

## **II. SUMMARY**

### **A. PROJECT UNDER REVIEW**

This Environmental Impact Report (EIR) has been prepared to evaluate the environmental impacts of implementing the East Bay Regional Park District's (EBRPD's) Draft Wildfire Hazard Reduction and Resource Management Plan (Plan). EBRPD developed the Plan to guide ongoing vegetation management activities on EBRPD park lands along the wildland-urban interface to reduce the likelihood of a catastrophic, wind-driven wildfire, such as the 1991 Oakland Hills fire.

EBRPD is the lead agency for environmental review of the proposed project; this EIR is designed to fully inform EBRPD's decision-makers, other responsible agencies, and the general public of the Plan and the potential consequences of its approval and implementation. The EIR also examines various alternatives to the proposed project and recommends a set of mitigation measures to reduce or avoid potentially-significant impacts. A detailed description of the proposed project is provided in Chapter III, Project Description.

### **B. SUMMARY OF IMPACTS AND MITIGATION MEASURES**

This summary provides an overview of the analysis contained in Chapter IV, Setting, Impacts, and Mitigation Measures. CEQA requires a summary to include discussion of: 1) potential areas of controversy; 2) significant impacts; 3) unavoidable significant impacts of the project; and 4) alternatives to the project.

#### **1. Potential Areas of Controversy**

Potentially controversial topics were raised at the scoping meeting held on May 7, 2008 and in the letters received in response to the Notice of Preparation (NOP) circulated on April 16, 2008 (and contained in Appendix A). Issues raised during the scoping process include: effects on biological resources; impacts on wetlands, hydrological resources and water quality; geotechnical issues; impacts to cultural resources; impacts to air quality and climate; release of hazardous substances; public safety and wildfire hazards; and affects on scenic and visual resources.

#### **2. Significant Impacts**

Under CEQA, a significant impact on the environment is defined as: a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.<sup>1</sup>

Implementation of the proposed project has the potential to generate environmental impacts in several areas. Impacts in the following areas would be significant without the implementation of mitigation

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<sup>1</sup> CEQA Guidelines, 2008. Sections 21060.5 and 21068.

measures, but would be reduced to a less-than-significant level if the mitigation measures noted in this EIR, and listed in Table II-1, for the following topics are implemented: Biological Resources; Geology, Soils and Seismicity; Cultural and Paleontological Resources and Noise.

### 3. Significant Unavoidable Impacts

As discussed in Chapter IV of this EIR, the proposed project would result in one significant unavoidable impact, as follows:

- Implementation of activities under the proposed Plan (such as vegetation clearing or thinning or prescribed burning) could result in temporary substantial adverse visual effects on the scenic character of the Study Area and its surroundings.

### 4. Alternatives to the Project

The two alternatives to the proposed project that are analyzed in this Draft Program EIR are:

- The CEQA-required **No Project alternative** assumes that the Plan would not be adopted or implemented, existing conditions would remain, and only ongoing management activities and fuel reduction activities allowed for under EBRPD's existing EA would continue.
- The **Mitigated alternative** assumes that the Plan would be revised to include additional guidelines to mitigate the potential significant impacts identified in this EIR.

## C. SUMMARY TABLE

Information in Table II-1, Summary of Impacts and Mitigation Measures, has been organized to correspond with the environmental issues discussed in Chapter IV. The table is arranged in four columns: 1) impacts; 2) level of significance without mitigation measures; 3) mitigation measures; and 4) level of significance after mitigation. Levels of significance are categorized as follows: SU = Significant and Unavoidable; S = Significant; and LTS = Less Than Significant. For a complete description of potential impacts and recommended mitigation measures, please refer to the specific discussion in Chapter IV.

**Table II-1: Summary of Impacts and Mitigation Measures**

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>A. Land Use and Planning Policy</b>			
<i>There are no significant impacts to land use and planning policy</i>			
<b>B. Biological Resources</b>			
<p><b>BIO-1:</b> Activities to replace degraded, rusted, and substandard culverts in stream corridors where necessary along Strategic Fire Routes to allow emergency vehicle access, and trucks to cross streams, access the parks and conduct fuel reduction treatments could result in disturbance to aquatic habitats.</p>	S	<p><b>BIO-1:</b> The District staff shall implement Best Management Practices when conducting work in and around creeks and streams to replace substandard culverts as required by the Corps, USFWS, NMFS, CDFG, and RWQCB in a way that minimizes disturbances to prevent erosion, degradation of soils and riparian vegetation, increased sedimentation, and to reduce overall impacts. Additionally, the District shall obtain the appropriate State and federal permits authorizing the fill of wetlands that are waters of the State and U.S., and conduct required consultation, as necessary.</p>	LTS
<p><b>BIO-2:</b> Implementation of the proposed Plan has the potential to result in disturbance to nesting raptors and songbirds (including special-status and protected species).</p>	S	<p><b>BIO-2:</b> Nest surveys should be conducted within 15 days prior to treatment if performed during the nesting season (February-July) to locate and avoid protected nesting birds if deemed necessary by the pre-treatment assessment.</p>	LTS
<p><b>BIO-3:</b> Construction and maintenance of the proposed new strategic fire route in Claremont Canyon could serve as a conduit for invasive non-native plant species during ground-disturbance activities.</p>	S	<p><b>BIO-3:</b> The following procedures shall be implemented when constructing and maintaining a new strategic fire route:</p> <ul style="list-style-type: none"> <li>• The road shoulders shall be revegetated with a native grass seed mix, as approved by EBRPD Stewardship Department, to provide a competitive cover to minimize colonization by invasive non-native species.</li> <li>• While maintaining road shoulders for fuel reduction and defensible space, the occurrence of invasive non-native species should be monitored and controlled.</li> </ul>	LTS

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<p><u>BIO-4:</u> Implementation of the proposed Plan could conflict with federal, State or local policies, ordinances or regulations protecting biological resources and special-status species.</p>	<p>S</p>	<p><u>BIO-4:</u> EBRPD will coordinate with the USFWS to determine if the existing Biological Opinion for the District’s Fire Mitigation Projects (File # 1-1-00-F-0205 dated August 14, 2001) can be revised and expanded to cover activities to be undertaken under the Fire Plan or if a new Biological Opinion is necessary. If revised, the Biological Opinion must include a new project description, add additional covered species (such as the California red-legged frog), and include additional conservation measures for covered species not included in the 2001 Biological Opinion. If it is determined that the existing Biological Opinion cannot be revised, EBRPD will need to obtain separate incidental take authorization from the USFWS for impacts to federally listed species. EBRPD shall obtain the appropriate incidental take permit or incidental take authorization from the USFWS prior to initiation of any ground disturbing activities. EBRPD will be required to comply with all terms of the incidental take permits including all mitigation requirements. EBRPD will also obtain a 2081 State Endangered Species Act permit or a letter of consistency from the CDFG for take authorization of state-listed species.</p>	<p>LTS</p>
<p><b>C. Geology, Soils, and Seismicity</b></p>			
<p><u>GEO-1:</u> Fuel reduction activities may result in increased slope instability.</p>	<p>S</p>	<p><u>GEO-1:</u> Prior to implementation of any proposed vegetation removal activity, the recommended treatment area shall be screened for potential landslide activation risk using the following procedure:                      1) EBRPD staff shall refer to:                      • The most currently available landslide mapping from the United States Geologic Survey or the California Geological Survey for the Study Area (for example, the USGS, 1997, Summary Distribution of Slides and Earth Flows in the San Francisco Bay Region, California. OFR 97-745c);</p>	<p>LTS</p>

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
GEO-1 <i>Continued</i>		<ul style="list-style-type: none"> <li>• GIS slope steepness mapping for the Study Area.</li> </ul> <p>2) If all of the following criteria are satisfied then no further action to address potential landslide activation would be required:</p> <ul style="list-style-type: none"> <li>• The area to be treated within the recommended treatment area is located in an area listed as “stable”, “few landslides”, or equivalent;</li> <li>• The average slope steepness of the recommended treatment area is less than 10 degrees (about 18 percent);</li> <li>• There is no visible evidence of landslide activity (e.g., scarps, crooked trees, landslide-generated debris piles) within the recommended treatment area, as documented by a field reconnaissance; and</li> <li>• There are no habitable structures within 100 feet of the toe of the slope downgradient of the recommended treatment area.</li> </ul> <p>3) EBRPD staff shall determine on a case-by-case basis whether to retain a qualified professional (e.g., engineering geologist or geotechnical engineer) to conduct a geotechnical reconnaissance to evaluate the potential impacts of fuel reduction activities or vegetation type conversion on future landslide potential if:</p> <ul style="list-style-type: none"> <li>• Habitable structure(s) are located within 100 feet of the toe of the slope downhill of the treatment area, and one or more of the following conditions is identified:                         <ul style="list-style-type: none"> <li>○ The treatment area is listed as “unstable”, “many landslides” on applicable slope stability mapping, or</li> <li>○ The average slope steepness of the treatment area is greater than 10 degrees (about 18 percent); or</li> <li>○ There is visible evidence of landslide activity (e.g., scarps, crooked trees, landslide-generated debris piles) within the treatment area, as documented by a field reconnaissance.</li> </ul> </li> </ul> <p>All recommendations of the qualified professional (which may include avoidance of the proposed activity) shall be documented in writing, provided to EBRPD, and implemented.</p>	

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>D. Hydrology and Water Quality</b>			
<i>There are no significant hydrology and water quality impacts.</i>			
<b>E. Cultural and Paleontological Resources</b>			
<p><u>CULT-1</u>: Project implementation may result in impacts to human remains, including those interred outside of formal cemeteries.</p>	<p>S</p>	<p><u>CULT-1</u>: During project-related ground disturbing activities, should human remains or associated burial goods be encountered the steps required by <i>CEQA Guidelines</i> §15064.5(e) and Health and Safety Code §7050.5 shall be taken. Pursuant to these sections, and to the EBRPD’s Cultural Resources Policy, the on-site EBRPD supervisor, or their designee, shall: (1) halt work within 50 feet of the remains; (2) contact the Alameda or Contra Costa County coroners; and (3) contact an archaeologist to evaluate the remains and provide recommendations. If the remains are of Native American origin, the archaeologist will evaluate the remains for California Register of Historical Resources (California Register) eligibility; the coroner will contact the Native American Heritage Commission in Sacramento, which will in turn identify a Most Likely Descendent (MLD). The MLD shall be provided the opportunity to make recommendations for the respectful treatment of the Native American remains and any related burial goods. If the remains are eligible for the California Register, the archaeologist shall recover scientifically valuable information, as appropriate and in accordance with the recommendations of the MLD. Following the archaeologist’s evaluation, a report should be prepared to document the methods, findings, and recommendations of the archaeologist conducting the work. The report should be submitted to EBRPD and the Northwest Information Center.</p>	<p>LTS</p>

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<u>CULT-2</u> : Project implementation may result in the destruction of unique paleontological resources.	S	<u>CULT-2</u> : If paleontological resources are discovered during fuel reduction activities associated with implementation of the Plan, all work within 50 feet of the discovery shall be redirected and a qualified paleontologist contacted to assess the finds. The paleontologist shall make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any paleontological resources. It is recommended that adverse impacts to such paleontological resources be avoided by project activities. If such resources cannot be avoided, they shall be assessed to determine their paleontological significance. If the paleontological resources are not significant, then avoidance is not necessary. If the paleontological resources are significant, they shall be avoided or adverse impacts shall be mitigated. Upon completion of the assessment, the paleontologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the paleontological resources. EBRPD shall ensure that the feasible recommendations of the consulting paleontologist are implemented prior to actions that could adversely affect the resource in question.	LTS
<u>CULT-3</u> : Project operational management may exclude cultural resource issues from long-range planning.	S	<u>CULT-3</u> : The District staff group responsible for Plan implementation and preparation of the annual Fuels Treatment Plan, should include staff with a background in cultural resources management to inventory District cultural resources site records, participate in pre-treatment field review site assessments and provide input on issues of cultural resource identification, evaluation, treatment, and long-term management as it pertains to fuels reduction and vegetation management.	LTS
<b>F. Air Quality and Global Climate Change</b>			
<i>There are no significant impacts to Air Quality and Global Climate Change</i>			
<b>G. Noise</b>			
<u>NOI-1</u> : Implementation of the proposed Plan has the potential to result in short-term generation of noise and groundbourne noise vibrations.	S	<u>NOI-1</u> : The District shall limit noise-producing fuel reduction activities that involves the use of large machinery (e.g., haul trucks, tractors and backhoes) undertaken by park staff or contractors to weekdays between the hours 8:00 a.m. and 5:00 p.m. This requirement shall be incorporated into the District's bid documents for fuel management activities.	LTS
<b>H. Hazards and Hazardous Materials</b>			
<i>There are no significant impacts to hazards and hazardous materials</i>			

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>I. Visual Resources</b>			
<p><u>VIS-1</u>: Implementation of activities under the proposed Plan (such as vegetation clearing or thinning or prescribed burning) could result in temporary substantial adverse visual effects on the scenic character of the Study Area and its surroundings.</p>	S	<p><u>VIS-1</u>: None available. While implementation of the guidelines and actions included in the Plan would reduce the severity of this temporary visual impact to the scenic character of the Study Area and scenic resources, no additional feasible mitigation measures are available. Therefore, this impact would remain significant and unavoidable.</p>	SU

Source: LSA Associates, Inc., 2009.