 3.4-38, in the discussion of the habitat enhancement plan, the dEIR notes that the Conceptual Landscape Plan calls for a density of planting in the upper hill areas and in the riparian corridor that will “eventually eliminate much of the existing grassland habitat, which would be an undesirable effect of the Project.” This is both an unacceptable and an avoidable impact.

Habitat enhancement at the site should not compromise the existing grassland habitat and sensitive plant communities that support special status species. Habitat enhancement should and could improve the existing conditions without eliminating the habitat types already found at the site. Again, as noted previously, not all riparian areas support large amounts of tree cover and the existing grasslands should be maintained because they are essentially the naturally occurring habitat that would be found at the site and thus support native species adapted to such habitats.

The Project and dEIR should be revised to provide a more appropriate, site-specific habitat enhancement plan that does not transform the grassland to woodland or create heavily wooded riparian areas not natural to the area. Such changes would also reduce water demand associated with the Project.

As we pointed out above, eliminating or revising the enhancement is identified in the dEIR as mitigation measure 3.42d although elsewhere, as we also pointed out, the dEIR describes riparian enhancement as a mitigation measure (see dEIR 3.4-11a as an example). Again, as stated previously, it is unclear whether or to what extent this element remains in the Project.

5) Impact 3.4-1 Special Status Plants

The Project site includes some 2.25 acres of alkaline meadow and/or alkaline scalds which support at least two special status plants: Congdon's tarplant and San Joaquin spearscale both of which are California Native Plant Society rank 1B-plants). The Project will impact these plants directly, mostly through construction of the entryway and bridge over the seasonal drainage that roughly parallels the site along Camino Tassajara Road. The Project will permanently remove 0.8 acres of alkaline meadow where these plants are found. An additional 1.19 acres of habitat for these plants will be impacted by the planned riparian enhancement program. Indirect impacts from watering of landscaping, contaminated runoff (chemical fertilizers, pesticides, runoff from the bridge and road carrying petroleum-based products, etc.) could also impact these sensitive plants.

In mitigation measure 3.4-1a, the dEIR notes that impacts to these species are 'unavoidable' and proposes a 1:1 ratio of mitigation for these impacts 1 (which means one protected or replaced for each impacted, typically per acre or other unit of area). Most details of this mitigation measure are deferred to preparation of a Biological Mitigation and Monitoring Plan. However, the primary strategy, outlined on page 3.4-34, appears to be translocation. The translocation method suggested in the dEIR includes in, excavating the soils (and their seedbank) where the plants are currently found and redepositing them elsewhere at the Project site. According to the dEIR, there are two potential sites available to receive the translocated soils and plants.

This technique is considered unreliable by the California Native Plant Society and should only be used as a strategy of last resort. Furthermore, the dEIR does not demonstrate that all potentially available means are being used to avoid and minimize impacts to these plants. The suggested riparian enhancement program, for example, could be decreased significantly, thereby reducing impacts to the tarplant and spearscale. Mitigation for some impacts it should not come at the cost of increasing impacts on other resources at the site.

Furthermore, the dEIR notes that neither of the two sites available for the translocation program appears to be comparable enough to offer much hope of success. As a result, this can hardly be considered adequate mitigation. In addition, the mitigation ratio of 1:1 which is proposed is too low. Typical mitigation for sensitive habitat of this type is 3:1. The proposed amount of mitigation is inadequate.

The ranking of Less-than Significant after Mitigation for impacts to these special species is not merited based on the mitigation proposed. The dEIR should be revised to more accurately reflect the significance of these impacts and to provide better mitigation for impacts to special status plants and sensitive plant communities.

6) Impact 3.4.2: Overall Impact on Special Status Animals

The Project site has at least 15 species of special status animals that either are confirmed as present or have a high likelihood of occurrence at the Project site. In addition, there are several others with a lower likelihood of being found at the site that were not discovered during surveys, but may be present based on the presence of suitable habitat. Among the animals confirmed or likely are several species of raptors (e.g., golden eagles, ferruginous hawk, etc.), American Badger, Western pond turtle, California red-legged frog (CRLF), and California Tiger Salamander (CTS). Others with potential to occur include the Valley elderberry longhorn beetle, and vernal pool fairy shrimp.

As mentioned in our summary comments, among the most significant impacts from the Project on animal species is the fragmentation of habitat. The upper garden area and the road providing access to it effectively cut the property into two pieces. For example, this is especially significant in terms of the habitat provided for CRLF and CTS; the loss of connectivity between the two ponds isolates these two populations, which makes each population more vulnerable to local extinction from problems such as those related to disease or in-breeding. The dEIR lacks adequate discussion of the Project's long-term impacts on these special status amphibians as a result of habitat fragmentation.

With regard to golden eagles, under provisions of the revised US Bald and Golden Eagle Protection Act, these birds are considered, "no take" species. "Take" has been defined to include loss of foraging habitat leading to nest failure. The dEIR lacks adequate discussion of the Project's impacts on bald and golden eagles through loss of foraging habitat and does not adequately describe mitigation for such impacts. The dEIR should be revised to include such a discussion and appropriate mitigation. CEQA requires that conclusions about levels of significance be supported with substantial evidence and analysis. Typically an EIR discussing impacts on a wide ranging species such as golden eagles will suggest that in the overall context of the species' range, the impact onsite lacks significance, but without substantial analysis and a robust cumulative impacts review, the level of significance of the impact has not been adequately supported.

Given the demand for water that the Project will place on the groundwater resources at the site, the dEIR should include an evaluation of potential impacts on vernal pool fairy shrimp, a federally listed threatened species. These native crustaceans are found in seasonal wetlands and seeps, such as found at the Project site. In light of predicted water use by the Project, there are potential impacts to the groundwater supplies from the likelihood of use exceeding the capacity for onsite recharge (see dEIR 3.9-3). Such impacts could affect the seasonal wetlands which provide habitat for the fairy shrimp. The dEIR should be revised to consider such potential impacts.

Hydrology and Water Quality

1) Impact 3.9-3 Depletion of Groundwater Supply and Interference with Recharge

Water use for the Project, including indoor/domestic use and irrigation for the traditional lawns and other landscaping, appears to exceed the available groundwater sources at the site as described in Section 3.9 of the dEIR (see page 3.9-28-29). According to the dEIR, rainfall recharge would be adequate to support indoor uses, but would not provide sufficient water for the additional demand for irrigation of significant traditional cemetery landscaping. It appears that the wells would not only draw on groundwater, but other sub-surface flows in the area (depending on where the wells are located), such as from the upper watershed or underground flows related to Tassajara Creek. In addition to harming creek-dependent species, this impact could also reduce water in the seeps and wetlands documented at the site with attendant impacts on species like the vernal pool fairy shrimp, which may be found there. These impacts could also extend to other residential or agricultural users in the area.

In mitigation measure 3.9-3a, the dEIR describes a series of actions designed to reduce hydrologic impacts. They include limiting traditional cemetery landscaping and decreasing the overall use of this type of landscaping throughout the Project, and decreasing the density and/or area of plantings in the riparian corridor and on the hillsides. As we have stated above, we support some restoration of the seasonal drainages at the Project site, including limited planting, but we also believe the current conceptual plan includes too great a density of tree planting. We have also suggested that the tree planting on the hillsides be limited or eliminated.

In addition to these actions, the dEIR also offers as mitigation reducing water demand by using water-saving plumbing, maximizing recharge in graded areas and increasing the recharge capabilities of stormwater detention facilities. We support these measures. However, we suggest rather than only installing low water-use plants in the lower garden and employing best management practices for landscape watering, the Project 1) eliminate the upper garden area, 2) decrease the area of planted lawn and traditional landscaping, and 3) use native plants in the lower garden area which are better adapted to long, hot, dry summers that are typical of the area. We also suggest that all hardscaped surfaces be paved with permeable materials, which will potentially improve onsite groundwater recharge. The dEIR should be revised to include consideration of these measures to reduce this impact.

Recreation

- 1) Our concerns with regard to the Project's impacts on users of the Tassajara Ridge Regional Trail in the adjacent Hidden Valley Open space were provided previously in this letter. In addition, given this area's proximity to other existing and planned open

space and the traffic along Camino Tassajara Road, we suggest that the Project include a trail or an alignment for a multi-use trail (designed to ensure its suitability for equestrians in the Project vicinity) be provided along the part of the property fronting Camino Tassajara Road.

Many agricultural properties and many residents outside the urban limit line have horses and are accustomed to following road frontages to reach trail heads and open spaces. As traffic increases on area roads, as has happened on Camino Tassajara, conditions become increasingly dangerous unless trail segments are reserved as properties seek additional entitlements.

Discussion with the Applicant's representative (Parson, 10/25 pers. com.) indicated willingness to consider this possibility. We support dedication of a trail easement parallel to Camino Tassajara.


Alternatives Analysis

- 1) The dEIR reviews several alternatives to the Project, including both a "Smaller Project" and a "Modified Project." Both of these alternatives significantly reduce the impacts from the Project, particularly in the areas of aesthetics, biological resources, hydrology and water quality. We urge the Applicant to select one of these alternatives.

FINAL COMMENTS

We appreciate the opportunity to comment on the dEIR for the Project. We also appreciated the opportunities to visit the site as well as to meet with the Applicant and his representative. We believe that the Project dEIR describes most impacts, but fails in several instances (as described above) to fully mitigate for some Project impacts. We have outstanding concerns with the regard to placement of the water tank so near the trail on the adjacent Hidden Valley Open Space, that the Project causes habitat fragmentation – both which could be avoided by elimination or relocation of the upper garden area. We are also concerned with the impacts to the alkaline meadow and special status plants within it. These impacts require either or both avoidance or additional mitigation. The proposal for translocation for those plant species has limited chance of success and should be replaced with mitigation that has proven effectiveness.

Sincerely,



Jodi Bailey, Ph.D.
Land Conservation Manager

enclosures



Jodi Bailey
<JBailey@savemountdiablo.org>

10/28/2011 04:06 PM

To "demian.hardman@dcd.cccounty.us"
<demian.hardman@dcd.cccounty.us>

cc

bcc

Subject Comments Creekside Memorial Park Cemetery dEIR

Hi Damien,

Save Mount Diablo's comments on the draft EIR for the Creekside Memorial Park Cemetery project are attached. I will also send you a hard copy. Please let me know if you have any problems with the attachments. I would also appreciate confirmation that you have received our letter.

Thank you very much.

Best,
Jodi

Jodi L. Bailey, Ph.D.
Land Conservation Manager

Save Mount Diablo
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www.savemountdiablo.org

Save Mount Diablo:

Preserves natural lands through acquisition & cooperative efforts;

Defends Mount Diablo and its foothills from development threats through land use planning & public education;

Restores habitat, wildlife and creeks & builds trails; so you and future generations can

Enjoy Diablo's parks and its wildlife.



SMD Cmts Creekside Memorial dEIR.pdf