



State of California - The Resources Agency

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov
Habitat Conservation Branch
1416 Ninth Street, Suite 1260
Sacramento, California 95814
(916) 653-4875



Comment #5

October 21, 2008

Dear Sir or Madam:

Subject: Environmental Filing Fees for 2009

This letter is to notify interested public agencies of an adjustment in the environmental filing fees for proposed projects requiring a Negative Declaration (ND) or Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA).

Fish and Game Code (FGC) Section 711.4 requires the Department of Fish and Game (Department) to collect a filing fee to defray the costs of managing and protecting public trust resources for activities related to environmental review pursuant to California Environmental Quality Act. The environmental filing fees pay for many important Department activities, including but not limited to consulting and coordinating with other public agencies, reviewing environmental documents, recommending avoidance and mitigation measures to eliminate or reduce project impacts to fish and wildlife, developing mitigation monitoring requirements and carrying out other activities to protect public trust resources under CEQA. Pursuant to FGC Section 713 the filing fee is adjusted annually based on changes to the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the U.S. Department of Commerce. The filing fees for calendar year 2009 have been calculated and are shown in the attached table for Environmental Filing Fees.

5-1

While the filing fees have changed for 2009, the process for payment of filing fees has not changed. The fee is due at the time of filing a Notice of Determination (NOD). Local lead agencies must pay the fee to the appropriate County Clerk when filing a NOD locally (Fish and Game Code § 711.4).

Because a lead agency typically files its NOD before responsible agencies file their project NODs, payment will normally be required at the time of the lead agency's filing and responsible agencies may submit a copy of an official receipt showing the name of the project and the date and amount of payment. If a receipt showing prior payment of the fee is not provided, the fee must be paid at the time a responsible agency files its NOD.

Conserving California's Wildlife Since 1870

Environmental Filing Fees for 2009
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subject to the fee, please contact the Department's CEQA information line at (916) 651-0603. A recorded message will provide information about the current filing fees. Information is also available at the Department's Web site at www.dfg.ca.gov/habcon/ceqa/.

Sincerely,



Donald Koch
Director

Attachment

ENVIRONMENTAL FILING FEES
(Fish and Game Code 711.4)

CEQA Document	Current Fee	Fee Effective 1-1-09
Negative Declaration (ND)	\$1,876.75	\$1,993.00
Mitigated Negative Declaration (MND)	\$1,876.75	\$1,993.00
Environmental Impact Report (EIR)	\$2,606.75	\$2,768.25
Environmental Document pursuant to a Certified Regulatory Program (CRP)	\$886.25	\$941.25
County Clerk Processing Fee	\$50	\$50

Response to Comment #5, California Department of Fish and Game

- 5-1. Upon certification of the Final EIR and project approval, a Notice of Determination (NOD) will be filed with the County Clerk and the appropriate environmental filing fee will be paid.



Contra Costa County
Flood Control
& Water Conservation District

JRAS

Julia R. Bueren,
ex officio Chief Engineer
R. Mitch Avalon,
Deputy Chief Engineer

November 4, 2008

Steve Lawton
City of Hercules
111 Civic Drive
Hercules, CA 94547

Comment #6

File: 97-112

Dear Mr. Lawton:

We have reviewed the Draft Environmental Impact Report for the Hercules New Town Center Project, which we received on October 20, 2008.

We have no comments on the draft environmental document.

We appreciate the opportunity to review projects involving drainage matters and welcome continued coordination. If you have any questions, please contact me at (925) 313-2283, e-mail address — mcons@pw.cccounty.us.

Sincerely,

Mario A. Consolacion
Senior Engineering Technician
Flood Control Engineering

MAC:cw
G:\FidCt\CurDev\CITIES\Hercules\97-112\Draft EIR, October 2008.doc

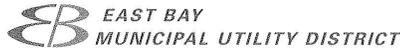
c: G. Connaughton, Flood Control
T. Rie, Flood Control
T. Jensen, Flood Control

"Accredited by the American Public Works Association"
255 Glacier Drive Martinez, CA 94553-4825
TEL: (925) 313-2000 • FAX: (925) 313-2333

Response to Comment #6, Contra Costa County Flood Control

6-1. Comment noted.

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November 24, 2008

Comment #7

Steve Lawton, Community Development Director
City of Hercules
111 Civic Drive
Hercules, CA 94547

Re: Draft Environmental Impact Report – Hercules New Town Center Project,
Hercules

Dear Mr. Lawton:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Hercules New Town Center Project in the City of Hercules. EBMUD has the following comments.

WATER SERVICE

When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

7-1

The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste, or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. EBMUD will not install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants.

7-2

The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater. EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed, and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data

7-3

Steve Lawton, Community Development Director
November 24, 2008
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exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

7-3
Continued

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:NJR:sb
sb08_313.doc

cc: RBF Consulting
500 Ygnacio Valley Road, Suite 270
Walnut Creek, CA 94596

Response to Comment #7, East Bay Municipal Utility District

- 7-1. The comment does not address the content or adequacy of the Draft EIR. As a condition of project approval, the project sponsor would coordinate with EBMUD on water service delivery for the project prior to approval of a Final Map or building permits.
- 7-2. Comment noted. Potential impacts associated with contaminated soil were evaluated in the Draft EIR.
- 7-3. The comment does not address the content or adequacy of the Draft EIR. As a condition of project approval, the project sponsor would coordinate with EBMUD on water service delivery and provide any necessary soil and groundwater quality information, including a written remedial plan, if required, prior to approval of a Final Map or building permits.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398



Regulatory Division

NOV 26 2008

SUBJECT: File Number 2008-00408S

Mr. Steve Lawton
City of Hercules
111 Civic Drive
Hercules, California 94547

Comment #8

Dear Mr. Lawton:

This letter is written in response to a request for comments on the Hercules New Town Center; Draft Environmental Impact Report concerning your project Hercules New Town Center as described in the notice from the City of Hercules, California dated October 16, 2008. Your project is located near wetlands and roadside ditches adjacent to Willow Avenue in the City of Hercules, Contra Costa County, California. Since this activity may involve the potential placement of fill in drainages and seeps within the planning area, the Corps of Engineers will need to review your proposed project to determine the extent of Corps jurisdiction and the potential need for a Corps permit.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps of Engineers pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed work appears to be within our jurisdiction and a permit may be required for your project. Application for Corps authorization should be made to this office using the application form in the enclosed pamphlet. To avoid delays it is essential that you enter the File Number at the top of this letter into Item No. 1 of the application. The application must include plans showing the location, extent and character of the proposed activity, prepared in accordance with the requirements contained in this pamphlet. You should note, in planning your project, that upon receipt of a properly completed application and plans, it may be necessary to advertise the proposed work by issuing a Public Notice for a period of 30 days.

Since an Individual Permit may be required, it will be necessary for you to demonstrate to the Corps that your proposed fill is necessary because there are no practicable alternatives, as outlined in the U.S. Environmental Protection Agency's Section 404(b)(1) Guidelines. A copy is enclosed to aid you in preparation of this alternative analysis. You are advised to refrain from starting your proposed activity until we complete our review of your application and issue you the required authorization. Commencement of work before you receive our notification will be interpreted as a violation of our regulations.

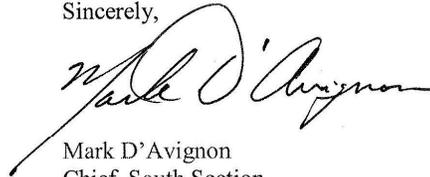
-2-

A jurisdictional survey should be illustrated on a scaled topographic map or site plan. When this document is forwarded with the application, the Corps staff will validate and authenticate the limits of Corps jurisdiction. While it is not necessary to confirm all boundary points, the Corps will verify the jurisdictional boundary along one or more transects and may visit random intermediate points. If wetlands comprise a portion of the Corps jurisdiction on your property, the 1987 Corps Wetland Delineation Manual with amendments should be used to identify the limits of our jurisdiction. Contact the Corps representative identified below for current guidance regarding wetland jurisdictional delineation requirements. (The Corps Wetland Delineation Manual - Technical Report Y-87-1, Document #ADA 176 734, can be obtained from NTIS, Attn: Order Dept., Springfield, VA 22161. The cost is \$26.00 plus \$3.00 shipping and handling. For more information call (703) 487-4650.)

Corps staff will do the jurisdictional mapping, if you so choose. But due to the current project backlog, it may take several months to complete the necessary field work. Many consultants now offer expertise in Corps jurisdictional and permitting requirements, including alternative analysis. It is generally prudent to involve such expertise when developing plans for activities that may require a Corps permit. It is also prudent to check the consultant's references and demonstrated expertise.

Should you have any questions regarding this matter, please call Kyle Dahl of our Regulatory Division at (415) 503-6783, or e-mail at Kyle.J.Dahl@usace.army.mil. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter.

Sincerely,



Mark D'Avignon
Chief, South Section
Regulatory Division

Enclosures

S.R.L.

DEC 1 2008

Response to Comment #8, U.S. Army Corps of Engineers

- 8-1. The Market Town project does not contain any areas that may be considered “Waters of the U.S.” and, therefore, would not require a Section 404 permit from the U.S. Army Corps of Engineers (ACOE). However, potential impacts associated with the build-out of the HNTC planning area would result in impacts to Waters of the U.S. Projects within the HNTC planning area impacting ACOE jurisdictional habitat would be required to secure a Section 404 permit before the commencement of construction activities.