Concord Hills Regional Park

East Bay Regional Park District
Healthy Parks Healthy People

LAND USE PLAN
FINAL ENVIRONMENTAL IMPACT REPORT

MAY 1, 2020
SCH# 2017062063

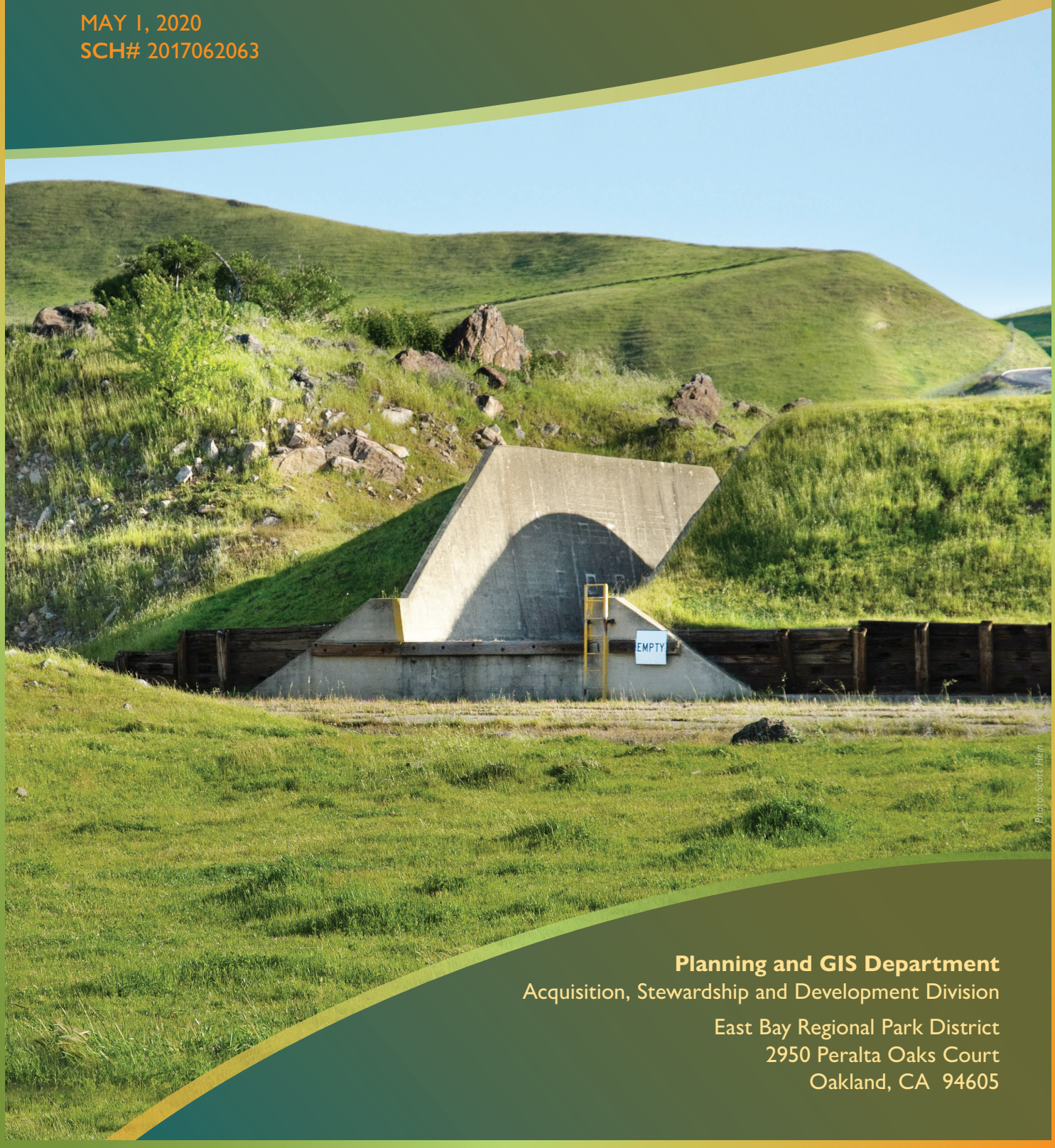


Photo: Scott Hein

Planning and GIS Department
Acquisition, Stewardship and Development Division

East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2020 – 07 – 152

July 7, 2020

A RESOLUTION MAKING FINDINGS AND
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT
FOR THE CONCORD HILLS REGIONAL PARK LAND USE PLAN,
INCLUDING ADOPTION OF THE CEQA FINDINGS REPORT AND
THE ASSOCIATED MITIGATION, MONITORING, AND REPORTING PROGRAM:
CONCORD HILLS REGIONAL PARK

WHEREAS, a Land Use Plan (LUP) for the future regional park at a portion of the former Concord Naval Weapons Station has been prepared for the purposes of: developing and managing the regional park for the protection, enhancement, and restoration of natural resources and reduced risk of wildfire; protecting and interpreting cultural and historic resources; completing gaps in regional trails networks and providing a range of recreational trails; developing and managing recreational, interpretive and educational facilities to experience the unique natural, cultural, social and military history of the parklands; and

WHEREAS, the East Bay Regional Park District (Park District) determined that an Environmental Impact Report (EIR) was required to evaluate the impacts of the proposed LUP; and

WHEREAS, the Park District issued a Notice of Preparation (NOP) on June 23, 2017 for the EIR to the Concord Hills LUP; and

WHEREAS, the Park District held a scoping meeting to hear public comment on the NOP on June 29, 2017, at the Concord Senior Center; and

WHEREAS, a Draft EIR was prepared that provides an evaluation of the potential for the proposed project to result in significant environmental impacts, recommends mitigation measures to address those potential impacts, and concludes that with mitigation measures included in the Mitigation, Monitoring, and Reporting Program (MMRP), these potential impacts would be reduced to a less than significant level; and

WHEREAS, on October 18, 2019, the Park District issued a Notice of Availability to the California Governor's Office of Planning and Research, and issued a Notice of Availability of the Draft EIR for the project on October 18, 2019 to responsible and trustee agencies and the public, initiating the public review period; and

WHEREAS, the Park District held three opportunities for the public to comment on the LUP and EIR: a community meeting at the future park, on October 26, 2019; a Park Advisory Committee meeting on November 25, 2019; a Board Executive Committee meeting on December 5. 2019; and

WHEREAS, during the public review period, the Park District received seven comments, but no individual or agency provided substantial evidence that a significant adverse environmental impact would occur if the project were adopted, or evidence that required substantial changes or alterations to the project, the impact analysis; and

WHEREAS, the Final EIR was released on May 1, 2020, consisting of the Draft EIR, Comments, and Response to Comments on the Draft EIR, and has been completed in compliance with CEQA; and

WHEREAS, after the close of the CEQA comment period and publication of the Final EIR, the Park District received two additional comment letters, which were addressed in a separate technical analysis; and

WHEREAS, in consideration of the late comments, the Park District prepared an Errata to the EIR, which makes minor changes and clarifications to the EIR and MMRP, none of which require recirculation of the EIR; and

WHEREAS, feasible alternatives to the proposed project have been analyzed and the EIR concludes that the project is the environmentally superior alternative; and

WHEREAS, the MMRP consists of mitigation measures recommended in the EIR for the project and mitigation and monitoring requirements, and has been completed in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the MMRP and the Findings Report were presented to the Park District's Board of Directors on July 7, 2020, who reviewed and considered the information contained in these CEQA components prior to considering approval of the project; and

WHEREAS, the East Bay Regional Park District is the custodian of the documents and other material which constitute the record of the proceedings upon which its decision is made at its administrative office, located at 2950 Peralta Oaks Court, Oakland, California, 94605;

NOW, THEREFORE, BE IT RESOLVED that based on the entirety of the record before it, which includes without limitation, the California Environmental Quality Act, Public Resources Code § 21000, et seq. (CEQA) and the CEQA Guidelines, 14 California Code of Regulations § 15000, et seq.; the Concord Hills Land Use Plan, the Concord Hills Land Use Plan EIR, including the Draft and Final EIR, all appendices thereto, and the June 24, 2020 Response to Comments Letter and Errata; all reports, minutes, and public testimony submitted as part of the Board of Director's July 7, 2020 meeting and any other evidence (within the meaning of Public Resources Code §§ 21080(e) and 21082.2), the Board of Directors of the East Bay Regional Park District hereby finds as follows:

1. The foregoing recitals are true and correct and made a part of this Resolution.

2. The exhibits and attachments, including the Environmental Impact Report for the Concord Hills Land Use Plan (attached as Exhibit 4), Errata to Final EIR (attached as Exhibit 5), Responses to Late Comments (attached as Exhibit 6), the Mitigation Monitoring and Reporting

Program (attached as Exhibit 7), and the CEQA Findings (attached as Exhibit 8), are each incorporated by reference as part of this Resolution, as if set forth fully herein.

3. The Final EIR for the project (as amended by the Errata) was prepared and completed in compliance with Public Resources Code section 21000 et seq. and the State CEQA Guidelines section 15000 et seq.

4. Based on the Board of Directors' independent judgment and analysis, the Board of Directors makes the findings regarding the Land Use Plan's potentially significant impacts and less than significant impacts, proposed mitigation measures, and Project alternatives, attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED that the Board of Directors of the East Bay Regional Park District hereby certifies that the Environmental Impact Report for the Concord Hills Regional Park Land Use Plan (as amended) has been prepared in compliance with CEQA, reflects the Park District's independent judgment and analysis, and was presented to the Board of Directors which reviewed and considered the information in the Final EIR, and:

BE IT FURTHER RESOLVED, that the Board of Directors herby adopts the Mitigation, Monitoring, and Reporting Program; and

BE IT FURTHER RESOLVED, that the Board of Directors hereby adopts the Findings Report; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution, including the filing of a Notice of Determination with the Contra Costa County Clerk's Office pursuant to Public Resources Code § 21152(a) and CEQA Guidelines § 15094(a).

Moved by Director Lane, seconded by Director Coffey, and adopted this 7th day of July, 2020 by the following vote:

FOR: Colin Coffey, Ellen Corbett, Elizabeth Echols, Beverly Lane, Dee Rosario, Dennis Waespi, Ayn Wieskamp.

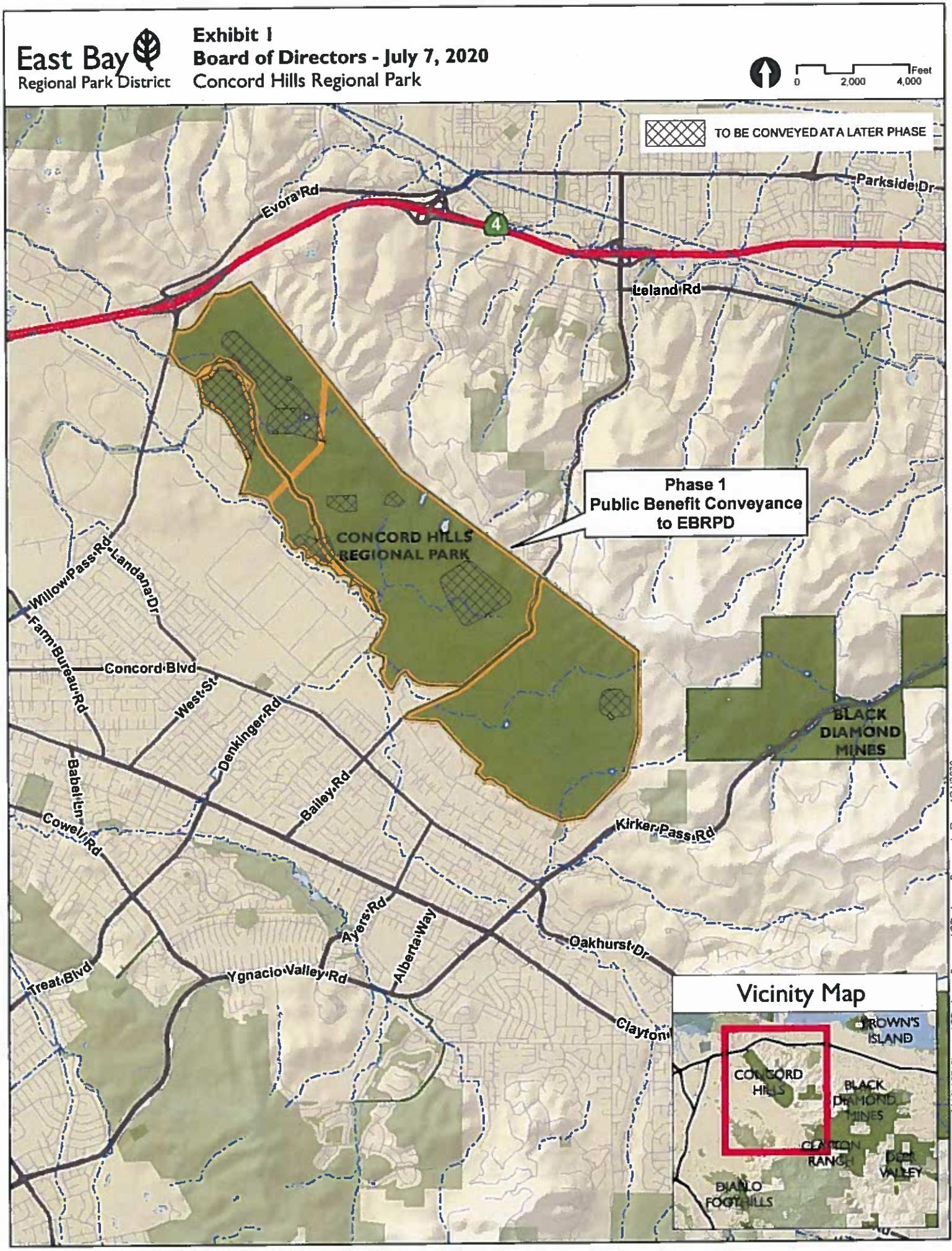
AGAINST: None.
ABSTAIN: None.
ABSENT: None.

CERTIFICATION
I, Yolande Barial Knight, Clerk of the Board of Directors of the East Bay Regional Park District, do hereby certify that the above and foregoing is a full, true and correct copy of Resolution No. 2020-07-152 adopted by the Board of Directors at a regular meeting held on July 7, 2020 Yolande Barial Knight

Ellen M. Corbett
Board President

East Bay Regional Park District

Exhibit 1
Board of Directors - July 7, 2020
Concord Hills Regional Park



O:\GIS\CMcKaskey\Projects_2019\ASD\Planning\CD_AcceptProperty\CD_AcceptProp.mxd Date: 4/21/2020

East Bay Regional Park District

May 1, 2020
SCH# 2017062063

CONCORD HILLS REGIONAL PARK

LAND USE PLAN
FINAL ENVIRONMENTAL IMPACT REPORT

Prepared By:

PLACEWORKS

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Berkeley, California 94709
510.848.3815

In Association with:

Environmental Science Associates
H.T. Harvey & Associates

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1. Executive Summary

This Final Environmental Impact Report (EIR) has been prepared to provide an assessment of the potential environmental consequences of approving and implementing the proposed Concord Hills Regional Park Land Use Plan, herein referred to as the "proposed project" or "proposed Plan." This Final EIR contains responses to comments received on the Draft EIR. This Final EIR also contains corrections and clarifications to the text and analysis of the Draft EIR, where warranted.

Table 1-1 summarizes the conclusions of the environmental analysis contained in this EIR and presents a summary of impacts and mitigation measures identified. It is organized to correspond with the environmental issues discussed in Chapters 4.1 through 4.16 of the Draft EIR. Table 1-1 is arranged in four columns: 1) environmental impact; 2) significance without mitigation; 3) mitigation measures; and 4) significance with mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapters 4.1 through 4.16 of the Draft EIR. Table 1-1 has been reprinted from the Draft EIR. It is formatted with ~~strikethrough~~ and <u>underline</u> text to indicate revisions to the Draft EIR.

Significance notations throughout the table are:

- S—Significant impact of the proposed Plan on the environment.
- PS—Potentially significant impact of the proposed Plan on the environment.
- LTS—Less than significant impact of the proposed Plan on the environment.
- N/A—Not applicable to the proposed Plan.

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
AESTHETICS			
AES-1: The project would not have a substantial adverse effect on a scenic vista.	LTS	N/A	N/A
AES-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	No Impact	N/A	N/A
AES-3: The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings.	LTS	N/A	N/A
AES-4: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	LTS	N/A	N/A
AES-5: The project would not contribute to significant cumulative aesthetic impacts.	LTS	N/A	N/A
AIR QUALITY			
AQ-1: Implementation of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan.	LTS	N/A	N/A
AQ-2: Implementation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.	LTS	N/A	N/A
AQ-3: Construction and operation activities associated with the proposed project would not expose sensitive receptors to substantial concentrations of air pollution.	LTS	N/A	N/A
AQ-4: Implementation of the proposed project would not result in other emissions (such as those leading to odors adversely affecting a substantial number of people	LTS	N/A	N/A
AQ-5: Implementation of the proposed project would not cumulatively contribute to air quality impacts in the San Francisco Bay Area Air Basin.	LTS	N/A	N/A

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
BIOLOGICAL RESOURCES			
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.	S	**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. ~~Surveys are to be conducted in a year with near-average or above-average precipitation.~~ 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.	LTS
		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.	
		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	

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		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.	
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.	S	**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 with 0.3~~25~~-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~~25~~-mile of the aquatic habitat; have a qualified biologist conduct a preconstruction survey for individual turtles within 0.3~~25~~-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.	LTS
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.	S	**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.	LTS
		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	

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		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.	

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		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 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.	
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.	S	**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.	LTS
		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~~250~~-foot buffer, within which no new activity will be permissible, shall be	

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		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 ~~250~~ 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.	
		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. ~~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~~	

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EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		~~nesting early in the season, or because young have already fledged late in the season).~~ 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.	
BIO-1.5: Regional Park construction activities during nesting season could reduce the productivity of nesting white-tailed kites.	S	**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.	LTS
		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.	
		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	

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		appropriate construction-free buffer around each nest in consultation with the CDFW. Generally, a buffer of 300 feet for white-tailed 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.	
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.	S	**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.	LTS
		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.	

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		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.	
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.	PS	**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 activities in a given area to determine whether bats have occupied a roost in or near the project's impact areas.	LTS
		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-	

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		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.	
		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 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	

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		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.	
		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.	
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.	PS	**BIO-1.8a: Pre-Activity Survey.** 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.	LTS

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		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, ~~one of~~ the following measure~~s~~ shall be implemented to avoid potential impacts on individual badgers: ~~▪ Active trapping and relocation of badgers to suitable off-site habitat by a qualified biologist.~~ ▪ 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 ~~one of~~ the measure~~s~~ described above.	
BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service.	LTS	N/A	N/A
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.	S	**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/	N/A

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		agreement, then the District will provide such mitigation in accordance with permit/agreement requirements.	
		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.	
BIO-4: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.	LTS	N/A	N/A
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.	S	**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.	LTS
BIO-6: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	LTS	N/A	N/A
BIO-7: The project would not contribute to significant biological resource impacts.	LTS	N/A	N/A
CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES			
CULT-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.	LTS	N/A	N/A
CULT-2: Implementation of the proposed Plan could result in the inadvertent disturbance to unknown archaeological resources. This would be a potentially significant impact.	PS	**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-	LTS

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		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 ~~r~~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	

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		the 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.	
CULT-3: Implementation of the proposed Plan could result in the accidental discovery of human remains. This would be a potentially significant impact.	**PS**	**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).	**LTS**
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.	**PS**	**CULT-4**: Implement Mitigation Measures CULT-2 and CULT-3.	**LTS**
CULT-5: The project would not contribute to significant cultural resource impacts.	**LTS**	N/A	**N/A**
ENERGY			

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
ENE-1: The project would not result in a substantial increase in natural gas and electrical service demands, and would not require new energy supply facilities and transmission infrastructure or capacity enhancing alterations to existing facilities.	LTS	N/A	N/A
ENE-2: The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.	LTS	N/A	N/A
ENE-3: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	LTS	N/A	N/A
ENE-4: The project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to energy conservation.	LTS	N/A	N/A
GEOLOGY AND SOILS			
GEO-1: The project would not result in significant impacts from directly or indirectly causing potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure (including liquefaction), or landslides.	LTS	N/A	N/A
GEO-2: The project would not result in substantial soil erosion or the loss of topsoil.	LTS	N/A	N/A
GEO-3: The project would not result in significant impacts associated with location on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	LTS	N/A	N/A
GEO-4: The project would not result in a significant impact associated with its location on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.	LTS	N/A	N/A
GEO-5: The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal	LTS	N/A	N/A

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
systems where sewers are not available for the disposal of wastewater.			
GEO-6: Implementation of the proposed Plan could result in the accidental discovery of paleontological resources. This would be a potentially significant impact.	**PS**	**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.	**LTS**
GEO-7: The project would not contribute to significant cumulative geology and soils impacts.	**LTS**	N/A	**N/A**

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
GREENHOUSE GAS EMISSIONS			
GHG-1: Implementation of the proposed project would not directly or indirectly generate GHG emissions that would result in a significant impact on the environment.	LTS	N/A	N/A
GHG-2: Implementation of the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.	LTS	N/A	N/A
GHG-3: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to GHG emissions.	LTS	N/A	N/A
HAZARDS AND HAZARDOUS MATERIALS			
HAZ-1: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	LTS	N/A	N/A
HAZ-2: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	LTS	N/A	N/A
HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school.	LTS	N/A	N/A
HAZ-4: The project would not result in a significant impact associated with location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	LTS	N/A	N/A
HAZ-5: The project is not located within an airport land use plan or within 2 miles of a public airport or public use airport and therefore would not result in a safety hazard or excessive noise for people residing or working in the project area.	No Impact	N/A	N/A

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
HAZ-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	**LTS**	N/A	**N/A**
HAZ-7: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.	**LTS**	N/A	**N/A**
HAZ-8: The project would not contribute to significant cumulative hazards and hazardous materials impacts.	**LTS**	N/A	**N/A**
HYDROLOGY AND WATER QUALITY			
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.	**PS**	**HYD-1.1:** 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.	**LTS**

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Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
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.	PS	**HYD-1.2:** 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 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 ~~Stormwater Control Plan (~~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.	LTS

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
HYD-2: The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	LTS	N/A	N/A
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.	PS	**HYD-3:** Implement Mitigation Measures HYD-1.1 and HYD-1.2.	LTS
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.	PS	**HYD-4:** Implement Mitigation Measures HYD-1.2	LTS
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.	PS	**HYD-5**: Implement Mitigation Measure HYD-1.2.	LTS
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.	PS	**HYD-6:** Implement Mitigation Measures HYD-1a and HYD-1b.	LTS
HYD-7: The project would not be in a flood hazard, tsunami, or seiche zones with risk of release of pollutants due to project inundation.	LTS	N/A	N/A
HYD-8: The project would not contribute to significant cumulative hydrology and water quality impacts.	LTS	N/A	N/A
LAND USE AND PLANNING			
LAND-1: The project would not physically divide an established community.	No Impact	N/A	N/A
LAND-2: The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	LTS	N/A	N/A

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Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
LAND-3: The project would not contribute to significant cumulative land use and planning impacts.	LTS	N/A	N/A
NOISE			
NOI-1: The project would not cause a substantial permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	LTS	N/A	N/A
NOI-2: The project would not cause a substantial temporary increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	LTS	N/A	N/A
NOI-3: The project would not cause exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.	LTS	N/A	N/A
NOI-4: The project would not expose people residing or working in the project area to excessive aircraft noise levels.	No Impact	N/A	N/A
NOI-5: The project would not contribute to significant cumulative noise impacts.	LTS	N/A	N/A
POPULATION AND HOUSING			
POP-1: The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	LTS	N/A	N/A
POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	No Impact	N/A	N/A
POP-3: The project would not contribute to significant cumulative population and housing impacts.	LTS	N/A	N/A
PUBLIC SERVICES AND RECREATION			
PS-1: The project would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain	LTS	N/A	N/A

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acceptable service ratios, response times, or other performance objectives.			
PS-2: The project, in combination with past, present and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to fire protection services.	LTS	N/A	N/A
PS-3: The project would not result in the need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.	LTS	N/A	N/A
PS-4: The project, in combination with past, present and reasonably foreseeable projects, would not result in less-than-significant cumulative impacts with respect to police services.	LTS	N/A	N/A
PS-5: The project would not result in the need for new or physically altered park facilities or other recreational facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.	LTS	N/A	N/A
PS-6: The project would not increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur, or be accelerated.	LTS	N/A	N/A
PS-7: The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	LTS	N/A	N/A
PS-8: The project, in combination with past, present and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to parks.	LTS	N/A	N/A
TRANSPORTATION			
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	PS	**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	LTS

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Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		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.	

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		▪ 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. ▪ Repairing and restoring affected roadway rights-of-way to their original condition after construction is completed.	
TRAF-2: The project would increase traffic volumes on area roadways, but would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	**No Impact**	N/A	**N/A**
TRAF-3: The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	**LTS**	N/A	**N/A**
TRAF-4: The project would not result in inadequate emergency access.	**LTS**	N/A	**N/A**
TRAF-5: The project would increase traffic volumes on area roadways, but would not contribute in a considerable way to cumulative transportation and traffic impacts.	**LTS**	N/A	**N/A**
UTILITY AND SERVICE SYSTEMS			
UTIL-1: The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.	**LTS**	N/A	**N/A**
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.	**S**	**UTIL-2:** 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.	**LTS**
UTIL-3: The project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to water service.	**LTS**	N/A	**N/A**
UTIL-4: The project would not require or result in the relocation or construction of new or expanded wastewater treatment facilities,	**LTS**	N/A	**N/A**

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Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
the construction or relocation of which would cause significant environmental effects.			
UTIL-5: The project would not result in the determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	**LTS**	N/A	**N/A**
UTIL-6: The project, in combination with past, present, and reasonably foreseeable projects would result in less-than-significant cumulative impacts with respect to wastewater service.	**LTS**	N/A	**N/A**
UTIL-7: The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.	**LTS**	N/A	**N/A**
UTIL-8: The project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.	**LTS**	N/A	**N/A**
UTIL-9: The project, in combination with past, present, and reasonably foreseeable development, would not result in significant impacts with respect to solid waste.	**LTS**	N/A	**N/A**
UTIL-10: The proposed project would not require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction or relocation of which would cause significant environmental effects.	**LTS**	N/A	**N/A**
UTIL-11: The project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to stormwater infrastructure.	**LTS**	N/A	**N/A**
WILDFIRE			
FIRE-1: The project would be located near a State Responsibility Area but it would not substantially impair an adopted emergency response plan or emergency evacuation plan.	**LTS**	N/A	**N/A**
FIRE-2: The project would be located near a State Responsibility Area but it would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project	**LTS**	N/A	**N/a**

LTS = Less than Significant; PS = Potentially Significant; S = Significant; N/A = Not Applicable

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.			
FIRE-3: The project would be located near a State Responsibility Area and would require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) but would not exacerbate fire risk or result in temporary or ongoing impacts to the environment.	**LTS**	N/A	**N/A**
FIRE-4: The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.	**LTS**	N/A	**N/A**
FIRE-5: The project would not contribute to significant cumulative wildfire impacts.	**LTS**	N/A	**LTS**

LTS = Less than Significant; PS = Potentially Significant; S = Significant; N/A = Not Applicable

2. Introduction

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378(a), "Project," the East Bay Regional Park District (District) Concord Hills Regional Park Land Use Plan (Plan) is considered a "project" subject to environmental review as its implementation is "an action [undertaken by a public agency] which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment." This Final Environmental Impact Report (EIR) provides an assessment of the potential environmental consequences of implementation of the project, herein referred to as "proposed project." This Final EIR compares the development of the proposed project with the existing baseline condition, described in detail in each section of Chapter 4.0, Environmental Analysis, of the Draft EIR. The District is the lead agency for the proposed project. This assessment is intended to inform the District's decision makers, other responsible agencies, and the public of the nature of the proposed project and its effect on the environment.

2.1 PROPOSED ACTION

The proposed Plan is intended to guide development of a future Regional Park through the 2050 buildout horizon of this Plan. The Plan describes the planned recreation facilities and conservation areas, where those land uses should be located, how those land uses may be accessed and connected, and how development of those uses should be managed so as to minimize impacts and maximize benefits to visitors. The Plan's five goals guide the ongoing development and management of the Regional Park:

- Biological Resources: Develop and manage the Regional Park for the protection, enhancement and restoration of natural resources and reduced risk of wildfire.
- 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.
- 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).
- 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 former Concord Naval Weapons Station (CNWS) and the Central Contra Costa County region.
- Interpretive Facilities: Establish a historical interpretation program and visitor center in partnership with the National Park Service, with support from and in collaboration with the Friends of Port Chicago and others, to honor the veterans who served at the CNWS, convey the significance of the events at Port Chicago, and provide displays on the history of Concord and the Diablo Valley region, and facilitate access to the National Park Service's Port Chicago Naval Magazine National Memorial.

The Plan has been written to be consistent with the Contra Costa County, City of Pittsburg, and City of Concord General Plans as well as the City of Concord Reuse Project Area Plan. As of the April 2020, publication of this Final EIR, the Area Plan remains the current land use regulation for the site.

2.2 ENVIRONMENTAL REVIEW PROCESS

2.2.1 DRAFT EIR

Pursuant to CEQA Guidelines Section 15063, "Initial Study," the District determined that the proposed project could result in potentially significant environmental impacts and that an EIR would be required. In compliance with CEQA Guidelines Section 15082, "Notice of Preparation and Determination of Scope of EIR," the District circulated the Notice of Preparation of an EIR for the proposed project to the Office of Planning and Research State Clearinghouse and interested agencies and persons on June 23, 2017, for a 30-day review period. A public Scoping Meeting was held on June 29, 2017, at 6:30 p.m. at the Concord Senior Center.

The Draft EIR was available for review by the public and interested parties, agencies, and organizations for a 49-day comment period from October 18, 2019 to December 6, 2019. During the comment period, the public and responsible agencies were invited to submit written and e-mail comments on the Draft EIR to the District.

2.2.2 FINAL EIR

Upon completion of the 45-day review period for the Draft EIR, the District reviewed all written comments received and prepared written responses to each comment on the adequacy of the Draft EIR. This Final EIR contains all of the comments received, responses to comments raising environmental issues, and any changes to the Draft EIR. This Final EIR will be presented to the East Bay Regional Park District Board for certification as the environmental document for the proposed project. All persons who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of the public hearing before the District.

All responses to comments submitted on the Draft EIR by agencies will be provided to those agencies at least 10 days prior to certification of the EIR. The District will make findings regarding the extent and nature of the impacts as presented in the EIR. The EIR will need to be certified as having been prepared in compliance with CEQA by the District prior to making a decision to approve or deny the proposed project. Public meetings and hearings to consider the Land Use Plan and Final EIR will be held at the District's Board Executive Committee, the Parks Advisory Committee and at a regular Board of Directors hearing. Notice of the public meetings and hearings will be published on the District's webpage, emailed or mailed to individuals on the Concord Hills Regional Park contact list, and public comment is encouraged at all public hearings before the District.

After the District certifies the EIR, it may then consider action on the proposed project. If approved, the District will adopt and incorporate into the project all feasible mitigation measures identified in the EIR and may also require other feasible mitigation measures.

In some cases, the District may find that certain mitigation measures are outside the jurisdiction of the District to implement, or that no feasible mitigation measures have been identified for a given significant impact. Although no significant unavoidable impacts were found in the EIR, if there had been, the District could, under CEQA adopt a statement of overriding considerations that determines that economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable, significant effects on the environment.

2.2.3 MITIGATION MONITORING

CEQA Guidelines Section 15097, "Mitigation Monitoring or Reporting," requires that the lead agency adopt a Mitigation Monitoring and Reporting Program (MMRP) for any project for which it has made findings pursuant to CEQA Guidelines Section 15091, "Findings," or adopted a Negative Declaration pursuant to CEQA Guidelines Section 15074, "Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration." Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR or Negative Declaration. The MMRP for this EIR is included as Appendix F to the Final EIR.

2.3 FINAL EIR ORGANIZATION

This Final EIR is organized into the following chapters:

- Chapter 1: Executive Summary. Summarizes environmental consequences that could result from implementation of the proposed project, describes recommended mitigation measures, and indicates the level of significance of environmental impacts before and after mitigation. Underline text in Table 1-1 represents language that has been added to the impacts and mitigation measures in the EIR; text in ~~strikethrough~~ has been deleted from the EIR.
- Chapter 2: Introduction. Provides an overview describing this Final EIR document.
- Chapter 3: Revisions to the Draft EIR. Contains corrections to the text and graphics of the Draft EIR. Underline text represents language that has been added to the EIR; text in ~~strikethrough~~ has been deleted from the EIR.
- Chapter 4: List of Commenters. Lists the names of agencies and individuals who commented on the Draft EIR.
- Chapter 5: Comments and Responses. Presents comments received on the Draft EIR alongside responses to each comment.
- Appendix: The appendix for this document contains the following:
  - Appendix E: Comment Letters. This appendix contains all comments, in their original format, received during the public review period for the Draft EIR.

- Appendix F: Mitigation Monitoring and Reporting Program. This appendix includes the MMRP for the Concord Hills Regional Park Land Use Plan EIR.

3. Revisions to the Draft EIR

This chapter presents changes to the Draft EIR that resulted from preparation of responses to comments. In each case, the page and location on the page in the Draft EIR is presented, followed by the text or graphic revision. Underline text represents language that has been added to the EIR; text with ~~strikethrough~~ has been deleted from the EIR. The revisions in this chapter do not require recirculation of the Draft EIR because they do not constitute "significant new information" under Section 15088.5 of the CEQA Guidelines. All changes to Draft EIR Table 1-1, Summary of Impacts and Mitigation Measures, are included in Chapter 1 of this Final EIR.

CHAPTER 3, PROJECT DESCRIPTION

The third bulleted paragraph under the heading "3.4.1 Facilities and Infrastructure" on page 3-33 of the Draft EIR is hereby amended as follows:

- Caretaker's Residence: A new Caretaker's Residence would be constructed at the site currently occupied by Building 87~~97~~. The residence would be made available to a District employee but would not be open to the public.

The bulleted list under the heading "Responsible Agencies" on page 3-40 of the Draft EIR is hereby amended as follows:

Responsible Agencies

- City of Concord:
  - Grading permits
  - Building permits
  - Permits for connections to City utilities
  - Plan review for connections to adjacent roadways
  - Rezoning
- Contra Costa County Fire Protection District:
  - Plan review
  - Occupancy permits

CHAPTER 4.3, BIOLOGICAL RESOURCES

Mitigation Measure BIO-1.1a on page 4.3-40 of the Draft EIR is hereby amended as follows:

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. ~~Surveys are to be conducted in a year with near-average or above-average precipitation.~~ 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.

Mitigation Measure BIO-1.2 on page 4.3-44 of the Draft EIR is hereby amended as follows:

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 with 0.3~~25~~-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~~25~~-mile of the aquatic habitat; have a qualified biologist conduct a preconstruction survey for individual turtles within 0.3~~25~~-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.

Mitigation Measure BIO-1.3b on page 4.3-47 of the Draft EIR is hereby amended as follows:

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.

Mitigation Measure BIO-1.4b on page 4.3-49 of the Draft EIR is hereby amended as follows:

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~~250~~-foot buffer, within which no new activity will be 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 ~~250~~ 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.

Mitigation Measure BIO-1.4c on page 4.3-49 of the Draft EIR is hereby amended as follows:

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. ~~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).~~ 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.

Mitigation Measure BIO-1.8b on page 4.3-55 of the Draft EIR is hereby amended as follows:

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, ~~one of~~ the following measure~~s~~ shall be implemented to avoid potential impacts on individual badgers:

- ~~Active trapping and relocation of badgers to suitable off-site habitat by a qualified biologist.~~
- 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 ~~one of~~ the measure~~s~~ described above.

CHAPTER 4.4, CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

Mitigation Measure CULT-2 on page 4.4-23 of the Draft EIR is hereby amended as follows:

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 ~~r~~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 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.

CHAPTER 4.9, HYDROLOGY AND WATER QUALITY

Mitigation Measure HYD-1.2 on page 4.9-19 of the Draft EIR is hereby amended as follows:

Mitigation Measure HYD-1.2: 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 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 ~~Stormwater Control Plan (~~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.

CHAPTER 4.10, LAND USE AND PLANNING

The first paragraph on page 4.10-13 of the Draft EIR is hereby amended as follows:

The General Plan and Zoning Ordinance are the primary land use planning documents for the City of Concord. As discussed in Chapter 3, Project Description, the proposed project seeks to ensure resource protection and to provide a range of recreational and educational opportunities for visitors. This is consistent with the proposed project site's current land use designation of Concord Reuse Project Open Space (CRP-OS), which intends to protect and enhance the sensitive habitats and valuable topographical and hydrological features of the site. ~~The project site is zoned Study (S) to allow for the open space uses to be more fully defined through the City and District planning processes. Therefore,~~ In the City's Municipal Code, the project site is zoned Study (S), which provides an interim zoning district for the entire Concord Reuse Project site, including the future park site. The S zoning district will be changed once the City adopts the Reuse Project Specific Plan or an "equivalent mechanism at a future date." (Municipal Code, Section 18.65.10). A rezoning from the current S zoning district would be required prior to development of the proposed Regional Park, after which the proposed project would be consistent with existing land use designations and zoning districts in the City of Concord.

CHAPTER 4.15, UTILITIES AND SERVICE SYSTEMS

The text under the heading "Water Supply" beginning on page 4.15-7, continuing onto page 4.15-8, of the Draft EIR is hereby amended as follows:

Existing water distribution at the site includes five water storage tanks with a total capacity of 1.7 million gallons and five pump stations that are owned by the United States Department of the Navy. Potable water is supplied to the project site by the Contra Costa Water District (CCWD). The CCWD serves approximately 500,000 customers within the over 140,000-acre area in eastern and central Contra Costa County. ~~The~~ CCWD provides treated water to the cities of Concord, Clayton, Clyde, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. The CCWD also sells wholesale treated water to the cities of Antioch~~, the Golden State Water Company in Bay Point,~~ and a portion of Brentwood. The CCWD also stores water in ~~two~~ four reservoirs within Contra Costa County~~, including~~ Mallard Reservoir in Concord, Contra Loma Reservoir in Antioch, Martinez Reservoir in Martinez, and Los Vaqueros Reservoir in Brentwood. The Mallard Reservoir is the closest reservoir to the project site, located approximately 4 miles northwest. The CCWD is planning a new 6-million-gallon CCWD storage tank and related facilities within the proposed Regional Park. The new storage tank would supply treated water for the Concord Reuse Project and any potable water needs within the proposed Regional Park. This new water tank requires location at a certain elevation, which is within District lands, in order to provide required water

service pressure.[1] The precise specifications and design of the water tank have not yet been determined, but it will be sited at an undetermined location within a 100-acre area of the future Park site, acreage which is currently retained by the US Navy.

CCWD co-owns and operates the Randall-Bold Water Treatment Plant, which provides treated water to Antioch, Diablo Water District serving Oakley, and Brentwood as well as its Treated Water Service Area. The Randall-Bold Plant has a production capacity of 50 million gallons per day (mgd) and is designed for future expansion for up to 80 mgd. The CCWD-operated Bollman Treatment Plant also supplies treated water to the project site. The Bollman Water Treatment Plant (Bollman Plant) is located in North Concord approximately 4 miles northwest of the project site and supplies potable water to the City, including the project site, as well as Pleasant Hill, Walnut Creek, Clayton, and Martinez. The Bollman Plant has a treatment capacity of 75 million mgd. CCWD also sells untreated water to the cities of Antioch, Martinez, and Pittsburg, and the California Cities Water Company in Bay Point, industrial and irrigation customers. CCWD has three water intakes in eastern Contra Costa County. These are located at Rock Slough, ~~and on~~ Old River, and at the Victoria Canal Intake on Middle River. ~~located in eastern Contra Costa County, and~~ CCWD also has an intake at Mallard Slough, located in central Contra Costa County. Water is conveyed from these intakes through the 48-mile Contra Costa Canal, which runs from Rock Slough to the ~~Terminal Reservoir in~~ Martinez Reservoir.

The major water supply source for the CCWD is the Sacramento-San Joaquin Delta under a contract with the United States Bureau of Reclamation's Central Valley Project (CVP) that runs to 2045. Under this contract, CCWD is provided up to 174 mgd, or ~~194,905~~ 195,000 acre-feet per year (afy). As of 2015, annual retail water demand was 58,840 afy. Planned retail water supplies are 113,100 afy in the year 2040, which are sufficient to meet retail demand of 96,500 afy in average and multiple dry years through the year 2040. The CCWD also maintains contracts with various local districts and private entities, including the East Contra Costa Irrigation District, for an additional ~~total~~ annual supply of ~~22 mgd~~ 12,200 afy. The City of Concord supplements its CCWD supply with two wells within the Clayton Valley Groundwater Basin, which are located at City Park and at Dover and Frontage Roads, totaling 1.34 mgd. Groundwater levels in the basin have declined gradually; groundwater levels are generally lowest during the summer months and highest during the winter months. Water quality testing conducted on samples collected indicate groundwater meets drinking water standards.

CCWD holds a Los Vaqueros water right that allows diversion of excess Delta Flows to Los Vaqueros Reservoir for storage. Surplus conditions occur in the Delta when there is more than enough water in the system to meet all regulatory constraints and demands. In wetter years, the Delta is in surplus conditions for much of the late winter through early summer. Surplus conditions are more limited in duration in drier years. CCWD also has a permit and a license that allow for total diversions of up to 25 ~~23.9~~ mgd from the Delta at Mallard Slough. However, this water source often has high salinity levels and can only be used seasonally. Little or no water is available from Mallard Slough during dry periods.

Recycled water would be provided by the Central Contra Costa Sanitary District (CCCSD) to the project site, although there is no existing service. The project site could be connected to the CCCSD recycled water distribution system either at the WWTP or at planned extensions of the recycled water distribution

[1] This text was added to the EIR at the request of a comment letter submitted by the Contra Costa Water District.

system. Recycled water may be used as a potable water alternative for landscape irrigation, decorative water features, and restroom facilities. The CCCSD has a recycled-water generation capacity of approximately 3 mgd, which has been allotted to current and future customers in the Concord/Pleasant Hill area. Additional generation capacity can be obtained with improvements to filtration and disinfection systems. CCCSD currently provides 200 million gallons (MG) per year to irrigation customers within the cities of Concord, Pleasant Hill, and Martinez, and 400 MG per year for plant use.

The first paragraph of impact discussion UTIL-1 on page 4.15-9 of the Draft EIR is hereby amended as follows:

As described above, the CCWD has a total of 113,113 afy ~~100.97 mgd~~ existing and projected water supplies available through 2040.

The first paragraph of impact discussion UTIL-2 on page 4.15-11 of the Draft EIR is hereby amended as follows:

The CCWD supplies water to the former CNWS. There are existing CCWD trunk lines at the main CNWS gate on Port Chicago Highway and near the existing Coast Guard Housing complex located on Olivera Road. Additionally, there are five water storage tanks within the former CNWS, with a total capacity for the storage tanks of 1.7 million gallons. The three largest tanks are located north of Bailey Road (one 1 million gallon tank and two 350,000 gallon tanks), while the two south of Bailey Road are smaller (1,500 and 5,000 gallon tanks), gravity tanks. There is one pump station (located in the Concord Reuse Project area, outside of the proposed Regional Park project site) and two wells that extract water for livestock. There are water troughs connected by underground pipes to the storage tanks, throughout project site, to provide drinking water for cattle. There are 13 troughs north of Bailey Road and 13 troughs in the Southern Area. The CCWD is planning a new 6-million-gallon CCWD storage tank and related facilities within the proposed Regional Park. The new storage tank would supply treated water for the Concord Reuse Project and any potable water needs within the proposed Regional Park.[2] The precise specifications of the water tank have not yet been determined, but it will be sited at an undetermined location within a 100-acre area of the future Park site, acreage which is currently retained by the US Navy. Whether or not this new tank is constructed, and its size, are dependent on the Concord Reuse Project, for which development plans are still underway.

CHAPTER 6, CEQA-MANDATED SECTIONS

The paragraph under the heading "6.4.1 Changes in Land Use That Commit Future Generations" on page 6-4 of the Draft EIR is hereby amended as follows:

As described in detail in Chapter 3, Project Description, of this Draft EIR, the proposed project establishes a Land Use Plan for a new Regional Park with a buildout horizon year of 2050. The proposed project is consistent with the existing Concord General Plan land use designation ~~and zoning~~ at the project site. Following a rezoning from the current "S" zoning district, an interim designation for the Concord Reuse Project, to a new zoning district, the future regional park would be consistent with the City of Concord's

[2] This text was added to the EIR at the request of a comment letter submitted by the Contra Costa Water District.

zoning regulations. The proposed Regional Park would ensure resource protection and provide a range of recreational and educational opportunities that connect visitors to the landscape and stories of the site and region. Existing buildings on the project site would be evaluated for Regional Park use and renovated where possible. Some existing buildings would be expanded as part of the renovations. Once future development of Regional Park buildings occurs, it would not be feasible to return the developed land to its existing (pre-project) condition. Therefore, at least some of the development envisioned under the proposed project would most likely lead to irreversible changes in land use. However, the proposed project would result in a net increase overall in the amount of land that is restored to natural use rather than developed. The proposed project would also extend public access and enjoyment to a new generation of people on land that was previously restricted to military personnel and/or abandoned and inaccessible to the public in the past.

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4. List of Commenters

Comments on the Draft EIR were received from the following individuals and agencies. Letters are arranged by date received. Each comment letter has been assigned a number, as indicated below. These letters are included in and responded to in Chapter 5 of this Final EIR. Comments are presented in their original format in Appendix E, along with annotations that identify each individual comment number.

Letter #1 Comments Received at the Community Open House, Cultural Resource Department, October 26, 2019
Letter #2 Wilton Rancheria, Cultural Resource Department, October 29, 2019
Letter #3 Jeremy Shannon, Vector Control Planner, Contra Costa Mosquito & Vector Control District, October 30, 2019
Letter #4 Joan Ryan, Community Reuse Area Planner, City of Concord, December 6, 2019
Letter #5 Tom Leatherman, Superintendent, United States Department of the Interior, December 9, 2019
Letter #6 Christine Schneider, Senior Planner, Contra Costa Water District, December 16, 2019
Letter #7 Aleki S. Mao, Staff Engineer, Contra Costa County Flood Control & Water Conservation District, February 4, 2020

LIST OF COMMENTERS

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5. Comments and Responses

This chapter includes a reproduction of, and responses to, each comment letter received during the public review period on the Draft Environmental Impact Report (EIR). Comments are presented in their original format in Appendix E, along with annotations that identify each individual comment number. Responses to individual comments are provided in this chapter alongside the text of each corresponding comment.

Table 5-1 presents comments received on the Draft EIR and responses to each of those comments. Letters are arranged by date received. Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to the Draft EIR, these revisions are shown in Chapters 1 and 3 of this Final EIR.

Table 5-1 Responses to Comments

Comment	Comment	Response
Letter #1	October 26, 2019 Comments Received at the Community Open House	
01-01	On our property near the Kirker Pass Road side of the park, there is a reserve for the red-legged frog. I am worried that if the conservation zone 1 is not connected to that reserve, it will disrupt the species movement from one place to another. I believe that this area should be a part of conservation zone 1 to prevent that.	The comment refers to existing ponds located at the southern tip of the project site, near the intersection of Holly Drive and Holly Creek Place. These ponds are located on the project site but are privately maintained and managed. They were created as part of a mitigation program following an oil pipeline leak that was identified in 2011 in the Phillips 66 Company's Line 200.[1] The ponds are connected to other amphibian breeding ponds by the upland habitat that is, and will be managed to remain, suitable for California red-legged frog dispersal. "Conservation zone 1" referenced by the commenter is a term used in the Biological Opinion that was issued by the United States Fish and Wildlife Service in 2017 and with which the future Regional Park shall comply as the designated conservation area for the City of Concord's Concord Reuse Project Area Plan. The proposed Land Use Plan for the Regional Park and this EIR use the term "Natural Units" to plan for this area. As described on page 3-17 of the Draft EIR, Natural Units comprise approximately 2,417 acres of the project site, including the ponds referenced in the comment, and will provide continuous and cohesive open space.
01-02	Hello – I'm concerned that the red-legged frog reserve isn't located on the map or brochure. It is located by Holly Creek Place. I believe this reserve shouldn't be disrupted by trails or the public. Thank you.	Please see Response 01-01.

[1] San Francisco Bay Regional Water Quality Control Board, 2016, Site Cleanup Requirements for Phillips 66 Company Line 200 Release Initial Study & Mitigated Negative Declaration,

Comment	Comment	Response
Letter #2	October 29, 2019 Wilton Rancheria, Cultural Resource Department	
02-01	Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and will be accomplished by several means, including: ▪ Planning construction to avoid tribal cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources will be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.	The comment provides information about preferred mitigation for impacts to tribal cultural resources (TCRs) but does not address the adequacy of the Draft EIR. As described under impact discussion CULT-4 in Chapter 4.4, Cultural Resources and Tribal Cultural Resources, of the Draft EIR, there is one known prehistoric archaeological site on the project site, and it would be avoided and preserved under the proposed project. Under Mitigation Measure CULT-2, prior to construction, a qualified archaeologist would develop a training program for all construction and field workers involved in ground-disturbing activities. If a previously undiscovered TCR is discovered during project construction, all activity within 100 feet of the find would halt. A qualified archaeologist would prescribe the appropriate course of action, which would include consultation with Native American representatives. The resource would be avoided if feasible. Under Mitigation Measure CULT-3, if human remains are discovered and are thought to be Native American, the County Coroner will notify the Native American Heritage Commission and the most likely descendant of the deceased Native American would help determine the course of action.
02-02	▪ If the resource can be avoided, the construction contractor(s), with paid Native American monitors from culturally affiliated Native American Tribes present, will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing	The comment provides information about preferred mitigation for impacts to TCRs but does not address the adequacy of the Draft EIR.

Comment	Comment	Response
	throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an "Environmentally Sensitive Area". Native American representatives from interested Native American Tribes and the CEQA lead agency representative will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (*Guidelines for Evaluating* and *Documenting Rural Historic Landscapes*), Bulletin 36 (*Guidelines for Evaluating and Registering Archaeological Properties*), and Bulletin 38 (*Guidelines for Evaluating and Documenting Traditional Cultural Properties*); National Park Service Preservation Brief 36 (*Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes*) and using the Advisory Council on Historic Preservation (ACHP) *Native American Traditional Cultural Landscapes Action Plan* for further guidance. Use of temporary and permanent forms of protective fencing will be determined in consultation with Native American representatives from interested Native American Tribes.	Please see Response 01-01 for a summary of proposed mitigation in the event of the discovery of a TCR. Mitigation Measure CULT-2 states, "The archaeologist shall consult with Native American representatives in determining appropriate treatment for prehistoric or Native American cultural resources."
02-03	Tribal Cultural Resource Avoidance Mitigation Measure Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and will be accomplished by several means, including: ▪ Planning construction to avoid tribal cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for	The comment is a duplicate of Comments 01-01 and 01-02. Please see Responses 01-01 and 01-02.

Comment	Comment	Response

avoidance of cultural resources will be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.

- If the resource can be avoided, the construction contractor(s), with paid Native American monitors from culturally affiliated Native American Tribes present, will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an "Environmentally Sensitive Area". Native American representatives from interested Native American Tribes and the CEQA lead agency representative will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (*Guidelines for Evaluating* and *Documenting Rural Historic Landscapes*), Bulletin 36

COMMENTS AND RESPONSES

Comment	Comment	Response
	(*Guidelines for Evaluating and Registering Archaeological Properties*), and Bulletin 38 (*Guidelines for Evaluating and Documenting Traditional Cultural Properties*); National Park Service Preservation Brief 36 (*Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes*) and using the Advisory Council on Historic Preservation (ACHP) *Native American Traditional Cultural Landscapes Action Plan* for further guidance. Use of temporary and permanent forms of protective fencing will be determined in consultation with Native American representatives from interested Native American Tribes.	
02-04	Inadvertent Discoveries Mitigation Measures Develop a standard operating procedure, points of contact, timeline and schedule for the project so all possible damages can be avoided or alternatives and cumulative impacts properly accessed. If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.	The comment provides information about preferred mitigation for impacts to TCRs but does not address the adequacy of the Draft EIR. Please see Response 01-01 for a summary of proposed mitigation in the event of the discovery of a TCR.

Comment	Comment	Response
	If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with Wilton Rancheria regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.	
02-05	Post-Ground Disturbance Site Visit Mitigation Measure A minimum of seven days prior to beginning earthwork or other soil disturbance activities, the applicant shall notify the CEQA lead agency representative of the proposed earthwork start-date, in order to provide the CEQA lead agency representative with time to contact the Wilton Rancheria tribal representative shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of ground-breaking activity. During this inspection, a site meeting of construction personnel shall also be held in order to afford the tribal representative the opportunity to provide tribal cultural resources awareness information. If any tribal cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during this initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find, and the project applicant shall immediately notify the CEQA lead agency representative. The project applicant shall coordinate any necessary investigation of the site with a Wilton Rancheria tribal representative, a qualified archaeologist approved by the City, and as part of the site investigation and resource assessment the archeologist shall consult with the Wilton Rancheria and provide proper management recommendations should potential impacts to the resources be found by the CEQA lead agency representative to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the CEQA lead agency representative by the qualified archaeologist. Possible management	The comment provides information about preferred mitigation for impacts to TCRs but does not address the adequacy of the Draft EIR. The sample mitigation language recommends that the project applicant notify the CEQA lead agency; in the case of the proposed project, the project applicant (i.e. preparer of the proposed land use plan) and CEQA lead agency are both the East Bay Regional Park District (District). The general intention of the proposed mitigation language is to recommend the CEQA lead agency (District) invite the Wilton Rancheria tribal representative to inspect the project site within five days of beginning earthwork, and to allow the tribal representative to provide construction personnel with awareness information. This is consistent with the current Mitigation Measures. Under Mitigation Measure CULT-2, prior to construction, a qualified archaeologist is required to develop a training program for all construction and field workers involved in ground-disturbing activities. Also, under Mitigation Measure CULT-2 the qualified archeologist will consult with a Native American representative in the manner suggested by the commenter. Mitigation Measure CULT-2 as currently written is adequate to conform with CEQA, however, the District recognizes the

Comment	Comment	Response
	recommendations for tribal cultural resources, historical, or unique archaeological resources could include resource avoidance or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, preservation in place or other measures. The contractor shall implement any measures deemed by CEQA lead agency representative staff to be necessary and feasible to avoid or minimize significant effects to the cultural resources, including the use of a Native American Monitor whenever work is occurring within 100 feet of the find.	commenter is seeking additional consultation with Native American Representatives beyond that of the current language of CULT-2. The District amends CULT-2, as shown in Chapters 1 and 3 of this Final EIR.
02-06	Tribal Cultural Resource – Awareness Training- Mitigation Measure A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.	The comment provides information about preferred mitigation for impacts to TCRs but does not address the adequacy of the Draft EIR. The comment requests a tribal cultural awareness brochure and a training program, developed in coordination with interested Native American Tribes. Under Mitigation Measure CULT-2, as revised, prior to construction, a qualified archaeologist would develop a training program for all construction and field workers involved in ground-disturbing activities. In response to the commenter, the District amends CULT-2, as shown in Chapter 3 of this Final EIR.
Letter #3	**October 30, 2019**	**Jeremy Shannon, Vector Control Planner, Contra Costa Mosquito & Vector Control District**
03-01	As a bit of background, the District is tasked with reducing the risk of diseases spread through vectors in Contra Costa County by controlling them in a responsible, environmentally-conscious manner. A “vector”	The comment provides background information and does not address the adequacy of the Draft EIR.

Comment	Comment	Response
	means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and rodents and other vertebrates. Under the California Health and Safety Code, property owners retain the responsibility to ensure that the structure(s), device(s), other project elements, and all additional facets of their property do not produce or harbor vectors, or otherwise create a nuisance. Owners are required to take measures to abate any nuisance caused by activities undertaken and/or by the structure(s), device(s), or other feature(s} of their property. Failure by the property owner to address a nuisance may lead to abatement by the Contra Costa Mosquito & Vector Control District and civil penalties up to $1,000 per day pursuant to California Health and Safety Code §2060-2067.	
03-02	Potential impacts to human health by disease vectors is not properly addressed under CEQA-an oversight that has created problems for mosquito abatement and vector control agencies throughout California. The analysis for a project should consider evidence of potential environmental impacts, even if such impacts are not specifically listed on the Appendix G checklist. [State CEQA Guidelines, §15063(f)]. To determine whether Public Health and Safety may be significantly impacted, lead agencies should refer to the California Health and Safety Code §2000-2093 for definitions and liabilities associated with the creation of habitat conducive to vector production and to guidance provided by local mosquito and vector control districts/agencies in their determination of environmental impacts. Would the project: a) Increase the potential exposure of the public to disease vectors (e.g., mosquitoes, flies, ticks, and rats)? b) Increase potential mosquito/vector breeding habitat (i.e., areas of prolonged standing/ponded water like wetlands or stormwater treatment control BMPs and LID features)?	As noted in the comment, the risk to human health by disease vectors is not addressed in Appendix G of the CEQA Guidelines and is not considered as a topic for evaluation under CEQA. The referenced citation in the CEQA Guidelines does not grant authority for a Lead Agency to increase the range of environmental topics to be evaluated in an EIR, but instead notes that, “public agencies are free to devise their own format for an initial study.”

Comment	Comment	Response
03-03	Currently, the District controls mosquitoes and ground-nesting yellow Jackets found in marshes, trails, seasonal wetlands, and more owned by East Bay Regional Park District, including several locations within the area of the future Concord Regional Hills Park location. Careful considerations for design, construction, operation, and maintenance measures should be employed for any seasonal wetland, pond, irrigation installation, grazing area, or any other land use element to minimize mosquito production. Addressing these concerns in the environmental review and project planning phases can not only better protect public health and reduce the need for pesticide applications for vector control efforts, but potentially avoid costly retrofits and fines for property owners in the future. Please don't hesitate to contact the District should you have any questions or need anything further.	The Draft EIR considers significance criteria established in Appendix G of the CEQA Guidelines, which do not include disease vectors. The District implements integrated pest management (IPM) strategies consistent with its adopted Pest Management Policies and Practices resolution. The District uses an IPM Checklist to implement, monitor, and refine the adopted Policies and Practices. The District also prepares an IPM annual report. According to the 2018 IPM annual report, the first principal goal of the District's IPM program is to protect public health from health threats including mosquitos.[2] The Regional Park manages vegetation with mowing and grazing. Under the proposed project, the District would continue its standard abatement procedures, which include vegetation control, draining puddles that form in parking areas, and managing vegetation in ponds. The District will also continue its partnership with the Contra Costa Mosquito & Vector Control District to coordinate more intensive abatement needs when they arise. Development of the Regional Park would also improve access throughout the project site in comparison to existing conditions, which would allow for improved maintenance and access for District staff and mosquito and vector abatement technicians.
Letter #4	**December 6, 2019 Joan Ryan, Community Reuse Area Planner, City of Concord**	
04-01	The City of Concord appreciates the opportunity to review and provide comments on the Draft Environmental Impact Report (EIR) for the East Bay Regional Park District's Concord Hills Regional Park (Project), located	Figure 3-8 of the Draft EIR shows planned trail alignments. This figure was prepared using the latest circulation map for the draft Concord Reuse Project Specific Plan, and the City's

[2] East Bay Regional Park District, 2019, Integrated Pest Management Annual Report 2018, page 2, https://www.ebparks.org/civicax/filebank/blobdload.aspx?blobid=32339, accessed March 11, 2020.

Comment	Comment	Response
	within the former Concord Naval Weapons Station Area. Key categories for analysis that the City is interested in include clarifications on project description, land use with respect to zoning and circulation with respect to location of the flood detention basin associated with the Concord Reuse Project (CRP) Specific Plan. The City of Concord respectfully requests your consideration of the following items in your preparation of the Final EIR. Project Description: 1. Figure 3-8 - Specific trail connections into the Concord Hills Regional Park from the Specific Plan area still need to be determined and coordinated, pending resolution of the location of the City's flood detention basin for the CRP Specific Plan area.	proposed locations of the flood detention basin which were available at the time that the Draft EIR was prepared and released. The District will coordinate with the City to ensure that trail connections, when constructed, align with City plans for the flood detention basins and the Concord Reuse Project development.
04-02	2. Section 3.3.5.1 - Delta Road currently is not planned to extend east of Willow Pass Road; rather it would connect at an intersection at Willow Pass Road with Avila Road. The City is currently in the process of determining a road alignment to accommodate a flood detention basin for the CRP Specific Plan area. Routes will be facilitated for interim and permanent access to the Project as more detailed design occurs for the Tournament Sports Complex and the flood detention basin options associated with the CRP Specific Plan.	The circulation plan included in the proposed Land Use Plan and analyzed in the Draft EIR is based on the information available at the time that the Land Use Plan and this EIR were written. The City's Concord Reuse Project Specific Plan is underway and precise circulation routes have not yet been finalized. Prior to implementation of the Land Use Plan and construction of the proposed Regional Park, the District will coordinate with the City to ensure that planned access points for the Regional Park align with up-to-date City planning documents and development plans of the Concord Reuse Project.
04-03	3. Section 3.3.5.1 -Provide approximate size for the Diablo Center and clarify whether this is intended to be a new building or an outdoor staging facility.	The Diablo Center would be a new building that replaces Building 87, which is a 15,000-square-foot building. The size and design of the Diablo Center has not yet been determined by the District, but itis not anticipated to exceed the footprint of the current Building 87.

Comment	Comment		Response
04-04	4.	Section 3.3.6.1 -The City is currently studying two flood detention basins, one on the City's "Citywide Park" site (earlier described in the CRP Area Plan) and one on the EBRPD site, south of the existing building (for use as an interpretive center), along Kinne Blvd. The City is in the process of working through how Kinne Blvd. may be re-aligned to accommodate the latter flood control detention basin option, south of the interpretive center.	The District recognizes that Kinne Boulevard may need to be realigned from its current configuration for the Concord Reuse Project and the proposed flood detention basins. The District will continue to work with the City as the City finalizes plans for Kinne Boulevard, to ensure that access for the planned Regional Park and Visitor Center is not precluded by the City's intended configuration of Kinne Boulevard.
04-05	5.	Section 3.8 Required Permits and Approvals. ▪ The Concord Hills Regional Park is within the City of Concord City limits and as such would require a rezoning from the current Study (S) zoning district to an appropriate zoning district, in addition to Design and Site Review for the interpretive center and overall plan. It is the City's understanding that EBRPD is a "local agency" under government code sections 53090-53097.5 and does not fall within any of the listed exceptions in section 53090(a). The City is prepared to assist you through this process, when the time comes.	The District recognizes that rezoning will be necessary prior to development of the proposed Regional Park. The list of required approvals from the City of Concord on page 3-40 of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. The District acknowledges that the project site will need to rezoned, and the District will work with the City in a rezoning. However, it is important to keep in mind that, although the District is a "local agency" under Government Code sections 53090-53097.5, local regulations which conflict with the District's State legislative authority would not be applicable. The District is an independent Special District under the State Public Resources Code. Under the California Public Resources Code (Article 3, 5500 series), the District has the power to: *"...acquire land...to plan...develop...and operate a system of public parks, playgrounds, golf courses, beaches, trails, natural areas, ecological and open space preserves, parkways, scenic drives, boulevards and other facilities for public recreation, for the use and enjoyment of all the inhabitants of the District...to conduct programs and classes in outdoor science education and conservation education...to employ a police force...prevent and suppress fires...and to do all other things necessary or convenient to carry out the purposes of the District."*

Comment	Comment	Response
		However, it is the District's intent to work cooperatively with the City to during the Specific Plan adoption and future design development phase of the Project to ensure the project is consistent with local regulations and Park District statutory authority.
04-06	Environmental Evaluation 6. Section 4.9 ▪ The City will be moving forward with showing two alternative flood detention basins. One within the City's eventual "Citywide Park" location within the CRP Specific Plan area and one southeast of the existing building on the EBRPD property (east of Mount Diablo Creek). Kinne Blvd. would need to be re-routed around the basin. The City is currently coordinating this effort. The City's latest maps are attached for your convenience.	The need for these flood detention basins is based on the current development proposal for the Concord Reuse Project, for which development planning and a Specific Plan adoption is still underway. The District will work with the City to ensure that the final design for the proposed Regional Park and the future Visitor Center is not precluded by the location of the future flood detention basins. The District has, and will continue to, align the new Regional Park with the City's final development plans for the Concord Reuse Project.
04-07	7. Section 4.10.1.2 City of Concord General Plan and Zoning ▪ Land Use Designation Consistency- last sentence notes the proposed project would be consistent with existing land use designations and zoning districts. Although the project is consistent with the City's general plan designation, the current zoning of Study (S) District, is an interim zoning district, and therefore a rezoning to an appropriate permanent designation would need to occur at some point prior to development, which the City would assist the District in facilitating. Section 18.65.030 (Study District) of the City's Development Code states that, *"No permits or approvals otherwise required under Division II of this title in order to establish new land uses shall be issued prior to adoption of a specific plan or equivalent*	The East Bay Regional Park District recognizes that rezoning will be necessary prior to development of the proposed Regional Park. The discussion of zoning consistency on page 4.10-13 of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.

Comment	Comment	Response
	regulatory document which conforms to the City's General Plan."	
04-08	CEQA Mandated Sections 8. Section 6.4.1 ▪ Second sentence notes the proposed project is consistent with the existing zoning at the project site. The current zoning in place is Study (S) district which is an interim designation and does not allow any open space development until a rezoning to an appropriate permanent zoning district occurs. The City can assist you through this process when appropriate.	The East Bay Regional Park District recognizes that rezoning will be necessary prior to development of the proposed Regional Park. The discussion of zoning consistency on page 6-4 of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
Letter #5	**December 9, 2019 Tom Leatherman, Superintendent, United States Department of the Interior**	
05-01	The National Park Service (NPS) appreciates the opportunity to comment on the proposed Land Use Plan for Concord Hills Regional Park. The NPS manages and maintains administrative jurisdiction over Port Chicago Naval Magazine National Memorial (National Memorial), a designated unit within the national park system. The National Memorial lies within the Tidal Area of the former Concord Naval Weapons Station, currently the Military Ocean Terminal, Concord, which is adjacent to Concord Hills Regional Park. Because the Regional Park is also on former Concord Naval Weapons Station land, it has been designated as an "other important resource" in the 2015 *Port Chicago Naval Magazine National Memorial Foundation Document,* due to the its ability to, "provide an opportunity to understand the complexity of the Port Chicago stories within their historical geographic context." The enabling legislation for the Port Chicago Naval Magazine National Memorial acknowledges the key role East Bay Regional Park District (the District) would play in the functioning of the National Memorial, by authorizing an agreement among the NPS and the District, "to establish and operate a facility for visitor orientation and parking, administrative	The comment is noted. However, the comment does not address the adequacy of the Draft EIR.

Comment	Comment	Response
	offices, and curatorial storage for the National Memorial" (P.L. 111-84, div. B, title XXVIII, Sec 2853 (f)) (October 28, 2009). Pursuant to this legislation the NPS has entered into a Cooperative Management Agreement with the District as mentioned in Chap. 2 pg. 37 of the Land Use Plan, through which the NPS shall, in part, "[p]rovide expertise, technical review and consultation on planning documents[...]," and the NPS and District shall, in part, "Collaborate in the development of the Concord Hills Regional Park Land Use Plan, including the preliminary planning and design for a Port Chicago Naval Magazine National Memorial Visitor Center as part of this larger planning process." The NPS recognizes the Concord Hills Regional Park Land Use Plan as a culmination of past collaborative planning and partnership consistent with the above directives. In review of the Plan, the NPS is supportive of the inclusion of the "Interpretive Facilities" Land Use Plan Goal and Management Task "ACCESS 2", both of which further formalizes the aim to create a joint visitor center. The NPS agrees that adaptive reuse of Building IA-24 would serve as an ideal Visitor Center location, while also providing the "administrative offices" which are referred to in the National Memorial's enabling legislation. The proposed Archive Building (Chap. 3, pg. 74) would also be a key element in the preservation of the National Memorial's museum collection, and is consistent with the "curatorial storage" element referred to in the enabling legislation. As a long-time partnering agency with the District, the NPS supports the completion and adoption of the proposed Land Use Plan as a key next step in the implementation of the National Memorial's enabling legislation. The NPS looks forward to continuing collaboration with the District in implementing the joint visitor center and administrative and curatorial facilities, and in cohosting special events, tours, and related programs. If you have any questions, please contact Trevor Rice, Park Planner, at (510) 232-5050 x6632 or trevor rice@nps.gov.	

Comment	Comment	Response
Letter #6	December 16, 2019 Christine Schneider, Senior Planner, Contra Costa Water District	
06-01	The Contra Costa Water District (CCWD) is in receipt of the East Bay Regional Park District's request for comments related to this proposed project. CCWD does not have substantive comments on the findings as contained in this EIR pursuant to the California Environmental Quality Act (CEQA); however, there is no mention of the new CCWD storage tank to supply the City of Concord that will be located on EBPRD land, in either the Project Description or in Section 4.15, Utilities and Service Systems. While we recognize that the new water tank is in support of the City of Concord's Concord Reuse Plan, it will be located on EBRPD land, thus the description should be included in this Land Use Plan EIR.	As shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, mention of the planned water storage tank for the Concord Reuse Project has been added to Chapter 4.15, Utilities and Service Systems, of the Draft EIR. Because the specifications and location of the water tank are currently unknown, beyond the acreage retained and reserved by the U.S. Navy for future conveyance to the Park District for the purpose of siting a new water tank, it would be speculative to assess the potential environmental impacts of the water tank placement in the absence of a specific location. The District did not include the water storage tank in the EIR Project Description for this reason, however, the District will work with the City of Concord and CCWD regarding the tank location and other details as the development plans for the Concord Reuse Project are finalized.
06-02	We also note that there are numerous inaccuracies and/or inconsistencies in Section 4.15 related to the description of CCWD's facilities and water supplies. These are not germaine to the CEQA findings that CCWD's water supplies are adequate to serve this project. I would be happy to work with you on these items after you are finished with the CEQA process, and in the future CCWD would be happy to review administrative drafts of CEQA document sections that pertain to CCWD. CCWD values our relationship with the Park District and looks forward to continuing to work together on this important project. Please email or call me directly at either cschneider@ccwater.com or (925) 688-8118.	Subsequent to receiving this comment letter, the EIR preparer contacted the commenter to request specific textual edits for the Draft EIR. The commenter's edits are reflected in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
Letter #7	February 4, 2020 Aleki S. Mao, Staff Engineer, Contra Costa County Flood Control & Water Conservation District	
07-01	We have reviewed the Draft Environmental Impact Report (DEIR) and the Land Use Plan for the Concord Hills Regional Park project, which we	The project does not propose storm drainage connections to Mt. Diablo Creek. As described in Mitigation Measure HYD-1.2

Comment	Comment	Response
	received on October 22, 2019, and January 14, 2020, respectively. We understand the plan consists of a new regional park that will be located west of the Keller Canyon Landfill (APN 111-010-014 and 111-010-017). The Contra Costa County Flood Control and Water Conservation District (FC District) submits the following comments for your consideration: 1. The Environmental Impact Report (EIR) and Land Use Plan should address the long-term maintenance of storm drain connections to Mt. Diablo Creek.	in the Draft EIR, stormwater would be managed on-site through a combination of low impact development (LID), source control best management practices (BMPs) and treatment control measures.
07-02	2. We would like to request park drainage plans for our review when it becomes available. We want to review the drainage plans for impacts to the Mt. Diablo Creek.	The comment is noted. The comment does not address the adequacy of the Draft EIR.
07-03	3. The EIR should note that this project is located in Drainage Areas 123 and 33, unformed drainage areas, and therefore no drainage area fees are due at this time.	The comment is noted. The comment does not address the adequacy of the Draft EIR.
07-04	4. Previous improvements in the Mt. Diablo Creek Watershed were required to pay a mitigation fee at a rate of $0.25 per square foot of new impervious surface area created by new development. However, Mt. Diablo Creek mitigation fees are not being collected at this time. The EIR should discuss how the East Bay Regional Park District will deal with the additional runoff generated by new roads and other impervious areas.	As described in Mitigation Measure HYD-1.2 in the Draft EIR, stormwater would be managed on-site through a combination of low impact development (LID), source control best management practices (BMPs) and treatment control measures. Page 4.9-20 of the Draft EIR states, “the District would prepare and submit to the City of Concord for review and approval a Stormwater Control Plan, which would draw upon the LID Design Guide from the Contra Costa Clean Water Program Stormwater C.3 Guidebook. The guidebook includes sizing factors and criteria for “treatment and flow control” to ensure that stormwater is managed in a manner that protects water quality and manages flow quantities. Most projects use a combination of site design measures (self-treating and self-retaining areas) and bioretention facilities to meet runoff treatment and flow-control requirements. Pursuant to the City of Concord’s Municipal Code, the Stormwater Control Plan must include an exhibit and calculations showing the site

Comment	Comment	Response
		drainage and proposed treatment and flow-control facilities meet the NPDES C.3 criteria.
07-05	5. We recommend that the EIR discuss the impacts of the runoff from future development to the existing drainage facilities in the downstream areas, including those areas outside of the project site. The downstream drainage system is inadequate.	Please see Responses 06-01 and 06-04. In addition, page 4.9-22 of the Draft EIR states, "Since the project would reduce overall impervious area at the site, and Stormwater Control Plan measures would be required for compliance with the MRP and City of Concord Municipal Code, the project would not substantially increase the rate or amount of surface runoff in a manner which could result in flooding on- or off-site."
07-06	6. The EIR should discuss flooding along the downstream segment of Mt. Diablo Creek, north of Highway 4, which gets flooded from time to time. The downstream section of Mt. Diablo Creek is a private section, which is maintained by property owners, and among those owners are the United States Government, the City of Concord, Contra Costa Water District, and Tesoro. This is the lower section of the Mt. Diablo Creek Watershed with unimproved reaches and wetlands that silt up easily. For this reason, they are regularly maintained by private owners. However, when the area is not properly maintained, floods occur all the way to the adjacent Port Chicago Highway right-of-way and become a problem for the residents of the unincorporated area of Clyde. There is a concern that future development of the former Concord Hills Regional Park parcels will increase the downstream flows and could potentially flood Port Chicago Highway. The EIR should discuss this issue and identify measures to mitigate the additional runoff. Contra Costa County should be included in the list of stakeholders for any development within the park, as future flooding of Port Chicago Highway and Clyde will impact the residents.	Existing floodplains are described on page 4.9-16 of the Draft EIR. As described on page 4.9-16, existing downstream flooding does not occur on the project site, with the exception of the corner of the site immediately north of Bailey Road and east of Mount Diablo Creek. As noted in Response 06-05, the project would reduce the amount of impervious surfaces on the project site, and the project is not expected to result in flooding on- or off-site.
07-07	7. The FC District does not allow or recommend the use of bioretention areas (C.3 facilities) sized to meet Contra Costa Clean Water Program C.3. requirements for mitigating peak flows. These C.3 Facilities have not been proven to perform as peak flow mitigation measures under design storm flow conditions for the 10-year storm and above. They do	In response to this comment, Mitigation Measure HYD-1.2 has been revised, as shown in Chapters 1 and 3 of this Final EIR. As shown in the revised mitigation measure, the District will coordinate with the Contra Costa County Flood Control and Water Conservation District (FC District) in preparing the

Comment	Comment	Response
	not account for the saturated condition of soils that could precede a 10-year design storm. They have not been in use long enough to provide an operational experience that they will continue to perform as designed and be maintained properly. Any C.3 facility that is proposed to be used to mitigate peak flows must be analyzed in a way that ignores the storage volume below the C.3 Facility overflow grate (spillway) elevation. Further, it must be analyzed using a hydrograph produced by or accepted by the FC District. We appreciate the opportunity to comment on the available DEIR and welcome continued coordination. Should you have any questions, please contact me at (925) 313-2263 or by e-mail at Aleki.Mao@pw.cccounty.us.	Stormwater Control Plan for the proposed Regional Park to ensure that the FC District's concerns are reflected in the Regional Park's stormwater controls.

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APPENDIX E

COMMENTS RECEIVED ON THE DRAFT EIR

COMMENT LETTER # 01

East Bay Regional Park District

Please give us your thoughts about the future Regional Park:

On our property near the Kirker pass road side of the park, there is a reserve for the red-legged frog. I am worried that if the conservation zone 1 is not connected to that reserve, it will disrupt the species movement from one place to another. I believe that this area should be apart of conservation zone 1 to prevent that.

01-01

Do you have comments on the Environmental Impact Report?

(See documents at project web page: https://www.ebparks.org/about/planning/cnws.htm)

Do you want to be added to the project mailing list?

Email address: isabella.gonzales@gmail.com

East Bay Regional Park District

Please give us your thoughts about the future Regional Park:

Do you have comments on the Environmental Impact Report?

(See documents at project web page: https://www.ebparks.org/about/planning/cnws.htm)

Hello- I'm concerned that the red-legged frog reserve isn't located on the map or brochure. It is located by Holly Creek Place. I believe this reserve shouldn't be disrupted by trails or the public. Thank you Wendy Gonzales

01-02

Do you want to be added to the project mailing list?

Email address: Wendysgonzales@hotmail.com

From: Cultural Resource Department Inbox [mailto:crd@wiltonrancheria-nsn.gov]
Sent: Tuesday, October 29, 2019 10:41 AM
To: Devan Reiff <DReiff@ebparks.org>
Cc: Cultural Resource Department Inbox <crd@wiltonrancheria-nsn.gov>
Subject: Concord Hills Regional Park Land Use Plan

Good morning,

Please see below and attached Mitigation Measures regarding the following project.

Thank you

Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and will be accomplished by several means, including:

- Planning construction to avoid tribal cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources will be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified. **02-01**
- If the resource can be avoided, the construction contractor(s), with paid Native American monitors from culturally affiliated Native American Tribes present, will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will **02-02**

be demarcated as an “Environmentally Sensitive Area”. Native American representatives from interested Native American Tribes and the CEQA lead agency representative will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (*Guidelines for Evaluating* and *Documenting Rural Historic Landscapes*), Bulletin 36 (*Guidelines for Evaluating and Registering Archaeological Properties*), and Bulletin 38 (*Guidelines for Evaluating and Documenting Traditional Cultural Properties*); National Park Service Preservation Brief 36 (*Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes*) and using the Advisory Council on Historic Preservation (ACHP) *Native American Traditional Cultural Landscapes Action Plan* for further guidance. Use of temporary and permanent forms of protective fencing will be determined in consultation with Native American rrepresentatives from interested Native American Tribes.

02-02 cont.

Tribal Cultural Resource Avoidance Mitigation Measure

Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and will be accomplished by several means, including:

- Planning construction to avoid tribal cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources will be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.

02-03

- If the resource can be avoided, the construction contractor(s), with paid Native American monitors from culturally affiliated Native American Tribes present, will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an "Environmentally Sensitive Area". Native American representatives from interested Native American Tribes and the CEQA lead agency representative will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (*Guidelines for Evaluating* and *Documenting Rural Historic Landscapes*), Bulletin 36 (*Guidelines for Evaluating and Registering Archaeological Properties*), and Bulletin 38 (*Guidelines for Evaluating and Documenting Traditional Cultural Properties*); National Park Service Preservation Brief 36 (*Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes*) and using the Advisory Council on Historic Preservation (ACHP) *Native American Traditional Cultural Landscapes Action Plan* for further guidance. Use of temporary and

02-03
cont.

permanent forms of protective fencing will be determined in consultation with Native American rrepresentatives from interested Native American Tribes.

Inadvertent Discoveries Mitigation Measures

Develop a standard operating procedure, points of contact, timeline and schedule for the project so all possible damages can be avoided or alternatives and cumulative impacts properly accessed.

If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

02-04

If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with Wilton Rancheria regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

Post-Ground Disturbance Site Visit Mitigation Measure

A minimum of seven days prior to beginning earthwork or other soil disturbance activities, the applicant shall notify the CEQA lead agency representative of the proposed earthwork start-date, in order to provide the CEQA lead agency representative with time to contact the Wilton Rancheria tribal representative shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of ground-breaking activity. During this inspection, a site meeting of construction personnel shall also be held in order to afford the tribal representative the opportunity to provide tribal cultural resources awareness information. If any tribal cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during this initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find, and the project applicant shall immediately notify the CEQA lead agency representative. The project applicant shall coordinate any necessary investigation of the site with a Wilton Rancheria tribal representative, a qualified archaeologist approved by the City, and as part of the site investigation and resource assessment the archeologist shall consult with the Wilton Rancheria and provide proper management recommendations should potential impacts to the resources be found by the CEQA lead agency representative to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the CEQA lead agency representative by the qualified archaeologist. Possible management recommendations for tribal cultural resources, historical, or unique archaeological resources could include resource avoidance or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, preservation in place or other measures. The contractor shall implement any measures deemed by CEQA lead agency representative staff to be necessary and feasible to avoid or minimize significant effects to the cultural resources, including the use of a Native American Monitor whenever work is occurring within 100 feet of the find.

02-05

Tribal Cultural Resource – Awareness Training - Mitigation Measure

A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.

02-06

CONTRA COSTA MOSQUITO & VECTOR CONTROL DISTRICT

155 Mason Circle
Concord, CA 94520
phone (925) 685-9301
fax (925) 685-0266
www.contracostamosquito.com

October 30, 2019

East Bay Regional Park District
Attn: Devan Reiff, AICP
2950 Peralta Oaks Court
Oakland, CA 94605-0381

Re: Concord Hills Regional Park LUP Draft EIR

Dear Mr. Reiff,

Thank you for the opportunity to express the position of the Contra Costa Mosquito & Vector Control District (the District) regarding the Draft Environmental Impact Report for the Concord Hills Regional Park Land Use Plan located in Concord, CA.

As a bit of background, the District is tasked with reducing the risk of diseases spread through vectors in Contra Costa County by controlling them in a responsible, environmentally-conscious manner. A "vector" means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and rodents and other vertebrates. Under the California Health and Safety Code, property owners retain the responsibility to ensure that the structure(s), device(s), other project elements, and all additional facets of their property do not produce or harbor vectors, or otherwise create a nuisance. Owners are required to take measures to abate any nuisance caused by activities undertaken and/or by the structure(s), device(s), or other feature(s) of their property. Failure by the property owner to address a nuisance may lead to abatement by the Contra Costa Mosquito & Vector Control District and civil penalties up to $1,000 per day pursuant to California Health and Safety Code §2060-2067. **03-01**

Potential impacts to human health by disease vectors is not properly addressed under CEQA—an oversight that has created problems for mosquito abatement and vector control agencies throughout California. The analysis for a project should consider evidence of potential environmental impacts, even if such impacts are not specifically listed on the Appendix G checklist. [State CEQA Guidelines, § 15063(f)]. To determine whether Public Health and Safety may be significantly impacted, lead agencies should refer to the California Health and Safety Code §2000-2093 for definitions and liabilities associated with the creation of habitat conducive to vector production and to guidance provided by local mosquito and vector control districts/agencies in their determination of environmental impacts. Would the project: **03-02**

a) Increase the potential exposure of the public to disease vectors (e.g., mosquitoes, flies, ticks, and rats)?
b) Increase potential mosquito/vector breeding habitat (i.e., areas of prolonged standing/ponded water like wetlands or stormwater treatment control BMPs and LID features)?

Currently, the District controls mosquitoes and ground-nesting yellow jackets found in marshes, trails, seasonal wetlands, and more owned by East Bay Regional Park District, including several locations within the area of the future Concord Regional Hills Park location. Careful considerations for design, construction, operation, and maintenance measures should be employed for any seasonal wetland, pond, irrigation installation, grazing area, or any other land use element to minimize mosquito production. Addressing these concerns in the environmental review and project planning phases can not only better protect public health and reduce the need for pesticide applications for vector control efforts, but potentially avoid costly retrofits and fines for property owners in the future. Please don't hesitate to contact the District should you have any questions or need anything further.

03-03

Sincerely,

Jeremy Shannon
Vector Control Planner
925-771-6119
jshannon@contracostamosquito.com

City of Concord
Permit Center
1950 Parkside Drive
Concord, California 94519-2578

Telephone: (925) 671-3454
Fax: (925) 671-3381

December 6, 2019

East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605
Attn: Devan Reiff, Principal Planner

Sent Via email: DReiff@ebparks.org

Subject: EBRPD Concord Hills Regional Park Draft EIR – Comments

Dear Mr. Reiff,

The City of Concord appreciates the opportunity to review and provide comments on the Draft Environmental Impact Report (EIR) for the East Bay Regional Park District's Concord Hills Regional Park (Project), located within the former Concord Naval Weapons Station Area. Key categories for analysis that the City is interested in include clarifications on project description, land use with respect to zoning and circulation with respect to location of the flood detention basin associated with the Concord Reuse Project (CRP) Specific Plan. The City of Concord respectfully requests your consideration of the following items in your preparation of the Final EIR. **04-01**

Project Description:

1. Figure 3-8 – Specific trail connections into the Concord Hills Regional Park from the Specific Plan area still need to be determined and coordinated, pending resolution of the location of the City's flood detention basin for the CRP Specific Plan area.

2. Section 3.3.5.1 – Delta Road currently is not planned to extend east of Willow Pass Road; rather it would connect at an intersection at Willow Pass Road with Avila Road. The City is currently in the process of determining a road alignment to accommodate a flood detention basin for the CRP Specific Plan area. Routes will be facilitated for interim and permanent access to the Project as more detailed design occurs for the Tournament Sports Complex and the flood detention basin options associated with the CRP Specific Plan. **04-02**

3. Section 3.3.5.1 – Provide approximate size for the Diablo Center and clarify whether this is intended to be a new building or an outdoor staging facility. **04-03**

4. Section 3.3.6.1 – The City is currently studying two flood detention basins, one on the City's "Citywide Park" site (earlier described in the CRP Area Plan) and one on the EBRPD site, south of the existing building (for use as an interpretive center), along Kinne Blvd. The City is in the process of working through how Kinne Blvd. may be re-aligned to accommodate the latter flood control detention basin option, south of the interpretive center. **04-04**

5. Section 3.8 Required Permits and Approvals.
   - The Concord Hills Regional Park is within the City of Concord City limits and as such would require a rezoning from the current Study (S) zoning district to an appropriate zoning district, in addition to Design and Site Review for the interpretive center and overall plan. It is the City's understanding that EBRPD is a "local agency" under government code sections 53090-53097.5 and does not fall within any of the listed exceptions in section 53090(a). The City is prepared to assist you through this process, when the time comes. **04-05**

Environmental Evaluation

6. Section 4.9
   - The City will be moving forward with showing two alternative flood detention basins. One within the City's eventual "Citywide Park" location within the CRP Specific Plan area and one southeast of the existing building on the EBRPD property (east of Mount Diablo Creek). Kinne Blvd. would need to be re-routed around the basin. The City is currently coordinating this effort. The City's latest maps are attached for your convenience. **04-06**

7. Section 4.10.1.2 City of Concord General Plan and Zoning
   - Land Use Designation Consistency - last sentence notes the proposed project would be consistent with existing land use designations and zoning districts. Although the project is consistent with the City's general plan designation, the current zoning of Study (S) District, is an interim zoning district, and therefore a rezoning to an appropriate permanent designation would need to occur at some point prior to development, which the City would assist the District in facilitating. Section 18.65.030 (Study District) of the City's Development Code states that, "*No permits or approvals otherwise required under Division II of this title in order to establish new land uses shall be issued prior to adoption of a specific plan or equivalent regulatory document which conforms to the City's General Plan.*" **04-07**

CEQA Mandated Sections

8. Section 6.4.1
   - Second sentence notes the proposed project is consistent with the existing zoning at the project site. The current zoning in place is Study (S) district which is an interim designation and does not allow any open space **04-08**

development until a rezoning to an appropriate permanent zoning district occurs. The City can assist you through this process when appropriate.

04-08 cont.

If you have any questions, please contact me at (925) 671-3370 or you are welcome to e-mail me at joan.ryan@cityofconcord.org to discuss or for any additional information.

Sincerely,

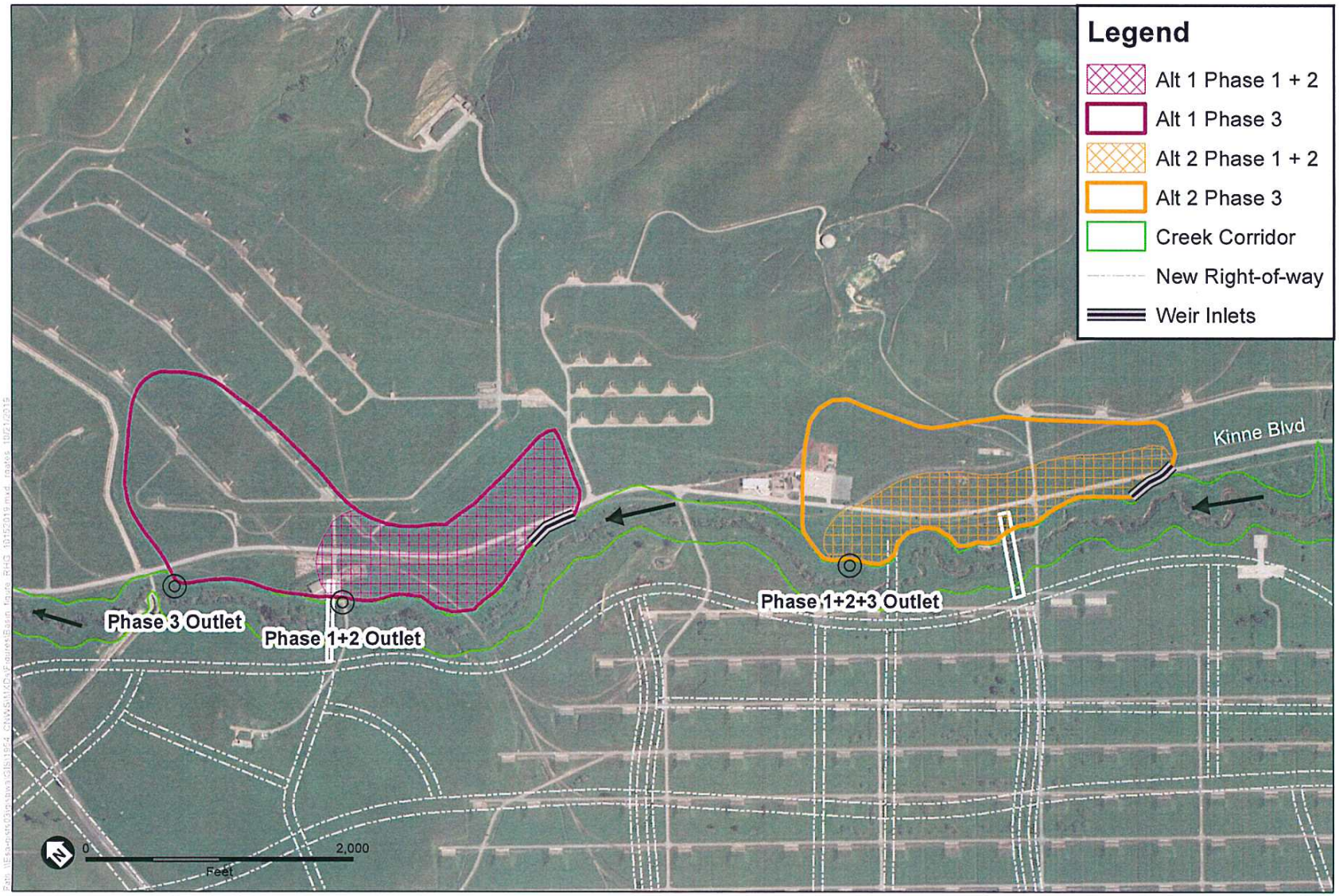
Joan Ryan
Community Reuse Area Planner

cc: Guy Bjerke, Director of Community Reuse
Mindy Gentry, Planning Manager

Attachment 1-

- Detention Basin Alternatives

19ltr.040 EBRPD CHRP.Draft EIR comments



SOURCE: ESA 2019

CONCORD REUSE PLAN

FIGURE 2
FLOOD BASIN ALTERNATIVES AND PHASES

ESA

COMMENT LETTER # 05

United States Department of the Interior

NATIONAL PARK SERVICE
Port Chicago Naval Magazine National Memorial
440 Civic Center Plaza, Suite 300
Richmond, California 94804

IN REPLY REFER TO:

1.A.2

December 9, 2019

Mr. Devan Reiff
Principal Planner
East Bay Regional Park District
2950 Peralta Oaks Court.
Oakland, California 94605-0381

Re: Concord Hills Regional Park Land Use Plan

Dear Mr. Reiff:

The National Park Service (NPS) appreciates the opportunity to comment on the proposed Land Use Plan for Concord Hills Regional Park. The NPS manages and maintains administrative jurisdiction over Port Chicago Naval Magazine National Memorial (National Memorial), a designated unit within the national park system. The National Memorial lies within the Tidal Area of the former Concord Naval Weapons Station, currently the Military Ocean Terminal, Concord, which is adjacent to Concord Hills Regional Park. Because the Regional Park is also on former Concord Naval Weapons Station land, it has been designated as an "other important resource" in the 2015 *Port Chicago Naval Magazine National Memorial Foundation Document*, due to the its ability to, "provide an opportunity to understand the complexity of the Port Chicago stories within their historical geographic context."

05-01

The enabling legislation for the Port Chicago Naval Magazine National Memorial acknowledges the key role East Bay Regional Park District (the District) would play in the functioning of the National Memorial, by authorizing an agreement among the NPS and the District, "to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial" (P.L. 111–84, div. B, title XXVIII, Sec 2853 (f)) (October 28, 2009). Pursuant to this legislation the NPS has entered into a Cooperative Management Agreement with the District as mentioned in Chap. 2 pg. 37 of the Land Use Plan, through which the NPS shall, in part, "[p]rovide expertise, technical review and consultation on planning documents […]," and the NPS and District shall, in part, "Collaborate in the development of the Concord Hills Regional Park Land Use Plan, including the preliminary planning and design for a Port Chicago Naval Magazine National Memorial Visitor Center as part of this larger planning process."

CONTRA COSTA WATER DISTRICT

December 16, 2019

Sent via Hard Copy & Email

East Bay Regional Park District
Attention Devan Reiff, AICP, Principal Planner
2950 Peralta Oaks Court
Oakland, CA 94605-0381

Subject: Comment Letter for the Concord Hills Regional Park Land Use Plan Environmental Impact Report (EIR)

Dear Mr. Reiff:

The Contra Costa Water District (CCWD) is in receipt of the East Bay Regional Park District's request for comments related to this proposed project. CCWD does not have substantive comments on the findings as contained in this EIR pursuant to the California Environmental Quality Act (CEQA); however, there is no mention of the new CCWD storage tank to supply the City of Concord that will be located on EBPRD land, in either the Project Description or in Section 4.15, Utilities and Service Systems. While we recognize that the new water tank is in support of the City of Concord's Concord Reuse Plan, it will be located on EBRPD land, thus the description should be included in this Land Use Plan EIR. **06-01**

We also note that there are numerous inaccuracies and/or inconsistencies in Section 4.15 related to the description of CCWD's facilities and water supplies. These are not germaine to the CEQA findings that CCWD's water supplies are adequate to serve this project. I would be happy to work with you on these items after you are finished with the CEQA process, and in the future CCWD would be happy to review administrative drafts of CEQA document sections that pertain to CCWD. **06-02**

CCWD values our relationship with the Park District and looks forward to continuing to work together on this important project. Please email or call me directly at either cschneider@ccwater.com or (925) 688-8118.

Sincerely,

Christine Schneider

Christine Schneider
Senior Planner

CS:ck

The NPS recognizes the Concord Hills Regional Park Land Use Plan as a culmination of past collaborative planning and partnership consistent with the above directives. In review of the Plan, the NPS is supportive of the inclusion of the "Interpretive Facilities" Land Use Plan Goal and Management Task "ACCESS 2", both of which further formalizes the aim to create a joint visitor center. The NPS agrees that adaptive reuse of Building IA-24 would serve as an ideal Visitor Center location, while also providing the "administrative offices" which are referred to in the National Memorial's enabling legislation. The proposed Archive Building (Chap. 3, pg. 74) would also be a key element in the preservation of the National Memorial's museum collection, and is consistent with the "curatorial storage" element referred to in the enabling legislation.

05-01 cont.

As a long-time partnering agency with the District, the NPS supports the completion and adoption of the proposed Land Use Plan as a key next step in the implementation of the National Memorial's enabling legislation. The NPS looks forward to continuing collaboration with the District in implementing the joint visitor center and administrative and curatorial facilities, and in cohosting special events, tours, and related programs. If you have any questions, please contact Trevor Rice, Park Planner, at (510) 232-5050 x6632 or trevor_rice@nps.gov.

Sincerely,

Tom Leatherman
Superintendent

cc: Stan Austin, Regional Director, Regions 8, 9, 10, and 12, National Park Service
David Siegenthaler, Program Manager, Federal Lands to Parks, National Park Service

COMMENT LETTER # 07

Contra Costa County
Flood Control
& Water Conservation District

Brian M. Balbas,
ex officio Chief Engineer
Allison Knapp,
Deputy Chief Engineer

February 4, 2020

Devan Reiff, Principal Planner
East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605

RE: Concord Hills Regional Land Use Plan
Our File: 3123-06 111-010-014, -017

Dear Mr. Reiff:

We have reviewed the Draft Environmental Impact Report (DEIR) and the Land Use Plan for the Concord Hills Regional Park project, which we received on October 22, 2019, and January 14, 2020, respectively. We understand the plan consists of a new regional park that will be located west of the Keller Canyon Landfill (APN 111-010-014 and 111-010-017). The Contra Costa County Flood Control and Water Conservation District (FC District) submits the following comments for your consideration: **07-01**

1. The Environmental Impact Report (EIR) and Land Use Plan should address the long-term maintenance of storm drain connections to Mt. Diablo Creek.

2. We would like to request park drainage plans for our review when it becomes available. We want to review the drainage plans for impacts to the Mt. Diablo Creek. **07-02**

3. The EIR should note that this project is located in Drainage Areas 123 and 33, unformed drainage areas, and therefore no drainage area fees are due at this time. **07-03**

4. Previous improvements in the Mt. Diablo Creek Watershed were required to pay a mitigation fee at a rate of $0.25 per square foot of new impervious surface area created by new development. However, Mt. Diablo Creek mitigation fees are not being collected at this time. The EIR should discuss how the East Bay Regional Park District will deal with the additional runoff generated by new roads and other impervious areas. **07-04**

5. We recommend that the EIR discuss the impacts of the runoff from future development to the existing drainage facilities in the downstream areas, including those areas outside of the project site. The downstream drainage system is inadequate. **07-05**

6. The EIR should discuss flooding along the downstream segment of Mt. Diablo Creek, north of Highway 4, which gets flooded from time to time. The downstream section of Mt. Diablo Creek is a private section, which is maintained by property owners, and among those owners are the United States Government, the City of Concord, Contra Costa Water District, and Tesoro. This is the lower section of the Mt. Diablo Creek Watershed with unimproved reaches and wetlands that silt up easily. For this reason, they are regularly maintained by private owners. However, when the area is not properly maintained, floods occur all the way to the adjacent Port Chicago Highway right-of-way and become a problem for the residents of the unincorporated area of Clyde. There is a concern that future development of the former Concord Hills Regional Park parcels will increase the downstream flows and could potentially flood Port Chicago Highway. The EIR should discuss this issue and identify measures to mitigate the additional runoff. Contra Costa County should be included in the list of stakeholders for any development within the park, as future flooding of Port Chicago Highway and Clyde will impact the residents. **07-06**

7. The FC District does not allow or recommend the use of bioretention areas (C.3 facilities) sized to meet Contra Costa Clean Water Program C.3 requirements for mitigating peak flows. These C.3 Facilities have not been proven to perform as peak flow mitigation measures under design storm flow conditions for the 10-year storm and above. They do not account for the saturated condition of soils that could precede a 10-year design storm. They have not been in use long enough to provide an operational experience that they will continue to perform as designed and be maintained properly. Any C.3 facility that is proposed to be used to mitigate peak flows must be analyzed in a way that ignores the storage volume below the C.3 Facility overflow grate (spillway) elevation. Further, it must be analyzed using a hydrograph produced by or accepted by the FC District. **07-07**

We appreciate the opportunity to comment on the available DEIR and welcome continued coordination. Should you have any questions, please contact me at (925) 313-2263 or by e-mail at Aleki.Mao@pw.cccounty.us.

Sincerely,

Aleki S. Mao
Staff Engineer
Contra Costa County Flood Control
& Water Conservation District

AM:cw
"\\PW-DATA\grpdata\fldctl\CurDev\CITIES\Concord\3123-06\APN 111-010-014,-017\EBRP PARK\Comment Letter_DEIR_Concord Hills Regional Park.docx"

c: Michelle Cordis, Flood Control
Teri E. Rie, Flood Control

APPENDIX F

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Monitoring and Reporting Program

This Mitigation Monitoring or Reporting Program (MMRP) has been prepared for the Concord Hills Regional Park Land Use Plan, herein referred to as the "proposed project" or "proposed Plan." The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the proposed project. The MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

The East Bay Regional Park District (District) must adopt this MMRP, or an equally effective program, if it adopts the proposed Plan with the mitigation measures that were adopted or made conditions of Plan adoption.

As a general rule, to the extent feasible, construction and tree removal activities should be scheduled to avoid the bird nesting season, February 1 through August 31.

In 2017, the U.S. Fish and Wildlife Service issued a biological opinion to the U.S. Navy about certain protection measures and habitat enhancement necessary at the former Concord Naval Weapons Station, to protect and enhance habitat for threatened species: California tiger salamander (CTS), California red legged frog (CRLF), and Alameda whipsnake (AW). This biological opinion contains measures which the Park District is committed to perform for CRLF, CTS and AW, measures which are not included in the MMRP below.

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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.	Qualified Biologist *(Qualified Biologist means a U.S. Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) approved Biological Monitor)*	Prior to construction	District Stewardship staff	Review and confirm survey	Once for survey
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.	Construction contractor	Prior to construction	District Stewardship staff	Review and confirm establishment of buffer zone	Once for review
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	District Construction Manager	Prior construction	District Stewardship staff	Confirm implementation of Management Prescriptions	Ongoing

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Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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.					
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 with 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.	Qualified Biologist	Prior to construction	District Stewardship staff	Review and confirm survey Confirm implementation of recommended measures, if nesting area is detected	Once for review Ongoing for recommended measures
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.	Qualified Biologist	Within 15 days prior to construction	District Stewardship staff	Review and confirm survey	Once for survey
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	Qualified Biologist and construction contractor	Prior to construction	District Stewardship staff	Review and confirm establishment of buffers	As needed if resources are discovered and recommendations are made

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MITIGATION MONITORING AND REPORTING PROGRAM

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Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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.					
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 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.	Qualified Biologist	Prior to construction	District Stewardship staff	Confirm trail and recreational feature closure, if required	As needed if resources are discovered and recommendations are made

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Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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.	Qualified Biologist	15 days or less prior to construction	District Stewardship staff	Review and confirm survey	Once for survey
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 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	Qualified Biologist	Prior to construction	District Stewardship staff	Review and confirm establishment of buffers	As needed if resources are discovered and recommendations are made

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Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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.					
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.	Qualified Biologist	Prior to construction	District Stewardship staff	Confirm eviction complies with recommendations	As needed if eviction occurs
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.	District Construction Manager and construction contractor	Prior to construction and tree removal activities	District Stewardship staff	Confirm construction schedule complies with recommendations	Ongoing as construction and tree removal occurs
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	Qualified Biologist	7 days or less prior to construction	District Stewardship staff	Review and confirm survey	Once for every construction phase within each nesting season

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TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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.					
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 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.	Qualified Biologist and construction contractor	Prior to construction	District Stewardship staff	Review and confirm establishment of buffers	As needed if resources are discovered and recommendations are made
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.	District Construction Manager and construction contractor	Prior to construction and tree removal activities	District Stewardship staff	Confirm construction schedule complies with recommendations	Ongoing as construction and tree removal occurs
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	Qualified Biologist	7 days or less prior to construction	District Stewardship staff	Review and confirm survey	Once for every construction phase within each nesting season

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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.					
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.	Qualified Biologist and construction contractor	Prior to construction	District Stewardship staff	Review and confirm establishment of buffers	As needed if resources are discovered and recommendations are made
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	Qualified Biologist	Prior to beginning of breeding season in year in which construction/ demolition is scheduled to occur, and within 15 days prior to construction	District Stewardship staff	Review and confirm survey	Once for survey

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Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
described above, shall be conducted by a qualified bat biologist within 15 days prior to the commencement of these activities in a given area to determine whether bats have occupied a roost in or near the project's impact areas.					
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.	Qualified Biologist	Prior to construction	District Stewardship staff	Review and confirm establishment of buffers	As needed if resources are discovered and recommendations are made
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 be removed the following	Qualified Biologist	Prior to construction	District Stewardship staff	Confirm eviction complies with recommendations	As needed if eviction occurs

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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.					
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.	Qualified Biologist	Prior to construction	District Stewardship staff	Confirm provision of structure and compliance with recommendations	As needed if structures are required
BIO-1.8a: Pre-Activity Survey. 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	Qualified Biologist	Within 15 days prior to construction	District Stewardship staff	Review and confirm survey	Once for survey

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Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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.					
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.	Qualified Biologist	Prior to construction	District Stewardship staff	Confirm relocation complies with recommendations	As needed if relocation occurs
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.	District Construction Manager	Prior to fill of any wetlands or waters	District Stewardship staff	Confirm permit applications and/or notification materials submitted Confirm compliance with permit conditions	As needed based on permit requirements
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.	District Construction Manager	During construction	District Stewardship staff	Confirm development plans minimize impacts and include restoration	Ongoing as development occurs

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MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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.	Construction contractor	Prior to removal or trimming of heritage trees	District Design staff	Confirm permits are obtained and confirm compliance with permit conditions	Ongoing as development occurs
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	Qualified Archaeologist	Prior to and during construction	District Stewardship & Development staff	Review and confirm recommendations	As needed if resources are discovered and recommendations are made

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TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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 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.					
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).	District Construction Manager	During construction	District Stewardship & Development staff	Review and confirm recommendations	As needed if resources are discovered and recommendations are made
CULT-4: Implement Mitigation Measures CULT-2 and CULT-3.			*See Mitigation Measures CULT-2 and CULT-3.*		

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MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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.	Qualified Paleontologist	Prior to and during construction	District Stewardship & Development staff	Review and confirm recommendations	As needed if resources are discovered and recommendations are made
HYD-1.1: 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	District Planning staff	Prior to and during construction	District Stewardship & Development staff	Confirm SWPPP is prepared and approved Verify implementation through periodic on-site inspections	Once

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TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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.					
HYD-1.2: 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 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	District Planning staff	Prior to issuance of building permits	City of Concord and District Stewardship & Development staff	Confirm SCP is submitted and approved	Once

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MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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.					
HYD-3: Implement Mitigation Measures HYD-1.1 and HYD-1.2.			*See Mitigation Measures HYD-1.1 and HYD-1.2.*		
HYD-4: Implement Mitigation Measures HYD-1.2			*See Mitigation Measure HYD-1.2.*		
HYD-5: Implement Mitigation Measure HYD-1.2.			*See Mitigation Measure HYD-1.2.*		
HYD-6: Implement Mitigation Measures HYD-1a and HYD-1b.			*See Mitigation Measures HYD-1.1a and HYD-1.1b.*		
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.	District Construction Manager or construction contractor	Prior to construction	District Co Stewardship & Development staff and District construction Manager	Confirm TCP is prepared and implemented	Once for each Plan phase

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TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
▪ 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. ▪ Repairing and restoring affected roadway rights-of-way to their original condition after construction is completed.					
UTIL-2: 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.	District Planning staff	Prior to issuance of any building permits	District Stewardship & Development staff	Confirm that infrastructure meets CCWD requirements	Ongoing as development occurs

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APPENDIX G

CEQA FINDINGS

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.

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.

- 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 unanimous 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.

II. IMPACTS FOUNDS 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.

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

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 with 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.

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

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

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.

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

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.

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

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

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.

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.

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.

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

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.

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.

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

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.

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.

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.

- 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.

- 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

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.

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.

East Bay
Regional Park District

Healthy Parks Healthy People