

A P P E N D I X G

C E Q A F I N D I N G S



CEQA Findings for the Concord Hills Regional Park Land Use Plan

The following findings are hereby adopted by the East Bay Regional Park District (“District”) Board of Directors (“Board”) for the Concord Hills Regional Park Land Use Plan (“Project”) in accordance with the California Environmental Quality Act (“CEQA”), Public Resources Code Sections 21081, 21081.5, and *CEQA Guidelines*, Title 14, California Code of Regulations Sections 15091 through 15093.

The Board, as the lead agency, prepared an Environmental Impact Report (EIR) for the Project. The EIR was prepared in accordance with CEQA and consists of the Draft EIR and the Final EIR. The EIR analyzes the significant effects of the Project on the environment.

The District makes and adopts the following findings of fact and decisions regarding mitigation measures and alternatives, based on substantial evidence in the whole record of this proceeding and under in accordance with CEQA (Pub. Resources Code, § 21000 et seq.) and Guidelines for Implementation of CEQA (“CEQA Guidelines”) (14 California Cal. Code Regs. § 15000 et seq.) This document is organized as follows:

Section I provides a description of the Project and Project objectives proposed for adoption, the environmental review process for the Project, the approval actions to be taken, and the location of records;

Section II identifies the impacts found not to be significant that do not require mitigation;

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures;

Section IV evaluates the different Project alternatives and other considerations that support approval of the Project and the rejection of the alternatives, or elements thereof, analyzed.

The Mitigation Monitoring and Reporting Program (“MMRP”) for the mitigation measures that have been proposed for adoption is attached to Board Staff Report as an Attachment. The MMRP is required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097. The MMRP set forth in as an Attachment to the June 2, 2020 Board Staff Report includes a table setting forth the full text of each mitigation measure listed in the Final EIR for the proposed Project that is required to reduce or avoid a significant adverse impact. The MMRP also specifies the District department or outside agency responsible for implementation of each measure and establishes implementing and monitoring actions and timing.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

These findings are based upon substantial evidence in the entire record before the District. The references set forth in these findings below to certain pages or sections of the Draft EIR or the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

I. APPROVAL OF THE PROJECT

A. PROJECT DESCRIPTION

Project recommendations are organized to ensure resource protection and to provide a range of recreational and educational opportunities that connect visitors to the landscape and stories of the site and region, the former Concord Naval Weapons Station (CNWS).

The schematic organization of the proposed Regional Park would concentrate park uses along the lower elevations. The Regional Park would allow limited road and trail development in the hills and along the ridge, and trail connections would connect the Regional Park to the surrounding open spaces and communities. Within the 2,543-acre Regional Park, 86 acres (3.4 percent) of the overall park space have been planned for trails and recreational facilities. Park elements, including roads and trails, picnic areas, education and event spaces, and campsites, would be concentrated within these 86 acres, in previously disturbed areas to limit impacts to natural ecosystems.

The heart of the park would be the Concord Hills Regional Park and Port Chicago Naval Magazine National Memorial Visitor Center (Visitor Center), which would be jointly operated by the National Park Service and the District. The Visitor Center would serve as the primary gateway point for park activities. Many recreational and visitor-serving amenities would be located within the immediate area around the Visitor Center building, collectively referred to as the Visitor Center Complex.

Staging areas in the north and south areas of the Regional Park would distribute recreational use and extend the range of opportunities to experience the Regional Park.

An approximately 28-mile trail network, largely utilizing the existing road and rail network established by the Navy, would provide a range of trail opportunities for all users, connect key use areas within the Regional Park, and provide numerous connections to regional trails and to the surrounding communities.

B. PROJECT OBJECTIVES

The District developed the Project to address the following objectives:

- Objective 1: Biological Resources: Develop and manage the Regional Park for the protection, enhancement, and restoration of natural resources.
- Objective 2: Cultural and Historic Resources: Develop and manage the Regional Park to benefit the overall landscape character of the parklands and specific cultural and historic resources.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

- Objective 3: Circulation and Trails: Develop and manage the Regional Park to complete gaps in regional trails networks, provide a range of recreational trails throughout the Regional Park, and facilitate and encourage multi-modal access to the site (e.g., bike, pedestrian, vehicular, public transit).
- Objective 4: Recreation and Education Facilities: Develop and manage recreational and educational facilities that offer a range of opportunities to experience the unique natural, cultural, social, and military history of the CNWS and the Central Contra Costa County region.
- Objective 5: Interpretive Facilities: Establish a historical interpretation program and visitor center in partnership with the National Park Service, Friends of Port Chicago, and others which honors the veterans who served at the CNWS, conveys the significance of the events at Port Chicago, provides displays on the history of Concord and the Diablo Valley region, and facilitates access to the National Park Service's Port Chicago Naval Magazine National Memorial.

C. ENVIRONMENTAL REVIEW

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the District, as lead agency, prepared a Notice of Preparation (NOP) to prepare a Draft EIR on the proposed project. The NOP was issued on June 23, 2017, initiating a 30-day public scoping period. The NOP was circulated to interested agencies and parties.

The NOP provided a general description of the proposed Project and location, and included a list of the resource topics on which the Project may have an environmental effect: aesthetics and visual impacts; agricultural and forestry resources; air quality; biological resources; cultural resources; geology, soils, and seismicity; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation and traffic; tribal cultural resources; and utilities and service systems.

The State Clearinghouse distributed the NOP to those responsible for natural resources affected by the Project. The NOP was filed with the Contra Costa County Clerk-Recorders Office. The NOP was also posted on the Park District's website. A public Scoping Meeting was held on June 29, 2017, at 6:30 p.m. at the Concord Senior Center. The comment period closed on July 26, 2017. The Park District received six comment letters in response to the NOP. The NOP and a summary of comments received during the scoping period are included in the Draft EIR *Appendix A, Notice of Preparation (NOP) and NOP Comments*.

The Park District then prepared the Draft EIR, which describes the Project and the environmental setting, identifies potential impacts, presents mitigation measures for impacts found to be significant or potentially significant, and evaluates two alternatives to the Project, including a "No Project" alternative. The EIR also considers the cumulative impact of the Project and alternatives in combination with other past, present, and future projects with potential for impacts on the same resources.

Each environmental issue presented in the Draft EIR is analyzed with respect to significance criteria that are based on CEQA Guidelines Appendix G.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

The Draft EIR was circulated to local, state, and federal agencies, and to interested organizations and individuals for review and comment on October 18, 2019 for a 49-day public review period that closed on December 6, 2019. The Park District made the Draft EIR available for download on the Park District's Project website, the address for which was included in all public notices. Paper copies of the Draft EIR were made available for public review at the Park District administrative office and community libraries. The Park District also distributed notices of availability of the Draft EIR on October 18, 2019. Copies of the NOA were also provided to the Park District Board of Directors and Park Advisory Committee, and mailed to 72 people at public agencies native representatives and other interested parties, as well as to 500 property owners in proximity to the future park site.

During the 49-day public review period, the Park District conducted an open house meeting to provide an opportunity for the public and regulatory agencies to learn about the project and be informed about how to submit comments on the adequacy and accuracy of the Draft EIR. The public meeting was held on October 26, 2019 at the future regional park. Approximately 100 members of the public attended the public meeting and two commented on the analysis in the Draft EIR. On May 7, 2020, District staff will give a presentation to the Board Executive Committee on the draft Land Use Plan and EIR, seeking a recommendation to the full Park District Board of Directors of certification of the EIR and adoption of the Land Use Plan. On May 18, 2020, District staff will give a presentation to the Park District's Parks Advisory Committee on the Land Use Plan and EIR, seeking a recommendation to the full Board of certification of the EIR and adoption of the Land Use Plan.

The District received a total of seven comment letters from federal and local agencies and organizations. Copies of all written comments received during the comment period and a summary of the comments received at the October 26, 2019 community meeting are included in Chapter 5 of the Final EIR.

The Final EIR, published on May 1, 2020, includes copies of the comments received on the Draft EIR as well as individual responses to the comments. The Final EIR fully analyzes the Project proposed for approval herein. The Final EIR provides additional, updated information and clarification on issues raised by commenters, as well as the consultant, District staff and the lead and responsible agencies. The Final EIR contains no information revealing (1) a new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented, (2) a substantial increase in the severity of a previously identified environmental impact, (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the Project's proponents, or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The District concurs in that determination.

The Final EIR fully analyzed the Project proposed for approval herein. No new impacts have been identified that have not been analyzed in the Final EIR.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

II. IMPACTS FOUND NOT TO BE SIGNIFICANT AND THUS NOT REQUIRING MITIGATION

Under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA, § 21002; CEQA Guidelines, §§ 15126.4 (a)(3), 15091.) The Final EIR identified impacts found not to be significant for each component of the Project. Based on the evidence in the whole record of this proceeding, the District finds that implementation of the Project will not result in any significant impacts in the following areas and that these impact areas therefore do not require mitigation: aesthetics, agricultural and forestry resources, air quality, energy, greenhouse gas emissions, hazards and hazardous materials, land use and planning, mineral resources, noise, population and housing, public services and recreation, and wildfire.

III. FINDINGS ON POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS OF THE PROJECT THAT ARE REDUCED TO A LEVEL OF “LESS-THAN-SIGNIFICANT” BY THE MITIGATION MEASURES ADOPTED FOR THE PROJECT AND THE FACTS IN SUPPORT OF FINDINGS

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible (unless mitigation to such levels is achieved through adoption of a project alternative). The findings in this section concern mitigation measures set forth in the EIR. The full text of the mitigation measures is also contained in the Final EIR and in the Mitigation Monitoring and Reporting Program.

Biological Resources

Impact BIO-1.1: Construction and operation of Regional Park facilities would result in direct and indirect impacts to up to 16.5 acres of California annual grassland, which provides suitable habitat for special-status plant species. This would be a significant impact.

Mitigation Measure BIO-1.1a: Pre-Activity Survey.

A focused survey for big tarplant will be conducted within suitable habitat in areas of the project site that may experience ground disturbing activities. The surveys will be conducted prior to initial ground disturbance and during the appropriate blooming period (late summer and early fall). The survey area will include all suitable habitat that may be impacted as well as a 50-foot buffer. The purpose of the surveys will be to assess the presence or absence of big tarplant. If this species is not found in the survey area, then no further mitigation will be warranted. If big tarplant is found in the impact area, then Mitigation Measures BIO-1.1b and BIO-1.1c will be implemented.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

Finding: Prior to the disturbance of any suspect habitat areas, implementation of Mitigation Measure BIO-1.1a would reduce potential impacts to habitat quality for all special-status plant species to a less-than-significant level by ensuring that general conservation measures are implemented.

The Board finds Mitigation Measure BIO-1a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on special-status plant species habitat.

Mitigation Measure BIO-1.1b: Avoidance Buffer.

Populations of big tarplant shall be avoided to the extent feasible. Avoided populations shall be protected by establishing and observing a 50-foot buffer between plant populations and the impact area. All such populations located in the impact area, and their associated designated avoidance areas, will be clearly depicted on any construction plans. In addition, prior to initial ground disturbance or vegetation removal, the limits of the identified buffer around special-status plants to be avoided will be flagged or fenced. The flagging will be maintained intact and in good condition throughout project-related construction activities. If complete avoidance is not feasible, Mitigation Measure 1.1c will be implemented.

Finding: Implementation of Mitigation Measure BIO-1.1b would reduce potential impacts to special-status plants to a less-than-significant level by incorporating avoidance, minimization, and compensation measures into the Project.

The Board finds Mitigation Measure BIO-1.1b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on special-status plants.

Mitigation Measure BIO-1.1c: Implementation of Plan Management Prescriptions BIO 8 through BIO 16.

The destruction of populations of big tarplant on the project site shall be mitigated by specifically managing portions of the Regional Park's open grasslands within designated Natural Units for this species. The vast majority of the Los Medanos Hills and areas located southeast of Bailey Road are not proposed for development. These same areas represent the most suitable habitat for big tarplant on the project site. A review of the regional occurrences of this species reported in various databases reveals that off-site populations generally occur on specific soil types (namely Altamont clay, Altamont-Fontana Complex, and Diablo clay). These same soil types underlie much of the Natural Units within the project boundaries. As such, specific habitat management measures (i.e., Plan management prescriptions BIO 8 through BIO 16 identified in Chapter 4 of the proposed Land Use Plan) to enhance the open space for the California red-legged frog, California tiger salamander, and burrowing owl, will also benefit the germination, growth, and long-term viability of populations of the big tarplant, if it is present.

Finding: Implementation of Mitigation Measure BIO-1.1c via implementation of Plan Management Prescriptions BIO-8 through BIO 16 to enhance open space for other special-status species would

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

tangentially reduce potential impacts to big tarplant to a less-than-significant level by incorporating compensation measures into the Project.

The Board finds Mitigation Measure BIO-1.1c is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on big tarplant.

Impact BIO-1.2: Implementation of the proposed Land Use Plan could result in harm to or loss of western pond turtles or their eggs. This would be a significant impact.

Mitigation Measure BIO-1.2: Preconstruction Surveys.

The East Bay Regional Park District shall require a qualified biologist to conduct surveys for communal/traditional western pond turtle nesting areas prior to initiating any ground-disturbing activities within 0.3-mile of potential western pond turtle aquatic habitat. If a communal/traditional nesting area is detected, the East Bay Regional Park District shall install temporary exclusion fencing around any construction areas within 0.3-mile of the aquatic habitat; have a qualified biologist conduct a preconstruction survey for individual turtles within 0.3-mile of the communal/traditional nesting area, and relocate any turtles detected within the exclusion fencing during the survey or during construction to suitable habitat outside of the active construction areas; and have a qualified biologist conduct a Worker Environmental Awareness Program that includes discussion of the western pond turtle.

Finding: Implementation of Mitigation Measure BIO-1.2 would reduce potential impacts to western pond turtles and their eggs to a less-than-significant level by ensuring that avoidance and minimization measures are implemented within suitable habitat for this species. Preconstruction surveys and inspections, exclusion fencing installation, worker environmental education, and potential western pond turtle relocation are part of these measures.

The Board finds Mitigation Measure BIO-1.2 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on western pond turtles.

Impact BIO-1.3: Regional Park development and recreation could result in the disturbance of an active golden eagle nest. This would be a significant impact.

Mitigation Measure BIO-1.3a: Pre-Activity Survey.

Within 15 days prior to the initiation of ground-disturbing activities during the breeding season (February 1 to August 31), a qualified biologist shall conduct a preconstruction survey for nesting golden eagles within 0.5-mile of the limits of work areas, including access and staging areas.

Finding: Prior to the disturbance of any suspect habitat areas, implementation of Mitigation Measure BIO-1.3a would reduce potential impacts to disturbance of an active golden eagle nest to a less-than-significant level by ensuring that general conservation measures are implemented via a pre-activity survey.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

The Board finds Mitigation Measure BIO-1.3a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on active golden eagle nests.

Mitigation Measure BIO-1.3b: Nest Buffers.

If nesting eagles are present, a buffer free from new construction disturbance shall be established within a minimum 0.5-mile radius of the nest. The size of the buffer shall be determined by a qualified biologist; if the 0.5-mile buffer is inadequate, the buffer shall be increased to up to 1 mile and/or construction activities shall cease for the duration of the nesting season. No new project-related construction activities (i.e., activities that were not already ongoing when the nest was established, or that are of a substantially greater intensity than when the nest was established) shall be undertaken within the buffer. In some cases (e.g., if the activity is not visible from the nest site), it is possible that a lesser buffer would be adequate to avoid disturbance of the nesting eagles, but such a variance would be set by a qualified biologist in consultation with the CDFW and USFWS.

In such a case, the biologist shall monitor the behavior of the nesting birds during the first full day of construction activity immediately surrounding the buffer. The biologist shall look for signs of stress such as repeated alarm calls, agitated behavior, or departure of the birds from the nest. If the birds do not show signs of habituation to the new disturbance by resuming their normal nesting activities, work within the vicinity of the nest shall stop and the CDFW and USFWS shall be consulted to refine the buffer determination. If the birds continue their normal activities, the biologist shall inspect the nest site every 1 to 2 days (the frequency determined in consultation with the CDFW and USFWS) for as long as the nest is active and work is ongoing within the reduced buffer to confirm that the birds are tolerant of the construction activities.

Any required buffer shall remain in place until young are no longer dependent on the nest, or until the nesting attempt fails (for reasons other than project activities) and it is determined that the birds will not attempt to re-nest. A qualified biologist shall determine through direct observation when the nest is no longer in use (e.g., if the young have fledged or the nesting fails for non-project-related reasons). Constant monitoring of the nest is not necessary, but before construction activities occur within the buffer area, the biologist must confirm that the nest is no longer active.

Finding: Implementation of Mitigation Measure BIO-1.3b would reduce potential impacts to nesting golden eagles to a less-than-significant level by incorporating avoidance and minimization measures into the Project.

The Board finds Mitigation Measure BIO-1.3b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on nesting golden eagles.

Mitigation Measure BIO-1.3c: Recreational Facilities Siting and Design.

If, prior to the establishment of trails or other recreational features on the project site, the eagles move to a new nest tree and breed successfully there, no new trails or other recreational features

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

that can be seen by eagles on the nest will be established within 0.25-mile of the nest tree unless the new trail and all existing trails and other recreational features within this distance are closed during the breeding season when the nest is active. However, any ongoing activities that were part of the existing environmental background at the time of nest establishment can continue, since by establishing a nest in a given area the eagles would be demonstrating tolerance of ongoing conditions in the area.

Finding: Implementation of Mitigation Measure BIO-1.3c would reduce potential impacts to nesting golden eagles to a less-than-significant level by incorporating avoidance and minimization measures into the Project.

The Board finds Mitigation Measure BIO-1.3c is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on nesting golden eagles.

Impact BIO-1.4: Regional Park development and maintenance activities in occupied burrowing owl habitat could result in loss of burrowing owls. This would be a significant impact.

Mitigation Measure BIO-1.4a: Pre-Activity Survey.

Pre-activity surveys for burrowing owls shall be performed by a qualified biologist no more than 15 days before initial ground disturbance activities within a development area. A survey to determine presence or absence may be performed at any time to facilitate passive relocation efforts (which can only occur outside of the nesting season of February 1 to August 31). In addition, a pre-activity survey by a qualified biologist must be conducted no more than 15 days prior to the commencement of grading, to confirm the absence of burrowing owls. This survey shall be conducted in all areas on and within 250 feet of the impact area and shall be conducted in accordance with the California Burrowing Owl Consortium guidelines.

Finding: Prior to the disturbance of any suspect habitat areas, implementation of Mitigation Measure BIO-1.4a would reduce potential impacts to disturbance of an occupied burrowing owl habitat a less-than-significant level by ensuring that general conservation measures are implemented via a pre-activity survey.

The Board finds Mitigation Measure BIO-1.4a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on burrowing owls.

Mitigation Measure BIO-1.4b: Buffers.

For burrowing owls present during the nonbreeding season (generally September 1 to January 31), a 150-foot buffer zone shall be maintained around the occupied burrow(s) if practicable. If such a buffer is not practicable, then a buffer adequate to avoid injury or mortality of owls (based on the determination of a qualified biologist) shall be maintained. If an adequate buffer (as determined by a qualified biologist) cannot be maintained, the birds shall be passively relocated. During the breeding season (generally February 1 to August 31), a 300-foot buffer, within which no new activity will be

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

permissible, shall be maintained between project activities and occupied burrows. Owls present on the site after February 1 will be assumed to be nesting unless evidence indicates otherwise as confirmed by a qualified biologist. This protected buffer area shall remain in effect until August 31, or based upon monitoring evidence, until the young owls are foraging independently or a qualified biologist has determined that the nest is no longer active. In some cases (e.g., if an activity is not visible from the nest site), it is possible that a breeding-season buffer less than 300 feet would be adequate to avoid disturbance of nesting burrowing owls, but such a variance would be set by a qualified biologist in consultation with the CDFW. In such a case, the biologist shall monitor the behavior of the nesting birds during the first full day of construction activity immediately surrounding the buffer. The biologist shall look for signs of stress such as repeated alarm calls, agitated behavior, or departure of the birds from the nest. If the birds do not show signs of habituation to the new disturbance by resuming their normal nesting activities, work within the vicinity of the nest shall stop and the CDFW shall be consulted to refine the buffer determination. If the birds continue their normal activities, the biologist shall inspect the nest site every 1 to 2 days (the frequency determined in consultation with the CDFW) for as long as the nest is active and work is ongoing within the reduced buffer to confirm that the birds are tolerant of the construction activities.

Finding: Implementation of Mitigation Measure BIO-1.4b would reduce potential impacts to occupied burrowing owl habitat to a less-than-significant level by incorporating avoidance and minimization measures into the Project.

The Board finds Mitigation Measure BIO-1.4b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on burrowing owls.

Mitigation Measure BIO-1.4c: Passive Relocation.

No burrowing owls may be evicted from burrows during the nesting season (February 1 through August 31) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). If construction will directly impact occupied burrows, eviction of owls should occur outside the nesting season to prevent injury or mortality of individual owls. Relocation of owls during the nonbreeding season shall be performed by a qualified biologist using one-way doors, which should be installed in all burrows within the impact area and left in place for at least two nights. These one-way doors shall then be removed and the burrows backfilled immediately prior to the initiation of grading.

Finding: Implementation of Mitigation Measure BIO-1.4c would reduce potential impacts to occupied burrowing owl habitat to a less-than-significant level by prohibiting habitat relocation during nesting season and passively relocating their habitat during the nonbreeding season for preservation and avoidance measures for burrowing owls.

The Board finds Mitigation Measure BIO-1.4c is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on burrowing owls.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

Impact BIO-1.5: Regional Park construction activities during nesting season could reduce the productivity of nesting white-tailed kites.

Mitigation Measure BIO-1.5a: Avoidance.

To the extent feasible, construction and tree removal activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting white-tailed kites will be avoided. The nesting season in Contra Costa County typically extends from February 1 through August 31.

Finding: Implementation of Mitigation Measure BIO-1.5a would reduce potential impacts to nesting white-tailed kites to a less-than-significant level by avoiding tree removal during nesting season.

The Board finds Mitigation Measure BIO-1.5a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on nesting white-tailed kites.

Mitigation Measure BIO-1.5b: Pre-Activity Surveys.

If it is not possible to schedule construction and vegetation removal activities between September 1 and January 31, then pre-activity surveys for nesting white-tailed kites shall be conducted by a qualified biologist to ensure that no nests will be disturbed during project implementation. The survey shall be conducted by a qualified biologist no more than seven days prior to the initiation of construction activities. During this survey, the biologist shall inspect all trees and other potential nesting habitats in the impact area plus a 300-foot buffer for nests. If removal of potential nesting substrate or project grading will occur during more than one nesting season, or in different parts of the site in phases over the course of a single season, then additional pre-activity surveys shall be performed within seven days prior to initiation of work in any particular area. If the pre-activity survey does not identify the presence of any active nests of white-tailed kites on or within 250 feet of the site, construction activities may proceed. If active nests are identified within 250 feet of the activity area, Mitigation Measure BIO-1.7c will be implemented.

Finding: Implementation of Mitigation Measure BIO-1.5b would reduce potential impacts to nesting white-tailed kites to a less-than-significant level by conducting nesting surveys prior to construction. Preconstruction surveys, including species occurrence, vegetation characterization, and percent cover of plant species would inform the Plan.

The Board finds Mitigation Measure BIO-1.5b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on nesting white-tailed kites.

Mitigation Measure BIO-1.5c: Nest Buffers.

If white-tailed kite nests known to have eggs or young, or that cannot be confirmed to be inactive or to lack eggs or young, are found, a qualified biologist shall establish an appropriate construction-free buffer around each nest in consultation with the CDFW. Generally, a buffer of 300 feet for white-tailed

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

kites is adequate to avoid causing nest abandonment. The buffer shall remain in place until the qualified biologist has confirmed that the nest is no longer active.

Finding: Implementation of Mitigation Measure BIO-1.5c would reduce potential impacts to nesting white-tailed kites to a less-than-significant level by incorporating avoidance and minimization measures into the Project.

The Board finds Mitigation Measure BIO-1.5c is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on white-tailed kites.

Impact BIO-1.6: Regional Park development activities during the nesting season could reduce the productivity of nesting shrikes and common yellowthroats. This would be a potentially significant impact.

Mitigation Measure BIO-1.6a: Avoidance.

To the extent feasible, construction and tree removal activities should be scheduled to avoid the nesting season. If construction activities involving removal of trees, shrubs, or other vegetation; demolition of buildings; or grading are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in Contra Costa County, including the loggerhead shrike and San Francisco common yellowthroat, extends from February 1 through August 31.

Finding: Implementation of Mitigation Measure BIO-1.6a would reduce potential impacts to nesting shrikes and common yellowthroats to a less-than-significant level by avoiding tree removal during nesting season.

The Board finds Mitigation Measure BIO-1.6a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on nesting shrikes and common yellowthroats.

Mitigation Measure BIO-1.6b: Pre-Activity Survey.

If it is not possible to schedule construction and vegetation removal activities between September 1 and January 31, then pre-activity surveys for nesting loggerhead shrikes and San Francisco common yellowthroats will be conducted by a qualified biologist to ensure that no nests will be disturbed during project implementation. Surveys will be conducted no more than seven days prior to the initiation of construction activities. During this survey, the biologist shall inspect all trees and other potential nesting habitats (e.g., shrubs and buildings) in the impact area plus a 100-foot buffer for nests. If removal of potential nesting substrate or project grading will occur during more than one nesting season, or in different parts of the site in phases over the course of a single season, then additional pre-activity surveys must be performed within seven days prior to initiation of work in any particular area. If the pre-activity survey does not identify the presence of any active nests of loggerhead shrikes or San Francisco common yellowthroats on or within 100 feet of the site, construction activities may proceed. If active nests of either species are identified within 100 feet of the activity area, Mitigation Measure BIO-1.5c will be implemented.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

Finding: Implementation of Mitigation Measure BIO-1.6b would reduce potential impacts to nesting shrikes and common yellowthroats to a less-than-significant level by conducting nesting surveys prior to construction. Preconstruction surveys, including species occurrence, vegetation characterization, and percent cover of plant species would inform the Plan.

The Board finds Mitigation Measure BIO-1.6b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on nesting shrikes and common yellowthroats.

Mitigation Measure BIO-1.6c: Nest Buffers.

If nests known to have eggs or young, or that cannot be confirmed to be inactive or lack eggs or young, are found, a qualified biologist shall establish an appropriate construction-free buffer around each nest in consultation with the CDFW. Generally, a buffer of 100 feet for loggerhead shrikes and San Francisco common yellowthroats is adequate to avoid causing nest abandonment. The buffer shall remain in place until the qualified biologist has confirmed that the nest is no longer active.

Finding: Implementation of Mitigation Measure BIO-1.6c would reduce potential impacts to nesting shrikes and common yellowthroats to a less-than-significant level by incorporating avoidance and minimization measures into the Project.

The Board finds Mitigation Measure BIO-1.6c is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on shrikes and common yellowthroats.

Impact BIO-1.7: Removal of trees or structures within the project site could result in the loss of day-roost habitat, the injury or mortality of individual bats, or the abandonment of active roosts. This would be a potentially significant impact.

Mitigation Measure BIO-1.7a: Pre-Activity Survey.

A pre-activity survey for roosting bats shall be conducted by a qualified bat biologist prior to any removal of trees, buildings, magazines, or other structures that could potentially support roosting bats. Any trees or structures immediately adjacent to the impact areas that are identified by a qualified bat biologist as being high-potential roost sites shall be surveyed as well. If suitable roost sites are found but a visual survey is not adequate to determine presence or absence of bats (which would be particularly likely in the case of potential roost trees), acoustical equipment shall be used to determine occupancy. This survey shall be conducted prior to the beginning of the breeding season (i.e., prior to March 1) in the year in which construction or demolition in a given area is scheduled to occur so that adequate measures can be implemented, if feasible, to relocate the bats during the nonbreeding season.

Because the aforementioned survey will be conducted prior to the breeding season, weeks or months may pass between that survey and the initiation of construction or demolition in a given area. Therefore, a second pre-activity survey for roosting bats, following the methods described above, shall be conducted by a qualified bat biologist within 15 days prior to the commencement of these

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

activities in a given area to determine whether bats have occupied a roost in or near the project's impact areas.

Finding: Implementation of Mitigation Measure BIO-1.7a would reduce potential impacts to roosting bats to a less-than-significant level by conducting nesting surveys prior to construction. Preconstruction surveys, including species occurrence and vegetation characterization would inform the Plan.

The Board finds Mitigation Measure BIO-1.7a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on roosting bats.

Mitigation Measure BIO-1.7b: Roost Buffers.

If a maternity roost of any bat species is present, the qualified bat biologist (in consultation with the CDFW) shall determine the extent of a buffer free from new construction-related disturbance that will be maintained around the active roost. A typical buffer is 100 feet, though this buffer may be reduced in consultation with the CDFW. This buffer shall be maintained from April 1 until the young are flying, typically after August 31, as determined by a qualified bat biologist.

Finding: Implementation of Mitigation Measure BIO-1.7b would reduce potential impacts to roosting bats to a less-than-significant level by following the guidelines established by the CDFW for preservation and avoidance measures into the Project.

The Board finds Mitigation Measure BIO-1.7b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on roosting bats.

Mitigation Measure BIO-1.7c: Eviction.

If a bat day roost is found in a structure or in a tree that is to be completely removed or replaced, individual bats shall be safely evicted under the direction of a qualified bat biologist. Eviction of bats shall occur at night, so that bats will have less potential for predation compared to daytime roost abandonment. Eviction shall occur between September and March 31, outside the maternity season, but may not occur during long periods of inclement or cold weather (as determined by the bat biologist) when prey are not available or bats are in torpor. If a roost is found in a building or magazine, bats shall be evicted by installing one-way doors on entry/exit points, or by opening the roosting area to allow air flow through the cavity. Demolition should then follow no sooner than the following day (i.e., there should be no less than one night between initial disturbance for air flow and the demolition). This action should allow bats to leave during hours of darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. If feasible, one-way doors shall also be used to evict bats from tree roosts. If use of a one-way door is not feasible, or the exact location of the roost entrance in a tree is not known, the tree(s) with roosts that need to be removed shall first be disturbed by removal of some of the tree's limbs not containing the bats. Such disturbance shall occur at dusk to allow bats to escape during the darker hours. The tree would then

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

be removed the following day. All of these activities shall be performed under the supervision of the bat biologist.

In some circumstances in which construction will occur near a roost but the roost itself will not be destroyed or altered, it may be beneficial to the bats to allow them to continue using a roost while construction is occurring on or near the roost site. If a qualified bat biologist, in consultation with the CDFW, determines that the risks to bats from eviction (e.g., increased predation or exposure, or competition for roost sites) are greater than the risk of colony abandonment, then the bats shall not be evicted.

Finding: Implementation of Mitigation Measure BIO-1.7c would reduce potential impacts to bat day roosts to a less-than-significant level by restricting tree and structure removal to seasonal windows and outside of bat maternity roosting season and following the removal process stipulated in this measure. Minimization of bat eviction near construction will also reduce potential impacts to roosting bats.

The Board finds Mitigation Measure BIO-1.7c is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on roosting bats.

Mitigation Measure BIO-1.7d: Alternative Bat Roost.

If a day roost of pallid bats or Townsend's big-eared bats, both California species of special concern, will be impacted, an alternative bat roost structure shall be provided because suitable roosts of these special-status bats are likely more limited than those of other, more common species. The design and placement of this structure shall be determined by a qualified bat biologist based on the species of bat to be displaced, the location of the original roost, and the habitat conditions in the vicinity. This bat structure shall be erected at least one month prior to removal of the original roost structure. This structure shall be checked during the breeding season for up to three years following completion of the project, or until it is found by a qualified bat biologist to be occupied by bats, to provide information for future projects regarding the effectiveness of such structures in minimizing impacts to bats.

Finding: Implementation of Mitigation Measure BIO-1.7d would reduce potential impacts to day roosts of pallid bats or Townsend's big-eared bats to a less-than-significant level by providing alternative roosts for compensation measures for special-species roosting bats.

The Board finds Mitigation Measure BIO-1.7d is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on special-species roosting bats.

Impact BIO-1.8: Construction activities could result in injury or mortality of badgers, and increased human activity on the site may increase vehicular mortality or disturbance of badger dens. This would be a potentially significant impact.

Mitigation Measure BIO-1.8a: Pre-Activity Survey.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

Pre-activity surveys for badger dens shall be performed within 15 days prior to commencement of grading or other ground-disturbing activities. These surveys shall be conducted by a qualified biologist familiar with the characteristics of badger burrows. If active badger burrows are identified within the proposed development area, they should be avoided to the maximum extent practicable. If avoidance is not feasible, a qualified biologist should determine if the burrow is being used as a maternity den. If young are determined to be present, a buffer free from new construction-related disturbance shall be established around the den; the dimensions of this buffer shall be determined by the biologist in consultation with the CDFW. The buffer shall be maintained until young vacate the den, as determined by a qualified biologist.

Finding: Implementation of Mitigation Measure BIO-1.8a would reduce potential impacts to badger dens to a less-than-significant level by conducting burrow surveys prior to construction to avoid and minimizing construction impacts. Preconstruction surveys, including species occurrence and young identification, would inform the Plan.

The Board finds Mitigation Measure BIO-1.8a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on burrowing badgers.

Mitigation Measure BIO-1.8b: Relocation.

If the occupied burrow is simply being used as a refugium by a single badger, or after young have been weaned from a maternity den, the following measure shall be implemented to avoid potential impacts on individual badgers:

- An on-site passive relocation program, through which badgers are excluded from occupied burrows by installation of a one-way door in burrow entrances, monitoring of the burrow for one week to confirm badger usage has been discontinued, and hand-excavation and collapse of the burrow to prevent reoccupation.

If relocation of badgers is necessary, the biologist shall conduct a follow-up survey of the impact areas the day that grading or construction is to commence to determine whether any relocated badgers have returned to the construction site. If badgers have returned to the construction site, they shall be relocated again using the measure described above.

Finding: Implementation of Mitigation Measure BIO-1.8b would reduce potential impacts to occupied badger habitat to a less-than-significant level by prohibiting habitat relocation during nesting season, relocating their habitat during the nonbreeding season, and performing follow-up surveys for avoidance and compensation measures for badgers.

The Board finds Mitigation Measure BIO-1.8b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on badgers.

Impact BIO-3: Regional Park development would result in the loss of up to 0.05-acre of jurisdictional wetlands and/or other waters. This would be a significant impact.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

Mitigation Measure BIO-3a: Permitting.

Prior to placing any fill in jurisdictional wetlands and/or other waters of the U.S. or state, the District will provide the necessary permit application/notification materials to the USACE for a Clean Water Act Section 404 permit, to the RWQCB for Clean Water Act Section 401 water quality certification, and to the CDFW for a Fish and Game Code Section 1602 Streambed Alteration Agreement, as applicable (e.g., impacts to jurisdictional wetlands that are not in a channel may not necessitate CDFW notification). The District will comply with all conditions of these permits/ agreements when performing the work; for example, if any compensatory mitigation is required by one or more permit/ agreement, then the District will provide such mitigation in accordance with permit/agreement requirements.

Finding: Implementation of Mitigation Measure BIO-3a would reduce potential impacts to wetlands and waters of the U.S. and of the State to a less-than-significant level by obtaining the necessary permitting to perform work.

The Board finds Mitigation Measure BIO-3a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on wetlands and waters of the U.S. and of the State.

Mitigation Measure BIO-3b: Impact Minimization.

Impacts to jurisdictional wetlands and/or other waters of the U.S. or state will be minimized to the smallest area necessary to perform the activity, and all temporary impact areas will be restored to pre-activity conditions after construction has been completed.

Finding: Implementation of Mitigation Measure BIO-3b would reduce potential temporary impacts to wetlands and waters of the U.S. and of the State to a less-than-significant level by implementing the Plan at all wetlands or waters of the U.S. or of the State.

The Board finds Mitigation Measure BIO-3b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on wetlands and waters of the U.S. and of the State.

Impact BIO-5: Regional Park development could result in the loss of heritage trees protected by the City of Concord's Tree Preservation and Protection Ordinance. This would be a significant impact.

Mitigation Measure BIO-5: Tree Removal Permit.

Prior to removing or trimming any heritage tree protected by the City of Concord's Tree Preservation and Protection Ordinance, the District will obtain any necessary permit from the City of Concord to impact that tree. The District will then comply with any conditions of the permit, including any tree replacement that might be required.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

Finding: Implementation of Mitigation Measure BIO-5 would reduce potential impacts from loss of heritage trees to a less-than-significant level by complying with the City of Concord's permitting conditions to implement this measure.

The Board finds Mitigation Measure BIO-5 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on loss of heritage trees.

Cultural Resources and Tribal Cultural Resources

Impact CULT-2: Implementation of the proposed Plan could result in the inadvertent disturbance to unknown archaeological resources. This would be a potentially significant impact.

Mitigation Measure CULT-2: Preconstruction Training, Archaeological Monitoring, and Inadvertent Discovery of Archaeological Resources.

Prior to construction, a qualified archaeologist with expertise in California archaeology will develop, in consultation with Native American tribal representatives, an archaeological resources training program for all construction and field workers involved in ground-disturbing activities that details the recognition and importance of archaeological resources, and establishes accidental discovery procedures should archaeological resources be encountered during construction. Project personnel would be provided the detailed information of who to contact at the District if resources are encountered.

In accordance with the executed MOA, archaeological monitoring is necessary when ground-disturbing activities occur within or adjacent to the boundaries of any National Register-eligible historic properties, including prehistoric site P-07-000861. Monitoring is not necessary in other portions of the project site. Monitoring should be conducted by a qualified archaeological monitor that meets the standards of the Register of Professional Archaeologists.

If an archaeological resource is encountered, all activity within 100 feet of the find should immediately halt until it can be evaluated by a qualified archaeologist (and a Native American Representative shall be retained to monitor the ground disturbance when it is suspected that prehistoric human remains might be encountered, or if the artifacts are prehistoric). Prehistoric archaeological materials include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. If the archaeologist (and Native American representative) determines that the resources may be significant, they shall notify the East Bay Regional Park District (District). The archaeologist shall consult with Native American representatives in determining appropriate treatment for prehistoric or Native American cultural resources.

In considering any suggested mitigation proposed by the archaeologist and Native American representative, the District shall determine whether avoidance is feasible in light of factors such as the

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

nature of the find, project design, costs, and other considerations. If avoidance is not feasible, other appropriate measures (e.g., capping, data recovery, and/or interpretation as agreed upon between the District, the archaeological consultant, and Native American representatives) shall be instituted. In accordance with PRC 15126.4(b)(3)(C) when data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Work may proceed in other parts of the project site while mitigation for archaeological resources is being carried out.

Finding: Implementation of Mitigation Measure CULT-2 would reduce potential impacts to archaeological resources to a less-than-significant level by performing a pre-construction survey, archeological resources monitoring for all ground-disturbing activities occurring in previously undisturbed sediments of geologic units with high archaeological sensitivity, and following protocol for inadvertent discovery of archaeological resources. Mitigation applied upon discovery of archaeological resources will also reduce potential impacts.

The Board finds Mitigation Measure CULT-2 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on archaeological resources.

Impact CULT-3: Implementation of the proposed Plan could result in the accidental discovery of human remains. This would be a potentially significant impact.

Mitigation Measure CULT-3: Inadvertent Discovery of Human Remains.

If human skeletal remains are uncovered during project construction, work shall immediately halt within 100 feet of the find. The District shall contact the Contra Costa County coroner to evaluate the remains and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines and Health and Safety Code Section 7050.5(c). If the County coroner determines that the remains are Native American, the District shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission would then identify the person(s) thought to be the most likely descendent of the deceased Native American, who would help determine what course of action should be taken in treating the remains (PRC Section 5097.98).

Finding: Implementation of Mitigation Measure CULT-3 would reduce potential impacts to the inadvertent discovery of human remains to a less-than-significant level by implementing an unanticipated discovery protocol for human remains.

The Board finds Mitigation Measure CULT-3 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on inadvertent human remains.

Impact CULT-4: Construction activities during implementation of the proposed Plan could result in the discovery of archaeological resources or human remains and the determination that such discoveries are tribal cultural resources. This would be a potentially significant impact.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

Mitigation Measure CULT-4: Implement Mitigation Measures CULT-2 and CULT-3.

Implement Mitigation Measures CULT-2 and CULT-3.

Finding: Implementation of Mitigation Measures CULT-2 and CULT-3 would reduce potential impacts to tribal cultural resources to a less-than-significant level.

The Board finds Mitigation Measure CULT-4, via measures CULT-2 and CULT-3, is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on tribal cultural resources.

Geology and Soils

Impact GEO-6: Implementation of the proposed Plan could result in the accidental discovery of paleontological resources. This would be a potentially significant impact.

Mitigation Measure GEO-6: Preconstruction Training, Paleontological Monitoring, and Inadvertent Discovery of Paleontological Resources.

Prior to construction, a qualified paleontologist meeting the standards of the SVP with expertise in California paleontology shall develop a paleontological resources training program for all construction and field workers involved in ground-disturbing activities that details the recognition and importance of paleontological resources, and establishes accidental discovery procedures should paleontological resources be encountered during construction.

Paleontological monitoring is necessary for all ground-disturbing activities that occur in previously undisturbed formations mapped as Pleistocene-aged Older Alluvium, Eocene-aged Markley, or Kreyenhagen formations. Monitoring is also necessary for ground-disturbing activities that exceed 10 feet in depth in previously undisturbed sediments mapped as Holocene alluvium. Monitoring is not necessary in other locations on the project site, including artificial fill, landslide deposits, Oro Loma Formation, or in areas that have been previously disturbed. Monitoring shall be conducted by a qualified paleontological monitor that meets the standards of the SVP.

If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified paleontologist can assess the nature and importance of the find and, if necessary, develop appropriate salvage measures in conformance with SVP standards, and in consultation with the East Bay Regional Park District.

Finding: Implementation of Mitigation Measure GEO-6 would reduce potential impacts to paleontological resources to a less-than-significant level by performing a pre-construction survey, paleontological resources monitoring for all ground-disturbing activities occurring in previously undisturbed sediments of geologic units with high paleontological sensitivity, and following protocol for inadvertent discovery of paleontological resources. Mitigation applied upon discovery of paleontological resources will also reduce potential impacts.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

The Board finds Mitigation Measure GEO-6 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on paleontological resources.

Hydrology and Water Quality

Impact HYD-1.1: In the absence of appropriate stormwater runoff controls, Plan construction would result in non-point source pollution that could violate water quality standards or waste discharge requirements or otherwise degrade surface water or groundwater. This would be a potentially significant impact.

Mitigation Measure HYD-1.1: Storm Water Pollution Prevention Plan.

Prior to construction, the District shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide NPDES Construction General Permit. The SWPPP shall be designed, without limitation, to address the following objectives: (1) all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled; (2) where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity; and (4) stabilization best management practices (BMPs) are installed to reduce or eliminate pollutants after construction are completed. The SWPPP shall be prepared by a qualified SWPPP developer and included as part of construction specifications. The SWPPP shall include the minimum BMPs required for the identified Risk Level in accordance with NPDES Construction General Permit requirements. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.

Finding: Implementation of Mitigation Measure HYD-1.1 would minimize non-point source pollution that could violate water quality standards or waste discharge requirements or otherwise degrade surface water or groundwater by conformance with the SWPPP during construction.

The Board finds Mitigation Measure HYD-1.1 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on surface water and groundwater quality during construction.

Impact HYD-1.2: In the absence of appropriate stormwater runoff controls, Plan operations would result in non-point source pollution that could violate water quality standards or waste discharge requirements or otherwise degrade surface water or groundwater. This would be a potentially significant impact.

Mitigation Measure HYD-1.2: Post-Construction Stormwater Controls.

Prior to issuance of building permits for proposed improvements, the City shall verify that the District has included post-construction stormwater controls in the site design in accordance with the

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

requirements of Chapter 16 of the City's Municipal Code 16 and the regional NPDES MS4 Permit. The District shall prepare a Stormwater Control Plan (SCP) in consultation with and subject to approval by the Contra Costa County Flood Control and Water Conservation District. The City shall review the final SCP and any necessary changes by the City shall be incorporated into project design plans to ensure the required controls are in place and adhere to the requirements of the NPDES MS4 Permit including all applicable C.3 stormwater control requirements. At a minimum, the SCP shall demonstrate how the following measures would be incorporated into the Project:

- Low impact development (LID) site design principles (e.g., preserving natural drainage channels, treating stormwater runoff at its source rather than in downstream centralized controls)
- Source control BMPs in the form of design standards and structural features for all proposed areas of development.
- Source control BMPs for landscaped areas shall be documented in the form of a Landscape Management Plan that relies on Integrated Pest Management and also includes pesticide and fertilizer application guidelines designed to minimize any off-site discharges.
- Treatment control measures (e.g., bioretention, porous pavement, vegetated swales) targeting any potential pollutants such as sediment, pathogens, metals, nutrients (nitrogen and phosphorus compounds), oxygen-demanding substances, organic compounds (e.g., PCBs, pesticides), oil and grease, and trash and debris. The SCP shall demonstrate that the project has the land area available to support the proposed BMP facilities sized per the required water quality design storm.

Finding: Implementation of Mitigation Measure HYD-1.1 would minimize stormwater impacts that could violate water quality standards or waste discharge requirements or otherwise degrade surface water or groundwater by conformance with the City-approved SCP during post-construction.

The Board finds Mitigation Measure HYD-1.1 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on surface water and groundwater quality during post-construction.

Impact HYD-3: If not designed appropriately, Project elements whose locations and designs have yet to be finalized, could cause substantial erosion or siltation of Mount Diablo Creek. This would be a potentially significant impact.

Mitigation Measure HYD-3: Implement Mitigation Measures HYD-1.1 and HYD-1.2.

Implement Mitigation Measures HYD-1.1 and HYD-1.2.

Finding: Implementation of Mitigation Measures HYD-1.1 and HYD-1.2 would reduce potential impacts of erosion and siltation of Mount Diablo Creek to a less-than-significant level.

The Board finds Mitigation Measure HYD-3, via measures HYD-1.1 and HYD-1.2, is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on Mount Diablo Creek.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

Impact HYD-4: Without appropriate design, Project elements whose locations and designs have yet to be finalized, could inadvertently cause localized flooding on-site. The impact would be potentially significant.

Mitigation Measure HYD-4: Implement Mitigation Measures HYD-1.2.

Implement Mitigation Measure HYD-1.2.

Finding: Implementation of Mitigation Measure HYD-1.2 would reduce potential impacts of localized flooding on-site to a less-than-significant level.

The Board finds Mitigation Measure HYD-4, via measure HYD-1.2, is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on localized flooding on-site.

Impact HYD-5: Without appropriate consideration for existing drainage patterns, Project elements whose locations and designs have yet to be finalized, could inadvertently result in substantial additional sources of polluted runoff. This would be a potentially significant impact.

Mitigation Measure HYD-5: Implement Mitigation Measure HYD-1.2.

Implement Mitigation Measures HYD-1.2.

Finding: Implementation of Mitigation Measure HYD-1.2 would reduce potential impacts of substantial additional sources of polluted runoff to a less-than-significant level.

The Board finds Mitigation Measure HYD-5, via measure HYD-1.2, is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on substantial additional sources of polluted runoff.

Impact HYD-6: In the absence of appropriate stormwater runoff controls, Plan construction and operation would result in non-point source pollution that could conflict with a water quality control plan. This would be a potentially significant impact.

Mitigation Measure HYD-6: Implement Mitigation Measures HYD-1a and HYD-1b.

Implement Mitigation Measures HYD-1a and HYD-1b.

Finding: Implementation of Mitigation Measures HYD-1a and HYD-1b would reduce potential impacts of non-point source pollution that could conflict with a water quality control plan to a less-than-significant level.

The Board finds Mitigation Measure HYD-6, via measures HYD-1a and HYD-1b, is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on non-point source pollution that could conflict with a water quality control plan.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

Transportation

Impact TRAF-1: Construction activity associated with the proposed Regional Park could result in temporary impacts to the circulation system. This would be a potentially significant impact.

Mitigation Measure TRAF-1: Traffic Control Plan.

The District shall prepare, or shall require construction contractor(s) to prepare, and implement a traffic control plan (TCP) for each of the three Plan phases, prior to commencing construction on that phase. The TCPs will aim to reduce traffic impacts on the roadways at and near the work sites, as well as to reduce potential traffic safety hazards and ensure adequate access for emergency responders and construction vehicles, as appropriate. The District and construction contractor(s) shall coordinate development and implementation of the TCPs with the City of Concord, as appropriate. To the extent applicable, the TCP shall conform to the California Manual on Uniform Traffic Control Devices (MUTCD), Part 6 (Temporary Traffic Control) (Caltrans, 2014). The TCP shall include, but not be limited to, the following elements:

- Circulation and detour plans to minimize impacts on local road circulation during unanticipated road and lane closures (if any). Flaggers and/or signage shall be used to guide vehicles through and/or around the construction zone.
- Identifying truck routes designated by the County. Haul routes that minimize truck traffic on local roadways shall be utilized to the extent possible.
- Sufficient staging areas for trucks accessing construction zones to minimize disruption of access to adjacent public right-of-ways.
- Controlling and monitoring construction vehicle movement through the enforcement of standard construction specifications by on-site inspectors.
- Scheduling truck trips outside the peak morning and evening commute hours to the extent possible.
- Limiting the duration of unanticipated road and lane closures (if any) to the extent possible.
- Construction activities that may encroach on bicycle routes or multi-use paths, advance warning signs (e.g., “Bicyclists Allowed Use of Full Lane” and/or “Share the Road”) shall be posted that indicate the presence of such users.
- Implementing roadside safety protocols. Advance “Road Work Ahead” warning and speed control signs (including those informing drivers of State legislated double fines for speed infractions in a construction zone) shall be posted to reduce speeds and provide safe traffic flow through the work zone.
- Coordinating construction administrators of police and fire stations (including all fire protection agencies), and recreational facility managers. Operators shall be notified in advance of the timing, location, and duration of construction activities and the locations of detours and lane closures, where applicable.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

- Repairing and restoring affected roadway rights-of-way to their original condition after construction is completed.

Finding: Implementation of Mitigation Measure TRAF-1 would reduce traffic impacts on the roadways at and near the work sites, as well as reduce potential traffic safety hazards and ensure adequate access for emergency responders and construction vehicles under the City of Concord-approved TCP.

The Board finds Mitigation Measure TRAF-1 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on traffic impacts and traffic safety hazards on roadways at and near the work sites and ensure adequate emergency responder and construction vehicle access.

Utilities and Service Systems

Impact UTIL-2: Despite implementation of the proposed project policies, implementation of the proposed project could result in an increase in water demand that could exceed the capacity of CCWD and City facilities, resulting in the need to construct additional facilities, the effects of which could be significant.

Mitigation Measure UTIL-2: Agency Coordination.

The District shall work with the City's Local Reuse Authority and the Engineering Division to ensure that all required water distribution systems, water storage tanks, pump stations, and other facilities at the site to supply the demand for potable water are constructed to meet the CCWD's requirements and standards.

Finding: Implementation of Mitigation Measure UTIL-2 would reduce potential impacts from excess water demand to a less-than-significant level by coordinating with the City to ensure all required water systems and facilities meet the CCWD's requirements and standards to negate the CCWD's and the City's need to construct additional facilities.

The Board finds Mitigation Measure UTIL-2 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on excess water demand.

IV. EVALUATION OF PROJECT ALTERNATIVES

Because the Final EIR mitigates all potentially significant environmental impacts to a less-than-significant level, and the Board adopted all the mitigation measures proposed in the Final EIR, CEQA does not require the Board of Directors to determine if a less environmentally damaging alternative exists or make findings regarding alternatives. Nonetheless, to provide the public with additional information regarding the decision making process, the Board provides the alternatives findings below.

The Final EIR evaluated two alternatives to the Project. As described below, each of the three alternatives represent a different approach to meeting the Project purpose and objectives.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

- **Alternative 1:** No Project Alternative
- **Alternative 2:** Limited Footprint

Alternative 1: No Project Alternative

CEQA Guidelines Section 15126.6(e) requires that EIRs include an evaluation of the No Project Alternative to provide decision-makers the information necessary to compare the relative impacts of approving the Project and not approving the Project. The No Project Alternative is defined as a continuation of existing conditions, as well as conditions that are reasonably expected to occur if the Proposed Project is not implemented.

In the event that the District does not approve the Project, the future Regional Park would not be developed and the project site would remain largely in its existing use, with the exception that the remediation activities planned by the United States Navy would occur. Because the future Regional Park would not be developed, the District would not manage the project site. It is expected that the City would pursue utilizing the site for mitigation for the Area Plan (and the Specific Plan). However, under this alternative, because a future Regional Park would not be developed, the site would not be placed under a restrictive covenant pursuant to the Biological Opinion, and it is therefore possible that the project site could be made available for urban development. This alternatives analysis does not speculate as to what urban uses may occur at the project site, and assumes that the site would remain its current, largely vacant, use. The site may still be used as grazing land, as it is currently, but would largely remain unutilized and closed to the public.

The No Project Alternative would not meet most of the project objectives, specifically protection, enhancement, and restoration of natural resources; management of landscape character and cultural and historic resources; trail network connections and development; enhanced multi-modal access; recreational and educational facilities; and interpretive program elements.

Therefore, the Board finds that the No Project Alternative would not achieve the Project objectives. Therefore, this alternative is rejected as infeasible.

Alternative 2: Limited Footprint

The purpose of the Limited Footprint Alternative is to identify the minimum specific project features that are critical to open the site to the public more broadly.

Under the Limited Footprint Alternative, proposed park uses would be scaled back to focus the intensity of use in the previously developed areas of the project site. North of Bailey Road, proposed facilities and trails within the western portion of the site would be maintained. South of Bailey Road, the inner loop of proposed trails would be maintained, but the trails and roadways extending out from this loop and South Park Road would not be developed. Where proposed features of the proposed Plan have been removed, under this alternative these areas would be left in their existing conditions or restored to a more natural state. This alternative would not include the proposed community orchard, Diablo Center, Rancho Monte Group Campsite, Eagle's Nest Backcountry Campsite, Port Chicago Overlook, Delta Vista Overlook, Water

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

Tank Overlook, or Concord Overlook. Several picnic areas would also be removed. It is assumed that the caretaker's residence would be relocated to a new site within the western portion of the site.

However, it is assumed that the same or similar management prescriptions would apply to a City- or National Park Services-managed park. It is also assumed that this alternative would adhere to the Biological Opinion within the park area. However, the portions of the project site that would not be included in the park may not be managed to the same level as they would be under the proposed project. Therefore, the Board finds that the Limited Footprint Alternative would not avoid or minimize environmental impacts to the same extent as the Project and would not meet the Project objectives to the same extent as the Project. Therefore, this alternative is rejected as infeasible.

Alternatives Considered but Rejected from Further Analysis

CEQA Guidelines § 15126.6 sets forth several requirements regarding the consideration of alternatives in an EIR. This section, and related case law, hold that alternatives that are not reasonable or are infeasible need not be discussed at length; alternatives that do not offer substantial environmental advantages over the Project can be rejected from consideration; and alternatives that do not accomplish most of the basic objectives of the Project can be excluded from detailed analysis. Alternatives considered, but rejected from further analysis including expanded park facilities alternative and off-site alternative.

Environmentally Superior Alternative

In general, the environmentally superior alternative is the alternative that would be expected to generate the least amount of significant impacts. Identification of the environmentally superior alternative is an informational procedure and the alternative selected may not be the alternative that best meets the goals or needs of the District. The project under consideration cannot be identified as the environmentally superior alternative, so the identification of the environmentally superior alternative does not mean that that alternative is superior to the proposed project, only that it is superior among the alternatives considered.

The No Project Alternative would result in a deterioration in relation to aesthetics, biological resources, GHG emissions, hazards and hazardous materials, land use and planning (for which the deterioration would be substantial), public services and recreation, and wildfire, and would result in an improvement in relation to cultural resources, geology and soils, hydrology and water quality, transportation, and utilities and service systems. Overall, the No Project Alternative would result in worsened impacts in comparison to the proposed project.

Overall, the Limited Footprint Alternative would result in a deterioration in relation to aesthetics, land use and planning (for which the deterioration would be substantial), and public services and recreation, and would result in an improvement in relation to wildfire and utilities and service systems. Overall, the Limited Footprint Alternative would be a slight deterioration in comparison to the proposed project in terms of its overall level of impact. The Limited Footprint Alternative would be the environmentally superior alternative.

CEQA FINDINGS FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN

Neither the Limited Footprint Alternative nor the No Project Alternative would result in an overall improvement in comparison to the proposed project.

Summary

Based on the foregoing Findings and the information contained in the record, the Board has found that each of the potentially significant effects of the Project is mitigated to a less-than-significant level by the changes or alterations that have been required in, or incorporated into, the Project. Based on the foregoing Findings and the information contained in the record, it is determined that none of the other alternatives to the Project is feasible or desirable.