APPENDIX B

PUBLIC SCOPING COMMENTS

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CONTRA COSTA MOSQUITO & VECTOR CONTROL DISTRICT

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

August 2, 2019

Kim Thai
East Bay Regional Park District
2950 Peralta oaks Court
Oakland, CA 94605

Re: Southern Las Trampas Wilderness Regional Preserve LUP Amendment

Dear Ms. Thai,

Thank you for the opportunity to express the position of the Contra Costa Mosquito & Vector Control District (the District) regarding the scope of the proposed EIR for the Southern Las Trampas Wilderness Regional Preserve LUP Amendment in the San Ramon area.

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

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

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

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

Sincerely,

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

From: Mark Graham <mg1955@gmail.com>
Sent: August 2, 2019
To: Kim Thai <kthai@ebparks.org>
Subject: Southern Las Trampas Wilderness Regional Preserve Land Use Plan Amendment

Kim, please add me to the distribution list for this LUPA. I live in Danville and am a member of our Town's Planning Commission. I also live very near the new Podva/Red Hawk trail access site. I am a long time user of the Las Trampas Ridge and look forward to the trails and access points.

Mark Graham
Retired from AT&T
Town of Danville Planning Commissioner
Guide Puppy Raiser with San Ramon Valley Guide Dogs

From: D Rickard <darickard@yahoo.com>
Sent: August 3, 2019
To: Kim Thai <kthai@ebparks.org>
Subject: S. Las Trampas Wilderness LUDP Amendment question/comment

Ms. Thai,

I received your letter regarding the Southern Las Trampas Wilderness Regional Preserve Land Use Plan Amendment. I am a resident of the neighborhood east of Peter's Ranch and was interested in the potential access to Las Trampas that may be provided from Peter's Ranch by this amendment. When we moved in we were told by the real estate agent that there was access to Las Trampas from our neighborhood, but I never found that to be true. (I was happy when Elworthy Ranch opened up.)

So, my question is will there be any access to Las Trampas from the Peter's Ranch area? Your letter read, "The LUPA also evaluates public access to Las Trampas and along the Calaveras Ridge Trail via Peter's Ranch, ...". I'm hoping that access will be provided. If this is being evaluated, please consider this email a vote in favor of this access.

I'm also happy to see the plans for the Chen staging area. My family has hiked the northern parts of Las Trampas frequently over the years. I'm looking forward to exploring the southern area once this access is opened.

Thank you,

David Rickard

From: Dave Hammond <dhammond125@live.com>
Sent: August 11, 2019
To: Neoma Lavalle <NLavalle@ebparks.org>, Kim Thai <kthai@ebparks.org>
Subject: Southern Trampas Expansion

Neoma and Kim,

I am a member of Save Mt Diablo's Land Committee and have been for 10 years and I am also an avid hiker and mountain biker. I never get enough opportunities to thank you for all that you do in preservation and public access. So thanks very much.

You guys presented the expansion plan for Black Diamond Mines to our Land Committee about a year ago and it is excellent and exciting. I have also followed the Trampas expansion for some time and look forward to the trail additions and overall improvements.

A few friends and fellow mountain bike riders are encouraged by the addition of multi use 4 ft wide trails and yet we all have some questions about grade. Trampas is notoriously steep terrain and we wonder if you considered the trail grades in your planning and if so do you have a slope graphic to show the grades of the new 4 ft multi use trails.

We are all in our 60s and while avid and experienced riders the thought of adding more 16-25% grade trails is just not very exciting. Too many trails are just reconfigured fire roads or ranch roads and many of those were not planned properly or thoughtfully.

Anyway we are all supportive of any efforts you make at multi use trails but just want to remind you to consider grade in your planning.

Dave Hammond

Alamo, CA

From: Mike Anciaux <mike.anciaux@gmail.com>
Sent: August 11, 2019
To: Kim Thai <kthai@ebparks.org>
Subject: Re: Southern Las Trampas LUPA Notice of Preparation

Kim,

Thanks for sending me the LUPA for the southern regional of Las Trampas Park. I support the changes you are recommending, particularly the addition of multi-use narrow trails (I am a mountain biker).

I do have one comment though. The existing entry to Elworthy is way to steep for comfortable riding or hiking. Please try to design trails with slopes that rarely exceed 10% slope.

Thanks

Mike Anciaux

160 Patricia Ln, Alamo, CA 94507

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691 Phone (916) 373-3710
Email: nahc@nahc.ca.gov
Website: http://www.nahc.ca.gov
Twitter: @CA_NAHC

August 13, 2019

Kim Thai
East Bay Regional Parks District
2950 Peralta Oaks Court
Oakland, CA 94605

RE: SCH# 2019071058 Southern Las Trampas Wilderness Regional Preserve Land Use Plan Amendment, Contra Costa County

Dear Ms. Thai:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
    a. A brief description of the project.
    b. The lead agency contact information.
    c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
    d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
    a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
    a. Alternatives to the project.
    b. Recommended mitigation measures.
    c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
    a. Type of environmental review necessary.
    b. Significance of the tribal cultural resources.
    c. Significance of the project's impacts on tribal cultural resources.
    d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
    a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
    b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
    a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
    b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
    a. Avoidance and preservation of the resources in place, including, but not limited to:
        i. Planning and construction to avoid the resources and protect the cultural and natural context.
        ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
    b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
        i. Protecting the cultural character and integrity of the resource.
        ii. Protecting the traditional use of the resource.
        iii. Protecting the confidentiality of the resource.
    c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
    d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
    e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
    f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
    a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
    b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
    c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
    a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
    b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
    a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
    b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
    c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Nancy Gonzalez-Lopez
Staff Services Analyst

cc: State Clearinghouse

From: Denise Lee <deniseleelum@yahoo.com>
Sent: August 20, 2019
To: Kim Thai <kthai@ebparks.org>
Subject: EBRP-Chan Property

Hello Ms. Thai,

I heard there is interest in developing further the area that is across the street from a residential area that is past a bend in the road called the Chen Property.

Please don't develop that area further as cars drive really fast along that area along with bikers, something dangerous is sure to come if that area is further congested. I can't imagine cars coming in and out as they'll just be finishing the bend in the road coming in and coming down.

There's Las Trampas already up the way so really is no need for further development. I can't imagine what the residents across the way would have to bear with the additional traffic of cars or people. It would be nice to maintain areas that are tranquil still.

Thank you for your consideration.

All my best,

Denise Lee

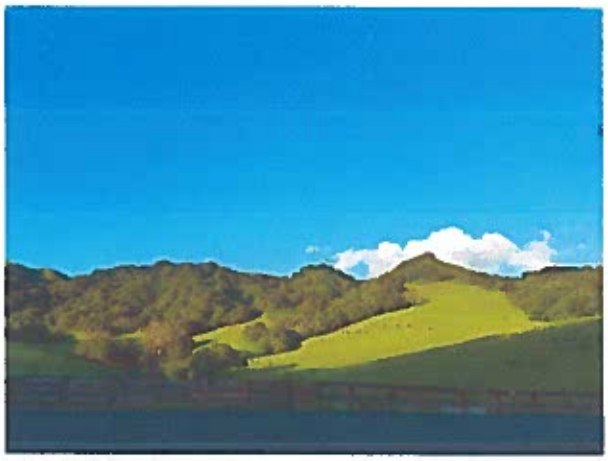
August 22, 2019

Kim Thai
Senior Planner
East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605

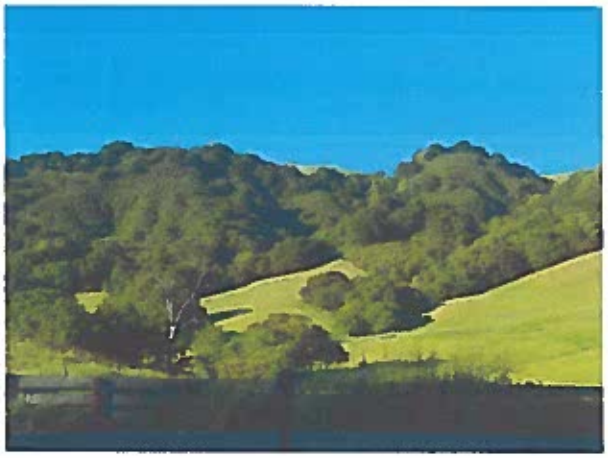
As a nature lover and casual hiker I am in favor of the East Bay Regional Parks making their land available to the public. But I am not in favor of destroying the loveliest natural scene fronting Bollinger Canyon Road in the entire canyon (Chen property) and destroying the quality of my/our life with a 25 car parking lot directly across the street from my/our home(s).

Living **directly** across the street (see my mailbox in one photo) from the proposed parking lot, I admire the beautiful land and watch it change from emerald green to gold through the seasons. I see many neighbors and park visitors pull over every day to enjoy the stunning rustic view of the rolling hills, trees, chaparral and animals (coyotes, pigs, deer, turkeys, cows, hawks etc). Many stop to photographs the scene or for a photo shoot of themselves or cars, in front of the beautiful setting and rustic fence. I've seen what looked like professional new car launches and music videos.





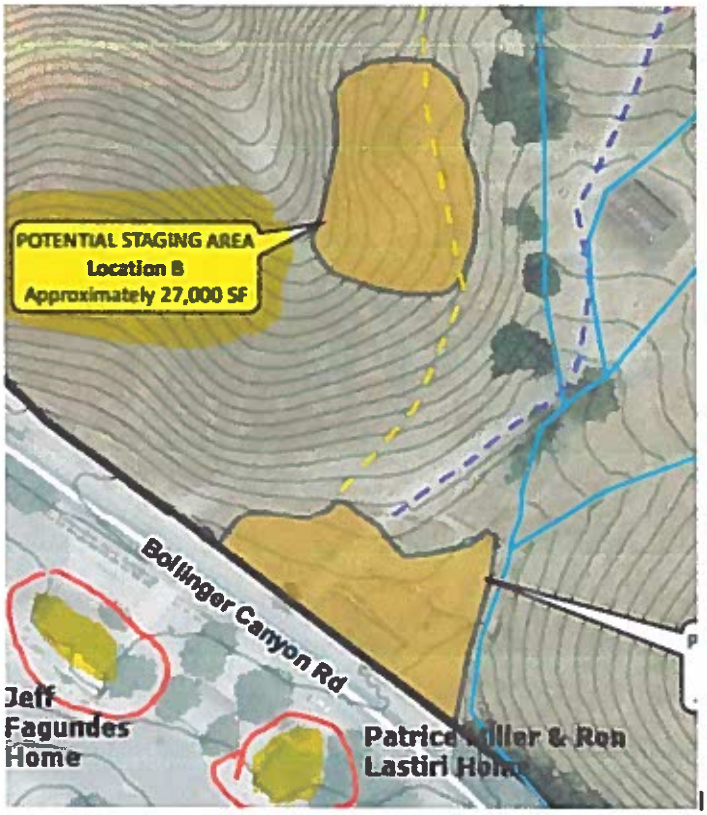




A 25 car parking lot across the street is massive, it would destroy the rustic and natural beauty and charm of the area of what I believe to be the most precious gem fronting Bollinger Canyon Road in the entire canyon. It reminds me of the song, "Today paradise put up a parking lot." Why does it need to be so large at that one location? I cannot imagine there would ever be the need for 25 cars parking there with just 2 trails; a small one mile loop and the other trail that goes straight up to the ridge. It seems so random to put a 25 car parking lot in that location to fulfill the requirements of the builder to the Sierra Club. More environmental damage is being created here than benefit gained by having additional trail access.

From my perspective, the most logical thing to do would be to find another location in the canyon to build the parking lot and to access the ridge top. Another location not impacting existing homes and not destroying such beauty and charm.

If there is no such alternative location, then I suggest the District use "potential Staging Area, **Location B**" and consider reducing the size of the parking lot. Looking at the below image, which is a clip from Figure 3 in the report, you can see the 2 homes at the bottom of the image, Jeff Fagundes Home and Patrice Miller and Ron Lastiri Home (18515 Bollinger Canyon Road). As you can see the 2 homes are directly across from the staging area proposed fronting on Bollinger Canyon Road (Location A). They are both very close and would be extremely impacted by a 25 car parking lot / staging area. It would have a tremendous negative impact on the value of the homes and the quality of life there.



Additionally, as I understand it, the 2 proposed driveways would be directly in front of my house close to the master bedroom window (18515 Bollinger Canyon Road) and the other house, Jeff Fagundes's house

(18501 Bollinger Canyon Road). The driveways need to be moved away from the houses, or at the very least consolidated between the 2 houses closer to the garages and away from the houses.

Cars on gravel are very noisy and noise really carries in the relative quiet of the country. Also gravel roads and driveways are very dusty and there is much wind in the canyon at this location to stir up the dust. Dust can be very unhealthy and can contribute to allergies and asthma. The driveway and parking lot should be paved to prevent excessive noise and dust.

In my opinion, these 2 options are the only ones acceptable:

- Move the 25 car parking lot / staging area to another location outside the Chen property in the canyon not impacting existing homes and not destroying such beauty and charm
- Use Location B for the parking lot / staging area, with a reduction in the parking lot size, paving of the parking lots and driveway / roads with reconfiguration of the location of entrance and exit driveways

Also note the entrance is on a dangerous part of the road, we have to be extremely careful when we pull in or out of our driveways as cars, trucks, larger commercial trucks (C & J fencing from the storage yard) roar through there averaging about 50 miles per hour. The speed limit is 45 mph. I caution my visitors to be very careful pulling out. If I am not driving the limit, I am often passed (as I was today driving 40 mph).

For such a small canyon, there is a surprisingly large amount of traffic of cars and trucks coming in and out (early morning & late afternoon) due to the C & J Fencing truck storage yard and the East Bay Regional Park District storage yard. The C & J Fencing truck drivers can sometimes be aggressive with tailgating. We have had to call them a few times to complain about their dangerous driving. They don't seem to slow down for the wildlife, we just had a buck killed on the road 3 days ago. Just south past our home the road curves. Putting a driveway close to that curve would have limited visibility and would be extremely dangerous. Jeff Fagundes, a retired firefighter can testify that people have been killed pulling out of their driveways on Bollinger Canyon and being struck by another car.

I trust that the East Bay Regional Park District will make the best decision for all by either moving the 25 car parking lot / staging area to a location outside the Chen property or utilizing location B away from Bollinger Canyon Road on the Chen property with reduced parking spots, paved roads and driveway reconfiguration.

Sincerely,

Patrice Miller

Patrice Miller
18515 Bollinger Canyon Road
San Ramon, CA 94583
925 519-2345
Patrice.miller@comcast.net

From: Cathy Lee Knight <cathyleeknight@gmail.com>
Sent: August 20, 2019
To: Kim Thai <kthai@ebparks.org>
Subject: Southern Las Trampas LUOA, Chen Parcel

No. We do not want you to ruin this lovely, sacred land and water shed area with a parking lot access. This is unthinkable.

You will need to place this access area elsewhere, if indeed it is needed or wanted at all.

Seriously, who would willingly ruin this special spot of land. Your job is to protect it. Vote no.

Thank You Kindly,

Cathy Lee Knight

California Native

Have a great day!

EAST BAY
MUNICIPAL UTILITY DISTRICT

August 21, 2019

Kim Thai, Senior Planner
East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605

Re: Notice of Preparation of an Environmental Impact Report – Southern Las Trampas Wilderness Reserve Land Use Plan Amendment, Contra Costa County

Dear Ms. Thai:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Initial Study and Notice of Preparation (NOP) of an Environmental Impact Report for the Southern Las Trampas Wilderness Reserve Land Use Plan Amendment by the East Bay Regional Park District (EBRPD). The project area is located in south-central Contra Costa County, on the western periphery of the San Ramon Valley within the City of San Ramon, Town of Danville, and unincorporated areas of Contra Costa County; the majority of the proposed project area is located outside EBMUD's service area with only portions of the Elworthy Scenic Easement and the Faria Preserve inside EBMUD's service area. According to the Initial Study, the proposed project will not necessitate water service to the project area; therefore, EBMUD has no comments.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

David J. Rehnstrom
Manager of Water Distribution Planning

DJR:DWG:sjp
sb19_152 Southern Las Trampas Wilderness Land Use Plan

Recycled Paper

From: Breana L <breana.lastiri@yahoo.com>
Sent: August 22, 2019
To: Kim Thai <kthai@ebparks.org>
Subject: Southern Las Trampas LUPA, Chen Parcel

Good Afternoon,

My name is Breana and I am writing to you out of mine, and my family/friends, concern regarding the Southern Las Trampas LUPA project. Please allow me a moment to introduce myself. I am a Registered Nurse and a proud occupant of one of the homes that is directly across the street from the location of this proposed plan. As a Registered Nurse, I spend my nights at work in a constant high stress environment and I look forward to coming back to the peace and tranquility of my home each morning after work. Working nights means that I have a schedule that is opposite a typical work day--I sleep during the day, and go to work in the evening. I consider myself quite lucky to live in such a quiet and rural area that is feasible to my schedule. During my off time, my family, friends, and myself spend a majority of our time on the property looking out at the beautiful rustic view of the rolling hills, trees, wildlife, and nature. It is truly a scene that I can never get enough of and one where my family, friends, and I continue to make many memories. I have read your letters and your proposal and as a long time, active member and visitor of the East Bay Regional Parks, I am absolutely supportive of public access to our regional parks. However, where I strongly disagree is when the public access becomes a disturbance to myself, my family, my friends, my neighbors, and my home. I was disheartened and deeply saddened when I got notice of this project and grew a great concern about the impact that a public access point would have directly across from my home. It is hard not to imagine the noise coming from people chatting, doors slamming, dogs barking, cars pulling in and out, and the amount of traffic that this would cause. Not to mention, the beautiful view that I hold so closely to me, would be lost to a parking lot. The tranquility, serenity, and rustic charm that I have cherished for many years and what is unique to my home, would be gone and I could not imagine not coming home to that. I have mentioned previously that I am an avid visitor and active member of the East Bay Regional Parks, and as a member, as a nurse, and as a person who calls this place home, I ask that you put yourself in my shoes and reconsider this project. I love where I live and support the idea of public access, but I highly encourage you and ask you to see the access point be moved elsewhere, to a place where not only the public can enjoy this beautiful space, but to a place where it allows me to enjoy my home and this space as I always have. I thank you in advance for taking the time to read my letter and ask that you please take my words in to serious consideration.

Kindest Regards,

Breana

LAW OFFICE
PETER MACDONALD
400 MAIN STREET, SUITE 210
PLEASANTON, CALIFORNIA 94566-7371

(925) 462-0191
FAX (925) 462-0404
pmacdonald@macdonaldlaw.net

August 22, 2019

East Bay Regional Park District
Attn: Kim Thai
2950 Peralta Oaks Court
Oakland, CA 94605

Subject: **Comments to Notice of Preparation re Southern Las Trampas Wilderness Regional Preserve Land Use Amendment**

Dear Board and Staff of East Bay Regional Park District,

I am commenting to the Notice of Preparation (NOP) on behalf of Jeff Fagundes, and residents who live on Bollinger Canyon Road.

1. Proposed Chen Staging Area. A significant unmitigatable aesthetic impact!

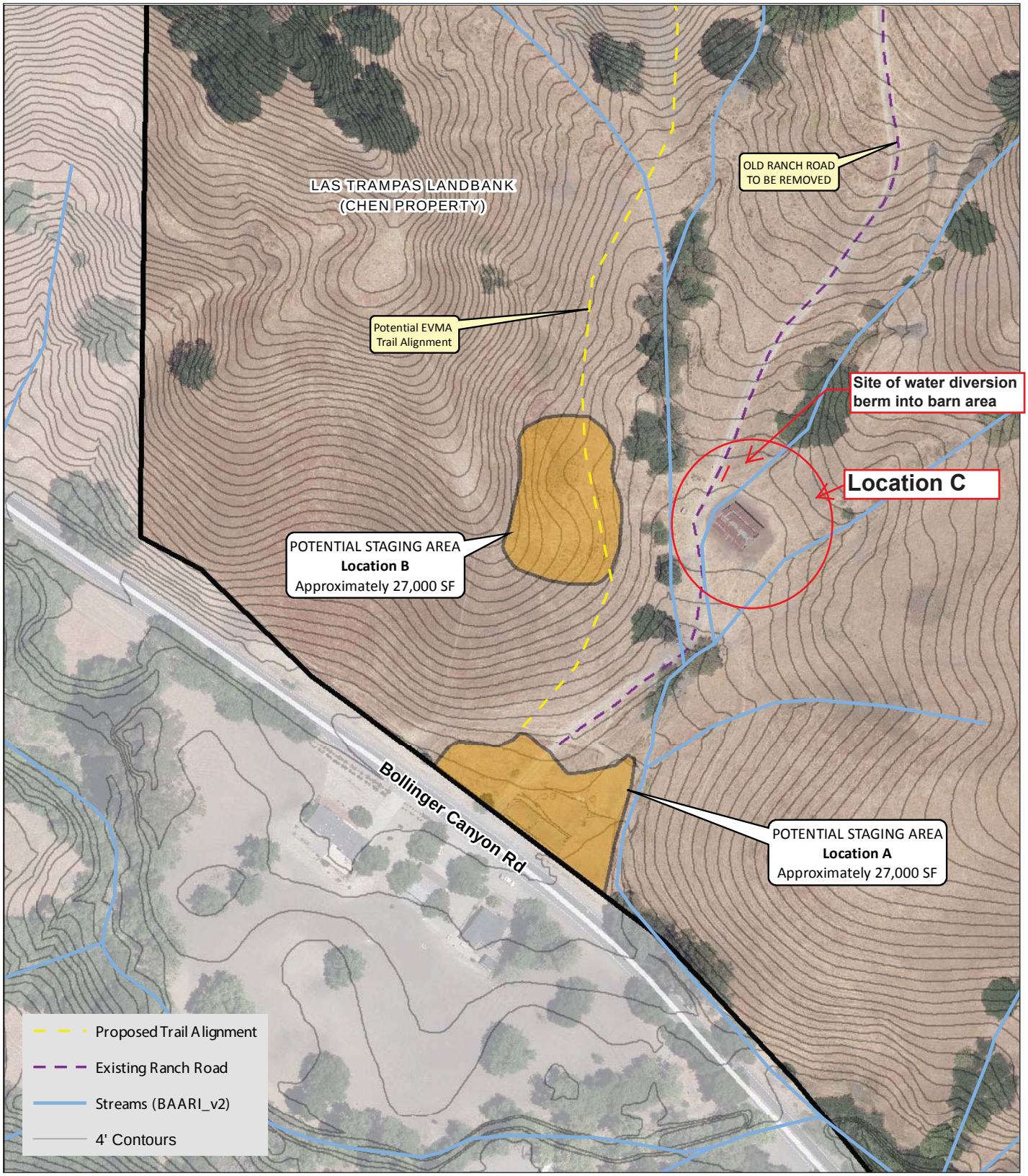
The NOP Initial Study, at p. 3-3, concludes:

"*The change to the project area, including the addition of the staging area, is considered a potentially significant impact because the character of the site could be adversely affected by the addition of vehicles accessing the site and parking as well as park visitors within the site. As a result, views of the project area from Bollinger Canyon Road could be adversely affected with the inclusion of the staging area. Potential adverse effects to visual character or quality of the site will be evaluated in the EIR.*" (underlining added)

We submit that the preferred location chosen by EBRPD Staff for the Chen staging area, immediately adjacent to Bollinger Canyon Road, creates a significant and unmitgatable impact to the residents of Bollinger Canyon. If the Chen staging area is located right on Bollinger Canyon Road (the NOP "preferred" location), it will be a permanent irritant to Bollinger Canyon residents and park visitors, forever perceived as smelly, trashy, ugly, and dangerous.

There are several feasible alternative locations, both within the Chen property, and on the original planned staging area on the Faria property. The only alternative trailhead location in the NOP is hidden back in the appendixes (see Appendix A, Figure 3, at pdf

Attachment 1



LSA

FIGURE 3

0 100 200
FEET

N

Las Trampas LUPA Tech Studies
Chen Staging Area

SOURCE: EBRPD, AUGUST 2018.

I:\EBR1702 Las Trampas\Figures\Fig_3.ai (10/11/18)

p. 141 of NOP). We have adapted that graphic in Attachment 1 to show a second feasible alternative where the historic barn stood (Location C).

EBRPD practice in other rural areas has been to set back staging areas from nearby roads, to preserve and protect the rural aesthetics of the impacted neighborhoods. The Bollinger Canyon residents are asking to be treated with the same respect. Given the substantial EBRPD facilities (and employees) at the end of Bollinger Canyon Road, those EBRPD employees try to get along with their Bollinger Canyon neighbors, and say they would appreciate better sensitivity by their Board and Head Office. We enclose photos from six EBRPD park entrances where the location of the staging area is respectfully set back and screened in a way that minimizes the visual impact (and associated nuisances) upon road users and neighbors. (Attachment 2).

The CEQA Guidelines call for early consultation with stakeholders to identify issues and avoid unnecessary impacts. The early consultation in this case happened on June 7, 2017 at a meeting to discuss the Las Trampas plan. At that meeting, 10 of the 18 speakers, mostly residents of Bollinger Canyon, objected to the Chen location for the staging area. Many of those speakers inquired why the staging area was being moved to the Chen property from its originally agreed location as part of the Faria development. Of those speakers, 5 specifically asked that if the staging area had to be located on the Chen property, that it be moved back away from Bollinger Canyon Road.

Incredibly, the Meeting Minutes (Attachment 3) neglected to mention that a majority of speakers opposed the new location of the staging area. As described by Ken Sheets in a letter to the EBRPD Board, pointing out this blatent misrepresentation of the community's input:

- "**Almost to a person objections were voiced as to the location of the proposed parking lot and trail head being directly across from the home site of canyon resident, Jeff Fagundes and the adjacent family owned out buildings.**
  The consensus of canyon residents was that (IF) the trail head and associated parking had to be located near the Fagundes house that it should NOT be located anywhere close to the property line, i.e. inside the current corral area. It was also recommended that if the Park selected that location, against the wishes of most canyon residents, that the location be at least 200-300 feet setback from the property line. (Out of sight from the roads edge). The canyon resident consensus was if the proposed parking had to be located there that the flat building pad, previously used for a barn, on the Chen property would be the preferred parking area. (From Attachment 4)

Board Member Bev Lane was in attendance and can verify Ken Sheets description of the meeting. At the end of the community meeting the General Manager of EBRPD rose

to assure the residents that "*This is just the beginning of the process*" and "*We are here to listen*".

Please listen this time: We ask that EBRPD designate Location B or Location C as the preferred location for the Staging Area, setback from Bollinger Canyon Road. We ask that EBRPD Staff use the EIR process, and the additional time, to work with neighbors to create a quality design for the re-located staging area. The re-located staging area needs to address three key elements: setbacks, screening, and deceleration lane at entry.

Location C Alternative. Historic barn flat.

The historic barn on the Chen property existed for probably 70 years (Attachment 5, historic barn photo.) That historic barn blew down in a recent year, approximately 2016. A number of the attendees at the June 7, 2017 EBRPD Community Outreach Meeting suggested the barn flat by the old ranch road as the logical location for the staging area, if it had to go on the Chen property.

The Initial Study concluded that *". . .the resource [*barn*] does not meet the definition of a Historical Resource under CEQA. Therefore, this impact would be less than significant.*" (Attachment 6, pp. 3-19 & 20.)

On August 5, 2019, we requested EBRPD Staff to provide us a copy of the 2017 Historic Study relied upon by the Initial Study to conclude that there was no historical impact (Attachment 7). Instead of the requested information, on August 7, 2019, we received a letter from EBRPD Counsel characterizing our request as a public records request, and denying our request because the 2017 Historic Study is an administrative draft and thus exempt from public disclosure (Attachment 8). On August 8, we emailed the District Counsel's office, and EBRPD Staff working on the NOP, pointing out that a 2017 Historical Study used in the Initial Study as a basis for concluding there is "no impact" could not be an "administrative draft", adding: "*We ask that you follow a fair environmental process and share the Sept. 11, 2017 Historical Study, while the comment period is open.*" (Attachment 7). It is now August 22, 2019, the NOP comment period ends on August 30, and the 2017 Historical Study is still being withheld. This EBRPD conduct constitutes a violation of CEQA, and just plain unfair treatment of your citizens.

Location C, the former barn site, was dry and functional for many decades. When EBRPD took ownership of the Chen property in 2007, the property was land banked and leased for cattle grazing, including the historic barn. When EBRPD graded the old ranch road going through the barn flat, the cattle grazers noticed that the road grading left a berm along east side the swale north of the barn, perhaps inadvertently, which diverted water toward the barn. The cattle people also noticed the first layer of hay, along with the structural members of the barn were consistently wet thereafter, until the

barn blew down in about 2016. The problem could be the result of EBRPD Staff being unfamiliar with agricultural management, though the problem was pointed out, and complained about, to EBRPD field employees as it was happening. At best, the destruction of the historic barn reflects negligence, rather than deliberate intent, a classic case of the "destruction by neglect" prohibited by most historic preservation ordinances.

Our point is that the barn flat on Location C was functionally dry and operational for many years, and could be expected to function as a staging area with restoration of natural drainage patterns. That would be our preferred location. We ask that this option for the staging area be explored in the EIR, and in the park planning.

On the other hand, our imperative is to get Location A de-selected as the preferred alternative. We would work in good faith with your Staff on a staging area design on Location B, if that is the only feasible alternative.

Conclusion

Please work with the residents of Bollinger Canyon to develop an attractive and respectfully set back staging area design, if it has to be located on the Chen property. We ask the Board and General Manager to please show the residents of Bollinger Canyon the same level of respect that the District has shown to residents near the six staging areas shown in Attachment 2, which respectfully separate the staging areas from significant road views and neighbors.

Very Truly Yours

Peter MacDonald
On behalf of Jeff Fagundes, and fellow residents

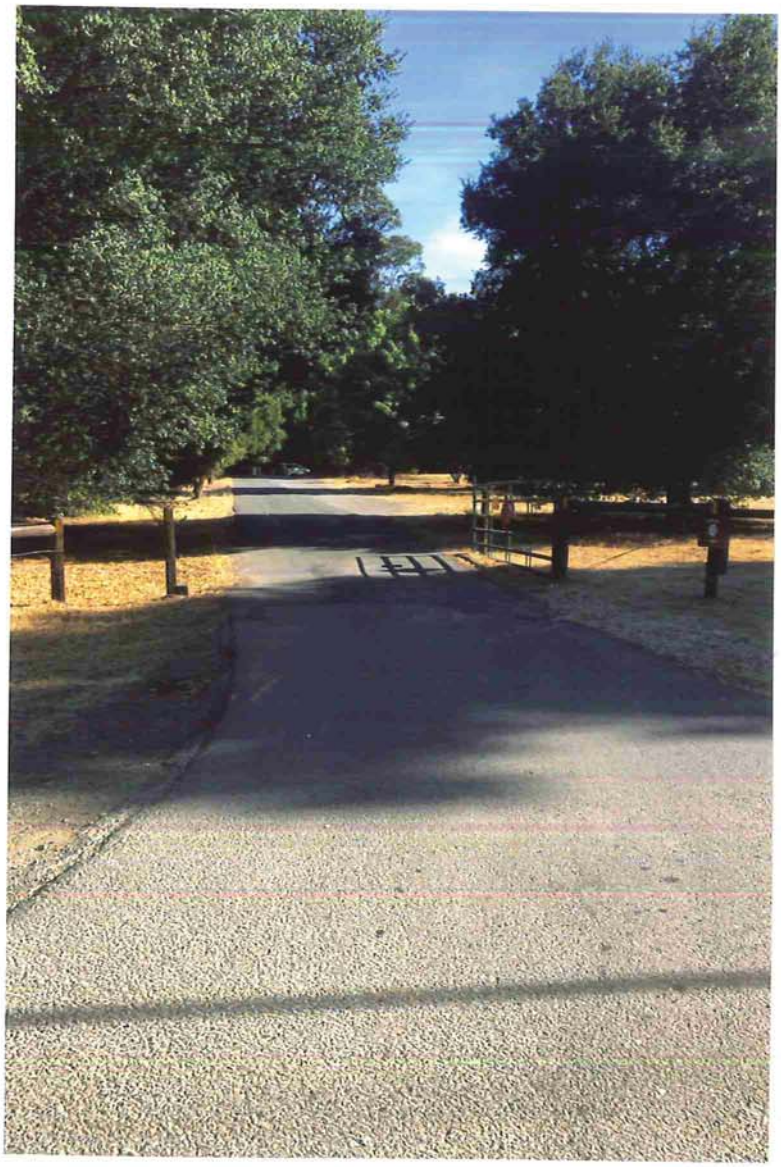
Attachment 1: Alternative locations for staging area.
Attachment 2: Six EBRPD staging areas with reasonable setbacks and aesthetics.
Attachment 3: Outreach Meeting Minutes from June 7, 2017.
Attachment 4: Ken Sheets letter to Board correcting Meeting Minutes.
Attachment 5: Historic barn photo.
Attachment 6: Initial Study discussion of historic resources.
Attachment 7: Emails requesting 2017 Historical Study.
Attachment 8: EBRPD Counsel's response to Study request.

Cc: Jeff Fagundes
Ken Sheets
Board of Directors, EBRPD
State Clearinghouse

Attachment 2
Staging area photos



Wilcox Staging Area at Pinehurst Road. parking by entry at remote location



Briones Staging Area Alhambra Valley Road, across from Vaca Creek Road, Martinez. parking 0.07 mi. in from entry. Obscured by vegetation.



Briones Staging Area
Bear Creek Side
parking 0.39 mi. in.
Not visible.



Briones Staging Area
Alhambra Road Side
Parking 0.7 mi. in.
Not visible.



Redwood Staging Area
Castro Valley side
Parking 0.22 mi. in.
Not visible.



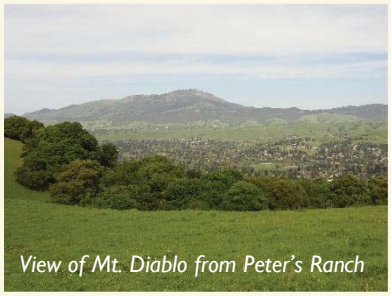
Elworthy Staging Area
Las Trampas, Danville
Parking 0.12 mi. in.
Elevated and obscure

East Bay Regional Park District

Attachment 3

SOUTHERN LAS TRAMPAS WILDERNESS REGIONAL PRESERVE
Land Use Plan Amendment (LUPA)
June 7, 2017 – San Ramon Community Center
Community Meeting Summary

Approximately 56 members of the public attended the first community meeting for the southern Las Trampas Wilderness Regional Preserve Land Use Plan Amendment (LUPA) on June 7, 2017. As part of the sign-in process, participants were given an opportunity to identify their favorite public access points and recreation activities within Las Trampas Wilderness Regional Preserve (Las Trampas).


View of Mt. Diablo from Peter's Ranch

During the presentation on the project, staff provided a brief overview of the approximately 760-acre southern Las Trampas study area and the various conditions tied to each of the project elements. This meeting also served as the California Environmental Quality Act (CEQA) scoping meeting. A link to the meeting
Following the presentation, attendees had the opportunity to pose questions and provide comments relating to the southern Las Trampas LUPA and provide input into subjects to be addressed during the environmental analysis of the proposed project. A summary of these public comments follows.


Community members attend the meeting


District staff presenting the project.

- Community members requested that sight line safety of the staging area ingress and egress, analysis of vehicle acceleration and deceleration, road frontage setback, aesthetics and landscaping amenities all be taken into consideration with regards to the proposed Chen staging area.
- There was consensus on prioritizing pedestrian, bicycling, and vehicle safety along Bollinger Canyon Road, particularly in regards to reduced speeds and coordinating with Contra Costa County on road safety designs.
- Community members asked for a summary of the District's grazing practices at Las Trampas and staff confirmed that a grazing program will continue in the Long-Term Management Plan as part of an effort to reduce wildfire hazards in southern Las Trampas, including within the conservation easement properties. Staff also confirmed that the District's own fire department has a mutual aid agreement with the local fire department to address fire safety in the project area.
- Community members were interested in the multi-use trails within the project area, including trails for mountain biking, and trail amenities, such as wayfinding signs and additional public access through trailheads.
- Community members wanted to know more about the land use planning process and how they can provide their input. Staff went over the timeline of the land use plan amendment and reiterated that the meeting was the first public scoping meeting with the primary purpose being to provide information about the project and to receive input from the community.
- The level of analysis under CEQA required for the project has not yet been determined, but will cover all new trails and the new staging area. All amenities on the Podva property are covered under the Redhawk (Podva) Environmental Impact Report (EIR). The open staging area and trail on the Elworthy properties were covered under the Quail Ridge EIR. These project components will not require further environmental analysis.

Staff will take all input from the community into consideration as the Land Use Plan Amendment is developed. Staff anticipates having a draft document ready for public review by the fall/winter of 2017/2018.

STAYING INVOLVED

There are several easy ways for you to receive information and participate in the southern Las Trampas Wilderness LUPA process and other District activities:

- *Request to be placed on the southern Las Trampas Wilderness LUPA e-mail mailing list*
- *Visit the District website at the following link: http://www.ebparks.org*
- *Volunteer - Information about our volunteer program can be accessed at the following link: http://www.ebparks.org*

For more information, please contact Neoma Lavalle at nlavalle@ebparks.org or (510) 544-2626, or Kim Thai at kthai@ebparks.org or (510) 544-2320.

Attachment 4

Date : 06 Oct. 2017

From : Ken Sheets, kwsheets@hotmail.com , 925-389-6718

Bollinger Canyon - home owner

To : East Bay Regional Park District, (EBRPD)

Attn: Board of Directors EBRPD

President - Beverly Lane, blane@ebparks.org ,

CC: Clerk of the Board, Sharon Clay, sclay@ebparks.org , 510-544-2021

Planner, Neoma Lavalle, nlavalle@ebparks.org , 510-544-2626

Planner, Kim Thai, kthai@ebparks.org , 510-544-2320

Subject: Incomplete EBRPD Meeting Minutes of 07 Jun. 2017 for the Southern Las Trampas Wilderness Regional Park Preserve – Chen Property LUPA

Dear Board of Directors,

I travel extensively and on return to the area was very disappointed in the incomplete meeting minutes content produced by EBRPD on the Chen Property LUPA meeting. Although you have included many of the items brought up you have not included several major points that were extensively discussed at the meeting. Those items are as follows:

- **Almost to a person objections were voiced as to the location of the proposed parking lot and trail head being directly across from the home site of canyon resident, Jeff Fagundes and the adjacent family owned out buildings.**
  The consensus of canyon residents was that (IF) the trail head and associated parking had to be located near the Fagundes house that it should NOT be located anywhere close to the property line, i.e. inside the current corral area. It was also recommended that if the Park selected that location, against the wishes of most canyon residents, that the location be at least 200-300 feet setback from the property line. (Out of sight from the roads edge). The canyon resident consensus was if the proposed parking had to be located there that the flat building pad, previously used for a barn, on the Chen property whould be the preferred parking area.

- **It was also noted by canyon residents that if the existing trail on the top of the hills was to be extended or improved that the logical location for increased parking or an improved access point would be on Park property adjacent to the Faria Project.**

Also several other suggestions from canyon residents were not included in the minutes. Those items were as follows:

- Install one or more water stations at various locations on the trail from the park entrance to the Faria Project.

- Install sanitation stations in the form of Sani-Huts or toilet facilities with septic systems.

- Locate garbage cans along the trail.

- Develop a method of keeping park visitors from trespassing on canyon owner's private property. At the current time park visitors are jumping existing fences with signs that state private property no trespassing.

It has also been observed that several meetings have been held by EBRPD personnel on site at the originally proposed location directly across the street from the Jeff Fagundes property. No further public meetings or comments have been asked for nor requested.

The one person that should be part of the LUPA planning process for the Chen property should be Mr. Fagundes. His property would be the most impacted by any decisions that the park makes. It is also recommended that before a lot of funds are expended on this project that an additional 2 canyon residents be included in the LUPA process along with Mr. Fagundes. In the long run this will save the Park time and financial resources on planning something that will be unacceptable to the canyon residents.

In order to avoid having the canyon residents show up at the next meeting and rehashing last meetings topics it is recommended that you correct the meeting minutes to reflect the entire meeting content and republish its contents.

Regards,

Kenneth W. Sheets

Attachment 5
Historic Barn Photo



Attachment 6

3.5 CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☒	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

A Historical Resource Evaluation (HRE) and Cultural and Paleontological Resource Report were prepared by Evans & De Shazo (EDS). Several of the following responses are based on the findings presented in the reports.

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

A historical resource defined by CEQA includes one or more of the following criteria: 1) the resource is listed, or found eligible for listing in, the California Register of Historical Resources (CRHR); 2) listed in a local register of historical resources as defined by Public Resources Code (PRC) Section 5020.1(k); 3) identified as significant in a historical resources survey meeting the requirements of PRC Section 5024.1(g); or 4) determined to be a historical resource by the project's lead agency (PRC Section 21084.1; CEQA Guidelines Section 15064.(a)). Under CEQA, historical resources include built-environment resources and archaeological sites.

Historical Resource Evaluation. The HRE was prepared in compliance with CEQA regulations and the Park District Master Plan policies. EDS utilized research obtained at the Northwest Information Center (NWIC) of the California Historical Information Systems (CHRIS), San Ramon Valley Historical Society, and Contra Costa County Historical Society, as well as various online sources to obtain details regarding previous property ownership and to develop a historic context in which to evaluate the historic significance of the existing built environment resources within the Chen property. EDS also conducted an intensive level field survey to document the collapsed circa 1950 barn and corrals to formulate assessments within the current setting. In addition, Ms. De Shazo completed Department of Parks and Recreation (DPR) 523 forms for the circa 1950 barn, corrals, and associated features.

Record Search. EDS completed a record search at the NWIC on September 6, 2017 (NWIC File #17-0754). According to information on file at the NWIC, the built-environment resources in the Chen property have not been previously identified or evaluated for their historical significance and are not listed in the State Office of Historic Preservation's (OHP) Directory of Properties in the Historic Property Data File for unincorporated areas of Contra Costa County (dated 4/5/2012), or in the Historic Resource Inventory of Contra Costa County (Preliminary Draft 1976, Draft Update in 1989, and Draft Update 2010).

EDS also utilized research obtained at the San Ramon Valley Historical Society, and Contra Costa County Historical Society, as well as various online sources to obtain details regarding previous property ownership and to develop a historic context in which to evaluate the historic significance of the existing built-environment resources within the Chen property.

Historic Architectural Field Survey. On September 11, 2017, EDS Architectural Historian, Stacey De Shazo, M.A., completed a field survey and assessment of the built-environment resources within the Chen property. The Chen property consists of a former ranching complex that includes a circa 1950 collapsed barn, corrals, and associated features that include a ranch road, livestock pond and spring box. The survey and assessment were completed in compliance with CEQA and the East Bay Regional Park District's Master Plan Policies.

Conclusions. Based on the results of the record search and field survey, it was determined that the built-environment resources within the Chen property are not included in a local register of historical resources, and do not qualify for listing on the CRHR. Therefore, the resource does not meet the definition of a Historical Resource under CEQA. Therefore, this impact would be less than significant.

Cultural Resources Record Search and Review.A Cultural and Paleontological Resource Report was prepared by EDS. As part of this evaluation, EDS conducted a record search and review of the project area.

Record Search. The record search included a review of information on file at the NWIC of the CHRIS that included previous cultural resource studies and primary resource records pertaining to properties located within a 0.5-mile radius of the project area, as well as a review of the California Inventory of Historic Resources (California Department of Parks and Recreation 1976) and the Office of Historic Preservation's (OHP) Five Views: An Ethnic Sites Survey for California (1988), California Historical Landmarks (1990), California Points of Historical Interest (1992), California Register of Historical Resources (1998), and the Directory of Properties in the Historic Property Data File for Contra Costa County (dated 4/5/2012). The Historic Property Data file includes updated listing of the CRHR, NRHP, California Historical Landmarks, and the California Points of Historical Interest. The record search also consisted of a review of Park District documents and other data, as well as a review of appropriate ethnographic, prehistoric and historic references, including various maps dating from 1857 to 1959 to provide context for the Southern Las Trampas area. Soils and geologic data was also reviewed to identify the potential for buried archaeological sites to be present within the project area that may require identification measures beyond a pedestrian archaeological reconnaissance.

Cultural Resources Field Survey. A cultural resources field survey was conducted of the proposed 1.1-mile Chen Trail and 0.6-acre Chen Staging Area and the 0.5-acre alternative staging area within the Chen property, the 0.8-mile Peter's Ranch Trail within the Braddock and Logan (Peter's Ranch) property, the 1.3 miles of proposed trails and two 0.4-acre trailhead parking lots within the Faria Dedication property (not proposed as a part of this project), and the 0.4-mile-long Connector Trail within the existing Las Trampas. The field survey was led by EDS Archaeologist Gilbert Browning, M.A., RPA, who is a Secretary of Interior Qualified Archaeologist, with the assistance of EDS Archaeologists Ryan Poska, M.A. (candidate), and Erica

Attachment 7

Peter MacDonald

From: Peter MacDonald
Sent: Thursday, August 8, 2019 3:38 PM
To: Becky Pheng
Cc: Neoma Lavalle; Peter MacDonald
Subject: RE: Historical
Attachments: 190807 MacDonald -EBRPD Initial Response to PRA 08.07.19.pdf; 190807 Initial Study NIP discussion of historical resources.pdf

Good afternoon Carol, Rachel, and Naoma,

If you were informed our document request was for an "administrative draft" that has been deemed secret, then you did not receive correct information.

Our request was based on the following section of the NOP for Las Trampas:

Historic Architectural Field Survey. On September 11, 2017, EDS Architectural Historian, Stacey
De Shazo, M.A., completed a field survey and assessment of the built-environment resources within the Chen property. The Chen property consists of a former ranching complex that includes a circa 1950 collapsed barn, corrals, and associated features that include a ranch road,
livestock pond and spring box. The survey and assessment were completed in compliance with CEQA and the East Bay Regional Park District's Master Plan Policies.

A Study "completed" in September 2017 is not an administrative draft. That is particularly true here where that Study was used in the Initial Study as the basis for concluding there is no impact on historical resources.

We ask that you follow a fair environmental process and share the Sept. 11, 2017 Historical Study, while the comment period is open.

Take care, Pete

Peter MacDonald
Law Office of Peter MacDonald
400 Main Street, Suite 210
Pleasanton, CA 94566
Phone: 925.462.0191

From: Becky Pheng [mailto:bpheng@ebparks.org]
Sent: Wednesday, August 7, 2019 3:51 PM
To: Peter MacDonald <pmacdonald@macdonaldlaw.net>

Cc: Neoma Lavalle <NLavalle@ebparks.org>
Subject: RE: Historical

Dear Mr. MacDonald:

Attached please find a letter from Carol Victor, District Counsel, in response to your email request.

Becky

East Bay Regional Park District
Healthy Parks Healthy People

Becky Pheng
Legal Assistant / Paralegal | Legal Division
East Bay Regional Park District
2950 Peralta Oaks Court, Oakland, CA 94605
T: 510-544-2005| F: 510-569-1417
BPheng@ebparks.org | www.ebparks.org

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Please consider the environment before you print

From: Peter MacDonald <pmacdonald@macdonaldlaw.net>
Sent: Monday, August 5, 2019 3:41 PM
To: Neoma Lavalle <NLavalle@ebparks.org>
Cc: Peter MacDonald <pmacdonald@macdonaldlaw.net>
Subject: Historical

Good afternoon Naoma,

In the NOP on the Las Trampas EIR it relies on a historical survey completed by Ms. De Shazo on the Chen property. Can you send me a pdf of that document, if you have access to it.

Take care, Pete

On September 11, 2017, EDS Architectural Historian, Stacey
De Shazo, M.A., completed a field survey and assessment of the built-environment resources
within the Chen property.

Peter MacDonald
Law Office of Peter MacDonald
400 Main Street, Suite 210
Pleasanton, CA 94566
Phone: 925.462.0191

Attachment 8

2950 PERALTA OAKS COURT • OAKLAND • CALIFORNIA • 94605-0381 • T: 1-888-EBPARKS • F: 510-569-4319 • TRS RELAY: 711 • EBPARKS.ORG

OFFICE OF THE DISTRICT COUNSEL
Carol Victor, District Counsel
Rachel Sater, Asst. District Counsel
☎ 510.544.2005
510.569.1417

August 7, 2019

VIA E-MAIL (pmacdonald@mcdonaldlaw.net)

Peter MacDonald
Law Office of Peter McDonald
400 Main Street, Suite 210
Pleasanton, California 94566

RE: Response to Your August 5, 2019 California Public Records Act Request

Dear Mr. MacDonald:

This letter is in response to your August 5, 2019 e-mail addressed to Neoma Lavalle, Principal Planner of the East Bay Regional Park District ("Park District"). Your e-mail is being treated as a request pursuant to the California Government Code sec. 6250 (the California Public Records Act). You requested a copy of the "historical survey completed by Ms. De Shazo on the Chen property".

The report you are requesting is currently in draft form and therefore exempt from disclosure. (Government Code sec. 6254(a)). The Park District will make the report available once the report is finalized.

If you have any questions, please contact me at 510-544-2004.

Very truly yours,

Carol R. Victor
District Counsel

cc: Neoma Lavalle, Principal Planner

Board of Directors

Ayn Wieskamp, President, Ward 5 | Ellen Corbett, Vice-President, Ward 4 | Dee Rosario, Treasurer, Ward 2 | Colin Coffey, Secretary, Ward 7 | Whitney Dotson, Ward 1 | Dennis Waespi, Ward 3 | Beverly Lane, Ward 6 | Robert E. Doyle, General Manager

Date : 24 August 2019

From: Kenneth S. Sheets Jr.
18400 Bollinger Canyon Road
San Ramon, CA 94583
kwsheets@hotmail.com
1-925-389-6718 mobile

To : East Bay Regional Park District (EBRPD)
Attn: Kim Thai
2950 Peralta Oaks Court
Oakland, CA 94605
kthai@ebparks.org
1-510-544-2320
CC : Board of Directors EBRPD
President - Beverly Lane, blane@ebparks.org

Subject: Response by canyon resident to Southern Las Trampas LUPA NOP 082019 proposal.

Dear Ms. Thai,

I have been a canyon resident for many years and one of the qualities that Bollinger Canyon has is that only a few miles from the city feels like one has traveled for hours to get to a special rural place to enjoy the open space. It is understood that everyone should have the opportunity to enjoy these beautiful lands and that EBRPD as the owner of the Chen property has the right to develop the property for public access if they deem it necessary.

What has not been considered is that during the first Southern Las Trampas LUPA meeting on 07 Jun 17 that the canyon residents strongly objected to the location proposed by the EBRPD which was directly across from the existing long-time family home of Mr. Jeff Fagundes.

The attached following section in bold is part of the letter I sent in 2017 as a response to this meeting:

"Almost to a person objections were voiced as to the location of the proposed parking lot and trail head being directly across from the home site of canyon resident, Jeff Fagundes and the adjacent family owned out buildings.
The consensus of canyon residents was that (IF) the trail head and associated parking had to be located near the Fagundes house that it should NOT be located anywhere close to the property line, i.e. inside the current corral area. It was also recommended that if the Park selected that location, against the wishes of most canyon residents, that the location be at least 200-300 feet setback from the property line. (Out of sight from the roads edge). The canyon resident consensus was if the proposed parking had to be located there that the flat building pad, previously used for a barn, on the Chen property would be the preferred parking area.
It was also noted by canyon residents that if the existing trail on the top of the hills was to be extended or improved that the logical location for increased parking or an improved access point would be on Park property adjacent to the Faria Project."

In more than two years the EBRPD has done nothing to involve the public, (the canyon residents), in the design of this proposed trail head. It would be most prudent to have Mr. Fagundes and perhaps 2 other canyon residents participate in a small group to assist EBRPD in the design of this area. It would give credence to the design that locals were involved rather than work against the park. We realize that this is coming and would rather be a participant vs. adversary in its design and development.

Resident Concerns:

1. The most objectionable part of the proposal from EBRPD is that it is located at the property line on Bollinger Canyon Road without setbacks of any kind. Residents must abide by building codes and setbacks. The Park design locates the parking area on the property line at the street with a zero-set back. Minimum setbacks in this area are 50-75 feet from the property line. This alone would eliminate the parking area near the road. Codes and setbacks are in place to specifically keep your primary proposal from being constructed. Yes, variances are available but that is for projects that are constrained by topography. This is not the case when 600 plus acres of the Chen Property are available for a parking area and trail head.

2. Unless absolutely necessary parking should be located away from busy streets. This permits the project to shield by vegetation and other means the access road, parking area and will keep noise and other pollution from neighboring residences. Many of your EBRPD parks are designed in this manner. Parks are a place of peace and tranquility. Installing one a hundred feet from someone's front door would dramatically increase noise pollution and eliminate the currently tranquil atmosphere. The attached map was developed by LSA and the Fagundes residences were intentionally left off the map.

It was proposed at the 07 June 2017 meeting that the proposed location for this parking area should be the old barn area that existed there for many years and only recently blew down in 2016. Removed in 2018 the pad is a perfect area for a parking area. In this location trees can be added to shield noise and other pollution from resident homes.

In addition, and as a matter of public safety the location away from roads also keeps children from accidentally getting away from parental control and wandering into a roadway. This road has a 45 mile per hour speed limit that is often exceeded. A small child or pet on the road would have no chance of survival against a 2-ton car at that speed.

3. The access road **should not** be installed directly across from the Fagundes residence. Alternative locations area available that would be more acceptable. An access point approximately 150 feet to the south and just south of the dry run off creek would be the preferred alternative. With the removal of a couple of trees an access road could be constructed to Site C with the use of a couple of culverts. A second location but less favorable would be 200 feet north of the currently proposed Site A parking lot. Both locations offer easy access to Site C and an adequate parking area.

4. Site C, the old barn pad, offers the best solution to all the EBRPD proposals. What is listed as a water diversion berm into barn area is an easy fix with either an earthen swale or a couple hundred feet of culvert pipe. All these streams **are not year-round streams** but seasonal run off ditches and should not be treated as wetlands area problems. Easily graded into a parking pad area Site C, the old barn is by far the cheapest resolution to the Park's request for a parking area.

Site B, would require major grading of an area that should not be disturbed when another alternative, such as Site C is available.

5. The 01 August 2019 Southern Las Trampas LUPA letter states that one of the reasons for this parking area is Emergency Vehicle and Maintenance Access (EVMA). If this is being used to justify a parking area it is a shallow reason for a parking area and does not designate where on the Chen property it would be located. There are multiple EVMA access points along both sides of the canyon and there 2 are within 1 mile of the proposed parking area. One from the Danville side and the other from the Bollinger Canyon side. Yes, it would add another point of access however it is not going to be the only access as the report infers.

6. There are other concerns of residents along the ridge trail to the Chen Property:

A. Install one or more water stations at various locations on the trail from the park entrance to the Faria Project. There is a water main on the ridge and EBMUD has jurisdiction over this line.

B. Install sanitation stations in the form of Sani-Huts or toilet facilities with septic systems.

C. Locate garbage cans along the trail and have EBRPD vehicles empty them on a regular basis.

D. Develop a method of keeping park visitors from trespassing on canyon owner's private property. At the present time park visitors are jumping or cutting existing fences with signs that clearly state private property no trespassing.

E. How will the park be managed after closing hours. Will an EBRPD truck close a physical gate.

F. Install trail signs that indicate where you are on the ridge trail and where to enter or exit.

In closing the residents acknowledge that the park has the right to manage their property and install these kind of public access within reason. The current proposal of a parking area with no setback and next to a residential set of homes is not prudent planning on the Park's part. Residents would like the opportunity to participate in a design that the park can live with while at the same time not degrade natural scenery or impact other residential properties.

Regards,

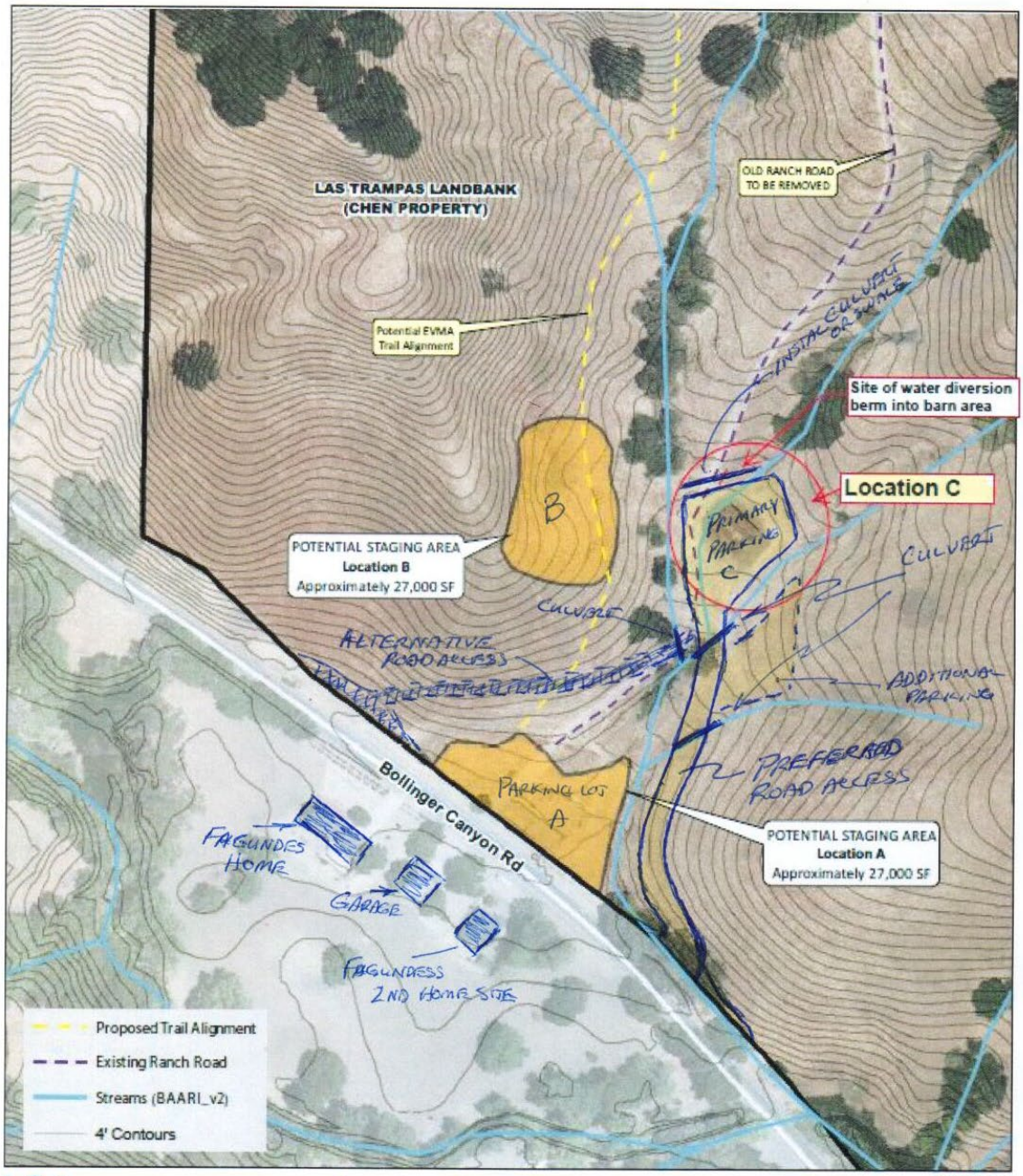
Kenneth W. Sheets Jr.
Canyon Resident

Attachment 1: Las Trampas – Chen Property – LSA vicinity map

CC: Jeff Fagundes

: Beverly Lane

Attachment 1



LSA

CANYON RESIDENTS PREFERRED ACCESS POINT AND PARKING AREA. LOCATION C

FIGURE 3

0 100 200
FEET

N

Las Trampas LUPA Tech Studies

Chen Staging Area

SOURCE: EBRPD, AUGUST 2018

I:\EBR1702 Las Trampas\Figures\Fig_3.ai (10/11/18)

Contra Costa County
Flood Control
& Water Conservation District

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

August 22, 2019

Kim Thai
Senior Planner
East Bay Regional Parks District
2950 Peralta Oaks Court
Oakland, CA 94605

RE: Southern Las Trampas Wilderness Regional Preserve
Project File: 3037A-06 208-230-044, -045, -046, -033

Dear Ms. Thai:

We have reviewed the Land Use Plan Amendment and Initial Study for the Southern Las Trampas Wilderness Regional Preserve located at the southern portion of Las Trampas Wilderness Regional Preserve (Las Trampas). The project is located in south-central Contra Costa County, on the western periphery of the San Ramon Valley within the City of San Ramon, Town of Danville, and unincorporated areas of Contra Costa County. Bollinger Canyon Road is a Contra Costa County maintained road. Las Trampas drains into Bollinger Creek, which connects to San Ramon Creek, a Contra Costa County Flood Control and Water Conservation District Creek. We received the land use plan amendment on August 5, 2019, and offer the following comments:

1. No construction shall take place within Bollinger Canyon Road right of way without an encroachment permit from Contra Costa County.

2. Bollinger Canyon Road must remain open and unobstructed throughout construction.

3. The applicant should be required to comply with the current NPDES (National Pollutant Discharge Elimination System) requirements under the County Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook.

4. Portions of the Peter's Ranch and Elworthy parcels may be located within Drainage Area 37A, for which a drainage fee is due in accordance with Flood Control Ordinance Number 85-41. By ordinance, all developments filed in this area are subject to the provisions of the drainage fee ordinance. Effective August 12, 2019, the current fee in this drainage area is $925 per square foot of newly created impervious surface. The drainage area fee for this lot should be collected prior to issuing a building permit for this project.

5. According to ordinance 85-41, lots greater than 20 acres in area, provided that less than ten percent of the lot area is covered by impervious surfaces, shall not be required to pay the drainage area fee.

6. If any creek or channel improvements are added, we recommend that you apply for a County drainage 1010 permit.

Thank you for allowing us to provide comments on this development, and we welcome continued coordination. Should you have any questions, please contact me at (925) 313-2222 or Teri Rie at (925) 313-2363.

Sincerely,

Gabriel Piña
Flood Control Staff
Contra Costa County Flood Control
& Water Conservation District

GP:cw
G:\fldctl\CurDev\CITIES\San Ramon\3037A-06\APN 208-230-044, 045 ,046, 033\Initial Study Comments.docx

c: Tim Jensen, Flood Control
Michelle Cordis, Flood Control
Teri E. Rie, Flood Control
Jeff Carlton, Finance
Judi Kallerman, Dept. of Conservation & Development

From: PAWS <pawsinharmony@comcast.net>
Sent: August 26, 2019
To: Kim Thai kthai@ebparks.org
CC: Lynda Blaskca <pawsinharmony@comcast.net>
Subject: Bollinger Canyon Road Proposed parking lot

Dear Kim,

I am writing to you in response to the proposed location of a parking lot and hiking trail on Bollinger Canyon Road in San Ramon. This proposed location is directly across from the homes of my friends. I am asking you to consider making this beautiful land available to more people in a way that allows these residents of Bollinger Canyon Road to continue to live in peace without the noise, dust and extreme lack of privacy that cars and people will bring.

Knowing there is an option of locating the parking lot in Staging Area B provides a possible win/win for the hikers and the Bollinger Canyon residents. This alternate location with the use of a paved driveway and parking lot will preserve the beauty, peace and harmony ~ for everyone!

Thank you for considering this and helping to finding a solution that benefits everyone.

Sincerely,

Lynda Blaska

From: Body by Bees <bodybybees@gmail.com>
Sent: August 26, 2019
To: Kim Thai <kthai@ebparks.org>
Subject: Southern Las Trampas LUPA, Chen Parcel

Dear Kim Thai:

Thank you for taking the time to consider our concerns regarding the Southern Las Trampas LUPA. While we understand and believe in public trails, Jeff, Shala, and Ron have respectfully expressed concern with regards to their peace, safety, and way of life.

I know and respect these residents, who reside directly across the street from the proposed construction and public access point. Jeff, Shala, and Ron are very quiet and private people, and they sincerely cherish the sacred privacy and tranquility their homes provide. Jeff's family and his animals have lived there, peacfully enjoying the pristine nature, his entire life. He feels his property value and way of life will be greatly affected, and I do agree.

We also have exclusive meditation retreats quite often at Shala's home to enjoy the rustic tranquility. A small group of us visit from local areas, and a few from afar, in order to enjoy such a rare, pristine, private space, such as these two special homes. It is just so rare in the Bay Area, and it would be sad to see the public parking lot and trail impeding upon their privacy and quiet nature.

I often go there just to watch the animals in their natural habitat and feel the quiet. It is such a special place. You can even hear the creek on their property and it is so special, especially in the Bay.

Thanks again for considering our concerns. Have a beautiful day!

Sincerely,

Billie Espinoza

Founder, Energy Healer | Body by Bees

Bee Mobile: (510) 334-7189

Charles Farr
18311 Bollinger Canyon Rd

August 25, 2019

Subject; Southern Las Trampas Wilderness regional preserve Land Use plan Amendment
Attention Kim Thai Senior Planner

I'm sending you this letter in response to you notice dated 8/01/2019. My name Charles Farr and I have been lucky enough to live in Bollinger Canyon since 1976. And during that time I have learned how special of a place this is and that we need to take care to keep it that way. Recently I became aware of park department plans to construct a large staging area in Bollinger Canyon. It is also my understanding that the new housing development is paying for the improvements because they did not want the staging area near there new homes. Also they are not improving Bollinger Canyon Rd. Beyond there entrance do to the fact that the road is a dead end, and traffic would go towards Crow Canyon Rd. But now that they have
Moved the staging area up Bollinger Canyon.We will now have an increase in both car and bikes. The lease that should be done is a bike lane or trail to the staging area. Also the staging area should be set back far enough off road so that it would inflict the least amount of impact on immediate neighbors and the canyon.

Charles Farr

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

John Kopchik
Director

Aruna Bhat
Deputy Director

Jason Crapo
Deputy Director

Maureen Toms
Deputy Director

Kelli Zenn
Business Operations Manager

August 29, 2019

Kim Thai, Project Planner
East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605

RE: Southern Las Trampas Wilderness Regional Preserve Land Use Plan Amendment

Dear Ms. Thai:

This memo serves as Contra Costa County's ("County") comments on the Initial Study, which contains a Circulation Assessment ("Assessment"), for the subject amendment. Thank you for the opportunity to comment.

1. Page 3 of the Assessment does not identify which of the two proposed locations for a staging area within the Chen property was preferred for development. (The Assessment only states "…this location…") If a detailed site plan for the preferred staging area is available, the County's Department of Conservation and Development and Public Works Department would appreciate the opportunity to review it.

2. The Assessment describes two proposed small trailhead parking areas on the Faria property, but does not provide a detailed site plan for them. Similar to the Chen property staging area, if a detailed site plan for the two proposed trailhead parking areas is available, the County's Department of Conservation and Development and Public Works Department would appreciate the opportunity to review it.

3. Descriptions of the existing and proposed bicycle facilities on Bollinger Canyon Road leading to the Southern Las Trampas Wilderness Regional Preserve ("Preserve") are incorrect or missing in the Assessment. A Class II bicycle facility exists on Bollinger Canyon Road from Crow Canyon Road to just north of Deerwood Drive. North of Deerwood Drive to the Bollinger Canyon Staging Area, Bollinger Canyon Road is classified as having a proposed Class II bicycle facility, per the Contra Costa Transportation Authority (CCTA) Countywide Bicycle and Pedestrian Plan.[1] At minimum, the proposed staging areas should accommodate right-of-way for a future Class II bicycle facility[2] along Bollinger Canyon Road.[3]

[1] Contra Costa Countywide Bicycle and Pedestrian Plan, Appendix D – Local Bicycle Networks and Projects- https://ccta.net/wp-content/uploads/2018/10/5b86dd5e16447.pdf

[2] Specifications for a Class II bicycle facility can be found in Sections 301.2 and 1002.1(2) of the Caltrans Highway Design Manual (https://dot.ca.gov/-/media/dot-media/programs/design/documents/hdm-complete-14dec2018.pdf).

4. The Assessment does not evaluate the impact of the project on pedestrians (leading to and surrounding the Preserve), bicycles, and transit, as required by the CCTA Technical Procedures.

5. To accommodate Preserve visitors who will park on-street along Bollinger Canyon Road and walk to the proposed staging areas, pedestrian improvements along Bollinger Canyon Road should be considered.[4] The Assessment identifies instances at existing staging areas and trailheads where Preserve visitors park on-street and walk along Bollinger Canyon Road. Pedestrian improvements along Bollinger Canyon Road would coincide with the County's Complete Streets Policy to "provide safe, comfortable, and convenient travel along and across rights-of-way…that serves all categories of users."

6. Central Contra Costa Transit Authority (AKA County Connection), not CCTA, as stated in the Assessment, is the name of the transit provider that serves the area immediately south of the the Preserve. County Connection Route 35 (not Route 36), which operates on weekdays only, stops at the corner of Bollinger Canyon Road and Crow Canyon Road and connects to the Dublin/Pleasanton BART Station (not West Dublin/Pleasanton BART Station). Not identified in the Initial Study and Assessment, the area immediately to the east of the Preserve is served by County Connection Routes 21 (weekdays) and 321 (weekends), which connects to the Walnut Creek BART Station, another BART station in proximity to the Preserve.

7. The turning movements maps included in the Assessment should show the Bollinger Canyon Road/Crow Canyon Road study intersection.

8. The Initial Study and Assessment use LOS "D" as the threshold for significant impact for the study intersections, consistent with the City of San Ramon and the Town of Danville's General Plans. However, the study intersections located in the County should reflect the thresholds identified in the County's General Plan – Growth Management Element. The area where these particular study intersections are located is designated *Semi-Rural*, which has a LOS standard of *High C*.[5]

9. The Initial Study and the Trip Generation section of the Assessment state that "…nationally used trip generation rates such as those published by the ITE...were not used to forecast project traffic…" because trip characteristics are unique to "individual large park environments and level of amenity." The Assessment uses trail mileage, total acreage, and parking spaces as criteria for determining trip generation counts for the Preserve. However, the Assessment does not provide a detailed rationale for 1) the selection of these three criteria as a basis for trip generation counts and 2) the calculation of trip generation rates for each of these criteria.

10. The tables in the Assessment and Initial Study that are associated with LOS analysis show data for both Intersection Capacity Utilization (ICU) and Delay in one column, which can be confusing to the reader. For clarity purposes, ICU and Delay data should be displayed in two separate columns.

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[3] The Faria and Chen Staging Areas are located between Deadwood Drive and the Bollinger Canyon Staging Area, along the segment of Bollinger Canyon Road that is designated as having a Proposed Class II bicycle facility.
[4] The FHWA's *Making Local and Rural Roads Safer for Pedestrians and Bicycles* document (https://safety.fhwa.dot.gov/local_rural/training/fhwasa14090/ped_bike.pdf) identifies enhancements that can improve pedestrian and bicycle safety on rural roads.
[5] From Table 4-1 of the Contra Costa County General Plan – Growth Management Element (https://www.contracosta.ca.gov/DocumentCenter/View/30914/Ch4-Growth-Management-Element?bidId=)

11. The Assessment provides very minimal detail on Trip Distribution and no information on Trip Assignment. Analysis of these two components are required to be included in the Assessment, per the CCTA Technical Procedures.

If you have any questions, please call me at (925) 674-7822 or e-mail me at Robert.Sarmiento@dcd.cccounty.us.

Respectfully,



Robert Sarmiento
Planner II

c: John Cunningham, DCD
Maureen Toms, DCD

CALIFORNIA
NATIVE PLANT SOCIETY
East Bay Chapter, www.ebcnps.org
PO Box 5597, Elmwood Station, Berkeley, CA 94705

August 28, 2019

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

Attn: Kim Thai, Planner sent via email: kthai@ebparks.org

RE: Notice of Preparation - Southern Las Trampas Wilderness Regional Preserve

Dear Ms. Thai,

The East Bay Chapter of the California Native Plant Society (EBCNPS) submits the following comments in response to the Notice of Preparation (NOP) for the land use plan amendment (LUPA) and environmental impact report (EIR) for the East Bay Regional Park District's (EBRPD) project entitled "Southern Las Trampas Wilderness Regional Preserve Land Use Plan Amendment" dated August 1, 2019.

As active supporters of open space that provides habitat for locally native plants and animals, we support the goals of the project, including 1) maintaining the wilderness attribute of the site, 2) the use of minimally-disturbing development approaches, 3) improvement of native habitat values (including pond, seep and wetland enhancement), and 4) ongoing management of invasive plant species. Below are additional comments to advance EBRPD's dual mission of preserving open space and natural resources and providing recreational opportunities.

1. Conduct comprehensive, well-timed floristic surveys for special-status plants and sensitive natural communities.

    a. The EIR needs to be based on well-timed, comprehensive floristic surveys as well as adequate sampling of representative, diverse locations, given the numerous ecological communities within the proposed Project Area. Surveys at should be conducted in any areas where new construction is planned, including proposed new trail construction or modifications. Comprehensive floistic survey methods are described in the CDFW protocols (Protocols for Surveying and Evaluating Impacts to Special Status Native Plant

Populations and Natural Communities, CA Dept. of Fish and Wildlife, March 2018) and in the CNPS protocols (CNPS Botanical Survey Guidelines, CNPS, June, 2001)

b. The NOP should utilize the most current standard for vegetation classification from CDFW for identifying natural communities and sensitive natural communities, including referencing the Manual of California Vegetation for vegetation alliance descriptions, as well as the *CNPS Survey of California Vegetation Classification and Mapping Standards* (January 11, 2018) and *Guidelines for Mapping Rare Vegetation CNPS* (January 2011).
c. Consistent with CEQA guidelines, the botanical surveys should include locally rare and unusual plants. EBCNPS provides an online database of Rare and Unusual Plants at https://ebcnps.org/.
d. Baseline botanical surveys and mapping are recommended for ongoing wilderness preserve management to assess the botanical impacts of park management, including grazing and fuels management, to maintain, and ideally enhance, these park resources. Botanical surveys for the EIR should record and map unique and botanically diverse areas within grasslands, woodlands, chaparral, forests, and riparian areas, in general. Surveys should be performed by a qualified botanist.

2. <u>Provide sufficient information in Environmental Setting section of the EIR to inform restoration, management, and habitat enhancement in the LUPA plan for grasslands, chaparral, riparian areas, and woodlands.</u>
Botanical information indicates numerous native plants and sensitive natural communities in the general project area. Many are native grasses and forbs.

    a. We recommend including any historical land use information that would inform LUPA restoration plans and the EIR for this wilderness preserve, such as if any present-day grasslands were formerly native grassland, chaparral, oak and other woodland,.
    b. Baseline surveys for the EIR should record the location of unique soil types, topography, and hydrology in the project area that may support unique, rare and endangered flora, or that can be used for restoration of rare and endangered flora. Pallid manzanita (*Arctostaphylos pallida*) was reported historically at Las Trampas. Whether it is present or not, the location and soil type for this species should be noted in the EIR and LUPA.

3. <u>Restoration projects and opportunities should be described. Restoration should be developed under the guidance of a botanist and/or conservation ecologist</u>.

    a. The pond, seep and wetland enhancement plans provide an opportunity to develop unique habitats. The selection of plants that are locally native should take place under the guidance of a botanist and/or conservation ecologist.
    b. Future habitat restoration, habitat enhancement, and trail and other maintenance activities should also be developed under the guidance of a botanist and /or conservation ecologist.

4. The LUPA and EIR needs to consider impacts of trail uses on special-status flora and fauna by area and trail type, particularly narrow trails, and provide alternatives that avoid significant impacts to special status plants, sensitive plant communities, and fauna, both directly and indirectly.

   The NOP Initial Study includes a table (Table 1.c Project Trails) and two paragraph discussion of the "Trail Connections and Access Points" with the following statement: "…..4.9 miles include trail connections that are covered under CEQA through separate environmental documents and would be incorporated and referenced in this EIR."
   Impacts from trails and trail uses need to be analyzed for specific and cumulative impacts and mitigated for from afresh. Trail locations and uses should based on the EIR analysis and LUPA plan alternatives in this wilderness preserve. The development and uses of new trails should not be pre-determined, as indicated in Table 1, prior to the development of the LUPA and EIR.
   See also comment regarding "EIR alternatives."

5. The impacts of grazing need to be analyzed

   The NOP indicates EBRPD's intent to include grazing in the land management policies for the project.

   a. The reproduction rate of oak species have been greatly reduced throughout the state of California. The EIR should describe how grazing practices will avoid or minimize impacts of grazing on seedling growth and recruitment of oak species.
   b. Studies have shown that well-timed, controlled grazing can be used to enhance the native plant populations in grassland areas while reducing fire risk and invasive species. The EIR should provide details on how grazing management will be managed and monitored in the project area to derive benign or positive impacts on native grasses, forbs, and other plant communities.
   c. Riparian areas are sensitive to cattle use. The EIR should address mitigation measures such as fencing to ensure the ongoing health and diversity of riparian native plant habitats that could be affected by ongoing cattle grazing.

6. Develop adequate alternatives that analyze and mitigate for impacts consistent with the intent of the park's "wilderness preserve" designation.

   The District's Master Plan states that the District uses land use designations to indicate "the levels of resource protection required and recreational intensity allowed in special areas of a park." The Master Plan also states that the "LUP for a preserve will delineate significant resources with Special Protection features." The designation of "wilderness preserve" should include protection of significant natural resources and also ensure the user's experience of special character of the wilderness preserve.

The LUPA and EIR need to provide sufficient alternatives that allow the public to comment on a superior alternative consistent with the designation of a “wilderness preserve.”

We hope that the enclosed comments will be helpful to EBRPD as it continues planning this project. As EBRPD is a public trustee agency, we are certain you understand the importance of protecting native plant communities and the animals that depend upon them—especially during a time of unprecedented urbanization and degraded landscapes. The public has few opportunities to understand and appreciate the unique and beautiful character of the local environment. The proposed Southern Las Trampas Wilderness Regional Preserve represents an opportunity in the East Bay to enhance and uphold the values of wilderness and native habitats for both the wildlife that depend upon them and the people who appreciate them.

Sincerely,

Jim Hanson

Jim Hanson
EBCNPS Conservation Committee Chair

cc: Tri Do, EBCNPS Conservation Committee

DocuSign Envelope ID: 71D4B28D-CBD1-4212-B765-4A1AA2FD4F68

August 30, 2019

State Clearinghouse
State.Clearinghouse@opr.ca.gov
PO Box 3044
Sacramento, CA 95812-3044

CEQA Project: **#SCH 2019071058**
Lead Agency: **East Bay Regional Parks District**
Project Title: **Southern Las Trampas Wilderness Regional Preserve Land Use Plan Amendment**

Construction Site Well Review (CSWR) ID: 1011664

Assessor Parcel Number(s): **208580013, 208220010, 208230046, 208230032, 208230033, 208016014, 208240054**
Project Location Address: **Unincorporated areas of Contra Costa County, San Ramon, California, 94582**

Public Resources Code (PRC) § 3208.1 establishes well re-abandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.

The Division of Oil, Gas, and Geothermal Resources (Division) has received and reviewed the above referenced project dated August 26,2019. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

The project is located in Contra Costa County, within the boundaries of the following fields: **Any Field**

DocuSign Envelope ID: 71D4B28D-CBD1-4212-B765-4A1AA2FD4F68

CEQA Project: #SCH 2019071058
Lead Agency: East Bay Regional Parks District
Project Title: Southern Las Trampas Wilderness Regional Preserve Land Use Plan Amendment

Our records indicate there are two (2) known oil or gas wells located within the project boundary as identified in the application.

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: **0**
- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: **2**
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: **0**
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: **0**

API	Well Designation	Operator	Well Evaluations
0401300006	Elworthly 1	Phillips Petroleum Company	No base of freshwater plug inside surface casing. Shoe plug does not meet current standards.
0401300187	Buttes-Costa 1	Venoco, LLC	No base of freshwater plug inside surface casing. Shoe plug does not meet current standards.

The Division categorically advices against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or

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access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.

There are no guarantees a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantees that such abandonments will not leak.

The Division advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to the Division in Latitude and Longitude, NAD 83 decimal format. The Division expects any wells found leaking to be reported to it immediately.
Failure to plug and re-abandon the well may result in enforcement action, including an order to perform re-abandonment well work, pursuant to PRC § 3208.1, and 3224.

PRC § 3208.1 give the Division the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for re-abandonment as:

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time

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of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be re-abandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the re-abandonment.

No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other re-abandonment work. The Division also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. California Code Regulations §1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from the Division is required before work can start.

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding the above identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.

2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate

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authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Northern district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

Should you have any questions, please contact me at (916) 322-1110 or via email at Charlene.Wardlow@conservation.ca.gov

Sincerely,

DocuSigned by:
Charlene L Wardlow
067E7BD5EA114A7...

Charlene Wardlow
Northern District Deputy

cc: Kim Thai
kthai@ebparks.org
East Bay Regional Parks District

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San Francisco Bay Chapter
Serving Alameda, Contra Costa, Marin and San Francisco Counties

September 16, 2019

VIA EMAIL ONLY
kthai@ebparks.org
Kim Thai, Planner
East Bay Regional Park District
Land Division
2950 Peralta Oaks Court
Box 5381
Oakland, CA 94605

Re: Notice of Preparation-Southern Las Trampas Wilderness Regional Preserve

Dear Ms Thai:

The Sierra Club makes the following comments in regard to the proposed LUPA and EIR for the Las Trampas Wilderness Preserve. Even though it was stated that comments were due by August 30, 2019, it is Sierra Club's understanding based on communications with Brian Holt that Sierr Club could submit these comments at this time and that they would be considered valid and timely.

The Sierra Club joins in the comments of the East Bay Chapter of the California Native Plant Society submitted on August 28, 2019. For your convenience, the Sierra Club will not repeated them in this comment letter.

In addition, the LUPA and EIR must address enviornmental justice concerns in regard to how communities of color and disadvantaged mainly located in the cities West of the East Bay Hills will have access to this preserve. The NOP and Initial Study fail to address this issue at all. Environmental justice concerns are of paramount need to be addressed. They cannot be ignored.

Second, the LUPA and EIR must address the impacts from automobile use within the preserve. In this regard, the Park District especially needs to study the parking issues for visitors coming to the park by car. The Sierra Club raises this issue because it knows from the history of usage at other parks that parking and access have becam a major problem.

Mission Peak is a good example, but other parks also have similar usage problems. This is not addressed in the LUPA and NOP.

Third, in regard to the portion on trails, Sierra Club notes that this park unit within the Park District is a preserve. While access is important for any park unit, nevertheless, the Park District's designation of this park unit as a preserve means that the the protection and enhancement of wildlife and habitat is paramount. The LUPA and EIR must address this issue, especially as to impacts from park users on the trails. A key issue must be how the Park District will address the issue of rogue trail creation if trails are open to mountain bike usage given the history of rogue trail creation in other Park Disrtict park units.

In addition, the LUPA as with the Sibley LUPA, once again, puts the planning cart before the horse. Instead of first outline proposed trails and then analyzing whether any of those trails should be open to mountain bike use, the LUPA identifies trails as multi-use trails. This is not consisent with the Park Districts' Master Plan.

Furthermore, the NOP fails to address a major environmenal concern, i.e., the users experience on a trail and in the preserve. If a hiker must be on constant guard for mountain bikers on the proposed narrow trails, then that park users experience and enjoyment of the park is greatly adversely affected.

Finally, the LUPA and EIR must address the analytical inconsistency in the proposal to open all trails to mountain bike use. The NOP states:

"Mobility issues that can affect the safety of various users include the potential speed differential and user conflict points between bicyclists, equestrians, and pedestrians (e.g., runners, hikers, dog walkers) at staging areas, access points, and other locations where motorized vehicles may be present. Existing trail usage observations reveal that pedestrians exclusively use the majority of trails in the preserve. Mountain biking and equestrian users make up a nominal percentage of preserve users. The proposed trails shown in Table 3.P would not be anticipated to result in a deviation from the existing mode of preserve usage. As such, potential conflicts between different types of trail users are anticipated to be minimal on these trails, as they are largely restricted to pedestrians.

"Future trails would be multi-use and open to equestrian and mountain bike use. Trail design should account for features conducive to the International Mountain Biking Association's (IMBA) guidance on trail etiquette and safety for equestrians, hikers, and mountain bikers.33 If desired, the Park District can investigate the possible implementation of IMBA multi-use trail signs to better promote safe trail usage."

According to these two paragraphs, currently the predominate users of the preserve our hikers with mountain biking and equestrian use making up a "nominal percentage of preserve users," yet if narrow trails are created or opened up for mountain bike use, then presumably that use will significantly increase for why else is the Park District contemplating allowing that use on these trails other than to

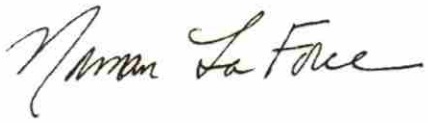
increase that use? Therefore, the statement that "potential conflicts between different types of trail users are anticipated to be minimal…" is a speculative opinion lacking any evidentiary support or basis.

Furthermore, while reference to trail etiquette standards may be useful, the real tool for ensuring that park users comply with Ordinance 38 and other rules is through enforcement, but enforcement is not addressed at all in the NOP.

Finally, an alternative that includes all trails as only open to pedestrian and equisterian access should be included. This alternative is not the same as a "No Project" alternative.

Please send or serve all future notices regarding this LUPA and DEIR to n.laforce@comcast.net.

Sincerely yours,



Norman La Force, Chair
East Bay Public Lands Committee

CALIFORNIA
NATIVE PLANT SOCIETY

East Bay Chapter, www.ebcnps.org
PO Box 5597, Elmwood Station, Berkeley, CA 94705

August 28, 2019

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

Attn: Kim Thai, Planner sent via email: kthai@ebparks.org

RE: Notice of Preparation - Southern Las Trampas Wilderness Regional Preserve

Dear Ms. Thai,

The East Bay Chapter of the California Native Plant Society (EBCNPS) submits the following comments in response to the Notice of Preparation (NOP) for the land use plan amendment (LUPA) and environmental impact report (EIR) for the East Bay Regional Park District's (EBRPD) project entitled "Southern Las Trampas Wilderness Regional Preserve Land Use Plan Amendment" dated August 1, 2019.

As active supporters of open space that provides habitat for locally native plants and animals, we support the goals of the project, including 1) maintaining the wilderness attribute of the site, 2) the use of minimally-disturbing development approaches, 3) improvement of native habitat values (including pond, seep and wetland enhancement), and 4) ongoing management of invasive plant species. Below are additional comments to advance EBRPD's dual mission of preserving open space and natural resources and providing recreational opportunities.

1. Conduct comprehensive, well-timed floristic surveys for special-status plants and sensitive natural communities.

    a. The EIR needs to be based on well-timed, comprehensive floristic surveys as well as adequate sampling of representative, diverse locations, given the numerous ecological communities within the proposed Project Area. Surveys at should be conducted in any areas where new construction is planned, including proposed new trail construction or modifications. Comprehensive floistic survey methods are described in the CDFW protocols (Protocols for Surveying and Evaluating Impacts to Special Status Native Plant

Populations and Natural Communities, CA Dept. of Fish and Wildlife, March 2018) and in the CNPS protocols (CNPS Botanical Survey Guidelines, CNPS, June, 2001)

b. The NOP should utilize the most current standard for vegetation classification from CDFW for identifying natural communities and sensitive natural communities, including referencing the Manual of California Vegetation for vegetation alliance descriptions, as well as the *CNPS Survey of California Vegetation Classification and Mapping Standards* (January 11, 2018) and *Guidelines for Mapping Rare Vegetation CNPS* (January 2011).
c. Consistent with CEQA guidelines, the botanical surveys should include locally rare and unusual plants. EBCNPS provides an online database of Rare and Unusual Plants at https://ebcnps.org/.
d. Baseline botanical surveys and mapping are recommended for ongoing wilderness preserve management to assess the botanical impacts of park management, including grazing and fuels management, to maintain, and ideally enhance, these park resources. Botanical surveys for the EIR should record and map unique and botanically diverse areas within grasslands, woodlands, chaparral, forests, and riparian areas, in general. Surveys should be performed by a qualified botanist.

2. Provide sufficient information in Environmental Setting section of the EIR to inform restoration, management, and habitat enhancement in the LUPA plan for grasslands, chaparral, riparian areas, and woodlands.
Botanical information indicates numerous native plants and sensitive natural communities in the general project area. Many are native grasses and forbs.

    a. We recommend including any historical land use information that would inform LUPA restoration plans and the EIR for this wilderness preserve, such as if any present-day grasslands were formerly native grassland, chaparral, oak and other woodland,.
    b. Baseline surveys for the EIR should record the location of unique soil types, topography, and hydrology in the project area that may support unique, rare and endangered flora, or that can be used for restoration of rare and endangered flora. Pallid manzanita (*Arctostaphylos pallida*) was reported historically at Las Trampas. Whether it is present or not, the location and soil type for this species should be noted in the EIR and LUPA.

3. Restoration projects and opportunities should be described. Restoration should be developed under the guidance of a botanist and/or conservation ecologist.

    a. The pond, seep and wetland enhancement plans provide an opportunity to develop unique habitats. The selection of plants that are locally native should take place under the guidance of a botanist and/or conservation ecologist.
    b. Future habitat restoration, habitat enhancement, and trail and other maintenance activities should also be developed under the guidance of a botanist and /or conservation ecologist.

4. The LUPA and EIR needs to consider impacts of trail uses on special-status flora and fauna by area and trail type, particularly narrow trails, and provide alternatives that avoid significant impacts to special status plants, sensitive plant communities, and fauna, both directly and indirectly.

   The NOP Initial Study includes a table (Table 1.c Project Trails) and two paragraph discussion of the "Trail Connections and Access Points" with the following statement: ".....4.9 miles include trail connections that are covered under CEQA through separate environmental documents and would be incorporated and referenced in this EIR."
   Impacts from trails and trail uses need to be analyzed for specific and cumulative impacts and mitigated for from afresh. Trail locations and uses should based on the EIR analysis and LUPA plan alternatives in this wilderness preserve. The development and uses of new trails should not be pre-determined, as indicated in Table 1, prior to the development of the LUPA and EIR.
   See also comment regarding "EIR alternatives."

5. The impacts of grazing need to be analyzed

   The NOP indicates EBRPD's intent to include grazing in the land management policies for the project.

   a. The reproduction rate of oak species have been greatly reduced throughout the state of California. The EIR should describe how grazing practices will avoid or minimize impacts of grazing on seedling growth and recruitment of oak species.
   b. Studies have shown that well-timed, controlled grazing can be used to enhance the native plant populations in grassland areas while reducing fire risk and invasive species. The EIR should provide details on how grazing management will be managed and monitored in the project area to derive benign or positive impacts on native grasses, forbs, and other plant communities.
   c. Riparian areas are sensitive to cattle use. The EIR should address mitigation measures such as fencing to ensure the ongoing health and diversity of riparian native plant habitats that could be affected by ongoing cattle grazing.

6. Develop adequate alternatives that analyze and mitigate for impacts consistent with the intent of the park's "wilderness preserve" designation.

   The District's Master Plan states that the District uses land use designations to indicate "the levels of resource protection required and recreational intensity allowed in special areas of a park." The Master Plan also states that the "LUP for a preserve will delineate significant resources with Special Protection features." The designation of "wilderness preserve" should include protection of significant natural resources and also ensure the user's experience of special character of the wilderness preserve.

The LUPA and EIR need to provide sufficient alternatives that allow the public to comment on a superior alternative consistent with the designation of a "wilderness preserve."

We hope that the enclosed comments will be helpful to EBRPD as it continues planning this project. As EBRPD is a public trustee agency, we are certain you understand the importance of protecting native plant communities and the animals that depend upon them—especially during a time of unprecedented urbanization and degraded landscapes. The public has few opportunities to understand and appreciate the unique and beautiful character of the local environment. The proposed Southern Las Trampas Wilderness Regional Preserve represents an opportunity in the East Bay to enhance and uphold the values of wilderness and native habitats for both the wildlife that depend upon them and the people who appreciate them.

Sincerely,

Jim Hanson

Jim Hanson
EBCNPS Conservation Committee Chair

cc: Tri Do, EBCNPS Conservation Committee