

CEQA FINDINGS FOR THE SOUTHERN LAS TRAMPAS WILDERNESS REGIONAL PRESERVE LAND USE PLAN AMENDMENT

The following findings are hereby adopted by the East Bay Regional Park District (Park District) Board of Directors (Board) for the Southern Las Trampas Wilderness Regional Preserve Land Use Plan Amendment (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 15091 through 15093.

The Park District, 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 Park 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 under and 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 referenced in the Board staff report as an exhibit and accessible through the Project website. The MMRP is required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091. The MMRP referenced as an exhibit to the March 7, 2023 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 Park 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 Park District. The references set forth in these findings below to certain pages or sections of the Draft EIR or the Response to Comments document (RTC) in 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.0 APPROVAL OF THE PROJECT

I.1 Project Description

The primary purpose of the Project is to provide a framework for natural resource management and associated staging, access, and recreational trails in the southern portion of Las Trampas.

The Project recommendations identified to support the Project purpose include the following:

- Open the land bank properties for public access within the 756-acre project area. The 141-acre Faria property will remain in land bank once transferred to the Park District until it is made safe and suitable for public access.
- Develop a staging area off Bollinger Canyon Road on the Chen property, at the site of an existing cattle corral, to serve as the southern gateway to Las Trampas, with all-weather parking to accommodate up to 25 vehicles, benches, restroom, trail connections, information signs and landscaping. The plan proposes to name the staging area “Old Time Corral Staging Area”. Construction would include a new corral within the grading footprint of the staging area.
- Provide public access into Las Trampas from a walk-in entrance on the Podva property off Wingfield Court and Midland Way. The plan proposes to name this walk-in entrance “Podva Walk-in Entrance”.
- Provide public access into Las Trampas from a walk-in entrance on the Peters Ranch property from the City of San Ramon trail system on the Geological Hazard Abatement District (GHAD) open space lands around the Faria Preserve subdivision. The plan proposes to name this walk-in entrance “Saudade Walk-in Entrance”.
- Close and abandon 0.6 miles of an existing over steep and eroded service road within the Chen property.
- Construct a new 1.1-mile access road on the Chen property for recreation and maintenance and emergency vehicle access into Las Trampas from existing roads and trails and connect to Bollinger Canyon Road. Approximately 0.1 miles of the new access road would incorporate an existing natural surface service road. The plan proposes to name this trail “Sabertooth Trail”.
- Construct a new 0.8-mile loop trail on the Chen property from the proposed staging area. The plan proposes to name this trail “Warbler Loop Trail”.
- Construct a new 0.9-mile natural surface, multi-use trail segment of the Calaveras Ridge Regional Trail (Calaveras Ridge Trail) on the Peters Ranch property, connecting future City of San Ramon public trails on an adjacent property to existing trails on the Elworthy property. Approximately 0.1 miles of the new trail would incorporate an existing natural surface service road.
- Close and abandon 0.4 miles of an existing service road within the Peters Ranch property.

- Designate an existing 0.9-mile access road on the Podva property as a natural surface, multi-use trail for recreation and maintenance and emergency vehicle access into Las Trampas from the Podva property. The plan proposes to name this trail “Heritage Pear Trail”.
- Designate an existing 0.5-mile access road on existing Las Trampas parkland as a natural surface, multi-use trail for recreation and maintenance and emergency vehicle access into Las Trampas from the Podva property. This will be designated as part of the “Heritage Pear Trail”.
- Designate 99 percent of the project area as a natural unit, with less than one percent as a recreation/staging unit.
- Designate 201 acres as Special Resource Protection Areas, which would include three Special Resource Features: a 35-acre wetland complex area and two areas encumbered with a conservation easement.

1.2 Project Objectives

The Park District developed the Project to address the following objectives:

- Objective 1: Evaluate 756 acres of open space for natural resource protection, public use for passive recreation and interpretation.
- Objective 2: Evaluate and incorporate appropriate trail connections, including the alignments, appropriate trail use, access and parking, and routine maintenance requirements.
- Objective 3: Provide recommendations for one new staging area near Bollinger Canyon Road on property owned by the Park District that would accommodate at least 25 vehicles, benches, restroom, trail connections, a cattle corral for use by the grazing tenant, informational signs and landscaping while minimizing harm to biological resources, to the extent feasible; providing safe sight distance for vehicle ingress and egress; and allowing for Park District staff to adequately patrol the staging area from Bollinger Canyon Road.
- Objective 4: Preserve the rich heritage of natural and cultural resource and provide open space, trails, and safe and healthful recreation and environmental education.

1.3 Environmental Review

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the Park District, as lead agency, prepared a Notice of Preparation (NOP) to prepare a Draft EIR on the proposed Project. The NOP was issued on July 29, 2019, initiating a 30-day public scoping period. The Park District conducted a public Community Meeting, held on June 7, 2017, that served as a public scoping meeting for this Project to obtain comments on the proposed scope of the EIR for the Project. The NOP was circulated to local, regional, and state agencies, and to other interested parties.

The NOP provided a general description of the proposed Project, locations, and objectives, and included a list of the resource topics on which the Project may have an environmental effect: aesthetics; agriculture and forestry resources; air quality; biological resources; cultural resources; energy; geology and soils; 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; utilities and services systems; and wildfire.

The State Clearinghouse distributed the NOP to responsible agencies, trustee agencies, and 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. The comment period closed on August 30, 2019. The Park District received 21 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*.

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 three 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.

The Draft EIR was circulated to local, regional, and state agencies, and to interested organizations and individuals for review and comment on October 31, 2022, for a 45-day public review period that closed on December 14, 2022. 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 (NOA) of the Draft EIR on October 31, 2022. One hundred thirty-six notices were sent via email and mail to interested parties, public agencies, and native representatives. Copies of the NOA were also provided to the Park District Board of Directors and Park Advisory Committee, as well as to 1,344 property owners in proximity to the Project area.

During the 45-day public review period, the Park District conducted a public hearing for the Project at the Park District's Park Advisory Committee public 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 hearing was held virtually on November 28, 2022. On November 10, 2022, Park District staff gave a presentation to the Park District's Board Executive Committee on the draft LUPA and Draft EIR leading to a unanimous recommendation for the EIR and LUPA process to proceed to the full Park District Board of Directors. At the Park District's Park Advisory Committee meeting on November 28, 2022, Park District staff gave a presentation to the Park Advisory Committee on the draft LUPA and Draft EIR leading to a unanimous recommendation for the EIR and LUPA process to proceed to the full Park District Board of Directors.

The Park District received a total of 32 comment letters. In addition, three commenters provided oral comments at the Board Executive Committee Meeting held on November 10, 2022 and four commenters provided oral comments at the November 28, 2022 Park Advisory Committee Meeting. Copies of all written comments received during the comment period are included in

Appendix G, Comments Received on the Draft EIR, of the Response to Comments Document. Summaries of oral comments received during the public hearing are included in Chapter 5.0, Comments and Responses, of the Response to Comments Document.

The Final EIR, published on February 24, 2023, includes copies of the comment letters 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 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 Park 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.

2.0 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 Park 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, agriculture and forestry resources, energy, greenhouse gas emission, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation, utilities and service systems, and wildfire.

3.0 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.

Air Quality

Impact AIR-I: Generate Air Pollutant Emissions. Project construction would generate air pollutant emissions that could violate air quality standards. This would be a potentially significant impact.

Mitigation Measure AIR-I: Basic Construction Mitigation Measures

Consistent with the Basic Construction Mitigation Measures required by the Bay Area Air Quality Management District (BAAQMD) and City of San Ramon General Plan Implementing Policy 12.6-I-3, the following actions shall be incorporated into construction contracts and specifications for the project:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Park District regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Finding: Implementation of Mitigation Measure AIR-I would reduce potential air pollutant emissions to a less-than-significant level by incorporating basic construction mitigation measures.

The Board finds Mitigation Measure AIR-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 air pollutant emissions and air quality standards.

Biological Resources

Impact BIO-1: Construction of the proposed Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to seven special-status plant species, if present on or near to the project area.

Mitigation Measure Bio-1: Avoidance, Minimization, and Mitigation for Impacts to Special-Status Plants.

The following measures shall be implemented to avoid, minimize, and/or mitigate potential impacts on special-status plants.

- Preconstruction botanical surveys of the project site shall be completed by a qualified botanist according to the CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Surveys shall be floristic in nature, include areas of potential direct impacts and a minimum 50 feet surrounding area, be conducted at the time of year when species are both evident and identifiable, and be replicable. The purpose of these surveys shall be to identify the locations of special-status plants that could be affected during project construction. If special-status plants are not found in the survey area, then no further mitigation is required. If special-status plants are found in the survey area, then the below mitigation measures shall also be implemented.
- Locations of identified special-status plants shall be recorded by the qualified botanist using a global positioning system (GPS) unit or equivalent and flagged in the field. The GPS data shall be used to create digital and hardcopy maps for distribution to construction inspectors and contractors to inform them of areas where disturbance is prohibited, or where activities are restricted.
- Special-status plant species identified during surveys shall be submitted to the CNDDDB.
- Where possible, identified special-status plants will be avoided. This may include making small adjustments to the trail alignment (within the 50 feet buffer around the trail alignments evaluated in this EIR), as well as the following:
 1. The qualified botanist shall establish an adequate buffer area to exclude activities that could harm an identified special-status plant population that is near the construction area.
 2. Access during construction may be restricted around special-status plant populations through appropriate field direction by the qualified botanist. This access restriction may include signage, buffers, seasonal restrictions, and design or no access, depending on the location and special-status species in question.

3. The Park District and its construction contractors shall install a temporary, plastic mesh-type construction fence (Tensor Polygrid or equivalent) at least 4 feet tall around any established buffer areas to prevent encroachment by construction equipment and personnel. The qualified botanist shall determine the exact location of the fencing. The fencing shall be strung tightly on posts set at maximum intervals of 10 feet (3 meters) and shall be checked and maintained weekly until all construction is complete in the area where special-status plant species occur.
 4. No grading, clearing, storage of equipment or machinery, or other disturbance or construction activity shall occur until all temporary construction fencing has been installed by the Park District, and its construction contractor, and inspected and approved by the qualified botanist.
- If avoidance of special-status populations is not possible, then a Rare Plant Mitigation Plan shall be designed and implemented. CDFW approval of the Rare Plant Mitigation Plan is required before implementation of an activity that could directly or indirectly impact a federally or state listed or CNPS Rare Plant Rank 1A, 1B, 2A, or 2B species, and under no circumstances will state or federally listed plants be impacted without additional consultation with appropriate regulatory agencies. At a minimum, the plan shall include the following elements:
 1. For annual species, seed shall be collected from plants that will be impacted, seed stored in an appropriate seed banking facility, and a portion of the seeds shall be redistributed in the project vicinity, as directed by the qualified botanist. Individual plants may also be transplanted. For perennial species, seed collection and seed banking may be augmented by transplanting entire plants or cuttings, as directed by the qualified botanist.
 2. Suitable sites shall be identified in Las Trampas (or other nearby suitable location) and prepared for redistribution of seeds (or transplants) at mitigation ratios that are appropriate for the species lifeform (e.g., annual or perennial) and success based on performance standards calibrated by established reference populations. The plan shall outline the site preparation activities.
 3. Monitoring surveys of the seeded or transplanted areas shall be conducted for a minimum of three years. The Park District shall prepare monitoring reports that document the monitoring results and the success of the rare plant mitigation program.
 4. Mitigation will be deemed successful when the mitigation population provides the same ecological functions as the impacted population, after taking into account natural fluctuations in population size, health, etc. This will include each of the relocated species establishes at least one stable population of approximately the same size of the impacted population, defined as species presence and population size over a 3-year period, taking into account fluctuations in local reference populations. If this goal is not achieved in 4 years, then contingency measures shall be implemented. Such measures will include evaluating the environmental or other characteristics affecting plant survival and implementing corrective measures, which

may include additional seeding and planting; altering or implementing a weed control regime; or introducing or altering other management activities. Efforts shall continue until the mitigation site meets the success criteria for two consecutive years.

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

The Board finds Mitigation Measure BIO-I 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.

Impact BIO-2: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to California tiger salamander and California red-legged frog.

Mitigation Measure BIO-2a: General Special-Status Species Avoidance and Protection Measures.

The following general avoidance measures shall be implemented to avoid potential direct and indirect impacts to special-status wildlife species during all construction activities:

- A qualified biologist or biological monitor shall be present to observe construction activities and shall have the authority to halt work as necessary if special-status species are in harm's way or permit conditions or mitigation measures are being violated.
- Preconstruction biological surveys appropriate to special-status wildlife species potentially present shall be conducted by the qualified biologist immediately prior to initiation of construction.
- Before any construction activities begin on the project, the qualified biologist shall conduct a training session for construction workers and other personnel present during construction. The training shall include a description of each special-status species that might occur and their respective habitats, the general measures that are being implemented to protect each of the species as they relate to the project, and the physical boundaries within the project shall be accomplished. The training shall also provide instruction in the appropriate protocol to follow in the event that a special-status species is found onsite, including contact telephone numbers.
- Before starting ground disturbing activities within construction areas, the Park District and its construction contractors shall clearly delineate the boundaries of the construction area with fencing, stakes, or flags. Contractors shall be required to restrict construction-related activities to within the fenced, staked, or flagged areas. Contractors shall maintain fencing, stakes, and flags until the completion of construction-related activities in that area. Fencing stakes and flags shall be removed upon completion of construction work. Sensitive habitat areas, including special-status wildlife species habitat and known populations, and jurisdictional wetlands, shall be clearly indicated on the project construction plans.

- The Park District or its construction contractors shall install temporary wildlife exclusion fencing along the perimeter of the proposed staging area that borders open space habitat (fencing does not need to be installed along Bollinger Canyon Road). Temporary exclusion fencing near sensitive habitats, such as riparian habitat and along the tributaries and wetlands, shall be installed at the discretion of the qualified biologist. All construction areas not fenced, such as trails, shall be clearly marked with flagging and monitored during initial ground disturbance as described above. Final fence design, including appropriate animal escape structures within the fencing and fence location, shall comply with permit conditions, as appropriate for each species being protected. Any construction-related disturbance outside of these boundaries, including parking, temporary access, construction staging, or areas used for storage of materials, shall be prohibited without approval of the qualified biologist. New trails and other project features shall not extend beyond the delineated construction work area boundary. Construction vehicles shall pass and turn around only within the delineated construction work area boundary or existing local road network. Where new access is required outside of existing roads or the construction work area, the route shall be clearly marked (i.e., flagged and/or staked) prior to being used, subject to review and approval of the qualified biologist.
- Where wildlife exclusion fencing is not installed and ground disturbing activity is occurring, the qualified biologist shall approve the proposed disturbance in advance and clear the area prior to the start of ground disturbing activity.
- A qualified biological monitor shall be on-site during installation of the exclusion fencing. The fencing shall be inspected by the qualified biological monitor on a daily basis during construction activities to ensure fence integrity. Any needed repairs to the fence shall be performed on the day of their discovery. After construction has been completed, the exclusion fencing shall be removed within 72 hours.
- Immediately prior to conducting vegetation removal or grading activities inside fenced exclusion areas, the qualified biologist or a biological monitor working under their direction shall survey within the exclusion area to ensure that no special-status species are present. The qualified biologist or a biological monitor working under their direction shall also monitor vegetation removal or grading activities inside fenced exclusion areas for the presence of special-status species.
- Excavated soils shall be stockpiled in disturbed areas lacking native vegetation, and/or as shown on the construction plans, or approved by the qualified biologist.
- All detected erosion caused by project-related impacts (i.e., grading or clearing for new trails) and other improvements shall be remedied immediately upon discovery.
- The introduction of exotic plant species shall be avoided first through prevention, followed by physical methods. Construction equipment shall arrive at the project area free of soil, seed, and vegetative debris to reduce the likelihood of introducing new weed species. Weed-free rice straw or other certified weed free straw shall be used for erosion control. Earth-moving equipment, gravel, fill, or other materials shall be weed-free. Mechanical seeding equipment shall be inspected for residual seeds and cleaned prior to use onsite. Construction operators shall ensure that clothing, footwear, and equipment used during construction is free of soil, seeds, vegetative matter or other

debris or seed-bearing material before entering the Park or from an area with known infestations of invasive plants and noxious weeds. Weed populations introduced into the site during construction shall be eliminated by mechanical means approved by the qualified biologist.

- If special-status wildlife species are found within or near construction areas during project construction work, construction activities shall cease in the vicinity of the animal until the animal moves on its own outside of the project area (if possible). The wildlife resource agency(ies) with jurisdiction over the species shall be contacted if permits issued for the project do not address relocation of the species regarding any additional avoidance, minimization, or mitigation measures that may be necessary if the animal does not move on its own. The daily monitoring report prepared by the qualified biologist shall document the activities of the animal within the site; exclusion fence construction, modification, and repair efforts; and movements of the animal once again outside the of the construction area. This report shall be submitted to the Park District and the appropriate regulatory agency with jurisdiction over the wildlife species.
- All special-status wildlife species observed during surveys shall be reported to the CNDDDB.
- Whenever possible, steep-walled holes or trenches shall be covered each evening to prevent animal entry. If this is not possible and the steep-walled holes or trenches must be left open overnight, escape ramps or structures shall be installed. Steep-walled holes or trenches shall be inspected for trapped animals on a daily basis until they are back-filled. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If listed or other special-status species are trapped, the USFWS and/or CDFW, as appropriate, shall be contacted immediately to determine the appropriate method for relocation, or the species may be relocated according to the conditions of the permits issued for the project. The qualified biologist may elect to order a stop work requirement if they determine it to be necessary, and upon consultation with the appropriate regulatory agency.
- Construction pipes, culverts, or other structures that are stored at a construction site for one or more overnight periods and with a diameter of 4 inches or more shall be inspected for special-status species before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a special-status species is discovered inside a pipe, and does not move of its own accord, that section of pipe shall not be moved until the appropriate resource agency, with jurisdiction over that species, has been consulted to determine the appropriate method for relocation, or the species may be relocated according to the conditions of the permits issued for the project. If necessary, under the direct supervision of the qualified biologist, the pipe may be moved once to remove it from the path of construction activity until the animal has escaped.
- Vehicles and equipment shall be in proper working condition to ensure that there is no potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Contractor equipment shall be checked for leaks daily prior to operation and repaired when leaks are detected. Fuel containers shall be stored within appropriately sized secondary containment barriers. The qualified biologist shall be immediately informed of any hazardous spills and not more than 24 hours of the incident occurrence. Hazardous spills shall be immediately cleaned up and the

contaminated soil shall be properly disposed of at an appropriate facility. If vehicle or equipment maintenance is necessary, it may be performed in the designated staging areas, as shown on the construction plans or approved by the qualified biologist.

- Temporarily disturbed areas shall be returned to pre-project conditions or better.
- Project-related vehicles shall observe a 15-mile-per-hour speed limit on unpaved access roads within the limits of construction.

Finding: Implementation of Mitigation Measure BIO-2a would reduce potential impacts to California tiger salamanders and California red-legged frogs to a less-than-significant level by ensuring that general special-status species avoidance and protection measures are implemented within suitable habitat for these species.

The Board finds mitigation measure BIO-2a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on California tiger salamander and California red-legged frog.

Mitigation Measure BIO-2b: Minimization Measures for Impacts to California Red-legged Frogs and California Tiger Salamanders.

The Park District shall implement the following measures before, during, and after all ground-disturbing construction activities within the project site to minimize impacts to individual and California red-legged frogs and California tiger salamanders. Additional measures may be required by the USFWS and/or CDFW per their permitting authority. Although USFWS and/or CDFW permits will be obtained by the Park District, they have not yet been issued, and therefore, at a minimum the following measures shall be implemented:

- The qualified biologist shall survey all work areas within 48 hours before the initiation of construction activities. If California red-legged frog or California tiger salamander are found, the Park District biologist shall contact the USFWS and/or CDFW to determine if moving them is appropriate. If the agencies approve relocation, the qualified biologist shall move them to an approved site in the Project area prior to the initiation of construction. The qualified biologist shall maintain detailed records of any individuals that are moved (e.g., size, coloration, any distinguishing features, photos) to assist him or her in determining whether translocated animals are returning to their original point of capture. A final clearance survey shall be conducted immediately before construction commencement.
- A qualified biologist, experienced with California red-legged frog, California tiger salamander, Alameda whipsnake, and other locally occurring special-status species shall be present onsite during all ground disturbing activities to search for individuals that may be unearthed or harmed during excavation/construction. The qualified biologist shall have the authority to halt work, if a California red-legged frog, California tiger salamander, Alameda whipsnake, or other special-status species is found onsite. Individuals of species shall be allowed to move away from the project area on their own or removed from the construction area following the procedures specified in the USFWS or CDFW permits. The Park District shall report all discoveries of California red-legged frogs, California tiger salamanders, and Alameda whipsnake in the

construction areas to resource agencies according to the procedures specified in the State and federal listed species permits.

- Construction activities shall be limited to periods of low rainfall (less than 0.25 inch per 24-hour period and less than 40 percent chance of rain). The project biologist shall consult the 72-hour weather forecasts from the National Weather Service (NWS) prior to the startup of any ground disturbing activities on the project site. Construction activities shall cease 24 hours prior to a 40 percent or greater forecast of rain from the NWS. Construction may continue 24 hours after the rain ceases provided that there is no precipitation (less than 20 percent chance) in the 24-hour forecast.
- Contractor specifications shall include the following worker restrictions and guidelines, at a minimum:
- Construction personnel and vehicles shall stay within designated work areas. Entry into adjacent Las Trampas lands or established exclusion zones shall be strictly prohibited.
- In the event a California red-legged frog, California tiger salamander, or Alameda whipsnake is inadvertently killed, injured or entrapped, the contractor shall immediately notify the onsite monitor/biologist and Park District's construction inspector, who will stop work and notify the USFWS and/or CDFW.
- Instream disturbances shall be performed during the dry season when drainage channels have flows that are minimal (e.g., May 15 to October 15).
- As part of the project's Stormwater Pollution Prevention Plan (SWPPP) implementation, the Park District shall include in the specifications a requirement to use tightly woven fiber of natural materials (e.g., coir rolls or mats) or similar material for erosion control to ensure that special-status species do not get trapped. Plastic mono-filament netting (erosion control matting) or similar material shall be prohibited.
- Upon completion of construction, temporarily impacted areas shall be restored to pre-project grades and contours and stabilized to prevent erosion. If the areas do not naturally revegetate, a seed mix of native and naturalized grass and forb species shall be applied to all of the grassland areas disturbed by the project. The seed shall be from sources that are regionally appropriate for the site.

Finding: Implementation of Mitigation Measure BIO-2b would reduce potential impacts to California tiger salamanders and California red-legged frogs to a less-than-significant level by ensuring that avoidance and minimization measures are implemented within suitable habitat for these species. Seasonal construction window limitations, preconstruction surveys and inspections are part of these measures.

The Board finds mitigation measure BIO-2b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on California tiger salamanders and California red-legged frogs.

Impact BIO-3: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to Alameda whipsnake.

Mitigation BIO-3: Avoidance and Minimization Measures for Impacts to Alameda Whipsnake.

In addition to the special-status species measures provided in Mitigation Measures BIO-2a and the relevant measures in BIO-2b, the following measures shall be implemented to further avoid or minimize impacts to Alameda whipsnakes:

- Ground disturbing work shall be performed during the period April 1 to October 31, when Alameda whipsnakes are more active and capable of moving away from construction activities.
- If scrub vegetation is removed, only hand tools shall be used, or a qualified biologist shall survey the area immediately prior to equipment clearing.

Finding: Implementation of Mitigation Measure BIO-3 would reduce potential impacts to Alameda whipsnakes to a less-than-significant level by ensuring that avoidance and minimization measures are implemented within suitable habitat for this species.

The Board finds mitigation measure BIO-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 Alameda whipsnakes.

Impact BIO-4: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to western pond turtle.

Mitigation Measure BIO-4: Preconstruction Surveys.

The Park District shall implement the following measures before, during, and after all ground-disturbing construction activities within the project site to avoid significant impacts to individual western pond turtles:

- The Park District shall require a qualified biologist to conduct surveys for western pond turtles and nesting areas prior to initiating any ground-disturbing activities within 0.25-mile of potential western pond turtle aquatic habitat. If a western pond turtle is observed in aquatic habitat during the nesting season (May to July), a subsequent survey of the surrounding upland habitats shall be conducted to determine the suitability of the upland habitats for nesting and to examine the area for any evidence of turtle nesting activity. If a nesting area is detected or suspected, the Park District shall install temporary exclusion fencing around the nesting area, designed to not prevent movement of turtles between the nesting site and nearby aquatic habitat, but to exclude the movement of turtles into the construction area.

Finding: Implementation of Mitigation Measure BIO-4 would reduce potential impacts to western pond turtles to a less-than-significant level by ensuring that avoidance and minimization measures are implemented within suitable habitat for this species. Preconstruction surveys, inspections, and exclusion fencing installation are part of these measures.

The Board finds mitigation measure BIO-4 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-5: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to nesting golden eagles.

Mitigation Measure BIO-5: Preconstruction Surveys.

Within 15 days prior to the initiation of ground-disturbing activities during the nesting season (February 1 to August 31), a qualified biologist shall conduct a preconstruction survey for nesting golden eagles within 0.5-mile of construction locations.

If nesting eagles are present, a buffer free from new construction disturbance shall be established within a 0.5-mile radius of the nest. 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. 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-5 would reduce potential impacts to nesting golden eagles to a less-than-significant level by ensuring that general conservation measures are implemented via a preconstruction survey. Preconstruction surveys, inspections, and exclusion fencing installation are part of these measures.

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 nesting golden eagles.

Impact BIO-6: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to burrowing owl.

Mitigation Measure BIO-6: Preconstruction Surveys for Burrowing Owls.

Preconstruction activity surveys for burrowing owls shall be performed by a qualified biologist no more than 15 days before initial ground disturbance activities within a construction 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 preconstruction 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 500 feet of the impact area and shall be conducted in accordance with the CDFW 2012 Staff Report on Burrowing Owl Mitigation (e.g., the surveys shall be conducted during weather conditions suitable for owl detection as recommended in the Staff Report. Surveys shall be conducted within 2 hours of dawn or sunset to maximize the detection of owls).

If burrowing owls are present during the breeding season (generally February 1 to August 31), a 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 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.

If burrowing owls are 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, or if destruction of the burrow is required, the non-nesting birds may be passively relocated subject to CDFW approval of a Burrowing Owl Exclusion Plan.

Finding: Implementation of Mitigation Measure BIO-6 would reduce potential impacts to burrowing owls to a less-than-significant level by ensuring that general conservation measures are implemented via a preconstruction survey. Preconstruction surveys, inspections, and establishing a protected buffer area are part of these measures.

The Board finds mitigation measure BIO-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 burrowing owls.

Impact BIO-7: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to nesting special-status or otherwise protected bird species.

Mitigation Measure BIO-7: Preconstruction Surveys for Nesting Special-Status or Otherwise Protected Bird Species.

Prior to construction activities occurring during the nesting bird season (February 1 through August 31), a preconstruction activity surveys for nesting birds 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, ground and structures) in the impact area plus a surrounding 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 must be performed within seven days prior to initiation of work in any particular area. If the preconstruction activity survey does not identify the presence of any active nests on or within 300 feet of the site, construction activities may proceed.

If 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 raptors and 100 feet for songbirds are 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.

If less than a 100-foot nest buffer is necessary and determined to be appropriate for a particular nest or nests, a qualified biologist shall monitor the nest(s) before construction to document baseline nesting behavior and monitor the nest during construction to ensure nesting birds are not exhibiting signs of stress and territorial behavior. If signs of stress are observed during the monitoring, construction activities shall cease or buffer shall increase, as determined by a qualified biologist, the to a sufficient distance where the nesting birds are longer exhibiting signs of stress.

To prevent encroachment, the buffer shall be clearly marked for avoidance. The established buffer shall remain in effect until the young have fledged or the nest is no longer active as confirmed by the biologist

Finding: Implementation of Mitigation Measure BIO-7 would reduce potential impacts to nesting special-status or otherwise protected bird species to a less-than-significant level by ensuring that general conservation measures are implemented via a preconstruction survey. Preconstruction surveys, inspections, and establishing a protected buffer area are part of these measures.

The Board finds mitigation measure BIO-7 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 special-status or otherwise protected bird species.

Impact BIO-8: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to San Joaquin kit fox.

Mitigation Measure BIO-8: Preconstruction Surveys for San Joaquin Kit Fox.

Prior to any ground disturbance related to construction activities, a qualified biologist shall conduct a preconstruction survey in suitable habitat located within 300 feet of the proposed construction areas. The survey shall establish the presence or absence of kit fox and/or suitable dens, and shall evaluate use by kit fox consistent with USFWS survey guidelines (USFWS 1999). Preconstruction surveys shall be conducted no more than 30 days before ground disturbance. The biologist shall survey the proposed disturbance footprint and a 100-foot buffer to identify kit fox and/or suitable dens. If kit fox and/or suitable dens are identified in the survey area during preconstruction surveys, the following measures shall be implemented:

- If a suitable San Joaquin kit fox den is discovered within the proposed disturbance footprint or 100-foot buffer that could be potentially active, the den shall be monitored for three days by a qualified biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.
- Unoccupied dens within the proposed trail alignments or staging area shall be destroyed immediately to prevent subsequent use.
- If a natal or pupping den is found, the Park District shall be notified immediately. The den shall not be destroyed until the pups and adults have vacated and then only after consultation with USFWS and CDFW.
- If San Joaquin kit fox activity is observed at the den during the initial monitoring period, the den shall be monitored for an additional five consecutive days. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist.
- If suitable dens are identified in the survey area, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones shall be circular, with a radius measured outward from the den entrance(s). No activities shall occur within the exclusion zones. Exclusion zone radii for potential dens shall be at least 50 feet. Exclusion zone radii for known dens will be at least 100 feet.

Finding: Implementation of Mitigation Measure BIO-8 would reduce potential impacts to San Joaquin kit fox to a less-than-significant level by ensuring that general conservation measures are implemented via a preconstruction survey. Preconstruction surveys, inspections, and exclusion fencing installation are part of these measures.

The Board finds mitigation measure BIO-8 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on San Joaquin kit fox.

Impact BIO-9: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to American badger.

Mitigation Measure BIO-9: Preconstruction Surveys for American Badgers.

To address potential impacts to the American badger, the Park District shall implement the following measures:

- Preconstruction 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.
- 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 measures may be implemented upon CDFW-approval 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 measures described above

Finding: Implementation of Mitigation Measure BIO-9 would reduce potential impacts to American badgers to a less-than-significant level by ensuring that general conservation measures are implemented via a preconstruction survey. Preconstruction surveys, inspections, and exclusion fencing installation are part of these measures.

The Board finds mitigation measure BIO-9 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on American badgers.

Impact BIO-10: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to San Francisco dusky-footed woodrat.

Mitigation Measure BIO-10: Preconstruction Survey for San Francisco Dusky-footed Woodrat Nests.

A qualified biologist shall conduct a preconstruction survey for San Francisco dusky-footed woodrat nests prior to the start of project activities. Surveys will be conducted in the immediate work area and a 25-foot buffer around those areas. If woodrat nests are present, the nests will be flagged in the field and delineated on project site maps in order to avoid potential impacts to woodrat nests during construction activities. For any woodrat nests that cannot be avoided, a woodrat nest relocation plan shall be prepared and submitted to CDFW for approval. At a minimum, the plan shall include the phased dismantling and relocation of the nest materials to a suitable location, and the installation of artificial shelters at a ratio of 1:1 per dismantled nest to provide readily accessible refugia for dispersing individuals. If breeding woodrats are present, relocation of houses shall be delayed until the breeding season is over or the qualified biologist otherwise determines that young are no longer present.

Finding: Implementation of Mitigation Measure BIO-10 would reduce potential impacts to San Francisco dusky-footed woodrats to a less-than-significant level by ensuring that general conservation measures are implemented via a preconstruction survey. Preconstruction surveys, inspections, and exclusion fencing installation are part of these measures.

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 San Francisco dusky-footed woodrats.

Impact BIO-11: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to roosting special-status bat species.

Mitigation Measure BIO-11: Avoidance and Minimization Measures for Roosting Special-Status Bat Species.

Prior to any tree removal during the maternity roosting period (April 15 to August 31) or hibernation period (October 15 to February 28), a focused tree habitat assessment shall be conducted by a qualified bat biologist of all trees that will be removed or impacted by construction activities. Trees containing suitable potential bat roost habitat features would then be clearly marked. The habitat assessments should be conducted enough in advance to allow preparation of a report with specific recommendations, and to ensure tree removal can be scheduled during seasonal periods of bat activity if required. If it is determined that day roosting bats are unlikely to occur, the tree may be removed as described below. If the

absence of roosting bats cannot be confirmed, then the removal of trees providing suitable maternity or hibernation roosting habitat should only be conducted during seasonal periods of bat activity, including:

- 1) Between March 1 (or after evening temperatures rise above 45F and/or no more than 1/2" of rainfall within 24 hours occurs) and April 15; or
- 2) Between September 1 and about October 15 (or before evening temperatures fall below 45F and/or more than 1/2" of rainfall within 24 hours occurs).

Appropriate methods will be used to minimize the potential of harm to bats during tree removal. Such methods may include but are not limited to using a two-step tree removal process. This method is conducted over two consecutive days and works by creating noise and vibration by cutting non-habitat branches and limbs from habitat trees using chainsaws only (no excavators or other heavy machinery) on Day 1. The noise and vibration disturbance, together with the visible alteration of the tree, is very effective in causing bats that emerge nightly to feed, to not return to the roost that night. The remainder of the tree is removed on Day 2. A bat biologist qualified in two-step tree removal is required on Day 1 to supervise and instruct the tree-cutters who will be on the site conducting the work, but only for a sufficient length of time to train all tree cutters who will conduct two-step removal of habitat trees. The bat biologist is generally not required on Day 2, unless a very large cavity is present and a large colony is suspected.

Finding: Implementation of Mitigation Measure BIO-11 would reduce potential impacts to roosting special-status bat species to a less-than-significant level by restricting tree removal to seasonal windows and outside of bat maternity roosting season, conducting preconstruction surveys, and following the removal process stipulated in this measure.

The Board finds mitigation measure BIO-11 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 special-status bat species.

Impact BIO-12: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to Crotch bumble bee and western bumble bee.

Mitigation Measure BIO-12: Preconstruction Surveys, Avoidance, and Minimization Measures for the Crotch and Western Bumble Bee.

To address potential impacts to the Crotch bubble bee and western bubble bee, the Park District shall implement the following measures:

- A minimum of two preconstruction surveys conducted within 30 days during appropriate activity periods (i.e., March through September) prior to the start of ground disturbing activities to identify bumble bee activity. The preconstruction surveys shall occur when temperatures are above 60° Fahrenheit (15.5°Celsius) and not during wet conditions (e.g., foggy, raining, or drizzling). The survey shall be conducted at least 2 hours after sunrise and 3 hours before sunset and shall occur at least 1 hour after rain

subsidies. Preferably, the survey should be conducted during sunny days with low wind speeds (less than 8 miles per hour), but surveying during partially cloudy days or overcast conditions are permissible if the surveyors can still see their own shadow.

- If Crotch or western bumble bees, or potential Crotch or western bumble bees (since bumble bees can be difficult to identify in the field) are observed within the project site, a plan to protect Crotch and/or western bumble bee nests and individuals shall be developed and implemented in consultation with CDFW and USFWS. The plan shall include, but not be limited to, the following measures:
 - Specifications for construction timing and sequencing requirements (e.g., avoidance of raking, mowing, tilling, or other ground disturbance until late March to protect overwintering queen bumble bees);
 - Establishment of appropriate no-disturbance buffers for bumble bee nest sites to avoid impacts to the bees and construction monitoring by a qualified biologist to ensure compliance if bumble bee nests are identified;
 - Restrictions associated with construction practices, equipment, or materials that may harm bumble bees (e.g., avoidance of pesticides/herbicides, BMPs to minimize the spread of invasive plant species);
 - Provisions to avoid Crotch or western bumble bees, or potential Crotch or western bumble bees if observed away from a bumble bee nest during project activity (e.g., ceasing of project activities until the animal has left the active work area on its own volition); and
 - Prescription of an appropriate restoration seed mix targeted for the Crotch and western bumble bee, including native plant species known to be visited by native bumble bee species and containing a mix of flowering plant species with continual floral availability through the entire active season of the Crotch and western bumble bee (March through September).

Finding: Implementation of Mitigation Measure BIO-12 would reduce potential impacts to Crotch or western bumble bees to a less-than-significant level by implementing avoidance and minimization measures and conducting preconstruction surveys.

The Board finds mitigation measure BIO-12 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on Crotch or western bumble bees.

Impact BIO-13: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact creeping wild rye grassland.

Mitigation Measure BIO-13: Avoidance and Minimization Measures for Creeping Wild Rye Grassland.

If feasible, the proposed trail alignments shall be re-routed to a suitable trail alignment within the 50-ft buffer study area to avoid/minimize impacts to the creeping rye grass turf. The stands of creeping rye grass near the final alignment shall be flagged and avoided during construction to the degree feasible.

If creeping rye grass cannot be avoided, the loss of creeping rye grass turf shall be mitigated by restoring an equivalent amount of creeping rye grass turf onsite. The Park District shall reseed temporarily disturbed areas of creeping rye grass turf habitat that are disturbed by trail construction with an appropriate weed-free native seed mix that contains creeping rye grass seed and/or plugs. The restored rye grass areas shall be monitored and reported on according to the HMMP described in Mitigation Measure BIO-15.

Finding: Implementation of Mitigation Measure BIO-13 would reduce potential impacts to creeping wild rye grassland to a less-than-significant level by implementing avoidance and minimization measures.

The Board finds Mitigation Measure BIO-13 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on creeping wild rye grassland.

Impact BIO-14: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to riparian plant communities.

Mitigation Measure BIO-14a: Minimization Measures for Riparian Plan Communities.

To minimize disturbance to riparian habitat for trail construction occurring adjacent to riparian habitat, riparian areas shall be clearly delineated with flagging by a qualified biologist. Riparian areas shall be separated and protected from the work area through silt fencing, amphibian/reptile-friendly fiber rolls (i.e., no mono-filament), or other appropriate erosion control material. Material staging, and all other project-related activity shall be located as far as possible from riparian areas with no driving or parking of vehicles or equipment within the dripline of a riparian tree.

Finding: Implementation of Mitigation Measure BIO-14a would reduce potential impacts to riparian habitat communities to a less-than-significant level by ensuring that minimization measures are implemented for riparian habitats.

The Board finds Mitigation Measure BIO-14a is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on riparian habitat.

Mitigation Measure BIO-14b: Habitat Mitigation and Monitoring Plan to Mitigate for Impacts to Riparian Habitat.

If impacts to riparian habitat within the project area cannot be avoided, the Habitat Mitigation and Monitoring Plan (HMMP) discussed in Mitigation Measure BIO-15 shall be implemented for all impacted riparian habitat.

Finding: Implementation of Mitigation Measure BIO-14b would reduce potential impacts to riparian habitat to a less-than-significant level by preparing and implementing a Habitat Mitigation and Monitoring Plan for impacts to riparian habitat.

The Board finds Mitigation Measure BIO-14b is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on riparian habitat.

Impact BIO-15: Proposed construction of the Old Time Corral Staging Area, corral and the new trails could result in a potentially significant impact to jurisdictional waters of the United States and of the State.

Mitigation Measure BIO-15: Habitat Mitigation and Monitoring Plan to Mitigate for Impacts to Jurisdiction Waters of the United States and of the State.

The permanent impacts of approximately 1,123 square feet and temporary impacts of approximately 578 square feet at seven tributary crossings, two seasonal wetlands, and one ditch, and any additional riparian habitat (see Impact BIO-14) would be mitigated by restoration/enhancement at onsite tributaries and/or wetlands or other suitable nearby locations. These activities may include the removal of invasive plants (enhancement) and/or the planting of native riparian plants (restoration/creation), or other appropriate activities.

To achieve this, the Park District shall prepare and implement a project-wide Habitat Mitigation and Monitoring Plan (HMMP) to mitigate temporary and permanent impacts to sensitive/jurisdictional habitat. The HMMP shall be subject to approval by the USACE, RWQCB, and/or CDFW prior to any disturbance of jurisdictional features. Additionally, all required permits and certifications shall be obtained from the USACE, RWQCB, and/or CDFW prior to any disturbance of jurisdictional features and all permit conditions shall be implemented.

At a minimum, the HMMP shall include the following:

- Permanently impacted wetlands, streams, riparian, and other sensitive habitat shall be compensated at a minimum 1:1 ratio through restoration/creation or a minimum 2:1 ratio through enhancement. The permitting agencies may require higher mitigation ratios.
- Any native riparian trees that are removed shall be replaced at a minimum 3:1 ratio.
- All temporarily disturbed areas, including wetlands, streams, riparian, other sensitive areas, shall be returned to pre-project conditions or better. Methods may include erosion control, seeding, replanting, and weed control.

- Documentation of the preconstruction habitat conditions within jurisdictional area to be impacted, including wetlands, streams, riparian, and other sensitive habitat.
- Location of habitat restoration, creation, and/or enhancement sites.
- Procedures for procuring plants, such as transplanting or collecting cuttings from plants, including storage locations and methods to preserve the plants.
- Quantity and species of plants to be planted or transplanted.
- Planting procedures, including the use of soil preparation and irrigation.
- Schedule and action plan to maintain and monitor the mitigation site(s) for a minimum 5-year period.
- Reporting procedures, including the contents of annual progress reports.
- List of criteria (e.g., growth, plant cover, survivorship) by which to measure success of the plantings and wetland creation/restoration/enhancement.
- Contingency measures to implement if the wetland/stream/riparian creation/restoration/enhancement is not successful (i.e., weed removal, supplemental plantings, etc.).
- Performance standards, monitoring, and reporting for a minimum of five years to ensure success of the mitigation and remedial measures if performance standards are not met.

Finding: Implementation of Mitigation Measure BIO-15 would reduce potential impacts to jurisdictional waters of the United States and of the State to a less-than-significant level by preparing and implementing a Habitat Mitigation and Monitoring Plan for impacts to jurisdictional waters.

The Board finds Mitigation Measure BIO-15 is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on jurisdictional waters of the United States and of the State.

Cultural Resources and Tribal Cultural Resources

Impact CUL-1: Archaeological Resources. The project could cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5 This would be a potentially significant impact.

Mitigation Measure CUL-1a: Unanticipated Discovery Protocol for Archaeological Resources.

Due to the potential for buried archaeological resources to be encountered during earth-moving activities within the Faria Dedication property, if any prehistoric or historic material is encountered by equipment operators during earth-moving activities, work shall be halted

within 50-feet of the discovery area until a qualified professional archaeologist is retained to inspect the material and provide further recommendations for appropriate treatment of the resource. To ensure that project supervisors, contractors, and equipment operators are familiarized with the types of artifacts that could be encountered and the procedures to follow if archaeological resources are unearthed during construction, it is recommended that a professional archaeologist shall conduct a preconstruction meeting prior to commencement of earth-moving activities to familiarize the team with the potential to encounter prehistoric artifacts or historic-era archaeological deposits, the types of archaeological material that could be encountered within the project area, and procedures to follow in the event that archaeological deposits and/or artifacts are observed during construction.

Finding: Implementation of Mitigation Measure CUL-1a would reduce potential impacts to archaeological resources to a less-than-significant level by implementing the Unanticipated Discovery Protocol for Archaeological Resources.

The Board finds Mitigation Measure CUL-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 archaeological resources.

Mitigation Measure CUL-1b: Unanticipated Discovery Protocol for Cultural Resources.

The measures below are provided in the event of an unanticipated discovery of cultural resources within the project area during construction. If any prehistoric or historic-period artifacts are encountered by equipment operators during earth-moving, work shall be halted in the immediate vicinity (within 50 feet) of the discovery area and a qualified archaeologist shall be retained to inspect the material and provide further recommendations for appropriate treatment of the resource pursuant to CEQA regulations and guidelines.

- In accordance with current Park District policies, the following recommendation also applies: In the event that prehistoric, archaeological or paleontological artifacts or remains are encountered during project construction, all ground disturbing activities shall be halted within at least 50 feet and artifacts shall be protected in place. In the event that prehistoric, archaeological or paleontological artifacts or remains are encountered during project construction, all ground disturbing activities shall be halted within at least 50 feet and artifacts shall be protected in place (in accordance with EBRPD Board Resolution No. 1989-4-124 and State and federal law) until the find is evaluated by a monitor/archaeological consultant, and appropriate mitigation, such as curation, preservation in place, etc., if necessary, is implemented.
- Historic-era resources potentially include all by-products of human land use greater than 50 years of age, including alignments of stone or brick, foundation elements from previous structures, minor earthworks, brick features, surface scatters of farming or domestic type material, and subsurface deposits of domestic type material (glass, ceramic, etc.).

- Artifacts that are typically found associated with prehistoric sites in the area include humanly modified stone, shell, bone or other materials such as charcoal, ash and burned rock that can be indicative of food procurement or processing activities. Prehistoric domestic features include hearths, fire pits, house floor depressions and mortuary features consisting of human skeletal remains.

Finding: Implementation of Mitigation Measure CUL-1b would reduce potential impacts to cultural resources to a less-than-significant level by implementing the Unanticipated Discovery Protocol for Cultural Resources.

The Board finds Mitigation Measure CUL-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 cultural resources.

Impact CUL-2: The project could disturb human remains, including those interred outside of formal cemeteries. This would be a potentially significant impact.

Mitigation Measure CUL-2: Unanticipated Discovery Protocol for Human Remains.

If human remains are encountered within the project area during construction, all work shall stop in the immediate vicinity of the discovered remains and the County Coroner shall be notified immediately. If the remains are suspected to be those of a pre-contact Native American, then the Native American Heritage Commission shall be contacted by the Coroner so that a “Most Likely Descendant” can be designated to provide further recommendations regarding treatment of the remains. An archaeologist should also be retained to evaluate the historical significance of the discovery, the potential for additional remains, and to provide further recommendations for treatment of the site.

Finding: Implementation of Mitigation Measure CUL-2 would reduce potential impacts to the unanticipated discovery of human remains to a less-than-significant level by implementing an unanticipated discovery protocol for human remains.

The Board finds Mitigation Measure CUL-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 unanticipated human remains.

Impact CUL-3: The project could cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074. This would be a potentially significant impact.

Mitigation Measures CUL-1a, CUL-1b and CUL-2

Impacts would be reduced to a less than significant level with implementation of Mitigation Measures CUL-1a, CUL-1b, and CUL-2 (see discussions for Impacts CUL-1a, CUL-1b, and CUL-2, above).

Finding: Implementation of Mitigation Measures CUL-1a, CUL-1b, and CUL-2 would reduce potential impacts to tribal cultural resources to a less-than-significant level.

The Board finds Mitigation Measures CUL-1 and CUL-3 are feasible, adopts such measures, and finds such measures will lessen to an insignificant level the potentially significant direct impact of the Project on tribal cultural resources.

Geology and Soils

Impact GEO-1: The project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. This would be a potentially significant impact.

Mitigation Measure GEO-1: Paleontological Monitoring and Inadvertent Discovery of Paleontological Resources.

A qualified paleontological monitor, or archaeologist with paleontological cross-training, as overseen by a qualified paleontologist, shall be present during earth-moving activities below the soil zone.

If any potentially unique or scientifically important paleontological resources are identified during paleontological monitoring of earth-moving activities below the soil zone, the paleontologist shall evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan may include, but shall not be limited to, sampling and data recovery, coordination of museum storage at a qualified curation facility, such as the SDNHM or UCMP for any specimens recovered, and a report of findings. All feasible recommendations contained in the recovery plan shall be implemented before construction activities resume at the site where the paleontological resources were discovered.

If paleontological resources are discovered during earth-moving activities and a paleontological monitor is not present, the construction crew shall immediately cease work within 50 feet of the find and notify the appropriate Park District staff who shall notify a qualified paleontologist. A paleontologist shall be retained to inspect the resource, conduct an evaluation and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan may include, but shall not be limited to, an intensive field survey in the vicinity of the find, sampling and data recovery, coordination of museum storage at a qualified curation facility, such as the SDNHM or UCMP for any specimens recovered, and a report of findings. All feasible recommendations contained in the recovery plan shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

Finding: Implementation of Mitigation Measure GEO-1 would reduce potential impacts to paleontological resources to a less-than-significant level by performing 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-I 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.

Hazards and Hazardous Materials

Impact HAZ-I: The project would 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. This would be a potentially significant impact.

Mitigation Measure HAZ-I: Sediment Sampling and Analysis Measures.

Sampling and analysis of soil in the area of the proposed Old Time Corral Staging Area and former barn on the Chen property shall be performed prior to the disturbance of soil in those areas.

Sampling and analysis of sediment in ponds shall be performed prior to removal of sediments from ponds. The sampling and analysis shall be performed by a qualified environmental professional who shall provide recommendations for soil/sediment handling based on the analytical results. Park District shall implement any soil cleanup recommendations of qualified environmental professionals prior to initiating construction.

Finding: Implementation of Mitigation Measure HAZ-I would reduce potential impacts from the release of hazardous materials into the environment through soil disturbance from ponds to a less-than-significant level by requiring sediment sampling and analysis.

The Board finds Mitigation Measure HAZ-I is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on exposure to hazardous materials.

Hydrology and Water Quality

Impact 3.10.d: The project would risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. This would be a potentially significant impact.

Mitigation Measure HYDRO-I: Implement Mitigation Measure HAZ-I.

Impacts would be reduced to a less than significant level with implementation of Mitigation Measure HAZ-I (see discussion for Impacts HAZ-I, above).

Finding: Implementation of Mitigation Measure HYDRO-I would reduce potential impacts from the release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones to a less-than-significant level.

The Board finds Mitigation Measure HYDRO-I is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on the release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.

Noise

Impact NOI-I: The project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. This would be a potentially significant impact.

Mitigation Measure NOI-I: Basic Construction Mitigation Measures.

The project contractor shall implement the following best management practice measures during construction of the project:

- Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.
- Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all project construction.
- Prohibit extended idling time of internal combustion engines.
- The hours of work shall be any 8.5-hour block as mutually agreed upon between the Contractor and the Park District between 7:30 a.m. and 7:00 p.m., Monday through Friday. No night work shall be permitted.
- Designate a "disturbance coordinator" at EBRPD who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem.

Finding: Implementation of Mitigation Measure NOI-I would reduce potential impacts to ambient noise levels a less-than-significant level by implementing noise best management practices.

The Board finds Mitigation Measure NOI-I is feasible, adopts such measure, and finds such measure will lessen to an insignificant level the potentially significant direct impact of the Project on ambient noise levels.

4.0 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 three 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:** Relocated Staging Area Alternative
- **Alternative 3:** No Staging Area Alternative

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 Park District does not approve the Project, no improvements identified for the proposed Project would occur, and the Project site would continue to be used for minimal agricultural grazing. Access within the Project site would be limited to those areas already open to the public. Under this alternative, no construction activities or long-term operations associated with the proposed Project would occur.

The No Project Alternative would not achieve any of the basic project objectives. The No Project Alternative would not include increased public access, restoration of open space, or preservation of habitat.

Therefore, the Park District Board of Directors finds that the No Project Alternative would not achieve the Project objectives to the same extent as the Project. Therefore, this alternative is rejected as infeasible.

Alternative 2: Relocated Staging Area Alternative

The purpose of the Relocated Staging Area Alternative is to take into consideration a staging area located further away from Bollinger Canyon Road to limit views of the staging area from Bollinger Canyon Road.

Under this alternative, the proposed Old Time Corral Staging Area would not be located adjacent to Bollinger Canyon Road, and instead would be located 300 feet north of the proposed location further away from Bollinger Canyon Road. The relocation of the staging area would limit views of the staging area from Bollinger Canyon Road, but would require a longer access road, approximately 300 feet in length, and additional site grading. All other components of the proposed Project would remain the same under this alternative.

Under this alternative, an access road approximately 300 feet in length would be required for vehicles to reach the staging area from Bollinger Canyon Road. As a result, additional grading would be required within the project site that could alter the character of the site.

The relocated staging area would be approximately the same size of the staging area proposed by the project, but it would be at a higher elevation, in an area not adjacent to Bollinger Canyon Road, and in an area that is undisturbed and not currently used as a corral.

Although the potential noise impacts of the Relocated Staging Area alternative would be reduced by locating the staging area further from sensitive receptors, the location of the staging area would result in greater impacts related to biological resources, geology and soils, and hydrology and water quality due to the physical impacts related to locating the staging area in an area further from Bollinger Canyon Road and the need for construction on undisturbed land.

The Relocated Staging Area Alternative would achieve some but not all of the Project objectives as it would not minimize harm to biological resources or allow for Park District staff to adequately patrol the staging area from Bollinger Canyon Road.

Therefore, the Park District Board of Directors finds that the Relocated Staging Area Alternative would not avoid or minimize the 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.

Alternative 3: No Staging Area Alternative

The purpose of the No Staging Area Alternative is to identify the minimum specific project features that are critical to open the site to the public more broadly.

Under this alternative, no improvements related to the proposed Old Time Corral Staging Area would occur. All other components of the proposed project would occur as proposed. The existing cattle corral located at the site of the Old Time Corral Staging Area would continue to operate, and a public access gate, similar to the Podva Walk-in Entrance, would be located along Bollinger Canyon Road to provide access to the Sabertooth Trail. Under this alternative, all other construction activities and long-term operations associated with the proposed Project would occur.

Therefore, the Park District Board of Directors finds that the No Staging Area Alternative 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 include 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 Park 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.

CEQA Guidelines § 15126.6(e)(2) states that if the No Project alternative is the Environmentally Superior alternative, then the EIR shall also identify an Environmentally Superior alternative among the other alternatives.

The No Project alternative has the least impact to the environment because it would not result in any changes to the Project site or new physical impacts. Among the other alternatives, the No Staging Area alternative would be the Environmentally Superior alternative.

Summary

Based on the foregoing Findings and the information contained in the record, the Park District Board of Directors 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.