Anthony Chabot Sewer Line Improvements Project

Initial Study / Mitigated Negative Declaration

East Bay Regional Park District

2950 Peralta Oaks Court

Oakland, CA 94605

July 2025

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EAST BAY REGIONAL PARK DISTRICT

DRAFT MITIGATED NEGATIVE DECLARATION

This Initial Study/Mitigated Negative Declaration (IS/MND) evaluates the potential environmental effects of a project to improve existing sewer and water facilities serving Anthony Chabot Regional Park, Lake Chabot Regional Park, and Redwood Canyon Golf Course (RCGC) facilities.

PROJECT INFORMATION AND LOCATION

Project Name: Anthony Chabot Sewer Line Improvements Project

Applicant: East Bay Regional Park District (EBRPD or District)

Location: Anthony Chabot Regional Park, Lake Chabot Regional Park, Redwood Canyon Golf Course

PROJECT DESCRIPTION

An existing sanitary sewer system serving Anthony Chabot Campground and park facilities is at risk of failure. The existing sewer line crosses San Leandro Creek at the headwaters of Lake Chabot. The project includes installation of a new sewer line that will be located away from San Leandro Creek and Lake Chabot, connect to the RCGC sanitary line and eventually connect with the Castro Valley Sanitary District (CVSan) sewer system. All below ground portions of the existing sewer line would be abandoned in place while above ground portions would be cut and removed. The project includes the installation of a new sewer pipe (8-inch gravity-fed line and a 6-inch force main), construction of two new pump stations with communication towers, abandonment or removal of an existing pipe, and maintenance and repairs of an existing water line.

FINDINGS OF DECISION MAKING BODY

The District is the CEQA Lead Agency and has prepared this Initial Study to provide agencies and the public with information about the proposed project's potential impacts on the local and regional environment. Based on the following analysis, the District finds the project described will not have a significant effect on the environment based on the analysis completed in the attached Initial Study. The District agrees to implement the mitigation measures identified in the attached Initial Study and summarized below.

Mitigation Measures Incorporated into the Project	
Impact BIO-1: Impacts on Special-Status Plant Species.	**Mitigation Measure BIO-1a:** Floristic Surveys for Special-Status Plant Species. Floristic rare plant surveys shall be conducted prior to start of construction activities and shall coincide with the bloom periods of all rare plants that have been determined to have the potential to occur within the project site. At a minimum, the surveys shall follow the protocols described in Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (SNCs) (California Department of Fish and Wildlife [CDFW] 2018). Methods shall also generally follow protocols described in previously established botanical survey guidelines including: California Native Plant Society (CNPS) Botanical Survey Guidelines (CNPS 2001), Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (U.S. Fish and Wildlife Service [USFWS] 1996), and Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and SNCs (CDFW 2009). **Mitigation Measure BIO-1b:** Avoid and Minimize Impacts to Special Status Plant Species. If special-status plants are identified within or adjacent to the project, the individuals or populations will be flagged, mapped, and quantified and reported to the California Natural Diversity Database (CNDDB). All special-status plants will be avoided when feasible. When avoidance is feasible, a non-disturbance buffer will be established around the population during construction activities. The size of the buffer will be determined by a qualified botanist taking into consideration threats (e.g., inadvertent trampling), types of equipment to be used, and other activities occurring at that location. All construction personnel will be instructed as to the location and extent of the special-status plants or populations and the importance of avoiding impacts to the species and its habitat. If avoidance is not possible, then a Rare Plant Mitigation Plan shall be designed and implemented. California Department of Fish and Wildlife (CDFW) approval of the Rare Plant Mitigation Plan is required

Mitigation Measures Incorporated into the Project	
	before implementation of an activity that could directly or indirectly impact a federally or state listed or California Rare Plant Rank (CRPR) 1A, 1B, 2A, or 2B species, and under no circumstances will state or federally listed plants be impacted without additional consultation with appropriate regulatory agencies.
Impact BIO-2: Impacts on Nesting and Special-Status Bird Species.	**Mitigation Measure BIO-2a:** Preconstruction Nesting Bird Surveys. If work is scheduled to take place between February 1 and August 31 a pre-construction nesting bird survey will be conducted by a qualified biologist no more than seven days prior to start of construction, covering a radius of 500 feet for non-listed raptors and 100 feet for non-listed passerines at all locations. Preconstruction surveys will need to be done in phases as work along the alignment based on project phasing will not be occurring concurrently. If there is a break in construction activities of more than 7 days during the nesting season a new preconstruction survey for active bird nests must be conducted. **Mitigation Measure BIO-2b:** Avoidance and Minimization Measures for Special-Status and Nesting Bird Species. 1. If an active bird nest is found within survey buffers, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. If an active nest is present, a minimum exclusion buffer of 100 feet shall be maintained during construction, depending on the species and location. 2. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging, and construction personnel and activities restricted from the area. A survey report by a qualified biologist verifying that no active nests are present, or that the young have fledged, shall be submitted to EBRPD prior to initiation of construction activities in the nest-setback zone.

Mitigation Measures Incorporated into the Project	
	The qualified biologist shall serve as a biological monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. The qualified biologist will stop work authority in the event construction activities result in disturbance to an active nest.
Impact BIO-3: Impacts on Special-Status Amphibian and Reptile Species.	**Mitigation Measure BIO-3a:** Worker Environmental Awareness Training. A qualified biologist will create and present a worker environmental awareness training (WEAT) prior to commencement of any project activities. The WEAT will include an overview of applicable federal, state, and local laws, life history and description of special-status and listed plant and animal species that have the potential to occur within the project site, and avoidance and minimization measures. **Mitigation Measure BIO-3b:** Seasonal Limitations. To minimize impacts to special status amphibian and reptile species, the following seasonal limitations will be implemented: 1. Ground disturbance and construction related activities in developed areas including the golf course parking lot and disturbance within Redwood Road will be limited to April 1 through October 31. 2. Ground disturbance and construction in natural areas, within drainages and within existing trails and service roads will be limited to the dry season from May 1 to October 31. 3. Ground disturbance and construction in the overland area from the comminutor to Drainage 1 will be conducted from June 15 to October 31. 4. All construction activities will cease one half hour before sunset and will not begin prior to one half hour after sunrise. There will be no night time construction except for an emergency situation. **Mitigation Measure BIO-3c:** Preconstruction Surveys for Special-Status Amphibians and Reptile

Mitigation Measures Incorporated into the Project	
	Species. Immediately prior to the commencement of project activities, preconstruction surveys will be conducted for California red-legged frog, northwestern pond turtle, and Alameda whipsnake. Surveys will be conducted by a qualified biologist. Preconstruction surveys will be phased as work progresses, ensuring that all project areas are inspected prior to the start of work in new areas. **Mitigation Measure BIO-3d:** Avoidance and Minimization Measures for Special-Status Amphibian and Reptile Species. 1. A qualified biologist will remain on site during all construction activities. The qualified biologist will conduct daily preconstruction clearance surveys prior to the start of work and at the end of each day, inspecting under all equipment and materials. 2. If special status amphibian or reptile species are encountered during any work activities, the biologist shall have the authority to stop work immediately and the amphibian or reptile will be allowed to leave the work area on their own. The approach to re-initiate project activities will be reevaluated by East Bay Regional Park District (EBRPD), the qualified biologist, CDFW and USFWS as appropriate. 3. To prevent entrapment of special status and listed amphibian and reptile species within the work areas, all trenches deeper than 8 inches will be covered at the end of each work day. Excavations that cannot be covered will be ramped to allow any trapped wildlife to escape and/or have barriers placed to avoid species entrapment. 4. Prior to construction, flagging and/or exclusion fencing will be installed under the direction of a qualified biologist. The location, extent and type of flagging and/or exclusion fencing will be based on the specifics of each construction related activity and adjacent habitats.

Mitigation Measures Incorporated into the Project	
Impact BIO-4: Impacts on Special-Status Bat Species.	**Implement Mitigation Measure BIO-3a:** Worker Environmental Awareness Training. **Mitigation Measure BIO-4a:** Bat Habitat Assessment. Prior to tree removal and structure demolition associated with the pump station and comminutor within the project site, a bat habitat assessment shall be conducted by a qualified biologist to determine if the subject trees and structures for removal provide potential habitat for special-status bats. **Mitigation Measure BIO-4b:** Preconstruction Surveys for Special-Status Bat Species. If the project does not avoid impacts to suitable habitat for special status bats, a preconstruction survey is required to determine whether the site is occupied or whether sign of previous occupation is preset. Preconstruction surveys are used to determine what avoidance and minimization requirements are triggered before construction and whether construction monitoring is necessary. **Mitigation Measure BIO-4c:** Avoidance and Minimization Measures for Bats: If bats are observed, at any time, within the project footprint, a 100-foot no work/disturbance buffer shall be established. A qualified biologist shall determine the type of roost present (nonbreeding vs. breeding [maternity roost]) and species occupying the roost. If individual nonbreeding and non-special status bats are present, a qualified biologist may be retained to develop a roost protection plan, remove roosting bats (if deemed appropriate), and work may proceed. If a maternity roost or special status species bat is observed, no work is allowed without first, notifying and consultation with CDFW, development of a bat protection plan, excluding bats outside of the breeding season, and providing alternate roost site(s).
Impact BIO-5: Impacts on San Francisco Dusky-footed Woodrat.	**Implement Mitigation Measure BIO-3a: Worker Environmental Awareness Training.** **Mitigation Measure BIO-5a:** Preconstruction Surveys for San Francisco Dusky-footed Woodrat. At least 48 hours prior to the commencement of project

Mitigation Measures Incorporated into the Project	
	activities, a qualified biologist will conduct preconstruction surveys for San Francisco dusky-footed woodrat, and their houses. Woodrat houses located within 10 feet of the project area shall be flagged for avoidance. San Francisco dusky footed woodrat, and their houses, shall be avoided by a 10-foot non-disturbance buffer. **Mitigation Measure BIO-5b:** Avoidance and Minimization Measures for San Francisco Dusky-footed Woodrat. If San Francisco dusky-footed woodrat houses are observed, woodrat houses will be flagged and avoided. If active nests cannot be avoided, a woodrat relocation plan shall be developed by a qualified biologist. EBRPD shall request written permission from CDFW to conduct a phased removal of the nest(s) according to the San Francisco Dusky- Footed Woodrat Relocation Plan for EBRPD Routine Maintenance Activities or another CDFW approved relocation plan.
Impact BIO-6: Impacts on Crotch's Bumble Bee.	**Implement Mitigation Measure BIO-3a:** Worker Environmental Awareness Training. **Mitigation Measure BIO-6a:** Preconstruction Surveys for Crotch's Bumble Bee. If ground disturbing project activities are conducted during the flight season/active period for Crotch's bumble bees (February through October) a qualified biologist shall conduct preconstruction surveys prior to project activities and a biological monitor be onsite during vegetation or ground disturbing activities. **Mitigation Measure BIO-6b:** Avoidance and Minimization Measures for Crotch's Bumble Bee. If California Endangered Species Act (CESA) protected bumble bees are observed, site specific measures to avoid take shall be developed by a qualified biologist. These measures could include development of disturbance buffers and monitoring to avoid direct impacts to CESA protected bumble bees. If take of CESA protected bumble bees cannot be avoided additional consultation with CDFW to obtain a project specific take permit will be required.

Mitigation Measures Incorporated into the Project	
Impact BIO-7: Impacts on Monarch Butterfly.	**Implement Mitigation Measure BIO-3a:** Worker Environmental Awareness Training. **Mitigation Measure BIO-7a:** Preconstruction Surveys for Monarch Butterfly. A qualified biologist will conduct preconstruction surveys within 350 feet of project activities. Surveys will be conducted for milkweed if project activities occur during the breeding and migration season (February through fall). If milkweed is encountered it will be flagged and avoided. **Mitigation Measure BIO-7b:** Avoidance and Minimization Measures for Monarch Butterfly. If milkweed plants cannot be avoided by project activities a qualified biologist will conduct focused surveys of the plant to ensure it is not being utilized by monarch eggs or larvae prior to removal. If monarch eggs or larvae are observed the qualified biologist will notify EBRPD who will coordinate with the USFWS and CDFW.
Impact BIO-8: Impacts on Riparian Habitat and Sensitive Natural Communities	**Mitigation Measure BIO-8:** Avoidance and Minimization of Riparian Habitat and SNCs. To ensure each SNC can be minimized and avoided the extent of riparian habitats and SNCs will be mapped during rare plant surveys prior to project implementation.
Impact BIO-9: Impacts on Jurisdictional Aquatic Resources.	**Implement Mitigation Measure BIO-3a:** Worker Environmental Awareness Training. **Mitigation Measure BIO-9:** Implement the Permit Conditions of the Aquatic Resource Agencies. Prior to commencing project construction, EBRPD shall obtain required permits from the applicable agencies which may include the CDFW, Regional Water Quality Control Board (RWQCB), and US Army Corps of Engineers. Avoidance, minimization, and compensation will be determined by these agencies. The applicant shall be responsible to implement the permit conditions, subject to oversight by the agencies.
Impact CUL-1: Construction of the project could potentially result in	**Mitigation Measure CUL-1: I**nadvertent Discovery of Historic or Archaeological Resources.

Mitigation Measures Incorporated into the Project	
disturbance to unknown historic or archaeological resources.	Prior to the commencement of project-related ground disturbance, an archaeologists, who either qualifies as an SOI-qualified archaeologist, or is supervised by one, shall provide a cultural resources awareness training In the event that unknown archaeological resources are encountered during any ground-disturbing activities associated with the project, all ground-disturbing work at the location and within a, 50 feet of the find must be immediately suspended. The EBRPD's Principal Planner of the Cultural Resources Unit. shall be notified immediately, by the on-site construction manager, of the discovery and steps shall be taken to determine the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, and protective cover) in consultation with culturally affiliated tribes or other descendant groups, if the discovery involves potentially significant precontact or Native American resources..
Impact GEO-1: Project construction could unearth paleontological resources, including fossils.	**Mitigation Measure GEO-1:** Stop-work provision. If paleontological resources are discovered during construction, ground-disturbing activities shall halt immediately until a qualified paleontologist can assess the significance of the discovery. Depending on determinations made by the paleontologist, work may either be allowed to continue once the discovery has been recorded, or if recommended by the paleontologist, recovery of the resource may be required, in which ground-disturbing activity within the area of the find would be temporarily halted until the resource has been recovered. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology guidelines and current professional standards. The EBRPD shall ensure that information on the nature, location, and depth of all finds is readily available to the scientific community through university curation or other appropriate means.
Impact HAZ-1: The RCGC pump station proposed for demolition with the project was found to have Lead-Containing Materials (LCMs) at detectable levels, which requires	**Mitigation Measure HAZ-1:** The identified LCMs reported at the RCGC pump station building should not be disturbed. Any LCMs found in a damaged or non-intact condition should be abated and/or stabilized. Prior to renovation or demolition work that

Mitigation Measures Incorporated into the Project	
removal by a licensed lead abatement removal contractor.	would disturb the identified LCMs a licensed lead abatement removal contractor should stabilize and/or remove the identified LCMs in compliance with the most recent applicable federal, state, and local laws, regulations, standards, and/or codes governing abatement, transport, and disposal of LCMs. All lead waste must be properly characterized prior to disposal to determine waste classification, packaging, transportation, and disposal requirements.
Impact HAZ-2: There is a possibility that additional suspect asbestos-containing materials (ACMs), LCMs or other miscellaneous hazardous building materials may be discovered during building renovation and/or demolition activities.	**Mitigation Measure HAZ-2**: Should additional suspect materials not sampled or assessed in the report prepared by Ninyo & Moore entitled Limited Hazardous Building Materials Survey (HBMS) - Two Structures within the Planned Anthony Chabot Sewer Line Vicinity. Redwood Road, Castro Valley, California, dated November 20, 2024 (Project No. 404752002) be uncovered during demolition/renovation activities; (a) samples of suspect materials should be collected for laboratory analysis and activities that may impact the materials should cease until laboratory analytical results are reviewed, or (b) the materials should be assumed to be hazardous and handled as such.
Impact TRC-1: Construction of the project could disturb previously unidentified tribal cultural resources.	**Mitigation Measure TCR-1a:** EBRPD will retain a representative from an East Bay Area tribe, to provide a tribal cultural resources awareness training prior to the start of the project, and on an as-needed basis (e.g., when new construction personnel arrive on-site). **Mitigation Measure TCR-1b:** EBRPD will retain a tribal monitor from an East Bay Area Ohlone tribe to be present during project related, ground-disturbing activities. EBRPD, in consultation with the tribal monitor and/or the East Bay Ohlone tribe the tribal monitor is affiliated with, will develop a monitoring plan that will outline the roles and responsibilities of the tribal monitor, and the procedures that will be followed in the event a TCR is identified during project-related construction. **Mitigation Measure TCR-1c:** In the event that human remains are inadvertently encountered during

Mitigation Measures Incorporated into the Project	
	construction activities, the remains and associated funerary objects shall be treated in accordance with state and local regulations that provide requirements with regard to the accidental discovery of human remains, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be immediately notified of the discovery. No further excavation or disturbance of the Project site or any nearby (no less than 100 feet) area reasonably suspected to overlie adjacent remains can occur until the County Coroner has determined if the remains are potentially human in origin. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she is required to immediately notify the Native American Heritage Commission (NAHC). The NAHC will notify the person/s it believes to be the most likely descendant (MLD) from the deceased individual. The MLD must then complete their inspection and determine, in consultation with the property owner, the treatment and potential disposition of the human remains.

ANTHONY CHABOT SEWER LINE IMPROVEMENTS PROJECT INITIAL STUDY
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ACRONYMS AND ABBREVIATIONS

Acronym or Abbreviation	Definition
AB	Assembly Bill
ACCWP	Alameda Countywide Clean Water Program
ACEHD	Alameda County Environmental Health Department
ACMs	asbestos-containing materials
API	Area of Potential Impact
BAAQMD	Bay Area Air Quality Management District
BER	Business Environmental Risk
BLM	Bureau of Land Management
BMPs	Best Management Practices
CARB	California Air Resources Board
CalEPA	California Environmental Protection Agency
CBC	California Building Code
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CALFIRE	California Department of Forestry and Fire Protection
CEC	California Energy Commission
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CGS	California Geological Survey
CalEEMod	California Emissions Estimator Model
CH4	methane
CO	Carbon Monoxide
CO_2	carbon dioxide
CO2e	carbon dioxide equivalent
COCs	chemicals of concern
Corps	U.S. Army Corps of Engineers
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
CEHCP	California Essential Habitat Connectivity Project
CNPS	California Native Plant Society
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CVGB	Castro Valley groundwater basin
CVSan	Castro Valley Sanitary District
CVUSD	Castro Valley Unified School District
CWA	Clean Water Act
DTSC	Department of Toxic Substances Control
EBMUD	East Bay Municipal Utilities District
EBRPD or District	East Bay Regional Park District
EDR	Environmental Data Resources
EPA	Environmental Protection Agency

Acronym or Abbreviation	Definition
FEMA	Federal Emergency Management Agency
FESA	Endangered Species Act
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gas
GVWR	gross vehicle weight rating
GWh	gigawatt hours
GWP	global warming potential
HBMS	hazardous building materials survey
HDPE	high-density polyethylene
HFCs	Hydrofluorocarbons
HWTS	Hazardous Waste Tracking System
H_2O	water vapor
H2S	hydrogen sulfide
IS/MND	Initial Study / Mitigated Negative Declaration
LCMs	lead-containing materials
LBP	lead-based paint
LCP	lead-containing paint
L_{eq}	equivalent noise level
LUST	Leaking Underground Storage Tanks
LF	linear feet
L_{dn}	day/night average sound level
L_{max}	Noise Level at 50 feet
MBPA	Migratory Bird Protection Act
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendent
MRP	Municipal Regional Stormwater Permit
MS4s	municipal separate storm sewer systems
MW	Monitoring Well
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge System
OLSD	Oro Loma Sanitary District
O_3	ozone
Pb	lead
PCB	polychlorinated biphenyl
PFCs	perfluorocarbons
PG&E	Pacific Gas and Electric
PPV	peak particle velocity
PLM	polarized light microscopy
PLM/ds	polarized light microscopy with dispersion staining
PRC	Public Resources Code
PVC	polyvinyl chloride
RWQCB	Regional Water Quality Control Board
RCGC	Redwood Canyon Golf Course
RCRA	Resource Conservation and Recovery Act

Acronym or Abbreviation	Definition
RECs	recognized environmental conditions
SBI	Swaim Biological, Inc
SFBAAB	San Francisco Bay Area Air Basin
SF_6	Sulfur hexafluoride
SLF	Sacred Lands File
SMARA	Surface Mining and Reclamation Act
SNC	Sensitive Natural Communities
SO_2	sulfur dioxide
SO_x	Sulfates
SSFM	sanitary sewer force main
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
SWRP	Storm Water Resource Plan
TPH	total petroleum hydrocarbons
VEC	vapor encroachment condition
VESM	Vapor Encroachment Screening Matrix
VegCAMP	Vegetation Classification and Mapping Program
WEAT	worker environmental awareness training

Chapter 1. Introduction

1.1 PROJECT BACKGROUND AND OVERVIEW

An existing sanitary sewer system serving Anthony Chabot Campground and park facilities is at risk of failure. The existing sewer line crosses San Leandro Creek at the headwaters of Lake Chabot. The project includes installation of a new sewer line that will be located away from San Leandro Creek and Lake Chabot, connect to the Redwood Canyon Golf Course (RCGC) sanitary line and eventually connect with the Castro Valley Sanitary District (CVSan) sewer system. All below ground portions of the existing sewer line would be abandoned in place while above ground portions would be cut and removed. The project includes the installation of a new sewer pipe (8-inch gravity-fed line and a 6-inch force main), construction of two new pump stations with communication towers, abandonment or removal of an existing pipe, and maintenance and repairs of an existing water line.

1.2 REGULATORY GUIDANCE

The California Environmental Quality Act (CEQA; Public Resources Code (PRC) § 21000 et seq.) and the CEQA Guidelines (14 CCR §15000 et seq.) establish the East Bay Regional Park District (EBRPD or District) as the lead agency for the project. The lead agency is defined in CEQA Guidelines Section 15367 as, “the public agency which has the principal responsibility for carrying out or approving a project.” The lead agency is responsible for preparing the appropriate environmental review document under CEQA. The EBRPD Board of Directors serves as the decision-making body for the District and is responsible for adopting the CEQA document and approving the project.

CEQA Guidelines Section 15070 states a public agency shall prepare a proposed Negative Declaration or a Mitigated Negative Declaration when:

1. The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or

2. The Initial Study identifies potentially significant effects, but:

    - Revisions in the project plans made before a proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where no significant effects would occur, and

    - There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

Pursuant to Section 15070, the District has determined a Mitigated Negative Declaration is the appropriate environmental review document for the Anthony Chabot Sewer Line Improvements Project.

To ensure that the mitigation measures and project revisions identified in a Mitigated Negative Declaration (MND) are implemented, CEQA Guidelines Section 15097(a) requires the District to

adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. The City shall prepare a Mitigation, Monitoring and Reporting Plan based on the mitigation measures contained in this IS/MND.

1.3 LEAD AGENCY CONTACT INFORMATION

The lead agency for the project is the EBRPD. The contact person for the lead agency is:

Edward Willis, Planner
Planning, Trails, and GIS
East Bay Regional Park District 2950 Peralta Oaks Court,
Oakland, CA 94605
Phone: 510-544-2621

1.4 DOCUMENT PURPOSE AND ORGANIZATION

The purpose of this document is to evaluate the potential environmental effects of the Anthony Chabot Sewer Line Improvements Project. This document is organized as follows:

- Chapter 1 – Introduction. This chapter introduces the project and describes the purpose and organization of this document.
- Chapter 2 – Project Description. This chapter describes the project location, area, site, objectives, and characteristics.
- Chapter 3 – Environmental Checklist and Responses. This chapter contains the Environmental Checklist that identifies the significance of potential environmental impacts (by environmental issue) and a brief discussion of each impact resulting from implementation of the proposed project. This chapter also contains the Mandatory Findings of Significance.
- Chapter 4 – References. This chapter lists the references used to support the conclusions made in the impact analyses.
- Chapter 5 – Report Preparation. This chapter provides a list of those involved in the preparation of this document.
- Appendices

Chapter 2. Project Description

2.1 PROJECT PURPOSE

The proposed project is necessary to replace the aging sanitary sewer system serving Anthony Chabot Family Campground (Campground) and connecting it to the existing sanitary sewer system at the RCGC that eventually connects to the CVSan. The project includes the replacement of two aging sewer systems within Anthony Chabot Regional Park, Lake Chabot Regional Park, and RCGC. The two systems will be connected through improvements, which include necessary infrastructure upgrades and replacement of a water line.

2.2 PROJECT LOCATION AND SURROUNDING LAND USES

The project occurs within Anthony Chabot Regional Park, Lake Chabot Regional Park, and RCGC located in unincorporated Alameda County, just north of the unincorporated community of Castro Valley, California. The project is located adjacent to Redwood Regional Park, Dunsmuir Ridge Open Space, and the Upper San Leandro Reservoir. The RCGC, also part of the EBRPD System, is located adjacent to Lake Chabot Regional Park. The project area is primarily surrounded by open space on all sides. Single-family residential neighborhoods are located to the south of the Lake Chabot Regional Park boundary. Figure 2-1 shows the regional location of the project and Figure 2-2 shows the project area. Figure 2-3 through Figure 2-8 show site photos of locations where project improvements are proposed.

2.3 EXISTING CONDITIONS

The existing Campground sanitary sewer system serves the Anthony Chabot Regional Park Office, three restroom buildings, a sewage disposal station, and various RV hookups throughout the Campground. The existing service line from the Campground is a 10-inch PVC gravity sewer line that connects to a comminutor which breaks down solids into smaller particles. Downstream of the comminutor, the line is reduced to a 6-inch PVC sewer line and becomes a siphon system that runs from the comminutor to the discharge manhole in CVSan's system at Grovenor Drive. The siphon sewer line goes above ground as it approaches San Leandro Creek and is connected to a pedestrian bridge that spans the creek. This portion of the siphon sewer line is of particular concern due to the risk of bridge failure and the potential for raw sewage to enter San Leandro Creek and Lake Chabot. The siphon sewer line continues up the hill along Cameron Loop Trail to the connection point with the CVSan sewer.

The existing RCGC gravity sanitary sewer system serves the clubhouse, including the restaurant, equipment store, and restroom facilities. The sanitary sewer line carries sewage by gravity south along the golf course driveway to the existing RCGC pump station located adjacent to Redwood Road. The existing RCGC pump station's sanitary sewer force main (SSFM) runs south under Lake Chabot Regional Park's Proctor Trail to a discharge manhole located west of the Redwood Road and Camino Alta Mira intersection (approximately 2,700 feet). The discharge manhole drains by gravity east to the CVSan sanitary sewer system. The existing RCGC sewer line is in very close proximity (often times immediately below) an



Source: Swaim Biological Inc. 2024

Figure 2-1 Project Location

Anthony Chabot Sewer Improvements Project

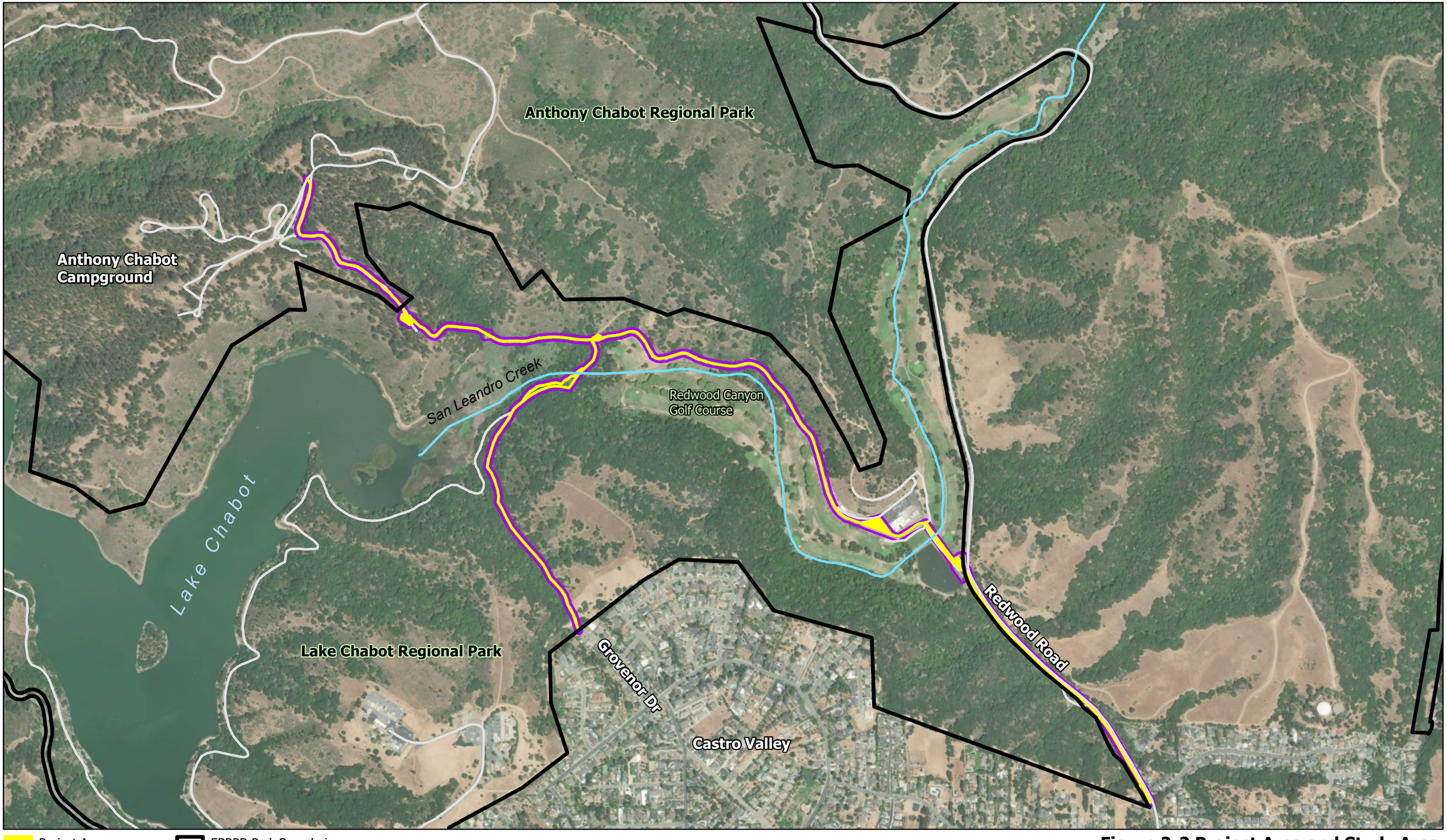


Figure 2-2 Project Area and Study Area

Anthony Chabot Sewer Line
Replacement Project
Alameda County, CA
May 2025

SBI
Swaim Biological Inc.



Photo·1.·Viewing·southeasterly·towards·the·proposed·new·sewer·alignment·from·the·northwestern·corner·of·the·site.¶



Photo·2.·Existing·comminutor·structure·near·the·northwesterly·corner·of·the·site.·¶

Figure 2-3 Site Photos 1 and 2

Anthony Chabot Sewer Improvements Project



Photo 3. Proposed force main alignment at Drainage 1 stream crossing location.



Photo 4. Site of proposed new Pump Station #3.

Figure 2-4 Site Photos 3 and 4

Anthony Chabot Sewer Improvements Project



Photo 5. Proposed force main alignment at Drainage 2 stream crossing location.



Photo 6. Viewing southwest towards San Leandro Creek from proposed force main alignment at the existing culvert crossing.

Figure 2-5 Site Photos 5 and 6



Viewing south along the proposed force main alignment.



Viewing north along the proposed force mail alignment, towards San Leandro Creek.

Figure 2-6 Site Photos 7 and 8

Anthony Chabot Sewer Improvements Project



Photo 9. Viewing west across the golf course maintenance area toward the proposed force main alignment.



Photo 10. Viewing west across the golf course clubhouse parking lot from the existing Pump Station #3 discharge manhole location

Figure 2-7 Site Photos 9 and 10



Photo 11. Existing pump station east of the driving range pond, near the golf course entrance road.



Photo 12. Existing sanitary sewer force main discharge manhole at the southeast corner of the project, near the intersection of Redwood Road and Camino Alta Mira.

Figure 2-8 Site Photos 11 and 12

Anthony Chabot Sewer Improvements Project

existing 4-inch aluminum composite panels water lateral that runs from a backflow preventer valve (located west of the Redwood Road and Camino Alta Mira intersection) to the clubhouse.

2.4 PROJECT FEATURES

The project improvements include the following:

- removal of the existing comminutor at the Campground.
- in-place abandonment and partial removal of the existing 6-inch PVC sewer main that conveys sewer flow from the Campground.
- installation of a new 8-inch high-density polyethylene (HDPE) gravity sewer from the former comminutor location to a new pump station (Pump Station 3) in Lake Chabot Regional Park.
- installation of Pump Station 3 and associated communication tower and electrical conduit to convey flow from the Lake Chabot Regional Park to the RCGC.
- installation of a new 6-inch HDPE SSFM from Pump Station 3 to a discharge manhole near the RCGC club house.
- construction of an 8-inch HDPE gravity sewer the conveys flow from the discharge manhole to a new pump station (Pump Station 4) near the RCGC driveway at Redwood Road.
- construction of Pump Station 4 and associated communication tower and electrical conduit that replaces the existing RCGC pump station and conveys flows to the CVSan system.
- installation of a new 6-inch HDPE SSFM from Pump Station 4 to the CVSan discharge manhole.
- demolition of the existing RCGC pump station.
- abandonment of the existing RCGC Pump Station 4-inch SSFM.
- installation of a new water line that serves the RCGC club house.
- abandonment of the existing 4-inch water line servicing the RCGC club house.
- new power supply in communication conduit serving the new pump stations; and
- miscellaneous repairs to the campground sanitary sewer system.

The project will connect the existing Campground sanitary sewer system to an existing manhole near the RCGC clubhouse (Pump Station 3 discharge manhole). A new pump station (Pump Station 3) will be required and will be placed at the intersection of Honker Bay, Live Oak and Canyon Loop Trails. The RCGC pump station will be removed and the new Pump Station 4 will accommodate the flow rate from the Campground. Replacement of the existing RCGC SSFM will require replacement of the 4-inch aluminum composite panels domestic water lateral, including installation of a new 4-inch water line from the existing backflow preventer valve to a hydrant adjacent to the RCGC clubhouse. Figure 2-2 (Project Area and Study Area) shows the approximate location of the alignment of the proposed new sewer line, and Figure 2-9 (Existing Infrastructure to Remain, Demolish, and Abandon) and Figure 2-10 (Site Plan) provide the locations of all the project's major features.

All below ground portions of the existing sewer line will be abandoned in place while above ground portions will be cut and removed. Installation of new sewer line would be conducted

using open trench construction to depths of between 3 and 10 feet and a limited length of pipe bursting. The temporary impacts of the trench (see details under Construction, below) and construction-related activities along the new line would result in an approximately 10-foot-wide work area across the 1.83-mile pipeline extent.

The new sewer line would follow existing access roads/trails to the maximum extent feasible with 0.87 miles of open trench occurring within existing trails and Service Road and 0.77 miles within existing paved areas. Electrical and communications conduits would also be located within the trail prism or roadway for the length of the sewer main installation. To the north of the existing trails and Service Road is a mosaic of scrub, grassland and woodland habitats. To the south is a mixture of riparian habitat associated with San Leandro Creek and developed golf course. Where work would occur within existing trails and service roads, all impacts would be limited to disturbed areas with no direct impacts occurring to adjacent undisturbed habitats.

Overland impacts within previously undisturbed habitats would occur within a 0.16-mile (860 linear foot) portion. These impacts begin where the sewer line leaves the Campground within Anthony Chabot Regional Park and end within Lake Chabot Regional Park at Drainage 1 where the pipeline connects with the existing disturbed portions of Honker Bay Trail. The maximum depth and width of trench along the overland portion of the alignment would be 20 feet deep and four feet wide, with an average depth of five to six feet.

Two stream crossings are required along the proposed route. One occurs at the transition point to the overland area along the Honker Bay Trail (see Drainage 1 in Figure 2-10). The existing siphon sewer line would be abandoned at this location. A second stream crossing is located within the existing dirt Service Road within RCGC (see Drainage 2, Figure 2-10). This second crossing is a low water crossing located within a braided ephemeral channel. There are no existing culverts at this location. This stream crossing is approximately 130 feet in width where the channel sheet flows over the existing access road during storm events. The proposed alignment crosses five existing culvert locations where the culverts would be protected in place.

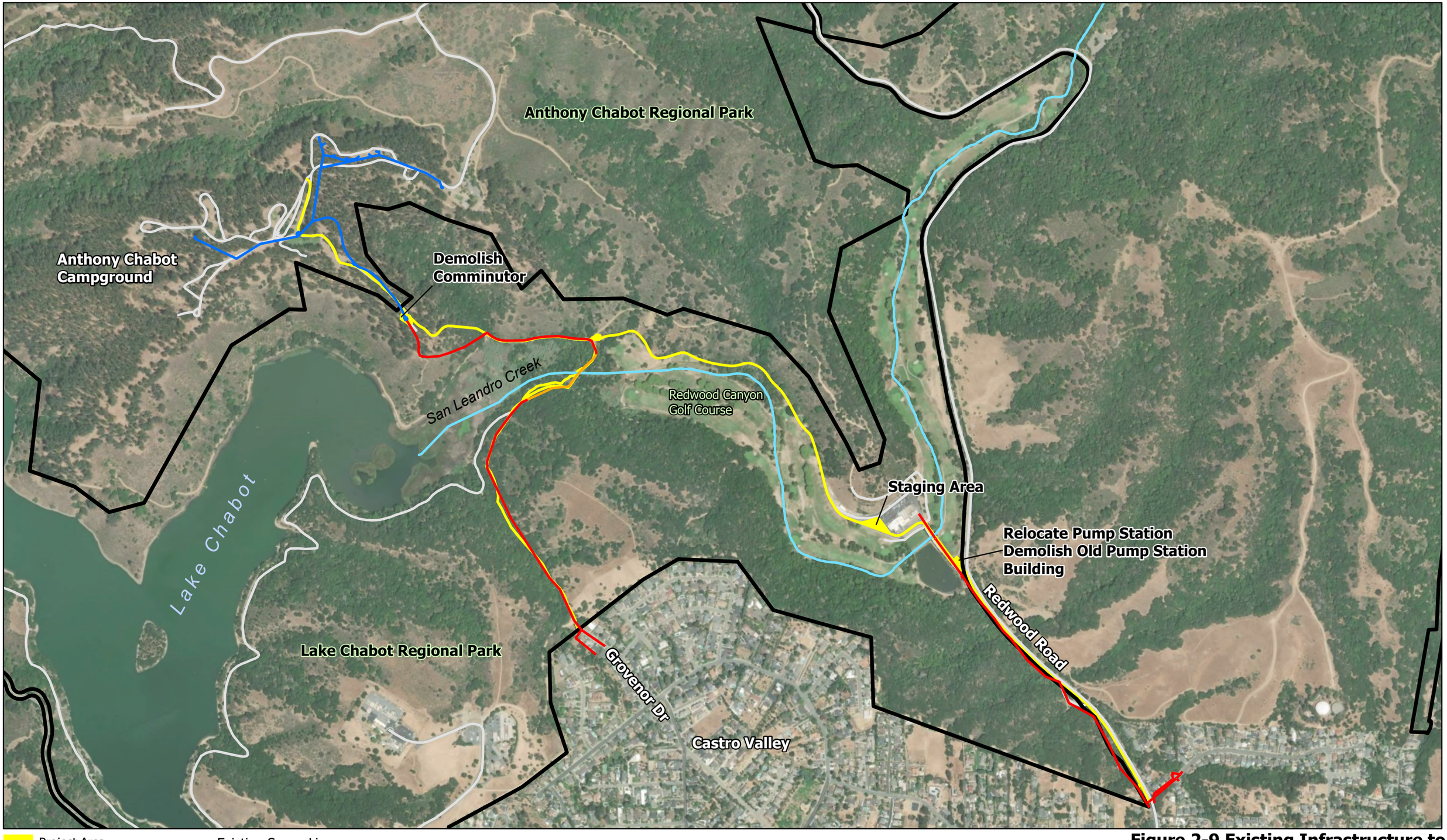
Two pump stations would be installed as part of the project. Each would occupy an area of approximately 1,100 square feet. Pump Station 3 would have two 15-horsepower pumps in a 96-inch cast in place wet well. Pump Station 4 would have two 70-horsepower pumps in an 84-inch cast in place wet well. The pump stations would be enclosed with fencing to provide visual screening.

Each pump station requires a communications tower to be installed in order to operate the stations remotely. The communications tower would be a triangular lattice-type structure. The communications tower at Pump Station 3 would be approximately 65 feet tall and the tower at Pump Station 4 would be approximately 40 feet tall. Each tower pad would be approximately five feet wide by five feet long and require approximately five feet of excavation below ground surface.

The photographs below show similar communications tower installations at Del Valle Regional Park, approximately 20 miles southeast of the project site. For comparison, communication towers at Del Valle Regional Park are 55 feet tall (Shun Yu, EBRPD).







Project Area
EBRPD Park Boundaries
Paved Roads and Trails

Existing Sewer Line
Cap and Abandon in Place
Existing to Remain
Remove Above Ground Portions

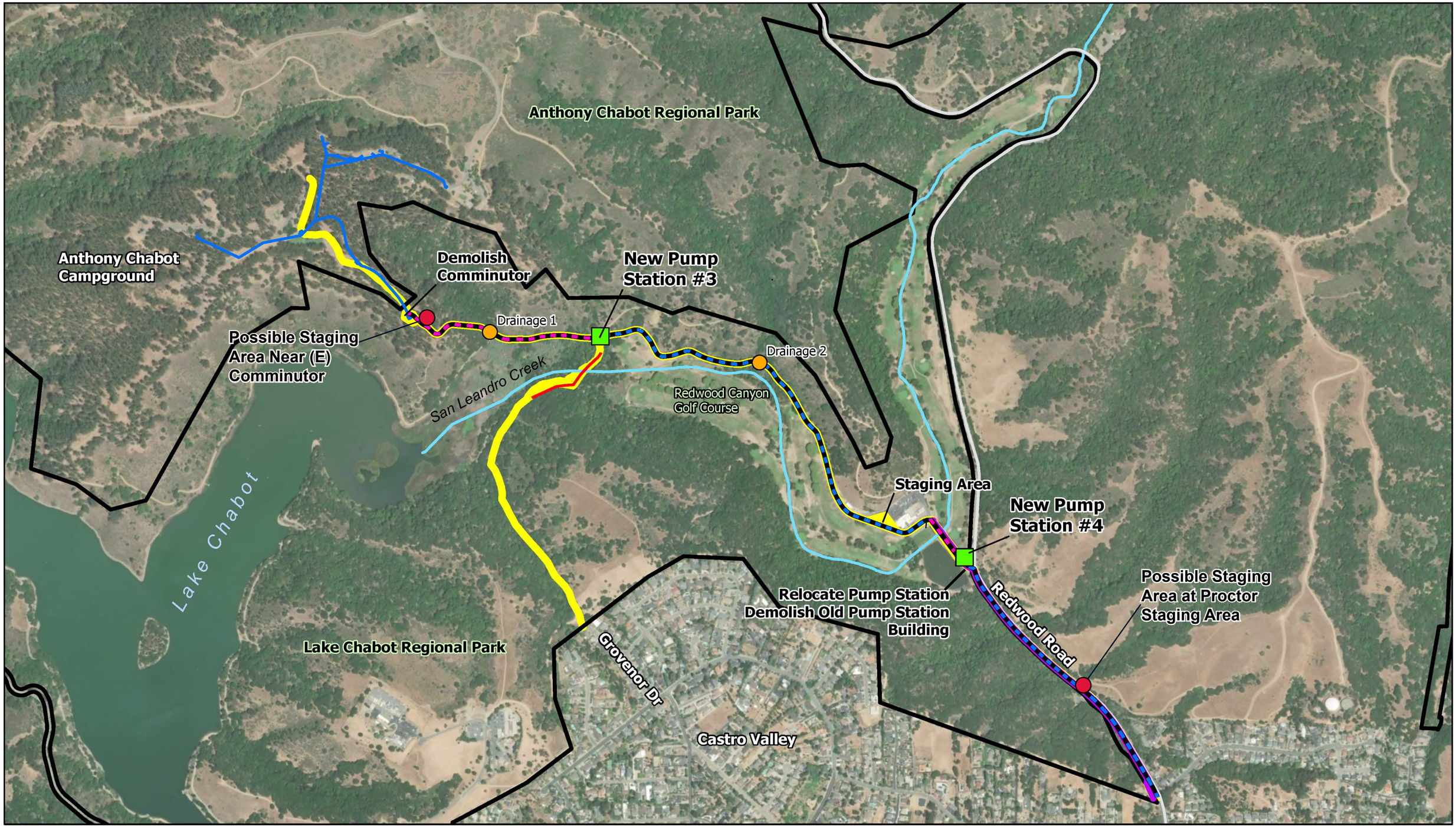
N

0 1,000 2,000 Feet

Figure 2-9 Existing Infrastructure to Remain, Demolish and Abandon

Anthony Chabot Sewer Line Replacement Project
Alameda County, CA
March 2025

SBI Swaim Biological Inc.



Project Area
EBRPD Park Boundaries
New 6-inch HDPE force main
New 8-inch HDPE gravity sewer
New 4-inch water line

Existing Sewer Line
Existing to Remain
Remove Above Ground Portions
Sewer Stream Crossings
New Pump Stations
Staging Area

N

0 1,000 2,000 Feet

Figure 2-10 Site Plan

Anthony Chabot Sewer Line Replacement Project
Alameda County, CA
March 2025

SBI Swaim Biological Inc.

2.5 CONSTRUCTION

Construction for the project is estimated to last approximately six months, beginning in April 2026, and continuing through October 2026. Construction is expected to consist of the following phases and activities, and the phases may overlap within the six-month overall timeframe:

Site Prep:

- Clearing and grubbing of the work area.
- Setting up the bypass system for the sanitary sewer from the campsite.
- Setting up the bypass system for the sanitary sewer from the RCGC clubhouse.

Demolition /Abandon in Place:

- Demolition of the comminutor, including removal of all surface features and mechanical equipment, demolition of part of the structure subsurface, backfilling with sand, and restoring the surface with soil.
- Demolition of the RCGC pump station, including removal of all surface features and mechanical equipment, demolition of part of the structure subsurface, backfilling with sand, and restoring the surface with soil.
- Abandon 2,210 linear feet (LF) of 6-inch sanitary sewer line from the comminutor to the pedestrian bridge. Abandonment involves filling the abandoned line with sand or slurry and capping at the ends.
- Remove the steel casing and sanitary sewer pipe under the pedestrian bridge.
- Remove by hand the above ground portions of 475 LF of 6-inch sanitary sewer line between the end of the pedestrian bridge and the isolation valve.
- Abandon 2,480 LF of 6-inch sanitary sewer from the isolation valve to the sanitary sewer manhole at Grovenor Drive.
- Abandon 175 LF of 6-inch sanitary sewer line between the RCGC pump station and the RCGC clubhouse.
- Abandon 3,415 LF of 4-inch water line in place under the RCGC driveway.
- Restore to prior conditions excavations within the existing RCGC parking lot as needed to construct the improvements.

Grading/Excavation:

- Excavation, backfill and surface restoration needed to install Pump Station 3, Pump Station 4, Sanitary Sewer Manholes1-12, Sanitary Sewer Cleanouts 1-23, the new 8-inch HDPE sanitary sewer gravity line, the new 6-inch HDPE sanitary sewer force main, the new 4-inch PVC water line, and electrical conduit. With the exception of Pump Station 3, all improvements will be restored to existing grades.

Miscellaneous/Restoration:

- Campground sanitary sewer system repairs.
- Construction of pump stations, including wet well, piping, valves, vents, electronic equipment, and associated improvements.
- Testing of pump stations.
- Restoration of existing surfaces that are impacted by construction. (see soil stabilization details included in BMP-1, contained in Table 2-3)

The anticipated duration for each phase of construction and anticipated employees is estimated in Table 2-1.

Table 2-1: Construction Phasing and Employee Estimates

Phase	***Duration (months)Duration (months)***	***# of Employees***
Site prep	1 month	8
Abandon existing line	1 month	8
Excavation/installation	5 months	16
Testing	1 month	4
Restore disturbed areas	1 month	8

Note: Construction phases may overlap, but the overall time frame for construction is approximately six months over one dry season (April 15 – October 31).
Source: BKF 2024

The estimated equipment to be used for construction is as follows:

Table 2-2: Project Construction Equipment Estimates				
Equipment Type	***Phase Equipment is Used in***	***Number. on Site***	***Number of Active Workdays In Use***	***Typical Hours per Day in Use***
Loader (duals as an excavator)	All	1	100	8
Paver	Restoration	1	20	8
Roller	Restoration	1	20	8
F-250 Trucks	All	2	120	8
End Dump Trucks	Excavation/ Grading	2	60	8
Scraper	Excavation/ Grading	1	60	8
Water Truck	Excavation/ Grading	1	100	8
Dozer	Demolition	1	20	8
Crane:	Installation	1	40	8
Cement Truck	Installation	1	15	8
VacCon Truck	All	2	120	8
Source: BKF 2024				

2.6 GENERAL CONDITIONS AND CONSTRUCTION RELATED BMPS

The proposed sewer improvements would be implemented consistent with all relevant federal, state, regional, and local regulations aimed at preventing or reducing environmental impacts. Table 2-3 lists the EBRPD's General Conditions (May 2016), applicable regulations, and construction-related Best Management Practices (BMPs) that have been incorporated into the planning, design, construction, operation, and maintenance of the proposed project to minimize the potential adverse effects of the project on the surrounding community and the environment. These General Conditions and regulations would be included in project construction contracts, drawings, and/or specifications and as such are considered a part of the project and are not considered mitigation measures.

Table 2-3 General Conditions and Construction Related BMPs	
Topic/Resource Area	***General Conditions and/or Applicable Regulation***
Site Conditions	General Conditions, Article 20. Project Cleanliness The Contractor shall keep the project site and the surrounding areas free from accumulations of waste material and rubbish generated by employees and subcontractors. The Contractor shall remove daily all rubbish, tools, equipment and surplus materials leaving the work "broom clean" at the completion of each day, unless a different nature of cleanup or repair is specified elsewhere in the Contract Documents If the Contractor fails to clean up or there is a dispute between the Contractor and other contractors as to responsibility for removal of rubbish, etc., the District may remove the rubbish, etc., and charge the cost to a contractor as the District Representative determines to be reasonable.
Recycling	General Conditions, Article 21. Recycling The Contractor shall implement the Construction and Demolition Debris Waste Reduction and Recycling Requirements as required by local permitting agencies.
Hazardous Materials	General Conditions, Article 24. Hazardous Substances (d) Special Situations. In the event the Contractor encounters material on the site reasonably believed to be asbestos, polychlorinated biphenyl (PCB) or any other hazardous or toxic substance, the Contractor shall immediately stop work in the areas affected and report the condition to the District Representative. If in fact the material is asbestos, PCB or any other hazardous or toxic substance which has not been rendered harmless, the work in the affected area shall not be resumed except by written agreement between the District Representative and the Contractor. The work in the affected area otherwise shall only be resumed when asbestos, PCB and other hazardous or toxic substances have been removed or rendered harmless.
Water and Air Pollution	General Conditions, Article 22. Water and Pollution (a) Water Pollution. The Contractor shall exercise every precaution to protect streams and bodies of water from pollution by fuels, oils, salts or other hazardous materials as defined in ARTICLE 24. The Contractor shall minimize muddying and

Table 2-3 General Conditions and Construction Related BMPs	
	silting of any stream or body of water. The Contractor shall, perform work in a manner necessary to provide effective water pollution control, including where applicable a project specific Stormwater Pollution Prevention Plan (SWPPP) approved by the District's Representative. The Contractor's operations shall at all times be subject to the Storm Water Quality Control Board requirements, California Department of Fish and Wildlife (CDWF) codes and other applicable statutes, laws, regulations, ordinances and/or policies relating to the prevention or abatement of water pollution and to requirements for erosion control. (b) Dust Control. Dust resulting from the Contractor's performance of the work shall be controlled by the Contractor either by applying water or a dust palliative without additional costs to the District. The District Inspector has full authority to suspend work wholly or in part should the Contractor fail to perform to the satisfaction of the District Inspector.
Historic Resources and Human Remains	<u>General Conditions, Article 23. Protection of Historic Resources and Human Remains</u> (a) If cultural resources or human remains should be encountered during construction, all ground disturbing activities within fifty (50) feet of the find shall be halted and the District Inspector notified immediately. Work shall not be permitted to commence until the District provides written direction to proceed. Only the balance of that work day shall be compensated by the District if the Contractor cannot perform work elsewhere on the project. Examples of cultural resources include: 1. Prehistoric archaeological deposits such as obsidian or chert flakes or tools; ground-stone mortars, slabs, or pestles; cultural deposits of shell or bone; locally darkened midden (trash) soils; and human interments. 2. Historic-period archaeological materials such as foundations or other structural remains; refuse deposits; backfilled wells or privies; nails; glass and pottery. (b) Do not collect, deface, excavate, or destroy any objects of antiquity. Examples of such objects include stone-flaked or ground tools, bones, shells, beads, bottles, nails, barbed wire, ceramic pieces, buttons, weathered boards, and tin cans. Leave these objects undisturbed. If discovered, leave in place, note their location, and immediately notify the District Inspector.

Table 2-3 General Conditions and Construction Related BMPs	
Safety	<u>General Conditions, Article 25. Safety and Public Convenience</u> (b) Safety Equipment and Workers. The Contractor shall take all reasonable measures as required by existing conditions and performance of the Contract to protect the public and their property. The Contractor shall provide adequate barricades, fences, signs, warning lights, watchpersons, flag persons, etc., to protect the public and their property. Safety devices and workers shall comply with the current State of California "Manual for Warning Signs, Lights and Devices for Use in Performing Work Upon Highways", as a minimum standard. All lighting shall be electric powered and left on from sunset to sunrise. (c) Trench and Excavation Safety. As required by the California Labor Code §6705, whenever any portion of the work involves excavating or trenching five feet or deeper, the Contractor shall submit for acceptance by the District, a detailed plan showing the design of shoring, bracing, sloping, etc., to protect the Contractor's workers, District personnel, and the public at large. If the plan varies from standard shoring systems established by the Construction Safety Orders of the Division of Industrial Safety, the plan shall be prepared by a registered civil or structural engineer employed by the Contractor. All costs for trenching, excavation safety, including engineering, shall be included within the Contract Bid.
Fire Hazard and Prevention	<u>General Conditions, Article 26. Fire Hazards and Preventions</u> (b) The Contractor shall take necessary precautions to guard against and eliminate fire hazards that may cause damage to construction work, building materials, equipment, public, and private property, including grassland, brush, and trees. (e) Contractors shall comply with state law requirements for burning and use of combustion engines including but not limited to PRC sections 4427, 4431, 4435, and 4442.
Noise	<u>Alameda County Noise Ordinance (6.60.040-Special Provisions or exceptions. E. Construction)</u> The provisions of this chapter shall not apply to noise sources associated with construction, provided said activities do not take place before seven a.m. or after seven p.m. on any day except Saturday or Sunday, or before eight a.m. or after five p.m. on Saturday or Sunday.

Table 2-3 General Conditions and Construction Related BMPs	
BMP - 1 Erosion Control and Construction-Related Turbidity	1. Sandbags or other erosion control measures will be employed to prevent runoff and construction-related turbidity. 2. Upland soils exposed during construction will be stabilized using locally and genetically appropriate seeds, where available, native or non-invasive seed and, if necessary to control erosion, existing vegetation or straw mulch. 3. Erosion control fabric will consist of natural fibers that biodegrade over time. No plastic or other non-porous material will be used as part of a permanent erosion control approach. 4. Other erosion control measures shall be implemented as necessary to ensure that sediment or other contaminants do not reach surface water bodies.
BMP - 2 Staging and Stockpiling of Materials	1. All construction equipment will be staged in upland areas, away from SNCs or habitats. 2. All construction-related items, including equipment, temporary erosion control treatments, and trash will be removed within 72 hours of project completion. All residual soils and/or materials will be cleared from the project area. 3. Building materials and other construction-related materials, including chemicals, will not be stockpiled or stored where they could spill into water bodies or storm drains, or where they could cover aquatic or riparian vegetation.
BMP - 3 Spill Prevention and Response Plan	A Spill Prevention and Response Plan will be developed prior to the start of construction describing spill cleanup equipment and materials required to be maintained on-site; measures to be taken to contain a spill; and notification requirements in the event of a spill.
BMP - 4 Equipment and Vehicle Maintenance and Cleaning	1. All vehicles and equipment will be kept clean. Excessive build-up of oil or grease will be prevented. Vehicles should be free of exotic vegetation. 2. Vehicle and equipment maintenance activities will be conducted in a designated area to prevent inadvertent fluid spills from adversely impacting water quality. This area will

Table 2-3 General Conditions and Construction Related BMPs	
	be clearly designated with berms, sandbags, or other barriers. 3. Secondary containment, such as a drain pan or drop cloth, to catch spills or leaks will be used when removing or changing fluids. Fluids will be stored in appropriate containers with covers, and properly recycled or disposed of off-site. 4. Cracked batteries will be stored in a non-leaking secondary container and removed from the site. 5. Spill cleanup materials will be stockpiled where they are readily accessible. 6. Incoming vehicles and equipment will be checked for leaking oil and fluids (including delivery trucks and employee and subcontractor vehicles). Leaking vehicles or equipment will not be allowed on-site. 7. Vehicles and equipment will not be washed on-site. Vehicle and equipment washing will occur at an appropriate wash station.
BMP -5 Refueling	1. All fueling sites shall be equipped with secondary containment and avoid a direct connection to underlying soil, surface water, or the storm drainage system. 2. For stationary equipment that must be fueled on-site, secondary containment such as a drain pan or drop cloth shall be provided in such a manner to prevent accidental spill of fuels to underlying soil, surface water, or the storm drainage system.
BMP- 6 On-Site Hazardous Materials Management	1. The products used and/or expected to be used and the end products that are produced and/or expected to be produced after their use will be inventoried. 2. As appropriate, containers will be properly labeled “Hazardous Waste” and properly recycled or disposed of off-site. 3. Contact of chemicals with precipitation will be minimized by storing chemicals in watertight containers or in a storage shed (completely enclosed), with appropriate secondary containment to prevent any spillage or leakage. 4. Quantities of equipment fuels and lubricants greater than 55 gallons shall be provided with secondary containment that is

Table 2-3 General Conditions and Construction Related BMPs	
	capable of containing 110 percent of the volume of primary container(s). 5. Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water or water contaminated with the aforementioned materials shall not be allowed to enter receiving waters or the storm drainage system. 6. Sanitation facilities (e.g., portable toilets) will be surrounded by a berm, and a direct connection to the storm drainage system or receiving water will be avoided. 7. Sanitation facilities will be regularly cleaned and/or replaced, and inspected regularly for leaks and spills. 8. Waste disposal containers will be covered when they are not in use, and a direct connection to the storm drainage system or receiving water will be avoided. 9. All trash that is brought to a project area during construction (e.g., plastic water bottles, plastic lunch bags) will be removed from the site daily.
BMP - 7 Fire Prevention	1. All earthmoving and portable equipment with internal combustion engines will be equipped with spark arrestors. 2. During the high fire danger period (April 1–December 1), work crews will have appropriate fire suppression equipment available at the work site. 3. On days when the fire danger is high, flammable materials will be kept at least 10 feet away from any equipment that could produce a spark, fire, or flame. 4. On days when the fire danger is high, portable tools powered by gasoline-fueled internal combustion engines will not be used within 25 feet of any flammable materials unless at least one round-point shovel or fire extinguisher is within immediate reach of the work crew (no more 25 feet away from the work area).
BMP - 8 Work Site Housekeeping	1. The work site will be maintained in a neat and orderly condition, and left in a neat, clean, and orderly condition when work is complete. 2. Materials or equipment left on the site overnight will be stored as inconspicuously as possible, and will be neatly arranged.

Table 2-3 General Conditions and Construction Related BMPs	
BMP - 9 Health and Safety Plan	1. Consistent with Occupational Safety and Health Administration regulations, CDFW would require that a project-specific Health and Safety Plan be developed by the construction contractor prior to any construction activities.

Chapter 3. Environmental Checklist and Responses

1. **Project Title:** Anthony Chabot Sewer Line Improvements Project Initial Study / Mitigated Negative Declaration

2. **Lead Agency Name and Address:** East Bay Regional Park District, 2950 Peralta Oaks Court Oakland, CA 94605

3. **Contact Person and Phone Number:** Edward Willis, 510-544-2621

4. **Project Location:** Anthony Chabot Regional Park, Lake Chabot Regional Park, Redwood Canyon Golf Course

5. **Project Sponsor's Name and Address:** East Bay Regional Park District

6. **General Plan Designation:** Resource Management (Alameda County)

7. **Zoning:** Agriculture (Alameda County)

8. **Description of the Project:** The project proposes to replace the aging sanitary sewer system within Anthony Chabot Regional Park, Lake Chabot Regional Park, and RCGC. The project includes the removal or in-place abandonment of an existing 4-inch sewer line, installation of one new 8-inch sewer line, construction of three new pump stations, and maintenance and repairs of an existing water line.

9. **Surrounding Land Uses and Setting:** The project is located within a regional park surrounded by open space, hiking trails, campgrounds, Lake Chabot, and the Redwood Canyon Golf Course.

10. **Other public agencies whose approval is required:**

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? The EBRPD sent the Native American Heritage Commission (NAHC) a letter on April 2, 2024, with a request for a search of the Sacred Lands File (SLF) for information about cultural resources that may be located within the API. The NAHC sent a response on April 8, 2024, indicating a negative result for tribal cultural resources within the API and 0.25 miles of the API. The District sent letters to the individuals on the NAHC list on May 24, 2024. The results of this outreach are shown in Chapter 3.18, Table 3-4 of this Initial Study.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Greenhouse Gas Emissions	☐	Public Services
☐	Agricultural and Forestry Resources	☒	Hazards and Hazardous Materials	☐	Recreation
☐	Air Quality	☐	Hydrology/Water Quality	☐	Transportation
☒	Biological Resources	☐	Land Use/Planning	☒	Tribal Cultural Resources
☒	Cultural Resources	☐	Mineral Resources	☒	Utilities/Service Systems
☐	Energy	☐	Noise	☐	Wildfire
☒	Geology/Soils	☐	Population/Housing	☒	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project COULD have a significant effect on the environment, there WILL NOT be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Date

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in 5. below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:

    a. Earlier Analysis Used. Identify and state where they are available for review.

    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c. Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a

previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

    a. the significance criteria or threshold, if any, used to evaluate each question; and

    b. the mitigation measure identified, if any, to reduce the impact to less than significance.

3.1 AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
*Would the project:**				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒
*Except as provided in PRC Section 21099				

3.1.1 Environmental Setting

The project site is located in Anthony Chabot Regional Park, Lake Chabot Regional Park, and the RCGC. The project site is comprised of large undeveloped open space, with hiking and horse trails, manmade Lake Chabot to the west, family campgrounds to the north, and the RCGC in the southeastern portion of the park. The area surrounding the project alignment is mainly open space with hiking trails, low hills and intermittent trees. A portion of the project alignment runs along the north border of the RCGC. Additionally, the south portion of the project alignment runs along Redwood Road beginning at the Golf Course Clubhouse and ending at the Redwood Road, Camino Alta Mira intersection (Figure 2-2).

Scenic Highway Corridors

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment (Caltrans 2019).

There are no official state-designated scenic highways within or adjacent to the project site. The segment of Interstate 580 (I-580) that passes through Castro Valley, southwest of the Park, is eligible to be a California Scenic Highway, although it has not been officially designated as such. The nearest official state-designated scenic highway is a segment of I-580 located approximately 3.1 miles northwest of the Park in the City of Oakland.

3.1.2 Regulatory Setting

Regional

Alameda County General Plan Open Space Element

The Open Space Element of the Alameda County General Plan outlines objectives related to preserving the natural scenic qualities of Alameda County's designated open spaces (Alameda County 1973).

Open Space Element Objectives

- To provide a continuous system of open space for the preservation, enhancement, and protection of natural scenic features and preservation and protection of watershed and wildlife areas and agricultural areas.

- To provide for permanent separation and identification of communities through use of open space chat will include park and recreation areas coordinated with a continuous system of trails and scenic tours.

- Provide a variety of open space for specific open space uses, including open space for public use and enjoyment and for protection of agriculture, wildlife habitat, and scenic values.

3.1.3 Impact Discussion

Would the project:

a) Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. For purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the public. While there are scenic vistas of open space and hillside areas are readily available from the hiking trails within the project area parks, the particular locations of the two proposed communications towers (at low elevation near a trail junction and adjacent to a driveway and golf course parking lot) would not be considered to be included in any scenic vista, as defined.

As discussed in Chapter 2, Project Description, the project alignment is located within a regional park which is comprised of open undeveloped space. The project proposes to replace components of an aging sewer system and water line. Most of the proposed improvements would be located underground. However, the proposed above ground pump station equipment

and communications towers would be visible in the project area. The project does not propose any new structures that would block any view of the area, but the above-mentioned features (pump station and communications towers) would be visible in the immediate vicinity of those sites at Pump Station #3 and Pump Station #4. As shown in the photos in Chapter 2.4, the towers are narrow metal structures that would not significantly block views in the area, but would be a new feature in a relatively natural setting along with above ground pump station equipment and associated fencing around the new pump stations. The pump station locations are at relatively low elevations, however, and would not be visible from areas outside of the immediate vicinity or from any areas that would be considered scenic vistas.

Construction activities would have a short-term impact on scenic vistas in the area due to the on-site presence of construction equipment. However, tall trees, vegetation, and varying topography along the project alignment could intermittently block views depending on the specific location of the construction equipment and activities. Construction activities would be short-term and temporary, and all construction equipment and signage would be removed after completion of the project. Areas disturbed by construction would be returned to pre-project conditions following the new sewer line installation.

Because the project would not result in substantial adverse affects on any scenic vistas due to the locations of permanent above-ground structures, and because on-site construction equipment would only be visible during the 6-month construction period, the project would not have a substantial adverse effect on a scenic vista. This impact would be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. There are no designated scenic corridors within the vicinity of the project site. The project alignment is not visible from an officially designated state scenic highway. The closest officially designated state scenic highway to project site is I-580 located approximately 3.1 miles northwest of the project in the City of Oakland. Therefore, the project would not damage scenic resources within a state scenic highway. No impact would occur.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact. The project does not propose any new structures that would block views of the surrounding area. New communications towers are proposed at two new pump station locations, however these new structures are located at relatively low elevations within the park and would not change the overall visual character of the area. Views in the area would remain dominated by natural open space, grassland and woodland habitats. Therefore, the project would not substantially degrade the visual character or quality of public views of the site and its surroundings.

Also as stated above, construction activities would have a temporary impact on quality of public views to the project construction sites due to the on-site presence of construction equipment.

However, construction activities would be temporary, and all construction equipment and signage would be removed after completion of the project. Additionally, areas disturbed by construction would be returned to pre-project conditions following project installation. Therefore, the project would not substantially degrade the existing visual character or quality of public views. This impact would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant Impact. The project does not propose the installation of lighting features or hard surfaces that would generate glare. Neither the buildings nor the towers would be constructed with highly reflective materials such as glass or mirrored surfaces. Construction activities would take place during daytime hours with no lighting proposed. Therefore, the impact is considered less than significant.

3.2 AGRICULTURAL AND FOREST RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:*				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒
*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				

3.2.1 Environmental Setting

The project site is designated as Resource Management by the Alameda County Castro Valley Area General Plan and Zoned Agriculture. The project site currently serves as a regional park comprised of undeveloped open space with hiking trails to the north, west and south, and a golf course to the southeast. According to the California Department of Conservation (CDC) Farmland Mapping and Monitoring Program (FMMP), the project alignment would cross land that is designated as Urban and Built-up Land and Other Land. Other land is defined as, "Land

not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land". There is no land in the project area that is designated as prime or important farmland (CDC 2022).

3.2.2 Regulatory Setting

State

Farmland Mapping and Monitoring Program

The CDC's FMMP assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area (CDC 2025).

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses (CDC 2024).

3.2.3 Impact Discussion

Would the project:

a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

b) **Conflict with existing zoning for agricultural use or a Williamson Act contract?**

c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**

d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

No Impact. (Responses a – e). The project proposes to replace a sewer line that runs through Anthony Chabot Regional Park, Lake Chabot Regional Park and RCGC. Although the project site is zoned Agriculture according to the Alameda County Castro Valley Area Plan, the proposed project would not impact Prime Farmland, Unique Farmland, Farmland of Statewide Importance, forest land, or land under a Williamson Act contract as none are present on site. The project would not convert or cause the conversion of any farmland or forest land to a non-agricultural/non-forest use because the project alignment crosses land that is classified as Urban and Built-up Land and Other Land (CDC 2022). Thus, the project would not result in impacts to any agricultural or forestry resources.

3.3 AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:*				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐
*Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.				

3.3.1 Environmental Setting

Air quality is a function of pollutant emissions and topographic and meteorological influences. Physical atmospheric conditions such as air temperature, wind speed and topography influence air quality.

Criteria Air Pollutants

Federal, state, and local governments control air quality through the implementation of laws, ordinances, regulations, and standards. The federal and state governments have established ambient air quality standards for “criteria” pollutants considered harmful to the environment and public health. National Ambient Air Quality Standards (NAAQS) have been established for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), fine particulate matter (particles 2.5 microns in diameter and smaller, or $PM_{2.5}$), inhalable coarse particulate matter (particles 10 microns in diameter and smaller, or PM_{10}), and sulfur dioxide (SO_2). California Ambient Air Quality Standards are more stringent than the national standards for the pollutants listed above and include the following additional pollutants: hydrogen sulfide (H2S), sulfates (SO_X), and vinyl chloride. In addition to these criteria pollutants, the federal and state governments have classified certain pollutants as hazardous air pollutants or toxic air contaminants, such as asbestos and diesel particulate matter.

San Francisco Bay Area Air Basin

The proposed project is located in the San Francisco Bay Area Air Basin (SFBAAB), an area of non-attainment for both the 1-hour and 8-hour state ozone standards, and the national 24-hour $PM_{2.5}$ standard. The SFBAAB is comprised of nine counties: all of Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, Marin, Napa, and the southern portions of Solano and Sonoma. In Alameda County, $PM_{2.5}$ exceeds the national standard only on about one day each year (BAAQMD 2017).[1]

The San Francisco Bay Area is generally characterized by a Mediterranean climate with warm, dry summers and cool, damp winters. During the summer daytime high temperatures near the coast are primarily in the mid-60s, whereas areas farther inland are typically in the high-80s to low-90s. Nighttime low temperatures on average are in the mid-40s along the coast and low to mid-30s inland.

The Mediterranean climate is seen along most of the West Coast of North America and is primarily due to a (typically dominating) high-pressure system, located off the west coast of North America, over the Pacific Ocean. During the summer and fall months the high-pressure ridge is at its strongest and therefore provides a more stable atmosphere. Warm temperatures and a stable atmosphere associated with the high-pressure ridge provide favorable conditions for the formation of photochemical pollutants (e.g., O_3) and secondary particulates (e.g., nitrogen oxides (NO_x) and SO_2).

Varying topography and limited atmospheric mixing throughout the SFBAAB restrict air movement resulting in reduced dispersion and higher concentrations of air pollutants. The SFBAAB is most susceptible to air pollution during the summer when cool marine air flowing through the Golden Gate can become trapped under a layer of warmer air (a phenomenon known as an inversion) and is prevented from escaping the valleys and bays created by the Coast Ranges.

Sensitive Receptors

A sensitive receptor is defined by the Bay Area Air Quality Management District (BAAQMD) as a facility or land use that include members of the population that are particularly sensitive to the effects of air pollution, such as children, seniors, or people will illnesses (BAAQMD 2023a, Appendix F) These typically include residences, hospitals, and schools. The proposed project is located at Anthony Chabot Regional Park, Lake Chabot Regional Park, and RCGC. These types of active recreational facilities do not include permanent receptors; however, parks are generally considered to be a land use sensitive to air pollution as sensitive receptors may visit the park for recreation purposes. Besides park visitors, there are no other sensitive receptors within 1,000 feet of the work areas.

[1] On February 7, 2024, the U.S. EPA lowered the primary annual average health-based standard for PM2.5 from 12 µg/m^3 to 9 µg/m^3. The U.S. EPA generally makes initial attainment/nonattainment designations within 2 years of the issuance of a new standard. Information about the SFBAAB's attainment status with regards to $PM_{2.5}$ is based on the EPA 2012 standard.

3.3.2 Regulatory Setting

State

CARB In-Use Off-Road Diesel Vehicle Regulation

CARB's In-Use Off-Road Diesel Equipment regulation is intended to reduce emissions of NOx and PM from off-road diesel vehicles, including construction equipment, operating within California. The regulation imposes limits on idling; requires reporting equipment and engine information and labeling all vehicles reported; restricts adding older vehicles to fleets; and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing exhaust retrofits for PM. The requirements and compliance dates of the off-road regulation vary by fleet size, and large fleets (fleets with more than 5,000 horsepower) must meet average targets or comply with Best Available Control Technology requirements beginning in 2014. CARB has off-road anti-idling regulations affecting self-propelled diesel-fueled vehicles 25 horsepower and up. The off-road anti-idling regulations limit idling on applicable equipment to no more than five minutes, unless exempted due to safety, operation, or maintenance requirements. In 2022, CARB approved amendments requiring the use of renewable diesel fuel starting January 1, 2024. Fleets comprised of Tier 4 final or zero emission equipment are exempt from this requirement.

CARB In-Use Off-Road Diesel Vehicle Regulation

CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) regulation (also known as the Truck and Bus Regulation) is intended to reduce emission of NO_X, PM, and other criteria pollutants generated from existing on-road diesel vehicles operating in California. The regulation applies to nearly all diesel-fueled trucks and buses with a gross vehicle weight rating (GVWR) greater than 14,000 pounds that are privately or federally owned, and for privately and publicly owned school buses. Heavier trucks and buses with a GVWR greater than 26,000 pounds must comply with a schedule by engine model year or owners can report to show compliance with more flexible options. Fleets complying with the heavier trucks and buses schedule must install the best available PM filter on 1996 model year and newer engines and replace the vehicle eight years later. Trucks with 1995 model year and older engines had to be replaced starting in 2015. Replacements with a 2010 model year or newer engine meet the final requirements, but owners can also replace the equipment with used trucks that have a future compliance date (as specified in regulation). By 2023, all trucks and buses must have at least 2010 model year engines with few exceptions.

Regional

Bay Area Air Quality Management District

The BAAQMD is the agency primarily responsible for maintaining air quality and regulating emissions of criteria and toxic air pollutants within the SFBAAB. The BAAQMD carries out this responsibility by preparing, adopting, and implementing plans, regulations, and rules that are designed to achieve attainment of state and national air quality standards. The BAAQMD is the agency primarily responsible for maintaining air quality and regulating emissions of criteria and toxic air pollutants within the SFBAAB. The BAAQMD carries out this responsibility by

preparing, adopting, and implementing plans, regulations, and rules that are designed to achieve attainment of state and national air quality standards. The BAAQMD currently has 14 regulations containing more than 100 rules that control and limit emissions from sources of pollutants. summarizes the major BAAQMD rules and regulations that may apply to the proposed project.

Table 3-1: Potentially Applicable BAAQMD Rules and Regulations

Regulation	Rule	Description
1 - General Provisions and Definitions	1- General Provisions and Definitions	301 – Public Nuisance: Establishes that no person shall discharge quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number or person or the public; or which endangers the comfort, repose, health, or safety of any such person or the public.
6 - Particulate Matter	1 – General Requirements	Limits visible particulate matter emissions.
6 – Particulate Matter	6 – Prohibition of Trackout	Limits the quantity of particulate matter through control of trackout of solid materials on paved public roads from construction sites that are greater than one acre in size.
8 – Organic Compounds	8 – Waste Water Collection and Separation Systems	Limits emissions of total organic compounds from wastewater collection and separation systems that handle liquids containing organic compounds from industrial processes.
7 - Odorous substances	Odorous Substances	Establishes general limitations on odorous substances and specific emission limitations on certain odorous compounds, such as ammonia.

Source: BAAQMD 2023a

On April 29, 2017, the BAAQMD adopted its *Spare the Air-Cool the Climate 2017 Clean Air Plan* (Clean Air Plan). The 2017 Clean Air Plan updates the most recent Bay Area ozone plan, the 2010 Clean Air Plan, in fulfillment of state ozone planning requirements. The Plan focuses on the three following goals:

- Attain all state and national air quality standards.
- Eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and
- Reduce Bay Area GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050.

The plan includes 85 distinct control measures to help the region reduce air pollutants and has a long-term strategic vision which forecasts what a clean air Bay Area will look like in the year 2050. The control measures aggressively target the largest source of GHG, ozone pollutants, and particulate matter emissions – transportation. The 2017 Clean Air Plan includes more

incentives for electric vehicle infrastructure, off-road electrification projects such as Caltrain and shore power at ports, and reducing emissions from trucks, school buses, marine vessels, locomotives, and off-road equipment (BAAQMD 2017).

3.3.3 Impact Discussion

Would the proposed project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The proposed project would not conflict with nor obstruct implementation of the BAAQMD *2017 Clean Air Plan*. The *2017 Clean Air Plan* includes increases in regional construction, area, mobile, and stationary source activities, and operations in its emission inventories and plans for achieving attainment of air quality standards. Chapter 5 of the *2017 Clean Air Plan* contains the BAAQMD's strategy for achieving the plan's climate and air quality goals. The proposed project would not result in a change in land use, population, or vehicle miles traveled. The 2017 Clean Air Plan's focus on long-term air quality improvement would account for the proposed project's short-term construction emissions. Thus, the proposed project would not conflict with the *2017 Clean Air Plan* and the impact would be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact. The proposed project consists of removal of the existing comminutor and pump station, abandoning the existing syphon downstream of the comminutor, and installation of a new sewer line. These activities would generate equipment and vehicle exhaust and fugitive dust emissions. Construction activities would include demolition, site preparation, excavation and installation, testing, and restore disturbed areas phases. The project's potential construction emissions were estimated using the California Emissions Estimator Model (CalEEMod), Version 2022.1).

The project's estimated construction criteria air pollutant emissions are presented in Table 3-2. Refer to Appendix A for detailed CalEEMod assumptions and output files.

Table 3-2: Estimated Project Construction Criteria Air Pollutant Emissions							
Year(A)	**Pollutant Emissions (Tons Per Year)**						
	ROG	**NO_x**	**CO**	**PM_{10}**		**$PM_{2.5}$**	
				Dust	**Exhaust**	**Dust**	**Exhaust**
2026	0.3	1.9	2.1	0.1	0.1	<0.1	0.1
Year(A)	**Pollutant Emissions (Average Pounds per Day)**						
	ROG	**NO_x**	**CO**	**PM_{10}**		**$PM_{2.5}$**	
				Dust	**Exhaust**	**Dust**	**Exhaust**
2026	1.4	10.3	11.6	0.4	0.4	0.1	0.4
BAAQMD CEQA Threshold	**54**	**54**	**--**	**BMPs**	**82**	**BMPs**	**82**
Potentially Significant Impact?	**No**	**No**	**No**	**No**	**No**	**No**	**No**

Source: MIG 2026 (see Appendix A) and BAAQMD 2023b.
(A) Emissions estimates assume construction begins in April 2026.

As shown in Table 3-2, construction emissions associated with the proposed project would be below all BAAQMD significance thresholds for criteria air pollutant emissions. For all projects, the BAAQMD recommends implementation of nine best management practices (BMP) to reduce construction fugitive dust emissions levels, including watering exposed surfaces, covering haul truck loads, reducing vehicle speeds on unpaved roadways, limiting work when winds exceed 20 mph, etc. These basic measures are also used to meet the BAAQMD's BMP threshold of significance for construction fugitive dust emissions (i.e., the implementation of all BMPs renders fugitive dust impacts a less than significant impact).These BMPs include:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.

- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

As mentioned in Section 2.4, the proposed project would incorporate the EBRPD General Conditions, including Section III Article 22 Water and Air Pollution part (b) Dust Control, which states "dust resulting from the contractor's performance of the work shall be controlled by the contractor either by applying water or a dust palliative without additional costs to the EBRPD. The EBRPD Inspector has full authority to suspend work wholly or in part should the contractor fail to perform to the satisfaction of the EBRPD Inspector." The EBRPD conditions are commensurate with the BAAQMD's BMPs for fugitive dust, and additional BMPs for the control of fugitive dust would not be required for the project. The proposed project's potential construction emissions, therefore, would be less than significant.

The proposed project would include replacing the existing comminutor at the campground and RCGC pumping station with two new pumping stations, respectively, which are anticipated to operate in a similar manner as existing equipment. Once constructed, the proposed project would not change the operation of the sewer line and therefore, would not substantially increase operations-related emissions. For this reason, operational emissions were not estimated for the project. This impact would be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. There are no residences, schools, hospitals etc. within 1,000 feet of the project site that could be affected by the project's potential construction emissions. Emissions associated with the proposed project would not affect park visitors because the project does not involve substantial equipment operations or activities for a prolonged period of time. Emissions would be intermittent over five phases and equipment would not operate in a particular location for a prolonged period of time as work moves along the segments of the pipeline. Receptors at the park would be limited to trail users and overnight campers, who would not be continuously exposed to construction emissions. Thus, the project would not expose potential sensitive receptors to prolonged and substantial pollutant concentrations. This impact would be less than significant.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. Construction of the project would generate typical odors associated with construction activities, such fuel and oil odors and asphalt and concrete paving odors. Demolition and removal of sanitary sewer piping and the existing comminutor may also emit wastewater odors. Odors are generally regarded as an annoyance rather than a health hazard. An odor that is offensive to one person may not be offensive to a different person, and unfamiliar odors are more easily detected and are more likely to cause complaints than familiar

odors, as a person can become desensitized to almost any odor over time (known as odor fatigue). In general, the quality and intensity of an odor influence a person's reaction. The quality of an odor indicates the nature of the smell experience (e.g., flowery, putrid). The intensity of an odor depends on its concentration in the air. When an odor sample is progressively diluted, the odor concentration decreases. As this occurs, the odor intensity weakens and eventually becomes low enough where the odor is no longer detectable. The project's demolition phase, when existing sanitary sewer lines will be abandoned in place and the existing comminutor will be removed, has the greatest potential to generate odors. The existing comminutor is approximately 1,150 feet southwest of the campground. Some segments of the sanitary sewer lines that would be abandoned in place run along Marcel Road and several trails in the park, such as Huck's Trail, Honker Bay Trail, and Cameron Loop Trail. The potential odors generated by the project would be intermittent and localized in nature and would disperse quickly. Once construction is complete, the project would not generate odors because effluent would be contained in a closed system (i.e., pipes, pumps, etc.). Therefore, the project would not create objectionable odors affecting a substantial number of people. This impact would be less than significant.

3.4 BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

The following discussion and analyses are based on the associated Biological Resources Assessment (SBI 2024a) and Aquatic Resources Delineation (SBI 2024b) reports prepared for the project by Swaim Biological, Inc.

3.4.1 Environmental Setting

For the purposes of this analysis, the project site is defined as the 1.8-mile proposed sewer line workspace which includes locations where new infrastructure will be installed (Figure 2-9). The Study Area includes the project area and a 20-foot buffer.

Vegetation Communities

Within the Study Area there are seven land cover types: eucalyptus, evergreen hardwood, shrub, riparian shrub, riparian forest, herbaceous / non-native annual grassland, and developed (including golf course turf). Vegetation within the Study Area consists predominantly of oak woodland, riparian areas, and eucalyptus grove.

Riparian forest overstory is dominated by red willow (*Salix laevigata*) and arroyo willow (*Salix lasiolepis*), with other intermixed riparian trees and shrubs such as box elder (*Acer negundo*) and blue elderberry (*Sambucus mexicana*). Understory riparian species are dominated by California blackberry (*Rubus ursinus*), perennial ryegrass (*Festuca perennis*), and poison hemlock (*Conium maculatum*). Rushes, such as iris-leaved rush (*Juncus xiphioides*) and panicled bulrush (*Scirpus microcarpus*) were observed in close proximity to the active stream channel of San Leandro Creek.

Evergreen hardwood as mapped is dominated by coast live oak (*Quercus agrifolia*) and California bay (*Umbellularia californica*). Understory species consist predominantly of poison oak (*Toxicodendron diversilobum*), and California blackberry.

Eucalyptus grove is dominated by blue gum (*Eucalyptus globulus*) overstory. Understory species consist primarily of poison oak, Italian thistle (*Carduus pycnocephalus*), and non-native grasses such as rip gut brome (*Bromus diandrus*).

Aquatic Resources

Aquatic resources within and immediately surrounding the Study Area include San Leandro Creek, Lake Chabot, Upper San Leandro Reservoir and five ephemeral drainages. Based on the project alignment three aquatic resources (Drainage 1, Drainage 2, and a seasonal wetland adjacent to San Leandro Creek) were delineated on February 13, 2024. Under the Revised Definition of Waters of the U.S.; Conforming, Drainage 1 and Drainage 2 have been preliminarily identified as not jurisdictional to the U.S. Army Corps of Engineers (Corps). The seasonal wetland has been preliminarily determined to potentially be jurisdictional by the Corps and may be considered Waters of the U.S. All aquatic features are considered Waters of the State and are subject to jurisdiction of the San Francisco Bay Regional Water Quality Control Board. Aquatic resources are discussed thoroughly in the associated aquatic resources delineation report (SBI 2024b).

Special Status Species

Special-status species are defined as plants and animals that are protected under the California and Federal Endangered Species Acts (CESA and FESA) or other regulations, and species that are considered rare by the scientific community. Special-status species and habitats include:

- Animals and plants listed or proposed for listing as threatened or endangered under the CESA (California Fish and Game Code §2050 et seq.; 14 CCR §670.1et seq.) or the FESA (50 CFR 17.11).

- Animals and plants that are candidates for possible future listing as threatened or endangered under the FESA (50 CFR 17; FR Vol. 64, No. 205, pages 57533-57547, October 25, 1999); and under the CESA (California Fish and Game Code §2068).

- Animals and plants that meet the definition of endangered, rare, or threatened under CEQA (14 CCR §15380) that may include species not found on either State or Federal Endangered Species lists.

- Animals that are designated as "species of special concern" by CDFW.

- Animal species that are designated as “fully protected” under California (California Fish and Game Code 3511, 4700, 5050, and 5515).

- Bat species that are designated on the Western Bat Working Group’s Regional Bat Species Priority Matrix as: “Red or High.” These species are considered to be “imperiled or are at high risk of imperilment.”

- Sensitive Natural Communities (SNCs) with ranks of S1-S3

- Plant species designated by the California Native Plant Society (CNPS) as having a California Rare Plant Rank (CRPR) of 1, 2, 3, or 4. The CRPRs are defined as follows:

    - 1A Plants considered extinct.

    - 1B Plants rare, threatened, or endangered in California and elsewhere.

    - 2A Plants considered extinct in California but more common elsewhere.

    - 2B Plants rare, threatened, or endangered in California but more common elsewhere.

    - 3 Plants about which more information is needed - review list.

    - 4 Plants of limited distribution - watch list.

The literature review and database queries identified a total of 63 special status plant species and 28 special status wildlife species as having the potential to occur within the region. Of these, 13 special status plant species and 14 special status wildlife species were determined to have the potential to occur within the Study Area. Additionally, common nesting birds, raptors, and bat species have the potential to be present in suitable trees and buildings within the Study Area.

Special Status Plants

The following special status plant species were determined to have the potential to occur within the Study Area and include:

- Bent flowered fiddleneck (*Amsinckia lunaris*), CRPR 1B.2

- California androsace (*Androsace elongata* ssp. *acuta*), CRPR 4.2
- Big-scale balsamroot (*Balsamorhiza macrolepis*), CRPR 1B.2
- Oakland star tulip (*Calochortus umbellatus*), CRPR 4.2
- Johnny-nip (*Castilleja ambigua* var. *ambigua*), CRPR 4.2
- Western leatherwood (*Dirca occidentalis*), CRPR 1B.2
- Stinkbells (*Fritillaria agrestis*), CRPR 4.2
- Fragrant fritillary (*Fritillaria liliacea*), CRPR 1B.2
- Bristly leptosiphon (*Leptosiphon aureus*), CRPR 4.2
- Large-flowered leptosiphon (*Leptosiphon grandiflorus*), CRPR 4.2
- Michael's rein orchid (*Piperia michaelii*), CRPR 4.2
- Oregon polemonium (*Polemonium carneum*), CRPR 2B.2
- Chaparral ragwort (*Senecio aphanactis*), CRPR 2B.2

The following special status wildlife species were determined to have the potential to occur within the study area and include:

- Crotch’s bumble bee (*Bombus crotchii*), State Candidate Endangered
- Monarch butterfly (*Danaus plexippus plexippus*), Federally Proposed Threatened
- California red-legged frog (*Rana draytonii*), Federally Threatened, CDFW Species of Special Concern
- Northwestern pond turtle (*Actinemys marmorata*), Federally Proposed Threatened, CDFW Species of Special Concern
- Alameda whipsnake (*Masticophis lateralis euryxanthus*), Federally Threatened, State Threatened
- Tricolored blackbird (*Agelaius tricolor*); CDFW Threatened
- Golden eagle (*Aquila chrysaetos*); Federal Bald and Golden Eagle Protection Act; CDFW Fully Protected
- White tailed kite (*Elanus leucurus*); CDFW Fully Protected
- Bald eagle (*Haliaeetus leucocephalus*), Federal Bald and Golden Eagle Protection Act; State Endangered, CDFW Fully Protected

- Loggerhead shrike (*Lanius ludovicianus*); CDFW Species of Special Concern
- Yellow warbler (*Setophaga petechia*); CDFW Species of Special Concern
- Pallid bat (*Antrozous pallidus*), CDFW Species of Special Concern
- Western red bat (*Lasiurus blossevillii*), CDFW Species of Special Concern
- San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), CDFW Species of Special Concern

Wildlife Movement Corridors

Wildlife movement corridors, also called dispersal corridors or landscape linkages as opposed to linear habitats, are linear features that contain natural habitat and provide connection between at least two larger adjacent open spaces that allow for diffusion and dispersal of many species (Spencer et al 2010; Bond 2003; Beier and Loe 1992).

Because a functional network of connected wildlands is essential to the continued support of California's diverse natural communities in the face of human development and climate change, in 2010 the California Department of Fish and Game, now the CDFW, and Caltrans commissioned the California Essential Habitat Connectivity Project (CEHCP) to identify large, relatively natural habitat blocks that support native biodiversity and areas essential for ecological connectivity between them. The CEHCP included a statewide Essential Habitat Connectivity Map. According to this map the Study Area is entirely within Essential Habitat Connectivity areas mapped under the statewide effort and due to its connectivity to other open space areas, provides functional movement areas for wildlife species.

3.4.2 Regulatory Setting

Federal

U.S. Fish and Wildlife Service Endangered Species Act

The federal Endangered Species Act (FESA) of 1973 (16 United States Code [USC] 1531–1544) as amended protects plants, fish, and wildlife that are listed as endangered or threatened by the U.S. Fish and Wildlife Service or the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries). The FESA was preceded by the Endangered Species Preservation Act in 1966 which provided a means for listing native animal species as endangered and giving them limited protection.

Section 9 of the FESA prohibits the "take" of listed fish and wildlife, where "take" is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct" (50 Code of Federal Regulations [CFR] 17.3). For plants, this statute prohibits removing, possessing, maliciously damaging, or destroying any listed plant under federal jurisdiction and removing, cutting, digging up, damaging, or destroying any listed plant in knowing violation of state law (16 USC 1538).

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 USC Sections 703–711) protects all migratory birds, including active nests and eggs. Birds protected under the MBTA include all native waterfowl, shorebirds, hawks, eagles, owls, doves, and other common native and migratory birds (e.g. ravens, crows, sparrows, swallows) including their body parts (e.g. feathers and plumes), active nests, and eggs. A complete list of protected species can be found in 50 CFR 10.13. Enforcement of the provisions of the federal MBTA is the responsibility of USFWS.

U.S. Army Corps of Engineers, Section 404 of the Clean Water Act

Section 404 of the Clean Water Act (CWA) establishes a permit program administered by the Corps that regulates discharge of dredged or fill materials into waters of the U.S., including wetlands. The full definition of waters of the U.S. is defined in 33 CFR Part 328. Guidelines for implementation are referred to as the Section 404(b)(1) Guidelines that were developed by the U.S. Environmental Protection Agency (EPA) in conjunction with the Corps (40 CFR Part 230). The Guidelines allow the discharge of fill materials into aquatic systems only if there is no practicable alternative that would have fewer adverse impacts.

Section 10 of the Rivers and Harbors Act

Section 10 of the Rivers and Harbors Act (33 U.S.C. 401 et seq.), administered by the Corps, requires permits for all structures (e.g., riprap) and activities (e.g., dredging) within navigable waters of the U.S. Navigable waters are defined as those subject to the ebb and flow of the tide and susceptible to use as means of interstate transport or foreign commerce in their natural condition or by reasonable improvements. The Corps grants or denies permits based on the effects of navigation. Many activities covered under this act are also covered under Section 404 of the CWA.

Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) delegated responsibility for implementation of portions of the CWA, including water quality control planning and control programs, such as the National Pollutant Discharge Elimination System (NPDES) Program, to the State Water Resources Control Board (SWRCB). Section 303(c)(2)(b) of the CWA requires states to adopt water quality standards for all surface waters of the United States based on the water body's designated beneficial use. Where multiple uses exist, water quality standards must protect the most sensitive use. Water quality standards applicable to the study area are listed in the San Francisco Bay Basin (Region 2) Water Quality Control Plan.

State

California Environmental Quality Act

CEQA requires California public agencies to participate in an environmental review process when undertaking a project. Environmental review identifies potential significant environmental impacts, as well as mitigation, prior to project implementation. Findings of environmental review are presented in an Initial Study and Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report, dependent on the level of potential impacts. California Code of Regulations Section 1500-15387 present the State CEQA Guidelines. Section 15380 defines endangered, threatened, and rare species under CEQA, and clarifies that CEQA review extends to species that are not formally listed under the California Endangered Species Act (CESA) or the FESA, but that meet specified criteria.

California Department of Wildlife and Fish and Game Code

Section 1602 of the California Fish and Game Code

CDFW is empowered through provisions of the state Administrative Code to issue agreements for alteration of a river, stream, or lake where fish or wildlife resources may adversely be affected. Streams and rivers are defined by the presence of a channel bed and banks. CDFW regulates wetlands to the extent that those wetlands are part of a river, stream, or lake, or when wetlands provide habitat for special-status species.

California Endangered Species Act

Sections 2050–2098 of the California Fish and Game Code, CESA prohibit the take of state-listed endangered and threatened species unless specifically authorized by the CDFW. The state definition of “take” is to hunt, pursue, catch, capture, or kill a member of a listed species or attempt to do so. The CDFW administers the Act and authorizes take through permits or memorandums of understanding issued under Section 2081 of CESA, or through a consistency determination issued under section 2080.1. Section 2090 of CESA requires state agencies to comply with threatened and endangered species protection and recovery and to promote conservation of these species. Species that are formal candidates for listing under the Act are afforded the full protection of the Act.

Species of Special Concern

Species of Special Concern is a category conferred by CDFW to fish and wildlife species that (a) meet the state definition of threatened or endangered but have not been formally listed under CESA; or (b) species that are considered at risk of qualifying for threatened or endangered status in the future based on current known threats.

Fully Protected Species

Fish and Game Code designates certain fish and wildlife species as “fully protected” under Sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fish). Fully protected species may not be taken or possessed at any time, and no permits may be issued for incidental take of these species.

California Migratory Bird Protection Act

Fish & Game Code section 3513 states that federal authorization of take or possession is no longer lawful under the state Fish & Game Code if the federal rules or regulations are inconsistent with state law. The California Migratory Bird Protection Act (MBPA) was passed in September 2019 to provide a level of protection to migratory birds in California consistent with the U.S. MBTA prior to the 2017 rule change limiting protection of migratory birds under the U.S. MBTA to purposeful actions (i.e., directly, and knowingly removing a nest to construct a project, hunting, and poaching). Thus, under the MBPA, protections for migratory birds in California are consistent with rules and regulations adopted by the United States Secretary of the Interior under the U.S. MBTA before January 1, 2017. The MBPA reverts to existing provisions of the U.S. MBTA on January 20, 2025.

Nesting Birds

Nesting birds, including raptors, are protected under California Fish and Game Code Section 3503, which reads, “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” In addition, under California Fish and Game Code Section 3503.5, “it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto”. Passerines and non-passerine land birds are further protected under California Fish and Game Code 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by CDFW.

Non-Game Mammals

Sections 4150-4155 of the California Fish and Game Code protects non-game mammals, including bats. Section 4150 states “A mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal. A non-game mammal may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission”. The non-game mammals that may be taken or possessed are primarily those that cause crop or property damage. Bats are classified as a non-game mammal and are protected under California Fish and Game Code, in addition to being protected if they are a listed species (e.g., Species of Special Concern, Fully Protected, state or federal threatened, or state or federal endangered).

Native Plant Protection Act of 1973 and California Rare Plant Ranks

The Native Plant Protection Act of 1973 (Fish and Game Code Sections 1900–1913) includes provisions that prohibit the taking of endangered or rare native plants. CDFW administers the Native Plant Protection Act of 1973 and generally regards as rare many plant species included on the CRPR List jointly produced by CDFW and the CNPS. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA.

Sensitive Natural Communities

Since 1999, CDFW has undertaken the classification and mapping of vegetation throughout the state as part of their Vegetation Classification and Mapping Program (VegCAMP). Natural Communities are considered, along with plants and animals, part of the Natural Heritage Program's "conservation triad" of conservation significance. One purpose of the vegetation classification is to determine the level of rarity and imperilment of vegetation communities. Natural Communities have significance for conservation and CDFW directs that their presence be considered in the environmental review process along with occurrences of special-status plants and animals.

Regional Water Quality Control Board

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act established the SWRCB, and its regional boards, as the principal agencies for coordinating and controlling water quality in California. Specifically, the Porter-Cologne Water Quality Control Act authorizes the State board to adopt, review, and revise policies for all waters of the State (including both surface and groundwaters) and directs the regional boards to develop regional Basin Plans. The regional boards have the primary responsibility to implement the provisions of both statewide and basin plans.

Section 401 of the Clean Water Act

Section 401 of the CWA requires that an applicant for a federal permit allowing activities that could result in a discharge to waters of the U.S. obtain a state certification that the discharge complies with other provisions of the CWA. The California Regional Water Quality Control Board (RWQCB) administers the certification program within California.

Local

East Bay Regional Park District General Conditions

The EBRPD includes General Conditions (May 2016) as part of every maintenance and construction contract for work conducted within District property. The General Conditions include the following Article that is relevant to the proposed project. This Article is presented in Table 2-3 in the project description and included as part of the project.

Article 22. Water and Air Pollution

(a) Water Pollution. The Contractor shall exercise every precaution to protect streams and bodies of water from pollution by fuels, oils, salts or other hazardous materials as defined in ARTICLE 24. The Contractor shall minimize muddying and silting of any stream or body of water. The Contractor shall, perform work in a manner necessary to provide effective water pollution control, including where applicable a project specific SWPPP approved by the District's Representative. The Contractor's operations shall at all times be subject to the Storm Water Quality Control Board requirements, CDFW codes and other applicable statutes, laws, regulations, ordinances and/or policies relating to the prevention or abatement of water pollution and to requirements for erosion control.

(b) Dust Control. Dust resulting from the Contractor's performance of the work shall be controlled by the Contractor either by applying water or a dust palliative without additional costs to the District. The District Inspector has full authority to suspend work wholly or in part should the Contractor fail to perform to the satisfaction of the District Inspector.

3.4.3 Impact Discussion

The project includes the replacement of two aging sewer systems within Anthony Chabot Regional Park, Lake Chabot Regional Park, and the RCGC. The two systems will be connected through the improvements which include necessary infrastructure upgrades and replacement of a water line. Above ground portions of the old sewer line would be cut and removed. Underground portions of the existing sewer line will be abandoned in place. The new sewer line would be constructed with open trench construction to install the new sewer line. The temporary impacts of the trench and construction related activities along the new line would result in an approximately 10-foot-wide work area across the 1.8-mile pipeline extent.

The new sewer line will follow existing access roads/trails to the maximum extent feasible with 0.87 miles of open trench occurring within existing dirt trails along Lake Chabot /San Leandro Creek and RCGC and 0.77 miles within existing paved areas.

Throughout most of the alignment the existing access roads trail is a mosaic of scrub, grassland and woodland habitats with riparian habitat south of the trail. To the maximum extent feasible work will occur within the disturbed trail with no direct impacts to adjacent habitats. Disturbance associated with demolition of the comminutor, and an existing pump station building will occur within already disturbed areas and result in a net benefit with restoration of site conditions. The locations for installation of two new pump stations have been selected to ensure they avoid impacts to aquatic resources and sensitive habitats.

Overland impacts within previously undisturbed habitats will occur within a 0.16-mile (860 linear foot) portion. These impacts begin where the sewer line leaves the campground within Anthony Chabot Regional Park and end within Lake Chabot Regional Park at Drainage 1 where the pipeline connects with the existing disturbed portions of Honker Bay Trail. The selected pipeline alignment in this area has been chosen to avoid direct impacts to scrub habitat and minimize impacts to existing trees to the maximum extent possible. The alignment starts at a manhole near the graveled Huck's Trail in a eucalyptus grove with an understory of annual grasses and poison oak. After leaving the eucalyptus grove, the alignment is within a mixed California bay-

oak woodland with an understory of annual grasses, poison oak, and sticky monkey flower *(Diplacus aurantiacus*). The understory changes as the slope steepens with California blackberry, ferns, and sedges. The alignment will avoid direct impacts to coastal scrub habitat. Construction will require the removal of at least five (5) trees to avoid direct impacts within scrub habitat. The trees to be removed include two large dead eucalyptus trees within previous fire burn areas, and three small (less than 4-inch diameter) native trees: one Coast live oak, one toyon, and one California bay.

Impacts associated with the pipeline will result in unavoidable temporary impacts to two ephemeral stream crossings (Drainage 1 and 2). No direct impacts will occur to any other aquatic resources including Lake Chabot, San Leandro Creek, seasonal floodplain wetlands, Upper San Leandro Reservoir, ephemeral drainages and road culverts.

Drainage 1 is located at the transition point to the overland area along the Honker Bay Trail. This crossing consists of an ephemeral drainage that conveys flows into Lake Chabot and is not mapped by National Wetlands Inventory (NWI) or Alameda County National Hydrography (NHD) datasets. This location was identified during field visits due to a discernable streambed that likely carries only high flows during storm events. Impacts at this location will occur within the drainage to trench the pipeline. The steepness of the adjacent hillside from where the pipeline comes down the hill does not allow for enough room for an entry or exit bore and therefore directional drilling is not feasible.

Drainage 2 is located within the existing dirt access road and within the pipeline alignment at RCGC. This stream crossing is mapped by NWI and consists of a braided ephemeral channel with connectivity to San Leandro Creek. The existing service road in this location functions as a low water crossing and is maintained as part of the road maintenance activities. Impacts at this location will occur within the existing dirt access road via open trench. Directional drill techniques were evaluated but not determined to be appropriate at this location.

The majority of the existing sewer line will be abandoned in place. Approximately 475 linear feet of above ground sewer line will be removed by hand. This portion of the sewer line is connected to an existing pedestrian bridge that goes over San Leandro Creek.

The project is anticipated to take approximately six months to construct. All temporarily disturbed areas will be restored to pre-project or better conditions.

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less Than Significant with Mitigation Incorporated.

Special Status Plant Species. Implementation of the proposed project has the potential to impact special-status plant species if present within the project footprint. The proposed project would implement the following mitigation measures.

Impact BIO-1: Impacts on Special-Status Plant Species.

Mitigation Measure BIO-1a: Floristic Surveys for Special-Status Plant Species. Floristic rare plant surveys shall be conducted prior to start of construction activities and shall coincide with the bloom periods of all rare plants that have been determined to have the potential to occur within the project site. At a minimum, the surveys shall follow the protocols described in Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and SNCs (CDFW 2018). Methods shall also generally follow protocols described in previously established botanical survey guidelines including: CNPS Botanical Survey Guidelines (CNPS 2001), Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 1996), and Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and SNCs (CDFW 2009).

Mitigation Measure BIO-1b: Avoid and Minimize Impacts to Special Status Plant Species. If special-status plants are identified within or adjacent to the project, the individuals or populations will be flagged, mapped, and quantified and reported to the CNDDB. All special-status plants will be avoided when feasible. When avoidance is feasible, a non-disturbance buffer will be established around the population during construction activities. The size of the buffer will be determined by a qualified botanist taking into consideration threats (e.g., inadvertent trampling), types of equipment to be used, and other activities occurring at that location. All construction personnel will be instructed as to the location and extent of the special-status plants or populations and the importance of avoiding impacts to the species and its habitat.

If avoidance is not possible, then a Rare Plant Mitigation Plan shall be designed and implemented. CDFW approval of the Rare Plant Mitigation Plan is required before implementation of an activity that could directly or indirectly impact a federally or state listed or CRPR 1A, 1B, 2A, or 2B species, and under no circumstances will state or federally listed plants be impacted without additional consultation with appropriate regulatory agencies.

Nesting and Special-Status Bird Species. If conducted during the nesting season (February 1 to August 31), construction could have direct effects on special status and other bird species potentially nesting within and adjacent to the project area. Ground disturbance and removal or trimming of trees could result in destruction of active nests, including eggs, nestlings, or juveniles, and construction-related disturbance (e.g., equipment noise, presence of workers) could disrupt normal nesting behavior, resulting in nest abandonment and reproductive failure. Construction-related activities could result in direct mortalities of bird species protected under the MBTA and California Fish and Game Code Section 3500.

Impact BIO-2: Impacts on Nesting and Special-Status Bird Species.

Mitigation Measure BIO-2a: Preconstruction Nesting Bird Surveys. If work is scheduled to take place between February 1 and August 31 a pre-construction nesting bird survey will be conducted by a qualified biologist no more than seven days prior to start of construction, covering a radius of 500 feet for non-listed raptors and 100 feet for non-

listed passerines at all locations. Preconstruction surveys will need to be done in phases as work along the alignment based on project phasing will not be occurring concurrently. If there is a break in construction activities of more than 7 days during the nesting season a new preconstruction survey for active bird nests must be conducted.

Mitigation Measure BIO-2b: Avoidance and Minimization Measures for Special-Status and Nesting Bird Species.

1. If an active bird nest is found within survey buffers, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. If an active nest is present, a minimum exclusion buffer of 100 feet shall be maintained during construction, depending on the species and location.

2. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging, and construction personnel and activities restricted from the area. A survey report by a qualified biologist verifying that no active nests are present, or that the young have fledged, shall be submitted to EBRPD prior to initiation of construction activities in the nest-setback zone.

3. The qualified biologist shall serve as a biological monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. The qualified biologist will have stop work authority in the event construction activities result in disturbance to an active nest.

Special-Status Amphibian and Reptile Species. Implementation of project activities has the potential to impact special-status and listed amphibian and reptile species that have potential to occur within the project area including: California red-legged frog, northwestern pond turtle, and Alameda whipsnake. The project alignment has been designed to avoid direct impacts to species habitat to the maximum extent feasible. This includes no impacts within aquatic resources that provide suitable breeding habitat for the California red-legged frog or basking habitat for northwestern pond turtle. The project has been designed to avoid direct impacts within suitable scrub and rock outcrop habitat for Alameda whipsnake.

Impact BIO-3: Impacts on Special-Status Amphibian and Reptile Species.

Mitigation Measure BIO-3a: Worker Environmental Awareness Training. A qualified biologist will create and present a worker environmental awareness training (WEAT) prior to commencement of any project activities. The WEAT will include an overview of applicable federal, state, and local laws, life history and description of special-status and listed plant and animal species that have the potential to occur within the project site, and avoidance and minimization measures.

Mitigation Measure BIO-3b: Seasonal Limitations. To minimize impacts to special status amphibian and reptile species, the following seasonal limitations will be implemented:

1. Ground disturbance and construction related activities in developed areas including the golf course parking lot and disturbance within Redwood Road will be limited to April 1 through October 31.

2. Ground disturbance and construction in natural areas, within drainages and within existing trails and service roads will be limited to the dry season from May 1 to October 31.

3. Ground disturbance and construction in the overland area from the comminutor to Drainage 1 will be conducted from June 15 to October 31.

4. All construction activities will cease one half hour before sunset and will not begin prior to one half hour after sunrise. There will no night time construction except for an emergency situation.

Mitigation Measure BIO-3c: Preconstruction Surveys for Special-Status Amphibians and Reptile Species. Immediately prior to the commencement of project activities, preconstruction surveys will be conducted for California red-legged frog, northwestern pond turtle, and Alameda whipsnake. Surveys will be conducted by a qualified biologist. Preconstruction surveys will be phased as work progresses, ensuring that all project areas are inspected prior to the start of work in new areas.

Mitigation Measure BIO-3d: Avoidance and Minimization Measures for Special-Status Amphibian and Reptile Species.

1. A qualified biologist will remain on site during all construction activities. The qualified biologist will conduct daily preconstruction clearance surveys prior to the start of work and at the end of each day, inspecting under all equipment and materials.

2. If special status amphibian or reptile species are encountered during any work activities, the biologist shall have the authority to stop work immediately and the amphibian or reptile will be allowed to leave the work area on their own. The approach to re-initiate project activities will be reevaluated by EBRPD, the qualified biologist, CDFW and USFWS as appropriate.

3. To prevent entrapment of special status and listed amphibian and reptile species within the work areas, all trenches deeper than 8 inches will be covered at the end of each work day. Excavations that cannot be covered will be ramped to allow any trapped wildlife to escape and/or have barriers placed to avoid species entrapment.

4. Prior to construction, flagging and/or exclusion fencing will be installed under the direction of a qualified biologist. The location, extent and type of flagging and/or exclusion fencing will be based on the specifics of each construction related activity and adjacent habitats.

Special Status Bat Species. Pallid bat and western red bat have the potential to forage and roost within the project site. The project site includes intact riparian habitat, streams, and drainages, that have the potential to support foraging bat species. Roosting habitat is present within the project site in dense vegetation of the willow trees within the San Leandro Creek / Lake Chabot riparian corridor, within oak woodland habitat, within exfoliating bark on eucalyptus trees at the north end of the project alignment, and within existing structures.

Impact BIO-4: Impacts on Special-Status Bat Species.

Implement Mitigation Measure BIO-3a: Worker Environmental Awareness Training.

Mitigation Measure BIO-4a: Bat Habitat Assessment. Prior to tree removal and structure demolition associated with the pump station and comminutor within the project site, a bat habitat assessment shall be conducted by a qualified biologist to determine if the subject trees and structures for removal provide potential habitat for special-status bats.

Mitigation Measure BIO-4b: Preconstruction Surveys for Special-Status Bat Species. If the project does not avoid impacts to suitable habitat for special status bats, a preconstruction survey is required to determine whether the site is occupied or whether sign of previous occupation is preset. Preconstruction surveys are used to determine what avoidance and minimization requirements are triggered before construction and whether construction monitoring is necessary.

Mitigation Measure BIO-4c: Avoidance and Minimization Measures for Bats: If bats are observed, at any time, within the project footprint, a 100-foot no work/disturbance buffer shall be established. A qualified biologist shall determine the type of roost present (nonbreeding vs. breeding [maternity roost]) and species occupying the roost. If individual nonbreeding and non-special status bats are present, a qualified biologist may be retained to develop a roost protection plan, remove roosting bats (if deemed appropriate), and work may proceed. If a maternity roost or special status species bat is observed, no work is allowed without first, notifying and consultation with CDFW, development of a bat protection plan, excluding bats outside of the breeding season, and providing alternate roost site(s).

San Francisco Dusky-footed Woodrat. Suitable habitat, including riparian and oak woodland habitat with dense cover, is present within the project site and Study Area. San Francisco dusky-footed woodrat has been determined to have the potential to occur within the project site. Implementation of project activities has the potential to impact San Francisco dusky-footed woodrat, as woodrat houses have been observed within the Study Area.

Impact BIO-5: Impacts on San Francisco Dusky-footed Woodrat.

Implement Mitigation Measure BIO-3a: Worker Environmental Awareness Training.

Mitigation Measure BIO-5a: Preconstruction Surveys for San Francisco Dusky-footed Woodrat. At least 48 hours prior to the commencement of project activities, a qualified biologist will conduct preconstruction surveys for San Francisco dusky-footed woodrat,

and their houses. Woodrat houses located within 10 feet of the project area shall be flagged for avoidance. San Francisco dusky footed woodrat, and their houses, shall be avoided by a 10-foot non-disturbance buffer.

Mitigation Measure BIO-5b: Avoidance and Minimization Measures for San Francisco Dusky-footed Woodrat. If San Francisco dusky-footed woodrat houses are observed, woodrat houses will be flagged and avoided. If active nests cannot be avoided, a woodrat relocation plan shall be developed by a qualified biologist. EBRPD shall request written permission from CDFW to conduct a phased removal of the nest(s) according to the San Francisco Dusky- Footed Woodrat Relocation Plan for the EBRPD Routine Maintenance Activities or another CDFW approved relocation plan.

Crotch's Bumble Bee. Suitable grassland habitat with floral resources that may support foraging and nesting is present within the project site. Implementation of project activities has the potential to impact foraging habitat and nesting sites of Crotch's bumble bee.

Impact BIO-6: Impacts on Crotch's Bumble Bee.

Implement Mitigation Measure BIO-3a: Worker Environmental Awareness Training.

Mitigation Measure BIO-6a: Preconstruction Surveys for Crotch's Bumble Bee. If ground disturbing project activities are conducted during the flight season/active period for Crotch's bumble bees (February through October) a qualified biologist shall conduct preconstruction surveys prior to project activities and a biological monitor be onsite during vegetation or ground disturbing activities.

Mitigation Measure BIO-6b: Avoidance and Minimization Measures for Crotch's Bumble Bee. If CESA protected bumble bees are observed, site specific measures to avoid take shall be developed by a qualified biologist. These measures could include development of disturbance buffers and monitoring to avoid direct impacts to CESA protected bumble bees. If take of CESA protected bumble bees cannot be avoided additional consultation with CDFW to obtain a project specific take permit will be required.

Monarch Butterfly. Grassland habitat within the project site may support native milkweed host plants and nectar plants for monarch butterfly.

Impact BIO-7: Impacts on Monarch Butterfly.

Implement Mitigation Measure BIO-3a: Worker Environmental Awareness Training.

Mitigation Measure BIO-7a: Preconstruction Surveys for Monarch Butterfly. A qualified biologist will conduct preconstruction surveys within 350 feet of project activities. Surveys will be conducted for milkweed if project activities occur during the breeding and migration season (February through fall). If milkweed is encountered it will be flagged and avoided.

Mitigation Measure BIO-7b: Avoidance and Minimization Measures for Monarch Butterfly. If milkweed plants cannot be avoided by project activities a qualified biologist will conduct focused surveys of the plant to ensure it is not being utilized by monarch eggs or larvae prior to removal. If monarch eggs or larvae are observed the qualified biologist will notify EBRPD who will coordinate with the USFWS and CDFW.

With implementation of the Mitigation Measures described above, the project would have a less than significant impact.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

Less than Significant with Mitigation Incorporated.

Riparian Habitat and Sensitive Natural Communities. Two SNCs, red willow riparian woodland and forest (CDFW CA Code 61.216.00) and California bay forest and woodland (CDFW CA Code 74.100.00) were observed to occur within the Study Area. Red willow riparian woodland and forest is present where the existing sewer line will be removed along San Leandro Creek; California bay forest and woodland is present along Drainage 1. Both SNC's observed within the survey area have a State Rarity rank of S3. The red willow and riparian woodland and forest community is not anticipated to be impacted by project activities as the work will occur within this portion of the project with the use of hand tools only. Tree removal is proposed for the overland alignment within the California bay forest and woodland SNC. However, it will be limited to three small (less than 4-inch diameter) native trees: one Coast live oak, one toyon, and one California bay and will not result in a significant impact to the SNC.

Impact BIO-8: Impacts on Riparian Habitat and Sensitive Natural Communities

Mitigation Measure BIO-8: Avoidance and Minimization of Riparian Habitat and SNCs. To ensure each SNC can be minimized and avoided the extent of each will be mapped during rare plant surveys prior to project implementation.

With implementation of the Mitigation Measure BIO-8 described above, the project would have a less than significant impact.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less Than Significant with Mitigation Incorporated.

Jurisdictional Aquatic Resources. The aquatic resources within the project site were formally evaluated in the associated aquatic resources delineation report (SBI 2024b). Temporary impacts will occur at Drainage 1 and Drainage 2.

Impact BIO-9: Impacts on Jurisdictional Aquatic Resources.

Implement Mitigation Measure BIO-3a: Worker Environmental Awareness Training.

Mitigation Measure BIO-9: Implement the Permit Conditions of the Aquatic Resource Agencies. Prior to commencing project construction, EBRPD shall obtain required permits from the applicable agencies which may include the CDFW, RWQCB, the Corps. Avoidance, minimization, and compensation will be determined by these agencies. The applicant shall be responsible to implement the permit conditions, subject to oversight by the agencies.

With implementation of Mitigation Measure BIO-3a and Mitigation Measure BIO-9, the project would have a less than significant impact.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

No Impact. Project activities are temporary in nature, will not change or alter existing wildlife corridors, would not impact to terrestrial or aquatic wildlife movement and would not impede the use of native wildlife nursery sites. Therefore, the project would have no impact.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact. Action 7.1-11 (Public Infrastructure) of the Alameda County General Plan states: “Actively encourage agencies responsible for public infrastructure to site and design roadways and utilities in such a way as to minimize impacts to wildlife corridors, creeks, and regional trails. Where appropriate, grade-separated crossings and/or other features should be used to maintain the viability of the affected corridor.” As described in the response to Question e) above, the proposed project activities are temporary in nature and would not impact to terrestrial or aquatic wildlife. There are no local policies such as tree preservation policies or ordinances applicable to the project. Therefore, the impact would be considered less than significant.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. There are no adopted conservation plans that cover the project area, and therefore the project would have no impact.

3.5 CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 dedicated cemeteries?	☐	☒	☐	☐

The following discussion is based on a Cultural Resources Technical Report prepared for the project by Kleinfelder, dated May 2025. Due to the sensitive nature of the information contained in the report, it is kept confidentially at EBRPD, located at 2950 Peralta Oaks Court, Oakland, California, 94605. Inquiries regarding the report should be directed to the District.

3.5.1 Environmental Setting

Pre-Contact Native American and Ethnographic Context

Prior to 5500 B.P, there is little to no archaeological record in the Bay Area due to low population levels or because sea level rise had flooded the bay and helped form the Sacramento-San Joaquin Delta between 8,000 and 6,000 years ago. Occupations from this time occur throughout California, however only two sites from this time period have been found in the San Francisco Bay Area, near Los Vaqueros Reservoir in Contra Costa County, and were identified in deeply buried strata.

More evidence in the Bay Area appears in the Early Period (5,500 to 2,500 B.P.) which indicate a more intensive subsistence strategy and a more sedentary lifestyle as well as the presence of exotic materials from outside the region which indicate a developing exchange system with other groups throughout California.

During the Middle Period (2,500 B.P. TO 900 B.P.), the Bay Area saw the emergence of a new cultural phenomenon termed the Meganos aspect or intrusion which is characterized by ventrally extended burials with few grave goods, however large white chert ceremonial points are often found in this Middle period/Meganos aspect, and, overall, the technologies visible in the archaeological record during the Early Period are more highly specialized. New tools and widely traded goods demonstrate craft specialization and interregional exchange. Evidence for Middle Period sites is much more common than earlier periods, with numerous examples found throughout Santa Clara Valley.

The Middle to Late transition and the Late Period (900 B.P. to circa 1750 Common Era) are characterized by evidence of elaborate social organization and the formation of small, autonomous socio-political groups called tribelets. During this time, local populations became more dependent on the acorn, as evident through the prevalence of mortars, pestles, and hopper mortars represented in the archaeological record. The use of small projectile points, particularly Rattlesnake corner-notched and then Desert side-notched series points, denote the adoption of the bow-and-arrow.

The project's Area of Potential Impact (API) identified in the Kleinfelder (2025) report falls within the area that is ethnographically connected to the Jalquin/Irgin village of the Chochenyo-speaking Ohlone tribe. The Ohlone spoke what modern linguistics term a "Costanoan language", which belongs to the Utian family of the larger Penutian language stock. Speakers of Penutian inhabited north-central California and included tribal groups such as the Maidu, Wintu, Miwok, and Yokuts.

Costanoan is a derivation of the Spanish term "costeños" or "costaños," which means "coast dwellers." In the early part of the 20th century, anthropologists presumptuously, and without the consent/knowledge of the native peoples, used the term "Costanoan" in reference to native peoples occupying the Bay Area. In 1902, C. Hart Merriam referred to Bay Area languages as "Olhonean," a term derived from the name of a tribelet located on the coast between San Francisco and Santa Cruz that was spelled variously as "Alchone," "Olchone," "Oljon," or "Olhon". More recently, modern descendants of Costanoan peoples have identified themselves as "Ohlone", a derivation of Ohlone, and that is the term that will be used in this discussion, except in reference to the language family. See Chapter 3.18 Tribal Cultural Resources of this Initial Study for a detailed discussion of the Ohlone and Bay Miwok-speaking peoples known to have inhabited the project area.

Estimates of total Ohlone population during the time of European contact are varied. According to ethnographic records from 1925 there was an estimate of 7,000 people, while records from 1943 indicate a total of about 11,000 at the beginning of the Mission Period Records from 1974 and 1978 estimated about 10,000 persons at the beginning of the Spanish Period. Based on Mission records, there was an estimated population density of about 2.5 people per square mile. Further ethnographic records of the San Francisco Peninsula area claimed that the earliest explorers usually encountered native villages every "three to five miles," and written descriptions suggest village populations ranged from 60 to 90 persons. Elsewhere in Ohlone territory, village sizes range from 200 to 400 people. The largest village, near Carquinez Strait, had a population of some 400 people.

Ethnographers have been able to piece together a generalized picture of traditional Ohlone culture using oral history, archaeological investigations, and 18th century Spanish letters, diaries, and accounts. The Ohlone lived in approximately 50 autonomous villages. The tribelet defined the basic unit of Ohlone political organization. Tribelet chiefs might be either men or women. The office was inherited patrilineally, usually passing from father to son. Each tribelet occupied a permanent primary habitation site, in addition to many smaller resource procurement camps. Each village within the tribelet was probably occupied for several months each year, with groups of families moving between different locations as food resources became seasonally available. Groups of families coalesced during winter, in part to make use of shared

food stores but also to engage in annual ceremonial activities. Many Spanish diaries also note that warfare was common between Ohlone groups, normally consisting of small-scale battles resulting from arguments over land rights, or in defense of the honor of some individual or family in a tribelet.

The pre-contact Ohlone were hunters and gatherers who supported themselves largely or entirely by the exploitation of natural plants and animals. They followed a seasonal round of resource availability. Life varied with the seasons, requiring dispersed family groups to move over the tribelet territory during seasons of abundance when a heavy labor effort was required; resources were stored for the lean winter and early spring when the tribelet tended to congregate together. Although the Ohlone consumed a variety of different foods, most references to ethnographic subsistence practices indicate that they relied on the acorn as a staple food. Berries gathered by the Ohlone included gooseberries, blackberries, madrone, and wild grapes. Roots were also gathered; these included wild onion, cattail, and wild carrot. For coastal groups, kelp was a common food, which was sun-dried and roasted.

Shell mounds attest to the importance of shellfish in the Ohlone diet, particularly for coastal populations. Indeed, there are many references to shellfish collection and consumption in the diaries of Spanish explorers, indicating that this resource was of significance to Contact Period diets. Shellfish resources of primary importance included mussels (Mytilus spp.), abalone (Haliotis spp.), and various clam, oyster, and scallop species. Mussels, clams, and other species were probably collected year-round but primarily during winter, being taken by hand or with prying bars or sticks. Clams were dug from beds within tidal flats, and a variety of fish (salmon, sturgeon, steelhead, and numerous other marine species native to California waters) were captured with spears or nets from riverine or coastal habitats. In addition, sea lions, seals, and sea otters were taken, generally by clubbing them on the beaches. The meat of beached whales was also occasionally consumed after being roasted in earth ovens. Some Ohlone groups also used small “balsas,” or rafts made from tule reeds, not only to exploit marine fishes but also to obtain lakeside waterfowl, such as ducks and geese.

Various land animals were also important to Ohlone subsistence. Large terrestrial game mammals such as deer, pronghorn, and tule elk were key sources of protein. In order to facilitate the hunting of deer, the Ohlone, like many other Californian groups, periodically practiced controlled burning of chaparral-bearing grasslands and woodlands. These fires cleared lands of dense vegetation cover and increased the productivity of grasses and stimulated re-growth of tender shoots that attracted browsing deer. Rabbits were also taken. These were hunted in large, communal drives and snared in nets, where they were summarily clubbed to death. Ohlone hunted other small game as well, such as squirrel, ground squirrel, woodrat, and even mouse and mole.

In present times, the Ohlone are active participants in the preservation of their ancestral language and cultural heritage.

Historic Context

The following provides a historic context for the general Bay Area and project vicinity.

The Mission Period 1776 – 1836. During the Mission Period of 1776–1836, missions were established throughout the San Francisco Bay area, including Mission Dolores in San Francisco and Mission San Jose. By 1794, approximately 1,000 California Native Americans, and about 150 specifically from the East Bay, were missionized at Mission Dolores. Life was difficult at the mission as many died from an epidemic in 1795 which led to many fleeing to re-settle in their native territories. Spanish missionaries sought to bring the converts back to the missions, often by force, which created conflict between the Spanish and the native people of the East Bay. Mission San Jose was built on the east side of San Francisco Bay in 1797 for the purposes of allowing Spanish missionaries to have more control over native peoples of the East Bay resisting missionization. The population of Native American converts at Mission San Jose dwindled to 286 individuals by 1800. In 1836, Mission San Jose became secularized, and the surviving Indian populations either resettled in their native territories or became employees of the mission.

The Rancho, Homestead, and Logging Periods 1820 – 1878. Rancho San Antonio was granted to Luis Maria Peralta in 1820 and extended from the coastline of San Francisco Bay to the Oakland-Berkeley Hills and from El Cerrito Creek to San Leandro Creek. Peralta divided the rancho into four parts, with Rancho San Lorenzo (granted to Don Guillermo Castro in 1843) and Sobrante including land that is now part of Anthony Chabot Regional Park. These ranchos were mostly used for cattle and some logging near upper San Leandro Creek. Castro sold his land in the 1860s and the area was divided into nine ranches. Around 1878, the land appears to have held large homesteads including the 4,200-acre Grass Valley Ranch, the Peterson/Aleyss Homestead, and the John Cahill Homestead, which became a part of the Willow Park Country Club. In addition to homesteading, the land just outside of Anthony Chabot Regional Park was also used for logging in the 1840–1850s.

Reservoir-building Period 1874 – 1890. The mid-1800s launched a series of reservoir construction projects, with the first reservoir in the Lake Chabot area constructed in 1860 by J. B. Ward. Ward was the son-in-law of Jose Joaquin Estudillo, landowner of Rancho San Leandro. In 1874, construction of the Chabot Reservoir began under the direction of Anthony Chabot. A crew of approximately 800 Chinese laborers were brought in to help build an earthen dam on the east side of Lake Chabot. According to Banks, “George Miller, who directed excavations, has said that other, auxiliary camps occupied by the Chinese working crew, as yet unidentified, could be located within the ACRP.

Anthony Chabot Regional Park (1952 – Present). By the 1900s, the former ranches and reservoir had been combined into watershed property for the city of Oakland by the People’s Water Company. The People’s Water Company experienced financial distress during a drought starting in 1914, and in 1916, its assets, including the former ranches and reservoir, were sold to the East Bay Water Company. As the company grew and developed more diverse water sources, the watershed area of the former ranches became less necessary to its operations. In 1952, the watershed-only area of the former ranches opened to the public as Anthony Chabot Regional Park. Lake Chabot, the reservoir, remained separate from Anthony Chabot and off limits for public use until 1966, when it was opened as a second park through a lease agreement with the East Bay Municipal Utility District (formerly the East Bay Water Company). The lake was no longer needed as a primary water supply and currently operates only as emergency water supply for the area. The park was originally named Grass Valley Regional

Park, after Grass Valley Ranch, but was subsequently renamed Chabot, after the builder of the 1874 dam and the developer of the first public water system in San Francisco and Oakland. The park and lake remain a popular destination for San Francisco Bay area residents.

Historical Maps

A review of historical maps and aerial photos depicting features such as towns, roads, and buildings, was conducted to provide information regarding the potential for the presence of historic-period cultural resources within the API. Online sources consulted during the review included the United States Geologic Survey (USGS), Bureau of Land Management (BLM), and Nationwide Environmental Title Research (NETR).

The earliest maps reviewed date to 1878 and depict the API within the Rancho San Lorenzo Land Grant with no trails, roads, structures, or buildings within the API or within 0.25 mile of the API. An 1899 USGS topographic map depicts an unnamed road within the API in the location of present-day Redwood Road but in a slightly different alignment. By 1942, the unnamed road is replaced by Redwood Road which appears in its present-day alignment. The 1942 USGS map also depicts two unnamed trails within the API. No buildings within/near the vicinity of the API appear on historic USGS topographic maps until 1959/1969, when buildings associated with the Willow Park Golf Course appear to intersect the API. Historical aerial imagery from 1946 depicts several trails including East Shore Trail and Redwood Road within the Project API. By 1968, buildings and a parking lot now associated with the Rotary Club of Castro Valley and RCGC are present within the API.

Records Search Results

The Park District maintains a subscription to the NWIC, which is updated every six months. The NWIC contains files of cultural resources studies and previously recorded cultural resources records for 18 counties, including Alameda County. The District provided records search data to Kleinfelder covering the API and a 0.25-mile buffer around the API. Kleinfelder reviewed the Park District-provided data and additional data that include the following:

- Survey reports from previous cultural resources investigations and cultural resources site records to identify recorded archaeological sites and built environmental resources i.e., buildings, structures, and objects); and
- California Office of Historic Preservation (OHP) sources, including the California Inventory of Historic Resources (OHP 1976), the California Archaeological Determinations of Eligibility database, and the Historic Properties Directory; as well as the Built Environmental Resources Directory (OHP 2024), which combines cultural resources listed as California Points of Historical Interest and California Historical Landmarks and those that are listed in, or determined eligible for listing in, the NRHP or the CRHR.

The records search data indicated one previously recorded cultural resource located within the API, the Anthony Chabot Regional Park (P-01-011414) which was evaluated for but found ineligible for listing in both the NRHP and CRHR. Additionally, none of the elements of the resource are within the API or the 0.25-mile search area. One previous cultural study had been

conducted in the API, however it was conducted over 25 years ago, therefore an additional survey was recommended. These surveys were performed by Kleinfelder and the District; no new resources were identified within the API. See Pedestrian Field Survey Results, below.

Buried Site Sensitivity Assessment

Kleinfelder conducted a desktop geoarchaeological analysis of the API to assess the potential for buried archaeological deposits. Assessing the potential for buried cultural resources is possible by analyzing a suite of specific factors that can provide predictive models regarding the presence or absence of archaeological deposits and assist with the identification and subsequent management of those archaeological deposits.

The factors used to assess the potential for encountering buried cultural resources in the API pertain directly to known pre-contact settlement patterns, specific environmental conditions, geomorphology, and areas of previous artificial cutting and filling. Geoarchaeological approaches to were on the San Francisco Bay-Delta region to identify the potential for encountering cultural resources, as well as approaches to predictive modeling. This comprehensive analysis of previously conducted archaeological investigations and recorded resources resulted in the identification of seven environmental factors associated with pre-contact settlement patterns: climate, ethnography, latitude, hydrography, lithic sources, topography, and vegetation class. Applying these seven factors to the archaeological record, they further observed that three specific environmental factors were identified as “effectively classifying the majority of known site locations”. These three factors are: (1) proximity to perennial freshwater, (2) proximity to freshwater confluences or shorelines (both fall under the hydrography heading), and (3) slope (which falls under the geomorphology heading).

Buried resource sensitivity factors identified and ranked, were adapted for the purposes of the present analysis. Kleinfelder analyzed the same factors addressed by Byrd et al. and grouped them into three categories: (1) hydrography, (2) proximity to known cultural resources, and (3) geomorphology. The soil descriptions and analyses are in part analyzed with the use of the USDA Web Soil Survey interactive mapping tool. Kleinfelder then assigned Low, Moderate, and/or High sensitivity ratings across the project area. Results of the buried resource sensitivity analysis determined that the API has an overall moderate sensitivity for buried pre-contact deposits. The negative records search and survey results support a low sensitivity for surficial pre-contact resources.

However, the presence of San Leandro Creek in the API and the close proximity to an ethnographic area (Jalquin) support a high sensitivity for buried pre-contact archaeological resources. Therefore, the areas where the Project area would intersect with San Leandro Creek have a higher sensitivity rating for harboring buried archaeological resources. The geomorphology further supports a low to high range sensitivity based on the landform (hillslopes and floodplains), the soils (Cretaceous landform with both alluvial and colluvial soil deposition), and slope (ranging 2–50 percent).

Pedestrian Field Survey

Kleinfelder and EBRPD archaeologists conducted a pedestrian survey of the API to assess the presence or absence of cultural resources. The methods and results of this field survey, including all findings, are presented below.

Field Methods. Kleinfelder archaeologists Claire Yancey, M.A. and Brooke Pamula, B.A. conducted a pedestrian survey of the API on May 20, 2024 (Appendix A, Figure 6). The horizontal API (approximately 34.64 acres) was subject to intensive survey with transects spaced 10–15 meters apart. Field photographs were taken on a Google Pixel 8 phone camera. Survey coverage was documented using ArcCollector Field Maps.

On May 2, 2025, EBRPD archaeologist, Annamarie Guerrero conducted a pedestrian survey of the areas of the revised API (Survey Locations 01-13) that were not investigated in the previous effort by Kleinfelder. Previously unsurveyed portions of the horizontal API were intensively surveyed using transects spaced 15 meters apart or less. Approximately 8.56 acres were intensively surveyed at Survey Locations 01-10, 12-13, and approximately 0.84 acres at Survey Location 11 were unable to be surveyed due to dense vegetation and slope exceeding 30 percent.

In sum, approximately 30.61 acres of the 34.64-acre API was surveyed, and approximately 4.03 acres were not surveyed due to their low potential for resources, the area being paved, under water, or within heavily disturbed areas.

Field Results. Based on the survey efforts, the overall ground visibility within the API ranged between 0 and 49 percent with less visible portions containing heavy vegetation and duff and with small areas within established trails with 100 percent ground surface visibility. Soils at the surface consisted of a light brown, sandy loam. The majority of the API is previously disturbed by golf course and trail construction. Exposed soil was carefully inspected for evidence of cultural material, including pre-contact material such as lithics or midden and artifacts that could be associated with the rancho, homestead, logging and reservoir construction periods, such as building tools, but no material was observed. The vegetation along the API included manicured grasses along the golf course, oak scrub and eucalyptus in wooded areas, willows, and low brush in riparian areas. Disturbances present within the API included those associated with the construction and maintenance of the golf course, roadways, and trails.

The pump house associated with the old sewer line was relocated and the entirety of the old sewer line was surveyed and is correctly mapped as shown on construction maps.

No new resources were identified within the API. A small portion of the project would occur within the previously recorded Anthony Chabot Regional Park District (P-01-011414), however no elements of the resource are within the API (see above in Record Search Results and below in Section 3.6.3 Impact Discussion).

3.5.2 Regulatory Setting

Federal

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

State

California Environmental Quality Act

Pursuant to CEQA, a historical resource is a resource listed in, or eligible for listing in, the California Register of Historical Resources (CRHR). In addition, resources included in a local register of historic resources or identified as significant in a local survey conducted in accordance with state guidelines are also considered historic resources under CEQA, unless a preponderance of the facts demonstrates otherwise. Per CEQA, the fact that a resource is not listed in or determined eligible for listing in the CRHR or is not included in a local register or survey shall not preclude a Lead Agency from determining that the resource may be a historic resource as defined in California PRC Section 5024.1. CEQA applies to archaeological resources when (1) the archaeological resource satisfies the definition of a historical resource or (2) the archaeological resource satisfies the definition of a “unique archaeological resource.” A unique archaeological resource is an archaeological artifact, object, or site that has a high probability of meeting any of the following criteria:

1. The archaeological resource contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.

2. The archaeological resource has a special and particular quality such as being the oldest of its type or the best available example of its type.

3. The archaeological resource is directly associated with a scientifically recognized important prehistoric or historic event or person.

California Register of Historical Resources

The CRHR is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections

under CEQA. Under PRC Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.12

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource's period of significance.” The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

California Native American Historical, Cultural, and Sacred Sites Act

PRC Section 5097.94 the California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease, and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in PRC Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to PRC Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Health and Safety Code, Sections 7050 and 7052

Health and Safety Code Section 7050.5 declares that, in the event of the discovery of human remains outside a dedicated cemetery, all ground disturbances must cease, and the county coroner must be notified. Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

California Penal Code Section 622.5

California Penal Code Section 622.5 provides misdemeanor penalties for injuring or destroying objects of historic or archaeological interest located on public or private lands but specifically excludes the landowner.

Government Code Section 6254(r)

Government Code explicitly authorizes public agencies to withhold information from the public relating to Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.

Government Code Section 6250 et. seq.

Records housed in the Information Centers of the California Historical Resources Information System are exempt from the California Public Records Act.

3.5.3 Impact Discussion

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Less than Significant Impact with Mitigation. There are no historical resources located on or within the immediate vicinity of the project. Kleinfelder's 2024 records search indicated that one previously recorded cultural resource (Anthony Chabot Regional Park historical district/P-01-011414) is included within a portion of API. The Anthony Chabot Regional Park historical district (P-01-011414) was recommended not eligible to the NRHP/CRHR. The Anthony Chabot Regional Park historical district is not one of the three original parks (Tilden Regional Park, Temescal Regional Recreation Area, and Sibley Volcanic Regional Preserve), associated with the creation of the East Bay Regional Park District. Therefore, the resource does not appear eligible under Criterion A/1. Research did not indicate that the resource is associated with the lives of any person(s) of importance, thus the resource is not recommended eligible under Criterion B/2. As Kleinfelder (2025) notes, the park is an ''open, unplanned landscape'' and is not recommended eligible under Criterion C/3. Further, the park as a whole is unlikely to yield information important to prehistory or history and is therefore not recommended eligible under Criterion D/4. Therefore, the Anthony Chabot Regional Park Historical District (P-01-011414) does not constitute a historical resource for the purposes of CEQA.

While the project would not affect known historic resources, it is possible that unknown historical resources could be encountered during construction. Therefore, the following mitigation measure is proposed to reduce potential impacts to a less than significant level.

> **Impact CUL-1**: Construction of the project could potentially result in disturbance to unknown historic or archaeological resources.

> **Mitigation Measure CUL-1**: **Inadvertent Discovery of Historic or Archaeological Resources**. Prior to the commencement of project-related ground disturbance, an archaeologists, who either qualifies as an SOI-qualified archaeologist, or is supervised by one, shall provide a cultural resources awareness training In the event that unknown archaeological resources are encountered during any ground-disturbing activities associated with the project, all ground-disturbing work at the location and within a, 50 feet of the find must be immediately suspended. The EBRPD's Principal Planner of the Cultural Resources Unit. shall be notified immediately, by the on-site construction manager, of the discovery and steps shall be taken to determine the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, and protective cover) in consultation with culturally affiliated tribes or other descendant groups, if the discovery involves potentially significant precontact or Native American resources.

Implementation of Mitigation Measure CUL-1 would ensure that the project would not have a significant impact on historic cultural resources.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less Than Significant with Mitigation Incorporated. The cultural resource study of the API included a review of the natural and cultural environment including the prehistory, ethnography, and history; a review of historic maps; record search results; a buried site sensitivity assessment; Native American consultation; and a pedestrian survey. As a result of this study, no cultural resources were identified within the API.

Due to the overall moderate sensitivity for cultural resources within the API, there is potential to encounter and impact as-yet unidentified subsurface cultural materials. Therefore, the Mitigation Measure CUL-1, will be implemented with the project to reduce potential impacts to a less than significant level.

Implementation of Mitigation Measure CUL-1 would ensure that the project would not have a significant impact on buried archaeological resources.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant Impact with Mitigation Incorporated. Due to the overall moderate sensitivity for cultural resources within the API, there is potential to encounter previously unknown subsurface Native American or other human remains during excavation activities of the project. Implementation of Mitigation Measure TCR-1c (see Chapter 3.18 Tribal Cultural Resources) would ensure that the project would not have a significant impact on buried archaeological resources or human remains.

3.6 ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

3.6.1 Environmental Setting

Energy consumption is closely tied to the issues of air quality and greenhouse gas (GHG) emissions, as the burning of fossil fuels and natural gas for energy has a negative impact on both, and petroleum and natural gas currently supply most of the energy consumed in California.

In general, California's per capita energy consumption is relatively low, in part due to mild weather that reduces energy demand for heating and cooling, and in part due to the government's proactive energy-efficiency programs and standards. According to the California Energy Commission (CEC), Californians consumed about 287,826 gigawatt hours (GWh) of electricity and 11,711 million therms of natural gas in 2022 (CEC 2024a and CEC 2024b).

In 2022, total electricity use in Alameda County was 10,395 million kilowatt hours (kWh), including 7,200 million kWh of consumption for non-residential land uses (CEC 2024a). Natural gas consumption was 377 million therms in 2022, including 167 million therms from non-residential uses (CEC 2024b).

Energy conservation refers to efforts made to reduce energy consumption to preserve resources for the future and reduce pollution. It may involve diversifying energy sources to include renewable energy, such as solar power, wind power, wave power, geothermal power, and tidal power, as well as the adoption of technologies that improve energy efficiency and adoption of green building practices. Energy conservation can be achieved through increases in efficiency in conjunction with decreased energy consumption and/or reduced consumption from conventional energy sources.

3.6.2 Regulatory Setting

Since increased energy efficiency is so closely tied to the State's efforts to reduce GHG emissions and address global climate change, the regulations, policies, and action plans aimed at reducing GHG emissions also promote increased energy efficiency and the transition to renewable energy sources. The U.S. EPA and the State address climate change through

numerous pieces of legislation, regulations, planning, policy-making, education, and implementation programs aimed at reducing energy consumption and the production of GHG.

The proposed project would not involve the development of facilities that include energy intensive equipment or operations. While there are numerous regulations that govern GHG emissions reductions through increased energy efficiency, the following regulatory setting description focuses only on regulations that: 1) provide the appropriate context for the proposed project's potential energy usage; and 2) may directly or indirectly govern or influence the amount of energy used to develop and operate the proposed improvements. For example, the project would not result in permanently occupied buildings and thus the State building code requirements pertaining to energy efficiency are not discussed below. See the Environmental and Regulatory Setting discussion in Section 3.8, Greenhouse Gas Emissions, for a description of the key regulations related to global climate change, energy efficiency, and GHG emission reductions.

State

CARB Low Carbon Fuel Standard Regulation

CARB initially approved the LCFS regulation in 2009, identifying it as one of the nine discrete early action measures in the 2008 Scoping Plan to reduce California's GHG emissions. The LCFS regulation is designed to encourage the use of cleaner low-carbon transportation fuels in California, encourage the production of those fuels, and therefore, reduce GHG emissions and decrease petroleum dependence in the transportation sector. The LCFS regulation defines a Carbon Intensity, or "CI," reduction target (or standard) for each year, which the rule refers to as the "compliance schedule."

The LCFS regulation initially required a reduction of at least 10 percent in the CI of California's transportation fuels by 2020. CARB approved some amendments to the LCFS in December 2011, which were implemented on January 1, 2013. In September 2015, the Board approved the re-adoption of the LCFS, which became effective on January 1, 2016, to address procedural deficiencies in the way the original regulation was adopted. The 2015 rulemaking included many amendments, updates, and improvements to the program, including a compliance schedule that maintained the 2009 LCFS regulation's target of a 10 percent reduction in average carbon intensity by 2020 from a 2010 baseline. In 2018, the Board approved amendments to the regulation, which included strengthening and smoothing the carbon intensity benchmarks through 2030 in-line with California's 2030 GHG emission reduction target enacted through SB 32, adding new crediting opportunities to promote zero emission vehicle adoption, alternative jet fuel, carbon capture and sequestration, and advanced technologies to achieve deep decarbonization in the transportation sector (CARB 2020).

3.6.3 Impact Discussion

Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than Significant Impact. The proposed project consists of the removal of the existing comminutor and pump station, abandoning the existing syphon downstream of the comminutor, and installation of a new sewer line. Construction activities would require the use of heavy-duty off-road construction equipment and on-road vehicles (e.g., passenger vehicles truck trips for deliveries and hauling) that would combust fuel, primarily diesel and gasoline. The use of this fuel energy would occur only during the construction phase of the project, however, once operational, the project would not substantially increase energy use over existing conditions, as the proposed pump stations and communications towers would not be anticipated to consume excessive amounts of energy. The project, therefore, would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. This impact would be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The proposed project would replace an existing comminutor and pump station with two new pump stations, respectively, and install a new sewer line that connects to existing infrastructure. As discussed in response a) above, the proposed project would not increase energy consumption over the long term. There are no state or local plans for renewable energy or energy efficiency that directly apply to the proposed project. The project, therefore, would not conflict with nor obstruct a state or local plan adopted for the purposes of increasing the amount of renewable energy or energy efficiency. No impact would occur.

3.7 GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? *Note: Refer to Division of Mines and Geology Special Publication 42.*	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

3.7.1 Environmental Setting

Regional Geologic Setting

The project site is located in the Coast Range geomorphic province of California. The Coast Ranges are northwest-trending mountain ranges (2,000 to 4,000, occasionally 6,000 feet elevation above sea level), and valleys. The ranges and valleys trend northwest, subparallel to the San Andreas Fault. Strata dip beneath alluvium of the Great Valley. To the west is the Pacific Ocean. The coastline is uplifted, terraced and wave-cut. The Coast Ranges are composed of thick Mesozoic and Cenozoic sedimentary strata. The northern and southern ranges are separated by a depression containing the San Francisco Bay.

Regional Seismicity

The San Francisco Bay area is one of the most seismically active regions in the United States. Significant earthquakes occurring in the Bay area are generally associated with crustal movement along well-defined, active fault zones of the San Andreas Fault system. The Coast Ranges are subparallel to the active San Andreas Fault. The San Andreas is more than 600 miles long, extending from Pt. Arena to the Gulf of California (Ninyo and Moore 2024). The closest active faults in the San Andreas Fault system are the Hayward fault, approximately 0.5 miles to the west, and the Calaveras fault, approximately seven miles to the east. The San Andreas Fault is approximately 18 miles to the west.

Soils and Geomorphology

The underlying geology of the project site consists of Cretaceous marine sedimentary and metasedimentary rocks (Kleinfelder 2025), with soils underlying the site consisting primarily of the following:

- Gaviota rocky sandy loam (GaE2) - well-drained soils that formed in material weathered from hard sandstone or meta-sandstone;
- Los Gatos-Los Osos complex (LpF2) - clay loam and gravelly clay loam over sandstone bedrock;
- Los Osos (LuE2) and Millsholm (MhF2) soils - well-drained soils that formed in material weathered from sandstone, mudstone, and shale; and
- Yolo loam (YmB), - well-drained soils that formed in alluvium from mixed rocks (Kleinfelder 2025).

3.7.2 Regulatory Setting

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. There are no Alquist-Priolo earthquake fault zones on the project site (California Geological Survey [CGS], 1974).

Seismic Hazard Mapping Act

The Seismic Hazard Mapping Act was passed in 1990 following the Loma Prieta earthquake to reduce threats to public health and safety and to minimize property damage caused by earthquakes. The act directs the U.S. Department of Conservation to identify and map areas prone to the earthquake hazards of liquefaction, earthquake-induced landslides, and amplified ground shaking. The act requires site-specific geotechnical investigations to identify potential seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy within the Zones of Required Investigation.

California Building Code

The 2019 California Building Codes (CBC) covers grading and other geotechnical issues, building specifications, and non-building structures.

California Public Resources Code

Section 5097 of the PRC specifies the procedures to be followed in the event of the unexpected discovery of historic, archaeological, and paleontological resources, including human remains, historic or prehistoric resources, paleontological resources on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the California Native American Heritage Commission (NAHC). Section 5097.5 of the Code states the following:

> *No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.*

3.7.3 Impact Discussion

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other significant evidence of a known fault?

No Impact. The project site is not located within an earthquake fault zone (CGS 2012). The closest active fault is the Hayward Fault which is located approximately 0.5-miles west. Therefore, there would be no impact because the project site is not located within an Alquist-Priolo Earthquake Fault Zone.

ii) Strong seismic ground shaking?

Less than Significant Impact. In the event of a major earthquake on one of the region's active faults, strong ground shaking at the project alignment would likely occur, but no new structures or facilities designed for human occupancy are included in the project. Therefore, the project would not result in substantial adverse effects that could lead to loss, injury, or death. The impact is considered less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. The proposed sewer main replacement locations are within an identified liquefaction zone (CGS 2003). The purpose of the project is to replace old sewer infrastructure that are susceptible to rupture due to old age or a seismic event. Therefore, the proposed sewer mains are specifically designed to be resilient to seismic hazards. Compliance with District and 2022 CBC standards would ensure the project is designed to accommodate anticipated site conditions and liquefaction. The replacement infrastructure would not affect the existing conditions along the installation alignment. Therefore, the project would have a less than significant impact related to seismic-related ground failure.

iv) Landslides?

Less than Significant Impact. The portions of project are located in earthquake induced landslide hazard zones (CGS 2003). Standard erosion and slope control measures would be implemented to ensure disturbed areas are not subject to erosion during and after construction. In addition, the project does not create significant new cut slopes that would be susceptible to landslides. Once installed, the new sewer and water lines would be buried and the ground surface repaved. Pump Stations 3 and 4, including the communication towers, would be installed on relatively flat ground and would not directly or indirectly cause substantial adverse effects involving landslides. Therefore, the proposed project would not create or exacerbate landslide conditions on or adjacent to the site. This impact would be less than significant.

b) Result in significant soil erosion or the loss of topsoil?

Less Than Significant Impact. The proposed infrastructure would be installed using open trench construction. Construction of the project would disturb the ground and expose soils, thereby increasing the potential for wind- and water-related erosion and sedimentation at the site until the completion of construction and ground disturbance is stabilized. In order to reduce temporary erosion during project construction, erosion control measures would be implemented as discussed in Section 2.6 General Conditions. Once the infrastructure is installed, disturbed soils would be returned to pre-project conditions (repaved as roadway or natural surface pathway). As discussed in Section 3.10 Hydrology and Water Quality of this Initial Study, the proposed project would implement erosion control measures during and after construction. Compliance with these general conditions would ensure the project would not result in substantial soil erosion or the loss of topsoil. Therefore, the project impact would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact. Subsidence is the sinking of the Earth's surface in response to geologic or man-induced causes. Lateral spreading involves the lateral movement of a liquefied soil layer (and overlying layers) toward a free face. As discussed in the responses above, the proposed project is located within a landslide hazard zone and is in areas where slopes could be affected by a landslide. This is determined to have a less than significant impact because the improvements proposed would replace underground water and sewer lines in approximately the same locations as the existing lines and would not result in landslides, lateral spreading, or subsidence, and would not exacerbate existing site conditions related to liquefaction or other unstable geologic conditions. The proposed replacement and construction of new pump stations would occur on relatively stable sites and would be constructed in conformance with applicable building codes. Therefore, the project impact would be impact would be considered less than significant.

d) Be located on expansive soil, as noted in the 2010 California Building Code, creating substantial direct or indirect risks to life or property?

Less Than Significant Impact. Expansive soils are clay rich soils that have the ability to undergo large volume changes with changes in moisture content. The large fluctuations in volume, often referred to as shrink/swell potential, can adversely impact building and structure foundations. Soils underlying the project are primarily rocky sandy loam, clay loam and gravelly clay loam soils, which consist of well-drained soils that formed in material weathered from hard sandstone or meta-sandstone, mudstone, and shale. (Kleinfelder 2025). Due to their relatively low clay content, these soil types would not be considered expansive. Equipment pad/foundations installed would be designed in conformance with appropriate building codes. Because the project mostly involves the removal and replacement of underground water and sewer lines and construction of small pump station structures and does not involve the construction of significant buildings or other occupied structures, any potential impact from expansive soils on the site would be considered less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The project does not involve the use of septic systems or alternative wastewater systems. Therefore, no impacts related to septic systems would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant with Mitigation Incorporated. There are no known paleontological sites or unique geological features in the project footprint. Proposed project excavation would occur at a depth of approximately four feet. Fossils are found in sedimentary rock strata and gravel layers. Because project construction would generally be limited to the upper four feet or

less of soil, the risk of encountering paleontological resources during construction is considered low. Where excavation is not in disturbed ground, it is anticipated to be in surficial soils.

Although the project has a low risk of encountering unique paleontological resources, there is still a possibility that the project could encounter paleontological resources during construction. Implementation of Mitigation Measure GEO-1, described below would reduce potentially significant impacts to a less than significant level.

> **Impact GEO-1:** Project construction could unearth paleontological resources, including fossils.
>
> **Mitigation Measure GEO-1: Stop-work provision.** If paleontological resources are discovered during construction, ground-disturbing activities shall halt immediately until a qualified paleontologist can assess the significance of the discovery. Depending on determinations made by the paleontologist, work may either be allowed to continue once the discovery has been recorded, or if recommended by the paleontologist, recovery of the resource may be required, in which ground-disturbing activity within the area of the find would be temporarily halted until the resource has been recovered. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology guidelines and current professional standards. The EBRPD shall ensure that information on the nature, location, and depth of all finds is readily available to the scientific community through university curation or other appropriate means.

Implementation of Mitigation Measure GEO-1 would ensure that the project would not have a significant impact on paleontological resources.

3.8 GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

3.8.1 Environmental Setting

Gases that absorb and emit infrared thermal radiation (heat) in the atmosphere and affect regulation of the Earth's temperature are known as GHGs. There are many compounds present in the Earth's atmosphere which are GHGs, including but not limited to water vapor (H_2O), carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). GHGs allow solar radiation (sunlight) to enter the atmosphere freely. When solar radiation strikes the earth's surface, it is either absorbed by the atmosphere, land, and ocean surface, or reflected back toward space. The land and ocean surface that has absorbed solar radiation warms up and emits infrared radiation toward space. GHGs absorb some of this infrared radiation and "trap" the energy in the earth's atmosphere. Entrapment of too much infrared radiation produces an effect commonly referred to as the "Greenhouse effect." Human activities since the beginning of the Industrial Revolution (approximately 1750) have increased atmospheric GHG concentrations. Average global surface temperatures have risen as a result of GHG emissions. This increase in globally averaged surface temperatures is commonly referred to as "Global Warming," although the term "Global Climate Change" is preferred because effects associated with increased GHG concentrations are not just limited to higher global temperatures (NOAA 2024a).

GHGs that contribute to climate regulation are a different type of pollutant than criteria or hazardous air pollutants because climate regulation is global in scale, both in terms of causes and effects. Some GHGs are emitted to the atmosphere naturally by biological and geological processes such as evaporation (H_2O), aerobic respiration (CO_2), and off-gassing from low oxygen environments such as swamps or exposed permafrost (methane); however, GHG emissions from human activities such as fuel combustion (e.g., carbon dioxide) and refrigerants use (e.g., hydrofluorocarbons [HFCs]) significantly contribute to overall GHG concentrations in the atmosphere, climate regulation, and global climate change.

Human production of GHG has increased steadily since pre-industrial times (approximately pre-1880) and atmospheric carbon dioxide concentrations have increased from a pre-industrial value of 280 parts per million (ppm) in the early 1800's to 423 ppm in January 2024 (NOAA 2024b). The effects of increased GHG concentrations in the atmosphere include climate change (increasing temperature and shifts in precipitation patterns and amounts), reduced ice and snow

cover, sea level rise, and acidification of oceans. These effects in turn will impact food and water supplies, infrastructure, ecosystems, and overall public health and welfare.

The 1997 United Nations' Kyoto Protocol international treaty set targets for reductions in emissions of four specific GHGs – carbon dioxide, methane, nitrous oxide, and sulfur hexafluoride – and two groups of gases – HFCs and perfluorocarbons (PFCs). These GHGs are the primary GHGs emitted into the atmosphere by human activities. The six common GHGs are described below.

Carbon Dioxide (CO_2). CO_2 is released to the atmosphere when fossil fuels (oil, gasoline, diesel, natural gas, and coal), solid waste, and wood or wood products are burned.

Methane (CH_4). CH_4 is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from the decomposition of organic waste in municipal solid waste landfills and the raising of livestock.

Nitrous oxide (N_2O). N_2O is emitted during agricultural and industrial activities, as well as during combustion of solid waste and fossil fuels.

Sulfur hexafluoride (SF_6). SF_6 is commonly used as an electrical insulator in high voltage electrical transmission and distribution equipment such as circuit breakers, substations, and transmission switchgear. Releases of SF_6 occur during maintenance and servicing as well as from leaks of electrical equipment.

Hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs). HFCs and PFCs are generated in a variety of industrial processes.

GHG emissions from human activities contribute to overall GHG concentrations in the atmosphere and the corresponding effects of global climate change (e.g., rising temperatures, increased severe weather events such as drought and flooding). GHGs can remain in the atmosphere long after they are emitted. The potential for a GHG to absorb and trap heat in the atmosphere is considered its global warming potential (GWP). The reference gas for measuring GWP is CO_2, which has a GWP of one. By comparison, CH_4 has a GWP of 25, which means that one molecule of CH_4 has 25 times the effect on global warming as one molecule of CO_2. Multiplying the estimated emissions for non-CO_2 GHGs by their GWP determines their carbon dioxide equivalent (CO_2e), which enables a project's combined GWP to be expressed in terms of mass CO_2 emissions. GHG emissions are often discussed in terms of Metric Tons of CO_2e, or $MTCO_2e$.

3.8.2 Regulatory Setting

State

California Air Resources Board (CARB) is the lead agency for implementing Assembly Bill (AB) 32, the California Global Warming Solutions Act adopted by the Legislature in 2006. AB 32 requires the CARB to prepare a Scoping Plan containing the main strategies that will be used to achieve reductions in GHG emissions in California.

Executive Order B-30-15, 2030 Carbon Target and Adaptation, issued by Governor Brown in April 2015, sets a target of reducing GHG emissions by 40 percent below 1990 levels in 2030. By directing state agencies to take measures consistent with their existing authority to reduce GHG emissions, this order establishes coherence between the 2020 and 2050 GHG reduction goals set by AB 32 and seeks to align California with the scientifically established GHG emissions levels needed to limit global warming below two degrees Celsius.

To reinforce the goals established through Executive Order B-30-15, Governor Brown went on to sign SB 32 and AB 197 on September 8, 2016. Senate Bill 32 made the GHG reduction target to reduce GHG emissions by 40 percent below 1990 levels by 2030 a requirement as opposed to a goal. AB 197 gives the Legislature additional authority over CARB to ensure the most successful strategies for lowering emissions are implemented, and requires CARB to, "protect the state's most impacted and disadvantaged communities …[and] consider the social costs of the emissions of GHGs."

On September 16, 2022, Governor Newson signed into law AB 1279, the California Climate Crisis Act, and SB 1020, the Clean Energy, Jobs, and Affordability Act of 2022. AB 1279 codified California's 2045 carbon neutrality goal and established a GHG emission reduction target of 85% below 1990 levels. SB 1020 set targets for the retail sale of electricity of 90% clean electricity by 2035 and 95% by 2040, and 100% by 2045. It also set a target for 100% clean electricity for electricity serving state agencies by 2035.

CARB 2022 Scoping Plan

The CARB Scoping Plan is the comprehensive plan primarily directed at identifying the measures necessary to reach the GHG reduction targets stipulated in AB 32. The third update to the scoping plan, the 2022 Scoping Plan, was released in May 2022 and adopted by CARB in December 2022. The plan presents a scenario for California to meet the State goal of reducing GHG emissions 40% below 1990 levels by 2030 and to achieve carbon neutrality by 2045 (CARB 2022). Unlike the previous scoping plans, the 2022 Scoping Plan relies more heavily on the implementation, adoption, and use of existing technologies to reduce GHG emissions over the coming decades, as opposed to technologies that need to be developed. Examples of existing technologies the 2022 Scoping Plan relies upon include the use of renewable energy and energy storage systems (as opposed to polluting alternatives) for the electrical grid and transitioning the transportation sector's mobile sources to zero-emission technologies for light- and heavy-duty vehicles. The 2022 Scoping Plan also differs from its predecessors in that it takes into account carbon sources and sinks from California's natural and working lands and identifies the need for active carbon capture and sequestration technologies for some emissions sectors, such as petroleum refining and the production / processing of stone, clay, glass, and cement.

BAAQMD 2017 Clean Air Plan

As discussed in Section 3.3, Air Quality, the BAAQMD's *2017 Clean Air Plan* is a multi-pollutant plan focused on protecting public health and the climate (BAAQMD 2017). The *2017 Clean Air Plan* lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, consistent with GHG reduction targets adopted by the State.

3.8.3 Impact Discussion

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. The proposed project would produce short-term GHG emissions from construction-related fuel combustion. Construction is expected to take approximately six months, and ground disturbance would be limited to the locations specified in the project description. As estimated using CalEEMod, project construction activities could generate a total of up to approximately 554 $MTCO_2e$. Construction activities would also cease to emit GHG emissions upon completion. Once operational, the proposed project would not increase the use of park facilities, and thereby not result in an increase in GHG emissions from visitor use or vehicle trips. Given the low magnitude of the project's construction GHG emissions and the potential operational GHG emissions benefit that could be realized over the project lifetime, this impact would be less than significant.

b) Conflict with an applicable policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, including the 2022 Scoping Plan. The policies contained in the 2022 Scoping Plan generally apply to larger projects and uses that result in long-term trip generation and energy consumption (e.g., commercial buildings, residential structures, etc.) and not to a sewer line improvement project. No impact would occur.

3.9 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

The following discussion is based on a Phase I Environmental Site Assessment (Phase I ESA) and a Limited Hazardous Building Materials Survey (HBMS) prepared for the project by Ninyo and Moore, dated February 9, 2024 and November 20, 2024, respectively. Both reports are included in Appendix B of this Initial Study/MND.

3.9.1 Environmental Setting

The project proposes to replace an aging sewer line within Anthony Chabot Regional Park. The project alignment is approximately 1.8-miles in length and includes portions of Anthony Chabot Regional Park, the RCGC, and a segment of Redwood Road. Improvements along the project alignment include removal of the comminutor along on Huck's Trail, the RCGC clubhouse, and a pump station adjacent to the EBMUD reservoir. Additionally, an existing sewer line, serving the Anthony Chabot Family Campground to the north, is present along the portions of the pathway

including Huck's Trail and Honker Bay Trail. Existing water and sewer lines, serving the RCGC, are present along the portion of the pathway including Redwood Road.

Phase I ESA

A Phase I ESA was prepared to identify recognized environmental conditions (RECs)at the project site that could affect project construction or operation. RECs refer to: 1) the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; 2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or 3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment under conditions that pose a material threat of a future release to the environment." Identification of RECs fall into three categories: an existing REC (as defined above), a Historical REC (HREC), or a Controlled REC (CREC), as defined below.

A HREC is defined as "a previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the subject property to any controls (for example, activity and use limitations or other property use limitations). A historical recognized environmental condition is not a recognized environmental condition."

A CREC is defined as a "recognized environmental condition affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities with hazardous substances or petroleum products allowed to remain in place subject to implementation of required controls (for example, activity and use limitations or other property use limitations)."

A Business Environmental Risk (BER) is defined as a "risk which can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of commercial real estate, not necessarily related to those environmental issues required to be investigated in this practice." BERs include risks to the subject property that are outside the scope of the ASTM standard. BERs are not considered RECs.

The Phase I ESA included a site reconnaissance, review of federal, state, local and tribal regulatory agency databases, review of physical setting including relevant maps (topographic, historical topographic, groundwater, geologic and soil maps, aerial photography, insurance rate maps, interviews of persons knowledgeable of the site, and a preliminary vapor encroachment screening assessment on the site and adjoining properties. Results of these reviews and analyses are summarized below.

Site Reconnaissance

A site reconnaissance study of the proposed new sewer alignment was performed on January 23, 2024, to visually and/or physically observe the interior and exterior of structures and other features on the site, as well as observe visible exterior features of adjoining properties to observe areas of possibly contaminated surface soil or surface water, improperly stored

hazardous materials, and possible risks of contamination from activities at the site and adjoining properties.

No hazardous substances were observed along the project alignment during the reconnaissance study.

Database Review

Environmental Data Resources, Inc. (EDR) performed a computerized environmental information database search for the site and site vicinity on January 23, 2024 that included searches of federal, state, tribal, and local databases. The purpose of the database search was to determine if the Site or adjoining properties were listed on one or more of the standard government environmental records resources, and if so, review agency records to determine if a REC, HREC, CREC, or de minimis condition exists at the site.

Review of an environmental database report indicated that the project site was not listed on any of the Standard Federal, State, and Tribal Environmental Record sources. The project site was listed on the Additional Federal, State, Tribal and Local Environmental Record sources regulatory databases researched by EDR, including the Hazardous Waste Tracking System (HWTS), HAZNET database, Facility Index System, Enforcement and Compliance History Online, and RCRA NonGen / NLR list[2], because the discharge manhole at the end of the project alignment had 0.05-tons of detergent and soap removed from it in 2020. However, this is not considered a REC. Selected federal and state environmental regulatory databases as well as responses from state and local regulatory agencies were reviewed, as available. Based on the available EDR information and the nature of these specific databases listing types, no RECs were identified at the project site in connection with these database listings.

Two surrounding off-site properties/facilities were evaluated for their potential to impact soil, soil vapor, and/or groundwater at the project site. Pacific Gas and Electric (PG&E), located approximately 30 feet east of the project alignment at 17300 Redwood Road, is listed on the Emergency Response Notification System, and the U.S. Department of Transportation Office of Pipeline Safety databases for a gas leak that caused an explosion and fire to a residential house in 1996. This is not considered a REC. Additionally, Willow Park Golf Course, located approximately 20 feet northeast of the project alignment, is listed on the Underground Storage Tank (UST) finder database, Alameda County Contaminated Sites List, Statewide Environmental Evaluation and Planning System UST list, Leaking Underground Storage Tanks (LUST), California Environmental Reporting System for Hazardous Waste, Cortese, and Historic Cortese (HIST CORTESE) databases for a leaking gasoline UST that affected the soil beneath the property. The case was opened in May 1991, and after remediation and cleanup activities were completed, the case was closed in 1996. Due to the age and closed status of the case, and the media affected (soil) this is not considered a REC.

[2] RCRA: Resource Conservation and Recovery Act, NonGen / NLR: Nongenerator, No Longer Regulated list.

This Willow Park Golf Course is also listed on the Enforcement Action database for having dredged fill on the property; and on the HWTS database for having tracked hazardous waste on the property from 2002 to 2015. These are not considered RECs.

Based on observations made during the site reconnaissance and review of agency file information, the adjoining properties were not identified as RECs.

Review of Aerial Photographs and Topographic Maps

Ninyo & Moore reviewed the EDR Aerial Photo Decade Package report and the Historical Topographic Map Report, both dated January 25, 2024. The aerial photo report included aerial photographs dating back to 1939. The topographic map report included a current United States Geological Survey (USGS) topographic map, or historical 7.5-minute topographic map, and possibly including USGS and/or state groundwater and geologic maps, and soil maps.

The review of topographic maps indicated that the project site was undeveloped since at least 1899. Based on review of the aerial photographs, the project site ran along vacant land, with Redwood Road adjacent to the southern portion of the project site since the late 1930s. By the late 1960s, a golf course was constructed adjacent to the central portion of the project site. The project vicinity appeared to be developed since at least the 1960s.

No RECs were identified for the project site or adjoining properties based on a review of the historical aerial photographs and topographic maps.

State/County Environmental Record Sources

Ninyo & Moore reviewed the Department of Toxic Substances Control (DTSC) EnviroStor and the RWQCB GeoTracker websites for hazardous substances or hazardous materials files for the project site address on January 24, 2024. No records were available for the project site through review of these agency databases; however, records were available for the adjacent RCGC and are described below.

The Alameda County Environmental Health Department (ACEHD) was contacted regarding hazardous materials or hazardous wastes records associated with the project site on January 24, 2024. Files or records were not available for the Site; however, records were available for the adjacent RCGC and are described below.

Records for the adjacent RCGC were available through the GeoTracker database and the ACEHD. The records included hazardous materials business plans, environmental health administrative violations, Site maps, photo logs, waste inventory forms, and stormwater inspection forms. Records were also available for a 500-gallon gasoline UST, located approximately 20 feet northeast of the project site, that was removed from the golf course in August 1990. During the UST removal, soil contamination was detected at 35 parts per million (ppm) of total petroleum hydrocarbons (TPH) as gasoline (TPHg). As a result, the soil was excavated, and a groundwater monitoring well (MW-1) was installed to 25 feet below ground surface in May 1991. The MW-1 was sampled twice in 1991 and was non-detect for all analytes. Therefore, in July 1992 the ACEHD destroyed MW-1, and the case was closed by the RWQCB

in January 1996. Due to the closed status and age of the case, the distance from the Site, and the media affected (soil), this is not considered a REC.

In completing the ESA, Ninyo & Moore concluded that contacting additional local record sources would not provide additional useful information in determining if a REC, Historical REC, Controlled REC or de minimis condition exists at the site.

Vapor Encroachment

Ninyo & Moore conducted a preliminary vapor encroachment screen (pVES) for potential chemicals of concern (COCs) that may migrate as vapors onto the project site as a result of contaminated soil and/or groundwater near the site. The purpose of the pVES is to identify a vapor encroachment condition (VEC), which is the presence or likely presence of COC vapors in subsurface soils at the site caused by the release of vapors from contaminated soil or groundwater either on or near the site. The potential for VEC beneath the site was evaluated using a Vapor Encroachment Screening Matrix (VESM). The VESM included performing a Search Distance Test to identify if there are any known or suspect contaminated properties surrounding or upgradient of the site within specific search radii, a COC Test (for those known or suspect contaminated properties identified within the Search Distance Test) to evaluate whether or not COCs are likely to be present, and a Critical Distance Test to evaluate whether or not COCs in a contaminated plume may be within the critical distance of the Site (100 feet for non-petroleum contaminants, and 30 feet for petroleum hydrocarbon contaminants). Based on the results of the VESM, Ninyo & Moore determined it is unlikely a VEC currently exists beneath the site.

Limited Hazardous Building Materials Survey

Ninyo & Moore conducted a limited HBMS at two structures within the project area, the RCGC pump station, and the existing comminutor. The purpose of this study was to provide information regarding current conditions within the two site structures, which are both proposed to be demolished with the project. The HBMS consisted of the following services:

- Visual reconnaissance of the two structures to document homogeneous areas of hazardous building materials and locate suspect asbestos-containing materials (ACMs) and lead-containing materials (LCMs).
- Collection of eight bulk samples of suspect ACMs and submittal of these samples to a certified, independent laboratory for analysis of asbestos content via polarized light microscopy (PLM/EPA 600/R-93/116 Method).
- Collection of seven suspect LCM samples and submittal of these samples to a certified, independent laboratory for analysis of lead content (EPA Method SW-846 3050B/7000B).
- Visual assessment and quantification of potential mercury-containing thermostats/switches, PCB-containing items, fluorescent light tubes, exit signs, smoke detectors, air conditioning units, and Freon-containing refrigeration systems.
- Preparation of the limited HBMS report, which presents the data and summarizes the assessed building materials. The report includes a site description, laboratory testing information, findings, conclusions, and recommendations, sample/site location maps,

tables summarizing the building materials assessed, and the estimated quantities of identified materials.

The RCGC pump station is located near the RCGC pond along Redwood Road and encompasses approximately 100 square feet. It is described in the HBMS as being of wood construction with exterior wood walls and wood roofing (on a concrete pad/foundation). The finishes for the pump station included wood walls, concrete floors and wood ceilings. The existing comminutor (a facility to grind sewage waste into smaller pieces) encompasses approximately 120 square feet and is located near Anthony Chabot Regional Park Campground. The comminutor is described as being of wood construction with exterior wood walls and wood roofing (on a concrete pad/foundation). Finishes of the comminutor include wood walls, concrete floors and wood ceilings. No physical limitations were encountered within the two site structures during the sampling procedures. Underground utilities, such as suspect cementitious water lines or suspect insulated/coated gas or electrical lines were not assessed during these survey activities. Ninyo & Moore recommended that if additional suspect materials and/or surfaces that have not been assessed are encountered during site building demolition/renovation activities, they should be assumed to be asbestos and/or lead-containing and handled accordingly or should be sampled and analyzed to assess whether they are asbestos and/or lead-containing.

Asbestos Survey

A preliminary visual assessment and bulk sampling survey of suspect ACMs were performed by Ninyo & Moore personnel. Representative samples of suspect ACMs were collected after identification of homogeneous sampling areas (areas in which the materials are consistent in color, texture, construction or application date, and general appearance). Each homogeneous area was observed for material type, location, condition, and friability. Representative samples were collected from each area (except from areas that were inaccessible). Samples were collected using EPA-recommended sampling procedures.

A total of eight bulk suspect asbestos samples were collected and analyzed. After collection, the suspect ACM samples were transferred to EMSL Analytical, Inc. (EMSL) for analysis. EMSL is a laboratory accredited in the National Voluntary Laboratory Accreditation Program for bulk asbestos fiber analysis. The samples were analyzed for the presence and quantification of asbestos fibers. using polarized light microscopy with dispersion staining (PLM/ds), in general accordance with EPA Method 600/R-93/116. The lower limit of reliable detection for asbestos using the PLM method is approximately 1 percent by volume. Currently, the EPA and the State of California stipulate that materials containing more than 1 percent asbestos constitute an ACM and the State of California stipulates that a material containing greater than 0.1 percent asbestos constitutes an asbestos-containing construction material.

Lead-Containing Materials Survey

After collection, the suspect LCM samples were also transferred to EMSL for analysis of total lead content by Flame Atomic Absorption Spectroscopy. Currently, the EPA stipulates what concentrations of lead in non-volatile components of surface coatings or materials indicate whether a material is considered to be lead-containing. The EPA stipulates that paint containing an amount equal to or in excess of 1 milligram per square centimeter (1.0 mg/cm2), or more than half of one percent (0.5 percent) by weight (or 5,000 milligrams per kilogram [mg/kg]),

constitute a lead-based paint (LBP). Coatings with any detectable amount of reported lead would be considered lead-containing paint (LCP). Paint that is chipping or peeling, or that may be readily removed from surfaces, and has a lead content equal to or more than 1,000 mg/kg, would require handling as a California Title 22 hazardous waste.

Miscellaneous Hazardous Building Materials Survey

A visual assessment of potential mercury-containing thermostats/switches, PCB-containing items (transformers, light ballasts, etc.), fluorescent light tubes, exit signs, smoke detectors, air conditioning units, and Freon-containing refrigeration systems was performed within the planned project areas.

3.9.2 Regulatory Setting

Federal

United States Environmental Protection Agency

The United States Environmental Protection Agency (EPA) was created in 1970 to serve as a single source collection of all federal research, monitoring, standard-setting, and enforcement activities to make sure there is appropriate protection of the environment. The EPA's duty is to create and enforce regulations that protect the natural environment and apply the laws passed by Congress. The EPA is also accountable for establishing national criteria for various environmental programs and enforcing compliance.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the EPA was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) enacted in 1976 governs the disposal of solid waste and hazardous materials. The RCRA gives the EPA the power to control the generation, transportation, treatment, storage, and disposal of hazardous substances that cannot be disposed of in ordinary landfills. It also allows for each state to apply their own hazardous waste programs instead of implementing the federal program on the condition that the state's program is just as strict in its requirements. This state program must be permitted by the EPA in order to be used.

State

California Environmental Protection Agency

The California Environmental Protection Agency (Cal/EPA) was established in 1991 and is comprised of: the CARB, the SWRCB, the Regional Water Quality Control Board, CalRecycle, the Department of Toxic Substances Control, the Office of Environmental Health Hazard Assessment, and the Department of Pesticide Regulation. This integrated group amalgamates all of California's environmental authority agencies into one and has led the state of California in developing and applying numerous progressive environmental policies in America. The primary goal of the Cal/EPA is to restore, protect, and enhance the environment.

Regional Water Quality Control Board

The RWQCB oversees cases involving groundwater contamination within the San Francisco Bay Area from Spills, Leaks, Incidents and Clean-up (SLIC) cases while the County of Santa Clara's Department of Environmental Health would oversee most LUST cases. In the incidence of a spill at a project site, the applicant would notify the County of Santa Clara and a lead regulator (County, RWQCB or DTSC) would be determined.

Cortese List

The Cortese list was authorized by the state legislature in 1985. A list of several types of hazardous materials is gathered by a few agencies as directed by the statute. Government Code Section 65962.5. (a) The DTSC shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

1. All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.

2. All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.

3. All information received by the DTSC pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land.

4. All sites listed pursuant to Section 25356 of the Health and Safety Code.

All sites included in the Abandoned Site Assessment Program. Government Code Section 65962.5. (c) The SWRCB shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

1. All underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code.

2. All solid waste disposal facilities from which there is a migration of hazardous waste and for which a California RWQCB has notified the DTSC pursuant to subdivision (e) of Section 13273 of the Water Code.

3. All cease and desist orders issued after January 1, 1986, pursuant to Section 13301 of the Water Code, and all cleanup or abatement orders issued after January 1, 1986, pursuant to Section 13304 of the Water Code, that concern the discharge of wastes that are hazardous materials.

The proposed project site is not on the Hazardous Waste and Substances Sites (Cortese) List.[3]

California Department of Toxic Substances Control

The California Department of Toxic Control, a department of the Cal/EPA, is the primary agency in California for regulating hazardous waste, cleaning up existing contamination, and finding ways to reduce the amount of hazardous waste produced in California. The California Department of Toxic Control regulates hazardous waste primarily under the authority of the Federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

EBRPD General Conditions

As stated in Section 2.6 and Table 2-3, the EBRPD operates according to standard General Conditions (May 2016) that apply to all projects and activities undertaken. These include:

General Conditions, Article 26. Fire Hazards and Preventions

(b) The Contractor shall take necessary precautions to guard against and eliminate fire hazards that may cause damage to construction work, building materials, equipment, public, and private property, including grassland, brush, and trees.

(e) Contractors shall comply with state law requirements for burning and use of combustion engines including but not limited to PRC sections 4427, 4431, 4435, and 4442.

3.9.3 Impact Discussion

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

[3] California Environmental Protection Agency. "Cortese List Data Resources." Accessed February 15, 2024. https://calepa.ca.gov/sitecleanup/corteselist.

Less Than Significant with Mitigation Incorporated. The proposed project is the replacement of an aging sewer line in a regional park. The project would not involve the routine transport, use or disposal of hazardous materials. Use of hazardous materials would be limited to small quantities of construction fuels and fluids during the 6-month construction period. These materials would be stored and used in accordance with the manufacturer's specifications. Compliance with existing hazardous materials regulations would reduce any chance of upset conditions to less than significant levels.

A limited HBMS was performed at the two site structures proposed for demolition, the existing RCGC pump station located near the RCGC lake along Redwood Road, and the existing comminutor located near the Anthony Chabot Regional Park Campground. Both structures are of wood construction with exterior wood walls and wood roofing on a concrete pad/foundation, and have finishes of wood walls, concrete floors and wood ceilings. The HBMS was prepared to evaluate whether potential hazards associated with the building materials, paint or other suspect LCMs and/or miscellaneous hazardous building materials may exist. Based upon the analytical results associated with these sampling activities, no ACMs were identified within the two sampled structures. However, the HBMS stated that if any part of the old pipeline is dug up and/or demolished, asbestos-containing packings and/or gaskets should be assumed to be contained within pipe valves and at joints. Conformance with EPA and the State of California regulations for collection and disposal of ACMs (asbestos-containing packings and/or gaskets), as applicable, would reduce potential impacts to less than significant levels.

As part of the HBMS, seven paint chip samples were collected for analysis of lead content. Five of the seven paint samples were reported at less than their associated lead detection limits. The other two paint samples (LBP-03/white paint located on a south exterior wood wall of the golf course pump station and LBP-04/white paint located on a west exterior wood wall of the golf course pump station) were reported at 0.063 percent by weight (or 630 mg/kg) and 0.059 percent by weight (or 590 mg/kg), respectively. Occupational Health and Safety Administration regulations apply whenever materials with any detectable amounts of lead are disturbed. A copy of the California Department of Public Health Form 8552 "Lead Hazard Evaluation Report" prepared by Ninyo & Moore is included in Appendix D of their report. Because LCMs were reported within the two site structures (campground comminutor and golf course pump station), the following recommendations and precautions were provided:

- The identified LCMs reported at the two site structures should not be disturbed. Any LCMs found in a damaged or non-intact condition should be abated and/or stabilized. Prior to renovation or demolition work that would disturb the identified LCMs a licensed lead abatement removal contractor should stabilize and/or remove the identified LCMs in compliance with the most recent applicable federal, state, and local laws, regulations, standards, and/or codes governing abatement, transport, and disposal of LCMs. All lead waste must be properly characterized prior to disposal to determine waste classification, packaging, transportation, and disposal requirements.
- There is a possibility that additional suspect ACMs, LCMs or other miscellaneous hazardous building materials may be discovered during building renovation and/or demolition activities. Therefore, Ninyo & Moore recommends that, should additional suspect materials not sampled or assessed in this report be uncovered during demolition/renovation activities, (a) samples of suspect materials should be collected for

laboratory analysis and activities that may impact the materials should cease until laboratory analytical results are reviewed or (b) the materials should be assumed to be hazardous and handled as such.

No miscellaneous hazardous building materials were observed at the two site structures.

Impact HAZ-1: The RCGC pump station proposed for demolition with the project was found to have LCMs at detectable levels, which requires removal by a licensed lead abatement removal contractor.

Mitigation Measure HAZ-1: The identified LCMs reported at the RCGC pump station building should not be disturbed. Any LCMs found in a damaged or non-intact condition should be abated and/or stabilized. Prior to renovation or demolition work that would disturb the identified LCMs a licensed lead abatement removal contractor should stabilize and/or remove the identified LCMs in compliance with the most recent applicable federal, state, and local laws, regulations, standards, and/or codes governing abatement, transport, and disposal of LCMs. All lead waste must be properly characterized prior to disposal to determine waste classification, packaging, transportation, and disposal requirements.

Impact HAZ-2: There is a possibility that additional suspect ACMs, LCMs or other miscellaneous hazardous building materials may be discovered during building renovation and/or demolition activities.

Mitigation Measure HAZ-2: Should additional suspect materials not sampled or assessed in the report prepared by Ninyo & Moore entitled Limited HMBS - Two Structures within the Planned Anthony Chabot Sewer Line Vicinity. Redwood Road, Castro Valley, California, dated November 20, 2024 (Project No. 404752002) be uncovered during demolition/renovation activities; (a) samples of suspect materials should be collected for laboratory analysis and activities that may impact the materials should cease until laboratory analytical results are reviewed, or (b) the materials should be assumed to be hazardous and handled as such**.**

Implementation of Mitigation Measure HAZ-1 and Mitigation Measure HAZ-2 would reduce potential impacts to less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact. The proposed project is the replacement of an aging sewer line within a regional park that would not include the use of hazardous materials after project completion. However, small quantities of construction fuels or fluids could be accidentally released into the environment during construction. The contractor would keep all construction equipment well-maintained and would have on-hand at all times adequate absorbent materials to clean-up the largest possible spill. Such measures would prevent a significant hazard to the public or the environment related to the accidental release of hazardous materials. With the compliance of applicable regulations and the implementation of standard construction

hazardous materials BMPs, the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving hazardous materials. This impact would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or hazardous waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. The nearest school to the project site is Proctor Elementary School is located approximately 767 feet south of the project site. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. The potential to expose sensitive receptors to airborne pollutants during construction is addressed in Section 3.4 Air Quality and also found to have a less-than-significant impact. Therefore, the proposed project would not create a significant hazard to schools in the vicinity. This impact would be less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The project alignment is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (otherwise known as the Cortese List)(CalEPA 2022, DTSC 2022, SWRCB 2022. Additionally, all project activities would be confined to the project site. As stated, the Willow Park Golf Course is listed in the Cortese List and LUST database due to a leaking UST that affected the underground soil. Although the golf course is just 20 feet northeast of the proposed project alignment, the case was closed in 1996 after remediation and cleanup activities were completed. Therefore, the project would not create a significant hazard to the public or the environment. No impact would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The project alignment is not within an airport land use plan or within two miles of a public or public use airport. The closest airport to the project site is the Oakland International Airport, located approximately 12 miles east, respectively of the project site. Therefore, the project would have no impact.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The project site is accessible from Redwood Road. This road would be utilized during construction for the delivery of materials to the construction site. Road and lane closures are not anticipated to be required during construction. Therefore, the project would not significantly impair or physically interfere with an adopted emergency response or evacuation plan, and the project would have a less than significant impact.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

No Impact. The project does not propose new structures within areas designated within the wildland-urban interface and are therefore not subject to wildfire-related building practices. The proposed new pump station structures would be constructed to applicable Building Codes and do not present a significant risk related to wildfires. Additionally, as noted above, the project includes General Condition Article 26 that addresses fire hazards during construction. Therefore, the project would not expose people or structures to significant risk of loss due to wildland fires.

3.10 HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv) Impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

3.10.1 Environmental Setting

The project is located within the San Leandro Watershed, which covers 49.4 square miles. The watershed is unusual among East Bay watersheds today in that its 78.3 miles of creeks remain open and primarily in their natural state. Two large dams, at Upper San Leandro Reservoir and Lake Chabot, provide drinking water storage and regulate the flow of water in San Leandro Creek. San Leandro Creek originates on the east side of the Oakland hills, runs into Upper San Leandro Reservoir and then Lake Chabot before flowing west through San Leandro and into

San Francisco Bay near Oakland International Airport. Various creek segments are natural, or managed in concrete lined or earthen channels, or are contained in a closed conduit (culvert). Ten tributary creeks flow through parklands and managed watersheds before joining Upper San Leandro Reservoir, Lake Chabot, or San Leandro Creek.

Groundwater

The project is located within the Castro Valley groundwater basin (CVGB). The CVGB, which is part of the San Francisco Bay hydrologic region, is three square miles in area, and is located approximately five miles east of San Francisco Bay, north of the city of Hayward, and bisected by Interstate 580. The CVGB is bound on the east by the San Lorenzo Creek and by the Hayward Fault on the west. The CVGB extends from Lake Chabot in the north to the intersection of Jackson Street with U.S. Highway 238 in the south. San Lorenzo Creek and its tributaries principally drain the basin and discharge to San Francisco Bay. Annual precipitation in the CVGB ranges from 18 inches to 24 inches. The principal water bearing units within the basin are Pleistocene alluvial deposits including clays, silts, sands, and gravels. Natural recharge to the CVGB occurs principally as seepage from streams that drain the upland areas and by direct percolation of precipitation that falls on the basin floor (California Department of Water Resources 2004).

Groundwater outside the central sub-basin area is replenished by direct infiltration and percolation of rainfall (approximately 18 to 24 inches annually); excess applied irrigation water and subsurface inflow from adjacent foothills. According to the Castro Valley General Plan, the central Castro Valley sub-basin was rated high for potential contamination due to shallow groundwater contamination from underground storage tanks at various locations. Therefore, it was recommended that groundwater use within the central Castro Valley area should generally be restricted to non-potable purposes. The existing domestic and irrigation wells within the Castro Valley planning area are generally located in rural areas to the east and south of the project location near Crow Canyon Road, Norris Canyon Road, Cull Canyon Road, Sunny Slope Avenue, Eden Canyon Road, Hollis Canyon Road, Palomares Road, and Dublin Canyon Road (Alameda County 2012).

Water Quality

Surface water quality is affected by point source and non-point source (NPS) pollutants. Point source pollutants are emitted at a specific point, such as a pipe, while NPS pollutants are generated by surface runoff from diffuse sources such as streets, paved areas, and landscape areas. Point source pollutants are mainly controlled with pollutant discharge regulations established by the San Francisco Bay RWQCB through NPDES, or waste discharge requirements (see Regulatory section, below).

Pollutants discharged into the creeks in Castro Valley come from both point and nonpoint sources. Point source pollution in Castro Valley is generally limited to permitted pipeline discharges that are subject to prohibitions by regulatory agencies, water quality requirements, periodic monitoring, annual reporting, and other requirements designed to protect the overall water quality of the creeks and eventually the Bay. Nonpoint sources that discharge into the creeks of Castro Valley include stormwater runoff from parking lots contaminated with petroleum products, pesticides from farming operations, or sediment from soil erosion.

Flooding

According to flood mapping prepared by the Federal Emergency Management Agency (FEMA), the project site is located outside the limits of the 100-year flood plain (FEMA 2022). Although the proposed sewer alignment itself is not within a Special Hazard Flood area, the lower portions are mapped as being within a designated dam failure inundation area, which is an area that may be flooded in the event of a complete dam failure (Alameda County 2012). Due to the project's inland location and distance from the nearest large body of water (i.e., San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise.

3.10.2 Regulatory Setting

Federal

Clean Water Act

Under the CWA of 1977, the United States Environmental Protection Agency (USEPA) seeks to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The statute employs a variety of regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The CWA authorizes the USEPA to implement water quality regulations. The NPDES permit program under Section 402(p) of the CWA controls water pollution by regulating storm water discharges into the waters of the United States (US). California has an approved state NPDES program. The USEPA has delegated authority for water permitting to the SWRCB, which has divided the state into nine regional basins, each under the jurisdiction of a RWQCB. Section 401 requires an applicant for any Federal permit that proposes an activity that may result in a discharge to "waters of the U.S." to obtain certification from the State that the discharge will comply with other provisions of the CWA. In California, a Water Quality Certification is provided by the SWRCB and/or RWQCB.

Section 404 authorizes the USACE to regulate the discharge of dredged or fill material to waters of the U. S., including wetlands. The USACE issues individual site-specific or general (Nationwide) permits for such discharges. FEMA administers the National Flood Insurance Program (NFIP), which provides subsidized flood insurance to communities that comply with FEMA regulations, which limit development in flood plains. FEMA also issues Flood Insurance Rate Maps (FIRMs) that identify which land areas are subject to flooding. These maps provide flood information and identify flood hazard zones in the community. The design standard for flood protection is established by FEMA, with the minimum level of flood protection for new development set as the 100-year flood event, also described as a flood that has a 1-in-100 chance of occurring in any given year. As previously discussed, the NPDES permit program was established by the CWA to regulate municipal and industrial discharges to surface waters of the U.S. from their municipal separate storm sewer systems (MS4s). Under the NPDES Program, all facilities which discharge pollutants from any point source into waters of the U.S. are required to obtain an NPDES permit. Point source discharges include discharges from publicly owned treatment works, discharges from industrial facilities, and discharges associated with urban runoff, such as storm water. The NPDES permit programs in California are administered by the SWRCB and the nine RWQCBs.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Act (Water Code Sections 1300 et seq.) is the basic water quality control law in California. The Act established the SWRCB, (see also below) and divided the state into nine regional basins, each under the jurisdiction of a RWQCB. The Act authorizes the SWRCB and RWQCBs to issue and enforce Waste Discharge Requirements, NPDES permits, Section 401 water quality certifications, or other approvals.

State Water Resources Control Board

The SWRCB is the primary State agency responsible for the protection of the state's water quality and groundwater supplies. Construction activities that disturb one or more acres of land must comply with the requirements of the SWRCB Construction General Permit (2009-0009-DWQ) as amended by 2010-0014-DWQ. Under the terms of the permit, applicants must file permit registration documents with the SWRCB prior to the start of construction. The registration documents include a Notice of Intent (NOI), risk assessment, site map, SWPPP, annual fee, and a signed certification statement.

San Francisco Bay Regional Water Quality Control Board

The San Francisco Bay RWQCB is the regional authority responsible for planning, permitting and enforcement of the CWA. Cupertino is within the jurisdiction of the San Francisco Bay RWQCB (Region 2), which covers most of the Bay Area region, including Santa Clara County. The San Francisco Bay RWQCB addresses region-wide water quality issues through the Water Quality Control Plan for San Francisco Bay Region (Basin Plan), which is updated every three years. The Basin Plan was adopted in 1993 and updated most recently in May 2017. The Basin Plan designates beneficial uses of the State waters within Region 2, describes the water quality that must be maintained to support such uses, and provides programs, projects, and other actions necessary to achieve the standards established in the Basin Plan.

The SWRCB issued county-wide municipal stormwater permits in the early 1990s to operators of MS4s serving populations over 100,000 (Phase 1). On November 19, 2015, the San Francisco Bay RWQCB re-issued a single regional municipal stormwater discharge permit known as the Municipal Regional Stormwater NPDES Permit (MRP) to regulate stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo. The MRP was most recently updated in May 2022.

California Fish and Game Code

The CDFW protects streams, water bodies, and riparian corridors through the streambed alteration agreement process under Section 1600 to 1616 of the California Fish and Game Code. The California Fish and Game Code establishes that "an entity may not divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river stream, or lake (Fish and Game Code Section

1602(a)) without notifying the CDFW, incorporating necessary mitigation and obtaining a streambed alteration agreement. The CDFW's jurisdiction extends from the top of banks and often includes the outer edge of riparian vegetation canopy cover.

Regional

Alameda Countywide Clean Water Program Stormwater Quality Management Plan

The Alameda Countywide Clean Water Program (ACCWP) Storm Water Resource Plan (SWRP) was created to facilitate the identification of opportunities and future development and implementation of stormwater management projects and programs that provide multiple benefits including improved water quality, reduced localized flooding, increased water supplies for beneficial uses, and community enhancement.

The ACCWP SWRP is a high-level planning approach to identify potential stormwater management projects and opportunities that are eligible to apply for Proposition 1 Storm Water Grant Program implementation and other state grant funding. Although the ACCWP SWRP identifies and provides a list of potential project opportunities, the development, planning, and implementation of these projects will undergo municipal planning processes if projects are proposed for implementation. Ultimately, the implementation of multiple benefit ACCWP SWRP projects will help protect beneficial uses of waterbodies in Alameda County, which provide important environmental, community, health and economic benefits.

Alameda County Public Works Agency, the Alameda County Flood Control and Water Conservation District

Within the Alameda County Public Works Agency, the Alameda County Flood Control and Water Conservation District owns and manages most storm drains in Castro Valley, located in Flood Control Zone 2. Within Zone 2 there are 81 miles of natural creek, five miles of earth channel, 12 miles of concrete channel, two miles of improved channel, 44 miles of underground pipe, and two pump stations. In addition there are two reservoirs, Cull Canyon and Don Castro, which are maintained for flood control. Both reservoirs have siltation and seismic issues that need to be addressed.

Alameda County General Plan

The Conservation Element of the Alameda County General Plan outlines goals and objectives to manage and protect water resources within the County (Alameda County 1976).

Goal: To insure and maintain a continuing supply of high water quality for the citizens of Alameda County.

Objective: 1. To insure sufficient water supplies of high' quality for all beneficial uses.

Objective: 2. To conserve ground water resources and prevent overdraft of existing ground water supplies.

Objective: 4. To reduce man-caused stream and ground water pollution and general resource degeneration through cumulative Impacts on surface and ground water systems.

Objective: 5. To maintain all water resources In their highest quality.

Objective: 7. Through sound design of drainage systems throughout the County and by regulation of land use erosion of soil caused by water could be controlled.

3.10.3 Impact Discussion

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. Potential impacts from the project to water quality during the short-term construction period could include the accidental release of construction fuels or fluids along the entire alignment or through an increase in sedimentation or erosion due to ground disturbance.

The project involves more than one acre of disturbance and is therefore required to obtain coverage under the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit). The Construction General Permit requires the preparation of a SWPPP. Implementation of the erosion and sediment control, pollutant source control and good housekeeping measures required by the SWPPP would ensure that the project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The impacts would be less than significant.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact. The proposed sewer line and pump station replacement and water line replacement would have no effect on groundwater supplies or groundwater recharge, as neither the construction or operation of the project would require the use of significant amounts of water. The project is not located on any designated groundwater recharge areas and would not substantially divert any natural overland flow of runoff to the adjacent creeks or drainages. Therefore, the project would have no impact.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial erosion or siltation on- or off-site;

Less than Significant Impact. The proposed project would not alter the existing drainage pattern of the site or area because the proposed improvements (new sewer lines and pump stations) would mostly be located along existing roads or trails and paved areas. The only exception would be the proposed construction of a new sewer line between the Drainage 1 stream crossing site and the existing communitor site (refer to Figure 2-10 Site Plan). The proposed installation of the new sewer line between these two points would require the construction of an approximately 800-foot long, three-foot deep trench that runs across the slope of a steep hillside from the Honker Bay Trail northwesterly to the connection point with the existing sewer line near the Huck Trail, covering a vertical distance of approximately 230 feet. It would not be expected to alter the drainage pattern of the hillside as the trench containing the new sewer pipe would be backfilled to the natural grade with compacted fill material and would not intercept or block runoff from the hillside, which drains into Drainage Area 1. The alignment of the new sewer would be designed to avoid existing trees on the hillside.

The potential for soil erosion from the excavated sewer pipe trenches would be greatest along the steeper portions of the proposed alignment. However, the project would include the implementation of erosion and sediment controls as specified in the SWPPP prepared for the project in conformance with the requirements of the Construction General Permit, as well as conformance with any local (countywide) grading or erosion control plan requirements. These measures would reduce the rates of erosion from the hillside areas and minimize sedimentation effects from runoff in all areas to the project to off-site drainages and waterways during the construction phases. The impact would be less than significant.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

Less than Significant Impact. The project would not substantially increase the amount of impermeable surface area compared to existing conditions. The proposed new and replacement sewer and water lines would be placed underground, with the only impervious surfaces being access manholes. Runoff form these surfaces would drain to adjacent permeable trails or open space areas. Construction of the proposed pump stations, which would be constructed on gravel pads, would also result in an increase in impermeable surfaces. These impermeable surfaces would be limited to concrete pad-mounted transformers, concrete wet wells, concrete valve vaults with aluminum hatches and concrete housekeeping pads for the antennas and control panels. The total area of these impermeable surfaces within each pump station would be less than 350 square feet. Runoff from the proposed Pump Station #3 would drain to two adjacent permeable trails, and runoff from Pump Station #4 would drain to the adjacent paved Redwood Road and paved entrance driveway to the RCGC parking lot and ultimately into the existing storm drain system. Thus, project would not result in a substantial increase in the amount of stormwater runoff generated from these areas that would result in on- or -off-site flooding. The impact would be less than significant.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Less than Significant Impact. As stated above, the project would not generate a substantial increase in the amount of stormwater runoff from the proposed construction or demolition sites, therefore it would not be expected to impact existing or planned stormwater drainage systems. Further, the implementation of a SWPPP and construction best management practices in conformance with Construction General Permit requirements would reduce potential erosion and sedimentation impacts. The impact would be less than significant.

iv) Impede or redirect flood flows?

No Impact. The project Is not located in a designated flood hazard zone, so would not result in the impediment to or redirection of flood flows. Therefore, the project would have no impact.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. The terms tsunami or seiche are described as ocean waves or similar waves in large water bodies, usually created by undersea fault movement or by a coastal or submerged landslide. The project site is approximately 5.7 miles northeast of the San Francisco Bay shoreline and not located within a designated tsunami hazard zone. Due to the project's inland location and distance from the nearest large body of water (i.e., San Francisco Bay), it is not subject to tsunami hazards.

As described in the Alameda County Emergency Operations Plan, a seiche is very similar to a tsunami, with the difference being that the water waves are generated in a closed or restricted body of water such as a lake or within a harbor. The shaking of an earthquake can result in large and destructive oscillations that produce waves tens of feet above normal lake (i.e., water) level. Seiche waves typically impact waterfront areas, and in harbors and closed or restricted bays, these waves can damage harbor and shore facilities. The secondary effects of a seiche can often produce more damage than the seiche itself. Large seiches can spill over dams on manmade lakes or reservoirs, causing flooding in the areas downstream. Although a strong earthquake could potentially cause a seiche on Lake Chabot, the seiche would not be likely to impact the proposed project, as the proposed improvements and construction areas are located uphill and away from any shoreline areas of the lake.

As previously described, the lower portions of the project site, including Lake Chabot and the RCGC are mapped as being within a designated dam failure inundation area, which is an area that may be flooded in the event of a complete dam failure. The risk of pollutants, primarily sewage, being released during a flood event caused by dam failure would be minimal due to the fact that the proposed sewer line would be located underground and is a closed system. Inundation of the project site would not likely cause the sewer line to rupture and release sewage. Therefore, the project does not present a significant risk to release pollutants in the event of a dam failure-caused inundation.

The project site's inland location, which is not within the boundaries of flood or tsunami hazard zones, and the underground design of the proposed sewer system would reduce risk of release of pollutants due to project inundation to less than significant.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. As noted above, the project will conform to the applicable provisions of the Construction General Permit and any other local requirements (grading or erosion control plans) for erosion and sediment control during construction.

The Sustainable Groundwater Management Act (SGMA) requires local Groundwater Sustainability Agencies (GSAs) in the state's high and medium priority basins to develop and implement Groundwater Sustainability Plans (GSPs) or Alternatives to GSPs. These GSPs and Alternatives provide roadmaps for how groundwater basins will reach long-term sustainability. There is no applicable GSP for the project area (California Department of Water Resources 2022b). The impact is therefore considered less than significant.

3.11 LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

3.11.1 Environmental Setting

The project proposes to replace an aging sewer line that runs through Anthony Chabot Regional Park, Lake Chabot Regional Park, and RCGC, in the north part of Castro Valley. The new sewer line would connect to the existing RCGC sanitary line and eventually connect with CSAN's sewer system. All project improvements would be entirely underground, with the exception of the pump stations and communication towers. The project area is comprised of undeveloped open space, with hiking trails, campgrounds, and a golf course. The project site is designated Resource Management by the Castro Valley General Plan and zoned Agriculture.

3.11.2 Regulatory Setting

Local

Anthony Chabot Regional Park Land Use Development Plan/ Environmental Impact Report and Plan Amendments

The Anthony Chabot Regional Park Land Use Development Plan and EIR (1984) directs future park development by outlining expected levels of use and development, delineates general park character and circulation systems, and divides the park into zoning units for recreation and for the natural areas which will preserve the significant natural resources of the park. Amendments to the Land Use Development Plan were made in 1993 and 1995 to address property acquisitions. As the project proponent, the EBRPD has designed the proposed project to be consistent with the objectives and policies of the Land Use Development Plan.

3.11.3 Impact Discussion

Would the project:

a) Physically divide an established community?

No Impact. The project proposes to replace a sewer and water infrastructure within regional park and public recreational facilities, which are comprised of undeveloped open space areas.

The project does not include any above ground physical barriers that would result in the division of an established community. No impact would occur.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant. The project proposes to replace sewer and water infrastructure within regional park and public recreational facilities, which are comprised of undeveloped open space areas. The project area would continue to provide recreational uses during construction and after project completion. The project's consistency with other plans and policies adopted for the purpose of avoiding or mitigating environmental effects are discussed throughout this Initial Study. This Initial Study incorporates the District's applicable General Conditions and best management practices, and mitigation measures that would reduce the project's potentially significant impacts to less than significant. Therefore, the proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. This impact would be less than significant.

3.12 MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local -general plan, specific plan or other land use plan?	☐	☐	☐	☒

3.12.1 Environmental Setting

According to the Conservation Element of the Alameda County General Plan, Alameda County contains a variety of minerals both metallic and nonmetallic. Major mineral resources are sand and gravel, salt, stone, petroleum, and clays. The following minerals are present in the County, and extraction has been reported: asbestos, bromine, chromite, coal, copper, gold, lead, lime, magnesite, magnesium compounds, manganese, potash (potassium salts), pyrite, silica (molding or specialty sand), silver, soapstone, and travertine. The San Leandro Rock Quarry is located approximately 1.7 miles east of the project site at 13575 Lake Chabot Road. The San Leandro Rock Quarry produces red rock and decomposed granite (Alameda County 1976).

Although Alameda County contains mineral resources, the Conservation Element of the Alameda County General Plan identified no mineral resources adjacent to or within the project alignment.

3.12.2 Regulatory Setting

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board, after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance (National Park Service 2016).

Regional

Conservation Element of the Alameda County General Plan

Goal: To insure extraction of minerals and reclamation of land to the fullest extent possible consistent with sound management policies.

Objective: 1. To provide access to minerals through identification of the resource.

3.12.2 Impact Discussion

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact (Responses a – b). As stated above, there are no known mineral resources adjacent to or within the project alignment. Therefore, the project would not result in the loss of availability of a known mineral resource of value to the region or the state, nor would the project impact a locally important mineral resource recovery site. No impact would occur.

3.13 NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

3.13.1 Environmental Setting

Noise may be defined as loud, unpleasant, or unwanted sound. The frequency (pitch), amplitude (intensity or loudness), and duration of noise all contribute to the effect on a listener, or receptor, and whether the receptor perceives the noise as objectionable, disturbing, or annoying.

The Decibel Scale (dB)

The decibel scale (dB) is a unit of measurement that indicates the relative amplitude of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a tenfold increase in acoustic energy, while 20 dBs is 100 times more intense, 30 dBs is 1,000 more intense, and so on. In general, there is a relationship between the subjective noisiness, or loudness of a sound, and its amplitude, or intensity, with each 10 dB increase in sound level perceived as approximately a doubling of loudness.

Sound Characterization

There are several methods of characterizing sound. The most common method is the “A-weighted sound level,” or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is typically most sensitive. Thus, most environmental measurements are reported in dBA, meaning decibels on the A-scale. Human hearing matches the logarithmic A-weighted scale, so that a sound of 60 dBA is perceived as twice as loud as a sound of 50 dBA. In a quiet environment, an increase of 3 dB is usually perceptible, however, in a complex noise

environment such as along a busy street, a noise increase of less than 3 dB is usually not perceptible, and an increase of 5 dB is usually perceptible. Normal human speech is in the range from 50 to 65 dBA. Generally, as environmental noise exceeds 50 dBA, it becomes intrusive and above 65 dBA noise becomes excessive. Nighttime activities, including sleep, are more sensitive to noise and are considered affected over a range of 40 to 55 dBA. Table 3-3 lists typical outdoor and indoor noise levels in terms of dBA.

Table 3-3: Typical Outdoor and Indoor Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	-110-	Rock Band
Jet flyover at 1,000 feet		
	-100-	
Gas lawn mower at 3 feet		
	-90-	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	-80-	Garbage disposal at 3 feet
Noise urban area, daytime		
Gas lawnmower, 100 feet	-70-	Vacuum cleaner at 10 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	-60-	
		Large business office
Quiet urban daytime	-50	Dishwasher next room
Quite urban nighttime	-40-	Theater, large conference room (background)
Quiet suburban nighttime		
	-30-	Library
Quite rural nighttime		Bedroom at night
	-20-	
		Broadcast/recording studio
	-10-	
Lowest threshold of human hearing	-0-	Lowest threshold of human hearing

Source: Caltrans 2013

Sound levels are typically not steady and can vary over a short time period. The equivalent noise level (L_{eq}) is used to represent the average character of the sound over a period of time. The L_{eq} represents the level of steady noise that would have the same acoustical energy as the

sum of the time-varying noise measured over a given time period. L_{eq} is useful for evaluating shorter time periods over the course of a day. The most common L_{eq} averaging period is hourly, but L_{eq} can describe any series of noise events over a given time period.

Variable noise levels are values that are exceeded for a portion of the measured time period. Thus, L01 is the level exceeded one percent of the time and L90 is the level exceeded 90 percent of the time. The L90 value usually corresponds to the background sound level at the measurement location.

Noise exposure over the course of an entire day is described by the day/night average sound level, or L_{dn}, and the community noise equivalent level, or CNEL. Both descriptors represent the 24-hour noise impact on a community. For L_{dn}, the 24-hour day is divided into a 15-hour daytime period (7:00 AM to 10:00 PM) and a nine-hour nighttime period (10:00 PM to 7:00 AM) and a 10 dB "penalty" is added to measure nighttime noise levels when calculating the 24-hour average noise level. For example, a 45 dBA nighttime sound level would contribute as much to the overall day-night average as a 55 dBA daytime sound level. The CNEL descriptor is similar to L_{dn}, except that it includes an additional 5 dBA penalty beyond the 10 dBA for sound events that occur during the evening time period (7:00 PM to 10:00 PM). The artificial penalties imposed during L_{dn} and CNEL calculations are intended to account for a receptor's increased sensitivity to sound levels during quieter nighttime periods.

Sound Propagation

The energy contained in a sound pressure wave dissipates and is absorbed by the surrounding environment as the sound wave spreads out and travels away from the noise generating source. Theoretically, the sound level of a point source attenuates, or decreases, by 6 dB with each doubling of distance from a point source. Sound levels are also affected by certain environmental factors, such as ground cover (asphalt vs. grass or trees), atmospheric absorption, and attenuation by barriers. Outdoor noise is also attenuated by the building envelope so that sound levels inside a residence are from 10 to 20 dB less than outside, depending mainly on whether windows are open for ventilation or not.

When more than one point source contributes to the sound pressure level at a receiver point, the overall sound level is determined by combining the contributions of each source. Decibels, however, are logarithmic units and cannot be directly added or subtracted together. Under the dB scale, a doubling of sound energy corresponds to a 3 dB increase in noise levels. For example, if one noise source produces a sound power level of 70 dB, two of the same sources would not produce 140 dB – rather, they would combine to produce 73 dB.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear can discern 1-dB changes in sound levels when exposed to steady, single-frequency ("pure-tone") signals in the mid-frequency (1,000–8,000 Hz) range. In typical noisy environments, changes in noise of 1 to 2 dB are generally not perceptible. However, it is widely accepted that people can begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 5-dB increase is generally perceived as a distinctly noticeable increase, and a 10-dB increase is generally perceived as a doubling of loudness.

Noise Effects

- Noise effects on human beings are generally categorized as:
- Subjective effects of annoyance, nuisance, and/or dissatisfaction
- Interference with activities such as speech, sleep, learning, or relaxing
- Physiological effects such as startling and hearing loss

Most environmental noise levels produce subjective or interference effects; physiological effects are usually limited to high noise environments such as industrial manufacturing facilities or airports. Predicting the subjective and interference effects of noise is difficult due to the wide variation in individual thresholds of annoyance and past experiences with noise; however, an accepted method to determine a person's subjective reaction to a new noise source is to compare it to the existing environment without the noise source, or the "ambient" noise environment. In general, the more a new noise source exceeds the ambient noise level, the more likely it is to be considered annoying and to disturb normal activities.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear is able to discern 1-dB changes in sound levels when exposed to steady, single-frequency ("pure-tone") signals in the mid-frequency (1,000–8,000 Hz) range. In typical noisy environments, changes in noise of 1 to 2 dB are generally not perceptible. However, it is widely accepted that people are able to begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 5 dB increase is generally perceived as a distinctly noticeable increase, and a 10 dB increase is generally perceived as a doubling of loudness that would almost certainly cause an adverse response from community noise receptors.

Groundborne Vibration

Vibration is the movement of particles within a medium or object such as the ground or a building. As is the case with airborne sound, groundborne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared, in inches per second (in/sec). PPV represents the maximum instantaneous positive or negative peak of a vibration signal and is most appropriate for evaluating the potential for building damage. Human response to groundborne vibration is subjective and varies from person to person.

Sensitive Receptors

Noise sensitive receptors are areas where unwanted sound or increases in sound may have an adverse effect on people or land uses. Residential areas, hospitals, schools, and parks are examples of noise receptors that could be sensitive to changes in existing environmental noise levels. The closest noise sensitive receptors to the project site would be the users of Anthony Chabot Regional Park, specifically the campground along Marcel Road and hikers along Huck's Trail, Honker Bay Trail, and Cameron Loop Trail, and users of the RCGC.

3.13.2 Regulatory Setting

Regional

Noise Element of the Alameda County General Plan

Countywide Policies

- *Goal #1:* The peace, health, safety, and welfare of the residents of Alameda County require protection from excessive, unnecessary, and unreasonable noises from any and all sources in the cities and unincorporated territories.

Unincorporated Area Policies

- *Goal #1:* Alameda County should provide its residents and wildlife with an environment which is free from excessive noise pollution by preventing and suppressing undesirable levels, frequencies, and time durations of noise (Alameda County 1975).

Alameda County Municipal Code

The Alameda County's Code does not set noise limits for recreational land uses, but it does contain the following special provisions and exceptions for construction-related activities that may be relevant to the proposed project:

Section 6.60.070 Special provisions or exceptions.

1. Section 6.60.070 D. Public Health, Welfare and Safe Activities states that the provisions of this chapter shall not apply to construction or maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, welfare and safety, including, but not limited to street sweeping, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, sidewalks, etc.

2. Section 6.60.070 E. Construction states that the provisions of this chapter shall not apply to noise sources associated with construction, provided said activities do not take place before 7:00 AM or after 7:00 PM on any day except Saturday or Sunday, or before 8:00 AM or after 5:00 PM on Saturday or Sunday.

3.13.3 Impact Discussion

Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

Less than Significant Impact. As described below, the project would not generate substantial temporary or permanent increase in ambient noise levels that would be in excess of applicable standards. This impact would be less than significant.

Construction Noise

The proposed project consists of the installation of approximately 1.8 miles of new sewer line and construction of two new pump stations. The project would generate construction noise from on-road construction vehicles (e.g., haul trucks, concrete deliveries, and other vendor deliveries) and heavy-duty off-road construction equipment (e.g., bulldozers, backhoes, etc.). These construction activities would temporarily increase noise levels in the vicinity of work areas; however, the noise levels received at receptor locations would not be the same day after day, because equipment would move closer and farther away from sensitive campground and trail receptors as work proceeds along the alignment. Typical noise levels that could be generated by the construction equipment anticipated to be used for the project are presented below in Table 3-5.

Table 3-5: Typical Construction Equipment Noise Levels

Equipment	Noise Level at 50 feet (L_{max})(A)	Percent Usage Factor(B)	Predicted Equipment Noise Levels (L_{eq})(C)					
			50 Feet	100 Feet	150 Feet	200 Feet	250 Feet	300 Feet
Backhoe	80	40	76	70	66	64	62	60
Bulldozer	85	40	81	75	71	69	67	65
Crane	85	16	77	71	67	65	63	61
Pneumatic tools	85	50	82	76	72	70	68	66
Delivery Truck	85	40	81	75	71	69	67	65
Vibratory Roller	80	20	73	67	63	61	59	57
Scraper	85	40	81	75	71	69	67	65

Sources: Caltrans 2013; Federal Highway Administration 2017

(A) L_{max} noise levels based on manufacturer's specifications.

(B) Usage factor refers to the amount (percent) of time the equipment produces noise over the time period

(C) Estimate does not account for any atmospheric or ground attenuation factors. Calculated noise levels based on Caltrans, 2009: L_{eq} (hourly) = L_{max} at 50 feet – 20log (D/50) + 10log (UF), where: L_{max} = reference L_{max} from manufacturer or other source; D = distance of interest; UF = usage fraction or fraction of time period of interest equipment is in use.

As shown in Table 3-5, the worst case L_{eq} and L_{max} construction equipment noise levels associated with the project are predicted to be approximately 82 and 85 dBA, respectively, at 50 feet (e.g., noise levels associated with the operation of a bulldozer). When two or more pieces of equipment are operating in close proximity, construction noise levels could be approximately 85 dBA L_{eq} and 88 dBA L_{max} at a distance of 50 feet. These are considered to be worst-case noise levels, as the actual magnitude of the project's temporary and periodic increase in ambient noise levels would depend on the nature of the construction activity (e.g., site preparation, excavation, grading, etc.) and the distance between the construction activity and receptor areas. As noted before, due to the nature of construction activities, equipment would move along the sewer line segments and not expose the same receptor to elevated noise levels day after day. In addition, EBRPD would close access roads and trails section by section as construction activities move along the alignment, which would limit campground and trail receptor exposure to potential construction noise. It is anticipated that the closest construction activities could occur in the vicinity of sensitive receptors would be approximately 230 feet, at which distance construction noise levels would be less than 70 dBA L_{eq}.

Section 6.60.070 of the Alameda County Code exempts construction noise if activities occur during daytime hours (7:00 AM to 7:00 PM on weekdays and 8:00 AM to 5:00 PM on weekends). The proposed project would comply with the County's allowable work hours, close access roads and trails as work proceeds along the alignment, and limit receptor exposure to potential construction work activities and construction noise levels. The proposed project's potential construction noise would be intermittent and would not persist in a particular area. For these reasons, potential construction noise associated with the project would be less than significant.

Operational Noise

The proposed project would not substantially change noise levels in the vicinity of the proposed facilities. The new pump stations would be located near the intersection of Honker Bay Trail, Live Oak Trail, and Cameron Loop Trail, and near the intersection of Redwood Drive and the RCGC driveway. The pumps would be placed underground and access to the pumps would be restricted via an enclosure. The project would also include a small below ground lift station. The installation of small pumping equipment below the ground surface and within enclosure would not generate substantial exterior noise levels to campground receptors, trail users, or in the regional park in general. This impact would be less than significant.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. The potential for groundborne vibration is typically greatest when vibratory or large equipment such as rollers, impact drivers, or bulldozers are in operation. For the proposed project, the largest earthmoving equipment is anticipated to operate primarily during the site preparation, demolition, and excavation phases. However, the project area has topographic changes and other subsurface conditions (e.g. transition from backfilled areas to native soils) that would likely limit vibration transmission between work areas and sensitive receptor areas. In addition, construction activities would only occur during the daytime hours, consistent with Alameda County Code Section 6.60.070, meaning that potential vibration would not be felt during more sensitive times of the day (i.e., early morning and evening). Finally, there

is no potential for structure damage associated with construction activities because there are no vibration sensitive structures near the alignment and work areas. Once operational, the proposed project would not generate substantial groundborne vibration levels. This impact would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The nearest airport, Oakland International Airport, is located approximately five miles west of the project site. The project would not expose workers in the campground or along the trail segments in the vicinity of the project area to excessive aircraft noise levels. No impact would occur.

3.14 POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce a substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

3.14.1 Environmental Setting

In 2021, Castro Valley had a population of 66.324 people with a median age of 42.4years and a median household income of $124,203. Between 2020 and 2021 the population of Castro Valley, CA grew from 64,392 to 66,324, a 3% increase and its median household income grew from $113,150 to $124,203, a 9.77-percent increase (USA Data 2021). As of 2020, the population of Castro Valley is 66,441 and 16 percent increase from 2010. people with a median age of 42.4 and a median household income of $124,203. Between 2020 and 2021Castro Valley is the largest employment center within Unincorporated Alameda County. In 2019, Castro Valley had 12,647 jobs, which accounted for 46 percent of total jobs in Unincorporated Alameda County.

3.14.2 Impact Discussion

Would the project:

a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. (Responses a – b). The project proposes to replace a sewer and water infrastructure within undeveloped open space areas that are currently utilized for recreational purposes. The project would not extend services or infrastructure. The project does not propose new housing, nor would any housing be demolished. Therefore, there would be no impact on population or housing.

3.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☐	☒
ii) Police protection?	☐	☐	☐	☒
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☐	☒

3.15.1 Environmental Setting

Fire Protection

Fire protection services for the project area are provided by the Alameda County Fire Department. The Alameda Clara County Fire Department provides fire suppression, advanced life support, hazardous materials response, urban search and rescue, water rescue, disaster preparedness, fire prevention and code compliance, and regional dispatch. (Alameda County Fire Department 2024). The closest station to the project site is Fire Station 26, located approximately 1.2 miles southeast of the site at 18770 Lake Chabot Road.

Police Protection

Police protection services for the project area are provided by the Alameda County Sheriff's Office. The Alameda County Sheriff's Office provides an array of services to unincorporated areas of Alameda County including patrol and investigative services, 24-hour emergency and nonemergency services, operation of the Marine Patrol Unit in the San Francisco Bay waters, and California Fish and Game code enforcement. The Sheriff's Office has a current adjusted net budget of approximately $429.7 million and has over 1700 authorized positions, including over 1000 sworn personnel (Alameda County Sheriff's Office 2024).

Schools

The project area is located in the Castro Valley Unified School District (CVUSD). The school district operates nine elementary schools, two middle schools, and three high schools, as well as one preschool, and two adult education schools (CVUSD 2024). The closest school to the

project site is Proctor Elementary School, located 0.14-mile south from the southern end of the project alignment.

Parks

The project site is located within Anthony Chabot Regional Park, Lake Chabot Regional Park, and the RCGC. A segment of the southern portion of project alignment is adjacent to the RCGC within the boundaries of Anthony Chabot Regional Park. The unincorporated community of Castro Valley is adjacent to the Park's southern boundary, and includes about 325 acres of neighborhood and community parks, which represents approximately 5.3 acres of local parkland for every 1,000 residents. Castro Valley residents also have access to about 5,600 acres of EBRPD facilities within or adjacent to the community. Most Castro Valley neighborhoods are within a 10-minute walk of a neighborhood or community park.

Other Public Facilities

Other public facilities in Castro Valley include The Alameda County Library, the Castro Valley Community Center, Castro Valley Swim Center, Kenneth C. Aitken Senior & Community Center, and the Rowell Ranch Rodeo Park. The closest public facility to the project is the Kenneth C. Aitken Senior & Community Center, located approximately 0.26-miles south of the project site on Redwood Road.

3.15.2 Impact Discussion

Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?

ii) Police?

iii) Schools?

iv) Parks?

v) Other public facilities?

No Impact. The project proposes to replace an aging sewer line that runs through Anthony Chabot Regional Park, Lake Chabot Regional Park, and RCGC. The project does not include the construction of governmental facilities. Therefore, the project would not increase the demand for fire protection, police, or emergency services, and would not affect service ratios, response times or other performance objectives for any public services. The proposed project does not include new housing and would not induce population growth (see Response 3.14a);

therefore, it would not increase enrollment at local schools or require the provision of new or physically altered schools nor increase the use of local and regional parks or require the provision of new or physically altered parks, or other governmental facilities. No impact would occur.

3.16 RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

3.16.1 Environmental Setting

Parks

The project site is located within Anthony Chabot Regional Park, Lake Chabot Regional Park, and RCGC. The 3,304-acre Anthony Chabot Regional Park includes the Anthony Chabot Family Campground and 70 miles of hiking, equestrian, and bicycling trails. The Anthony Chabot Family Campground features 75 campsites, including 12 RV sites, along with restrooms with hot showers, and access to Lake Chabot. Lake Chabot Regional Park features the manmade, 315-acre Lake Chabot reservoir. It is a popular East Bay recreational destination that provides opportunities for hiking, fishing, boating, kayaking, and canoeing. In addition, food concessions and boat rentals are available at the park. The 18-hole RCGC, accessed from Redwood Road, is part of Anthony Chabot Regional Park and is located along San Leandro Creek, east of the lake.

The proposed sewer line improvements are located entirely within the project site which includes Anthony Chabot Regional Park, Lake Chabot Regional Pak, and RCGC. A segment of the southern portion of the project alignment is adjacent to the RCGC and clubhouse facility. The project alignment continues north adjacent to the Red Canyon Golf Course and ends at the east portion of the Anthony Chabot Family Campground, just south of Maciel Road, and north of Lake Chabot (see Figure 2-2). As stated in Section 2.5, the construction period is anticipated to last six months. During the demolition and construction period there will be no closures of trails or trail access points, and no closures of the campground or golf course and clubhouse facilities. Park visitors will be able to continue accessing these recreational amenities during the demolition and construction phases of the project.

Other regional parks in the vicinity of Anthony Chabot Regional Park include Cull Canyon Regional Recreation Area to the southeast, Reinhardt Redwood Regional Park to the north, and Las Trampas Regional Wilderness Park to the northeast. In addition, there are numerous local

parks located within the jurisdictions of the communities surrounding Anthony Chabot Regional Park.

3.16.2 Regulatory Setting

Open Space Element of the Alameda County General Plan

The Open Space Element of the Alameda County General Plan contains the following policies that are applicable to the project.

Principles for Park and Recreation Areas

- *Recreation and Park Areas Accessible to Each Community Should Be Provided.* To provide for close-in leisure time facilities, recreation and park areas should be provided within the open space surrounding each city or community. Recreation trails should be provided throughout the public open space surrounding each community to connect with recreation areas.

- *Provide Recreation Opportunities for All People.* A range of facilities to provide leisure time enjoyment for all age and economic groups should be included within each park and recreation area.

Open Space Objectives

- To provide open space recreation and study areas for the enjoyment and education of all people in the county.

3.16.3 Impact Discussion

Would the project:

a) Increase the use of existing neighborhood or regional parks or other recreational facilities such that significant physical deterioration of the facility would occur or be accelerated?

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The proposed project includes the installation, replacement, and abandonment of an aging sanitary sewer line within Anthony Chabot Regional Park, Lake Chabot Regional Park, and RCGC. The proposed project would not induce population growth (see Response 3.14a); therefore, it would not increase the use of existing neighborhood and regional parks or other recreational facilities. The project does not include or require the construction or expansion of recreational facilities and would not require closure of any park facilities that would result in significant physical deterioration or adverse physical effects of any other facilities in the region. No impact would occur.

3.17 TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☐	☒

3.17.1 Environmental Setting

Regional access to the project site is provided via I-580. I- 580 is an eight-lane freeway aligned in an east-west direction, located approximately 2.8 miles south of the project site. Site access to and from I-580 is provided by Redwood Road. Local access to the site is provided by Redwood Road.

The project site is located within two regional parks and a golf course and is surrounded by open space. There are no transit stops or pedestrian facilities along the project alignment.

3.17.2 Impact Discussion

Would the project:

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

No Impact. The project would not conflict with a program, plan, ordinance or policy addressing the circulation system. The project would replace aging sewer and water infrastructure within a regional park. As such, the proposed project would not generate a permanent increase in traffic on the local or regional road network and would therefore not conflict with any plan, ordinance, or policy establishing performance standards for transportation and circulation system. No impact would occur.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?

No Impact. The project would not generate new permanent traffic on the local or regional road network as there are no on-site employees associated with project operations. The project is the installation, replacement, and abandonment of potable water infrastructure, therefore, no change in vehicle miles traveled is anticipated, and the Project would have no impact.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The project proposes to replace an aging sewer line within a regional park. The project alignment is surrounded by undeveloped open space. The project does not propose the building of new roads or intersections or changes to the land use of the project site or area. Additionally, emergency access would be maintained during construction. Therefore, the project would not increase hazards due to a geometric design feature or incompatible uses. No impact would occur.

d) Result in inadequate emergency access?

No Impact. The purpose of the project is to replace an aging sewer line. New above ground features associated with the project including new pump stations and communication towers would be constructed adjacent to existing trails. Construction vehicles would use designated access routes and emergency access would be maintained during construction. Therefore, the project would not impact emergency access.

3.18 TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☒	☐	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	☐	☒	☐	☐

The following discussion is based on a Cultural Resources Technical Report prepared for the project by Kleinfelder, dated May 2025. Due to the sensitive nature of the information contained in the report, it is kept confidentially at the EBRPD, located at 2950 Peralta Oaks Court, Oakland, California, 94605. Inquiries regarding the report should be directed to the District.

3.18.1 Environmental Setting

Current ethnographic literature indicates that the project is situated along the linguistic border of the Chochenyo-Ohlone and Bay Miwok-speaking peoples. Tribes living along this border were most likely multilingual and shared and/or exchanged material culture. Analysis of mission register baptismal evidence indicates that Ohlone and Bay Miwok speaking areas were located from the Carquinez Strait to the San Benito River watershed and from the San Joaquin and Sacramento rivers that empty into eastern San Francisco Peninsula.

<u>Ohlone</u>

Ohlone territory encompassed the lands form San Francisco Bay south to Monterey Bay, the Big Sur coast and the San Benito River drainage. Ohlone territory covered a wide swath of land, which was environmentally and linguistically diverse. Ohlone territory included six different languages: Karkin, Awaswas, Mutsun, Rumsen, Chalon, and San Francisco Bay Costanoan. The San Francisco Bay Costanoan Ohlone language included three different dialects:

Ramaytush, Chochenyo, and Tamyen, which were spoken in the vicinity of the Bay Area. The Chochenyo dialect of the San Francisco Bay Area Costanoan Ohlone language (along with the Bay Miwok language), is likely what would have been spoken within the vicinity of the current project area. Many western academic scholars and researchers have speculated about how the term "Ohlone" originated. A commonly cited narrative claims that it is based on a local village/tribe called the Oljon, located along the San Mateo Coast, which was subsequently applied to the surrounding area as a whole. However, the term Ohlone could be derived from a Sierra Miwok word indicating western direction - "O'lo'no wit". This term's origin is supported by the Ohlone Indian Tribe (V. Medina and A. Galvan, personal communication, February 19, 2025).

Ethnographers have been able to piece together a generalized picture of traditional Ohlone culture using oral history, archaeological investigations, and 18th century Spanish letters, diaries, and accounts. Socio-politically, the Ohlone lived in approximately 50 autonomous villages or tribes through their region. Leaders of these tribes could be either men or women, though records indicate the office was inherited along patrilineal lines.

Each tribe occupied a permanent primary habitation site, in addition to many smaller resource procurement camps. Each village was probably occupied for several months each year, with groups of families moving between different locations as food resources became seasonally available. Groups of families coalesced during winter, in part to make use of shared food stores but also to engage in annual ceremonial activities.

Bay Miwok

The Bay Miwok people lived in the eastern parts of Contra Costa County, from Walnut Creek eastward to the Sacramento-San Joaquin Delta, including the northern slopes of Mount Diablo. They occupied the interior valleys of the East Bay but may have also had access to the Bayshore in present-day East Oakland. Bay Miwok, is one of five separate linguistic and cultural groups in the broader “Miwok” category. Western academics have identified the five Miwok groups as: Plains Miwok, Northern Sierra Miwok, Southern Sierra Miwok, the Central Sierra Miwok, and the Bay Miwok.

Like the Ohlone, the Bay Miwok cultivated an intentional landscape that was maintained by the propagation and cultivation of plants, and of course, cultural fire was implemented as landscape management tool. Plant gathering was obviously based on season, with greens gathered in the spring. Seeds were gathered from May through August and were the major staple during this part of the year. Acorns were gathered in the fall and stored throughout the year. Acorns were usually allowed to ripen and fall off the trees of their own accord but were sometimes knocked from the branches using wooden implements and gathered into burden baskets. Although acorns are often emphasized by western researchers, seeds were also an integral part of the diet. Seeds from the following plants were incorporated into the Bay Miwok diet: wild oats, balsam root, redmaids, Fitch’s spikewood, clarkia, summer’s darling, farewell-to-spring, tarweed, California buttercup, and more.

Hunting and fishing were also integral to the Bay Miwok diet. Game could include mule deer, antelope, jackrabbits, beaver, gray squirrels, and woodrats. Waterfowl, jays, and woodpeckers

were also sought after. Tule boats were used for navigating rivers, which were fished with dip nets.

Similar to the Ohlone, the Bay Miwok were self-organized into sovereign, autonomous tribes. Each tribe had several semi-permanent habitation sites and a larger number of seasonally occupied camp sites that were used for fishing, hunting, and resource gathering. Kleinfelder (2025) estimates that the average settlement included 25 people, and that the Bay Miwok population was approximately 1,700 people.

Ohlone/Bay Miwok Today

Detailed ethnographic information about the Ohlone and the Bay Miwok at the time of Euro-American contact is relatively sparse because of colonization. Integration, suppression, and even eradication, of native peoples were the systemic goals underpinning colonization by the Spanish, Mexicans, and later the Americans, versus information gathering and understanding the cultural complexities of the Ohlone and Bay Miwok, who were occupying territory coveted by these foreign powers.

The current understanding of pre-contact life, indicates a diverse and intricate socio-political tribal landscape in the Bay Area, and throughout California. Due to a number of factors (e.g., diverse micro-climates), prior to European contact, people in the Bay Area lived within smaller, politically autonomous, sovereign tribes. This differs greatly from a modern viewpoint skewed towards government entities on larger, national scales. The Kleinfelder report indicates, it is likely the intricate nature of the socio-political tribal landscape that actually lends to the overall tendency for westerners to create a “misleading and overly simplistic view” of the complex mosaic and unique cultural variation that existed in the Indigenous region now known as the Bay Area.

Since the beginning of colonization, Indigenous Californians responded to individual and governmental discrimination in four (general) ways: 1) ignoring it, 2) keeping a low profile, 3) passing as a member of another ethnic group, or 4) creating familial and community support networks. The 1960s through the 1980s were transitional decades when the Ohlone and Bay Miwok began to influence public policy in local areas.

Today, the East Bay Ohlone and Bay Miwok are politically represented by a number of tribes, who have identified themselves to the California NAHC. Members of these tribes have maintained connection to their culture through their family relationships, and practice of cultural traditions. They maintain and renew their cultural identity through programmatic efforts (e.g., language programs), social/family gatherings and internal governmental meetings, or for some, through efforts to have their interests recognized by local representatives of federal, state, or county governments, and special districts.

3.18.2 Regulatory Setting

State

Native American Heritage Commission, Public Resources Code Sections 5097.9 – 5097.991

Section 5097.91 of the PRC established the NAHC, whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.9 of the PRC, a state policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites or sacred shrines located on public property. Section 5097.98 of the PRC specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner. Section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands.

California Native American Graves Protection and Repatriation Act of 2001

Codified in the California Health and Safety Code Sections 8010–8030, the California Native American Graves Protection Act (NAGPRA) is consistent with the federal NAGPRA. Intended to "provide a seamless and consistent state policy to ensure that all California Indian human remains and cultural items be treated with dignity and respect," the California NAGPRA also encourages and provides a mechanism for the return of remains and cultural items to lineal descendants. Section 8025 established a Repatriation Oversight Commission to oversee this process. The act also provides a process for non–federally recognized tribes to file claims with agencies and museums for repatriation of human remains and cultural items.

Assembly Bill 52

AB 52 specifies that a project that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. AB 52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requests in writing to the lead agency, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

AB 52 Consultation. AB 52 of 2014 amended Public Resources Code (PRC) Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 established that Tribal Cultural Resources (TCRs) must be considered under the CEQA and also provided for additional Native American consultation requirements for the lead agency. PRC Section 21074 describes a TCR as a site, feature, place, cultural landscape, sacred place, or object that is considered of cultural value to a California Native American Tribe and that is either:

- On or determined to be eligible for the CRHR or a local historic register; or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

AB 52 formalizes the lead agency–tribal consultation process. Specifically, it requires the lead agency to notify a California Native American tribe of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe if that tribe has requested such notification, in writing, to the lead agency (PRC Section 21080.3.1[b]). Additionally, prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report, the lead agency is required to begin consultation with a California Native American tribe that requested consultation within 30 days of receipt of project notification (PRC Section 21080.3.1[e]). PRC Section 21084.2 establishes 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."

Effects on TCRs should be considered under CEQA. PRC Section 21080.3.2 states that parties may propose mitigation measures "capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource." Further, if a California Native American tribe requests consultation regarding project alternatives, mitigation measures, or significant effects to tribal cultural resources, the consultation shall include those topics (PRC Section 21080.3.2[a]). The environmental document and the mitigation monitoring and reporting program (where applicable) shall include any mitigation measures that are adopted (PRC Section 21082.3[a]).

The EBRPD contacted the NAHC on April 2, 2024, to request the AB 52 Tribal Consultation list and for a search of the SLF for the project. The NAHC responded to EBRPD's request on April 8, 2024. The SLF search was negative. EBRPD distributed letters to the tribes/individuals on the Tribal Consultation list via electronic mail (email) and certified mail on May 24, 2024. The EBRPD's letters included a description of the project, its location, and requested a response to engage in consultation pursuant to AB 52 within 30 days. All NAHC correspondence and government consultation documents are on file with EBRPD.

As part of the tribal consultation process with Native American groups and individuals, as per AB-52 and the initiation of CEQA process, consultation with interested tribes is required. EBRPD as the Lead Agency, lead tribal consultation. The EBRPD sent the Native American Heritage Commission (NAHC) a letter on April 2, 2024, with a request for a search of the SLF for information about cultural resources that may be located within the API. The NAHC sent a response on April 8, 2024, indicating a negative result for tribal cultural resources within the API and 0.25 miles of the API, and provided a list of tribal contacts that could provide additional information.

The District sent letters to the individuals on the NAHC list on May 24, 2024. The contact list included the following tribal representatives:

- Patrick Orozco, Chairman, Costanoan Ohlone Rumsen-Mutsen Tribe
- Carla Munoz, Tribal Council, Costanoan Rumsen Carmel Tribe

- Desiree Munoz, Tribal Liaison, Costanoan Rumsen Carmel Tribe
- Ann Marie Sayers, Chairperson, Indian Canyon Mutsun Band of Costanoan
- Kanyon Sayers-Roods, Most Likely Descendent (MLD) Contact, Indian Canyon Mutsun Band of Costanoan
- Richard Massiatt, Councilmember/MLD Tribal Representative, Muwekma Ohlone Tribe of the San Francisco Bay Area
- Charlene Nijmeh, Chairperson, Muwekma Ohlone Tribe of the San Francisco Bay Area
- Timothy Perez, Tribal Compliance Officer, Northern Valley Yokut/Ohlone Tribe
- Louise Miranda-Ramirez, Chairperson, Ohlone/Costanoan-Esselen Nation
- Christanne Najera, Vice Chairperson, Ohlone/Costanoan-Esselen Nation
- Vincent Medina, Cultural Leader, The Ohlone Indian Tribe
- Desiree Vigil, Tribal Historic Preservation Officer (THPO), The Ohlone Indian Tribe
- Andrew Galvan, Chairperson, The Ohlone Indian Tribe
- Kenneth Woodrow, Chairperson, Wuksachi Indian Tribe/Eshom Valley Band

The results of the AB 52 consultation efforts are presented in Table 3-4. No TCRs were identified as a result of consultation or other background research.

Table 3-4: AB 52 Correspondence for the Anthony Chabot Sewer Line Improvements Project

Tribe	Contact Person	Response
Amah Mutsun Tribal Band	Ed Ketchum, Vice-Chairperson	No response
Amah Mutsun Tribal Band	Valentin Lopez, Chairperson	No response
Amah Mutsu Tribal Band of Mission San Juan Bautista	Irene Zwierlein, Chairperson	The tribe responded via email on May 27, 2024, thanking the EBRPD. AB52 consultation was not requested. The EBRPD responded on June 4, 2024, confirming receipt of and thanking the tribal chair for their response.
Confederated Villages of Lisjan Nation	Deja Gould, Language Program Manager	See a response from Chairperson Gould, below.
Confederated Villages of Lisjan Nation	Corrina Gould, Chairperson	The tribe requested consultation on June 5, 2024, via email and requested consultation. On July 3, 2024, EBRPD staff met with the Confederated Villages of Lisjan Nation. The tribe requested review of the draft ISMND, and to provide input on the habitat management plan and planting palettes associated with the project. The remaining details of the consultation are confidential and kept

Table 3-4: AB 52 Correspondence for the Anthony Chabot Sewer Line Improvements Project		
		on file with the EBRPD; the results of the consultation are reflected in the mitigation measures below.
Confederated Villages of Lisjan Nation	Cheyenne Gould, Tribal Cultural Resource Manager	See response from Chairperson Gould, above.
Costanoan Ohlone Rumsen-Mutsen Tribe	Patrick Orozco, Chairman	No response.
Costanoan Rumsen Carmel Tribe	Carla Munoz, Tribal Council	No response.
Costanoan Rumsen Carmel Tribe	Desiree Munoz, Tribal Liaison	No response.
Indian Canyon Mutsun Band of Costanoan	Ann Marie Sayers, Chairperson	Email bounced back.
Indian Canyon Mutsun Band of Costanoan	Kanyon Sayers-Roods, MLD Contact	Ms. Sayers-Roods requested consultation on May 30, 2024. The EBRPD consulted with Ms. Sayers-Roods on June 17, 2024. Although specific details about the consultation are confidential, Ms. Sayers-Roods recommended a tailboard for the construction crew, and this is reflected in Mitigation Measure-TCR-1a below. Consultation was closed on June 17, 2024.
Muwekma Ohlone Tribe of the SF Bay Area	Richard Massiatt, Councilmember/MLD Tribal Representative	Mr. Alan Leventhal responded on behalf of the tribe on May 24, 2024; however, consultation pursuant to AB 52 was not requested.
Muwekma Ohlone Tribe of the SF Bay Area	Charlene Nijmeh, Chairperson	No response.
Northern Valley Yokut / Ohlone Tribe	Timothy Perez, Tribal Compliance Officer	No response.
Ohlone/Costanoan-Esselen Nation	Louise Miranda-Ramirez, Chairperson	The Chairperson responded on May 24, 2024, indicating this area was outside of the traditional area, and did not request consultation.

Table 3-4: AB 52 Correspondence for the Anthony Chabot Sewer Line Improvements Project		
Ohlone/Costanoan-Esselen Nation	Christianne Najera, Vice Chairperson	No response.
The Ohlone Indian Tribe	Vincent Medina, Cultural Leader	No response.
The Ohlone Indian Tribe	Desiree Vigil, THPO	No response.
The Ohlone Indian Tribe	Andrew Galvan, Chairperson	Chairperson Galvan responded on May 24, 2024, requesting a copy of the SLF search conducted by the NAHC. The EBRPD replied on May 26, 2024, with the requested information. Mr. Galvan did not request consultation.
Wuksachi Indian Tribe/Eshom Valley Band	Kenneth Woodrow, Chairperson	No response.
Source: Kleinfelder 2025 and EBRPD Cultural Resources Staff		

3.18.3 Impact Discussion

Would the project:

a) Cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?

Less Than Significant with Mitigation Incorporated (i and ii). No TCRs that are listed in, or eligible for listing in, the CRHR, were identified within the project area (Kleinfelder 2025).

However, the possibility still remains that the project could impact an as-yet to be identified TCR during project implementation. Disturbance of a TCR, if present, during project implementation could potentially be a significant impact. With the implementation of Mitigation Measure TCR-1, TCR-2, and TCR-3 the potential to directly or indirectly cause a substantial adverse change in the significance of a TCR would be reduced to less than significant.

> **Impact TCR-1:** Construction of the project could disturb previously unidentified tribal cultural resources.
>
> **Mitigation Measure TCR-1a:** EBRPD will retain a representative from an East Bay Area tribe, to provide a tribal cultural resources awareness training prior to the start of the project, and on an as-needed basis (e.g., when new construction personnel arrive on-site).
>
> **Mitigation Measure TCR-1b:** EBPRD will retain a tribal monitor from an East Bay Area Ohlone tribe to be present during project related, ground-disturbing activities. EBPRD, in consultation with the tribal monitor and/or the East Bay Ohlone tribe the tribal monitor is affiliated with, will develop a monitoring plan that will outline the roles and responsibilities of the tribal monitor, and the procedures that will be followed in the event a TCR is identified during project-related construction.
>
> **Mitigation Measure TCR-1c:** In the event that human remains are inadvertently encountered during construction activities, the remains and associated funerary objects shall be treated in accordance with state and local regulations that provide requirements with regard to the accidental discovery of human remains, including California Health and Safety Code Section 7050.5, California PRC Section 5097.98, and CEQA Guidelines Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be immediately notified of the discovery. No further excavation or disturbance of the Project site or any nearby (no less than 100 feet) area reasonably suspected to overlie adjacent remains can occur until the County Coroner has determined if the remains are potentially human in origin. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she is required to immediately notify the Native American Heritage Commission (NAHC). The NAHC will notify the person/s it believes to be the most likely descendant (MLD) from the deceased individual. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.

The implementation of Mitigation Measures TCR-1a, TCR-1b and TCR-1c would reduce potential impacts to TCRs to a less than significant level.

3.19 UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	☐	☒	☐	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

3.19.1 Environmental Setting

Water Supply

Castro Valley is within the service area of the East Bay Municipal Utility District (EBMUD). The EBMUD water supply system collects, transmits, treats, and distributes water to Alameda and Contra Costa counties. EBMUD's primary water source is the Mokelumne River in the western slopes of the Sierra Nevada Mountains. EBMUD has water rights that allow for delivery of up to a maximum of 325 million gallons per day (mgd) from the Mokelumne River, subject to availability. Water from this source requires little treatment to meet high-quality water standards. The secondary water source is runoff from local watersheds which is collected and stored in the system's reservoirs. The amount of local runoff that can be used ranges between 15 and 25 mgd during normal hydrologic years, and none during drought conditions.

EBMUD has two terminal reservoirs in Castro Valley - Lake Chabot and Upper San Leandro Reservoir - that provide standby storage when Mokelumne River supply is temporarily unavailable. Additionally, there are approximately 150 domestic well users and approximately 100 known irrigation wells in Castro Valley. The groundwater wells are generally located in rural areas.

Stormwater Management

Stormwater flows down from Castro Valley and the Hayward hills to storm drains, channels, and pipelines leading to San Lorenzo Creek and on to San Francisco Bay. Sulphur Creek and the Estudillo and Bockman Canals also flow to San Francisco Bay. The Alameda County Flood Control and Water Conservation District owns and manages most storm drains in Castro Valley, located in Flood Control Zone 2. Within Flood Control Zone 2 there are 81 miles of natural creek, five miles of earth channel, 12 miles of concrete channel, two miles of improved channel, 44 miles of underground pipe, and two pump stations. Additionally, there are two reservoirs, Cull Canyon and Don Castro, which are maintained for flood control.

Wastewater Collection and Treatment

The CVSD provides and maintains the sewage collection system that serves most of Castro Valley. CVSD's current service area includes virtually all of the land within the voter-approved Urban Growth Boundary. Oro Loma Sanitary District (OLSD) provides the sewage collection system for the Hillcrest Knolls and El Portal Ridge neighborhoods. The only developed areas that continue to rely exclusively on private septic systems are off Crow Canyon Road beyond Cold Water Drive, off Cull Canyon Road, and in Palomares Canyon. OLSD treats CVSD sewage at the Oro Loma/ Castro Valley Water Pollution Control Plant in San Lorenzo, of which CVSD owns 25 percent. The plant discharges to San Francisco Bay through pipelines operated by the East Bay Dischargers Authority.

CVSD and OLSD do not presently have programs for recycling any wastewater flows. However, State law allows EBMUD to require the use of recycled water for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health, and will not harm plant life, fish, or wildlife. To date, EBMUD has been able to promote the use of recycled water through incentives rather than using this mandate. These incentives are primarily in the form of subsidies to fund facility retrofits and rate discounts providing lower connection fees for new customers who use recycled water.

Solid Waste

The CVSD and the OLSD handle refuse collection and disposal in the planning area. The Districts collect solid waste and generally haul it to the Davis Street Transfer Station. It is then hauled to the Altamont Landfill east of Livermore by Waste Management. Altamont Landfill has an expected closure date of 2071. The Districts' solid waste program expenses are mainly funded by user fees. CVSD and OLSD are both members of the Alameda County Waste Management Authority, a countywide organization that diverts materials from the landfill into reuse, recycle and reduction programs.

3.19.1 Impact Discussion

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant with Mitigation Incorporated. The proposed project is an infrastructure improvement project. The potential impacts of these proposed project activities and mitigation measures necessary to reduce potential impacts to less than significant levels are discussed in various chapters of this Initial Study. With the implementation of the mitigation measures identified, the project would not result in significant environmental effects. Therefore, the impact is less than significant with mitigation incorporated.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact. (Responses b - c). No additional water supply is being sought as part of the project. Water demand by construction workers and construction uses would be negligible. Operation of the proposed project would not result in any permanent increase in water demand. The new sewer line would serve the same purpose as the existing sewer line and not increase water demand. Therefore, the project would not require or result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities. Additionally, the project does not include restroom facilities and would not generate wastewater. The project anticipates the use of portable toilets during project construction. However, wastewater generated during the construction period would be negligible. Therefore, the project would have no impact.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than Significant Impact. A small amount of construction waste would be generated by the project over the short-term. However, as stated under Section 3.19.1, the Altamont landfill has an expected closure date of 2071. Therefore, the small amount of construction waste would be minimal and would not exceed the capacity of the landfill that serves the area. Additionally, operation of the project would not generate any solid waste. This impact would be less than significant.

e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?

No Impact. The project would not conflict with any federal, state, or local statutes and regulations related to solid waste. No impact would occur.

3.20 WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Is the project located near state responsibility areas or lands classified as very high fire hazard severity zones?		☒ Yes	☐ No	
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

3.20.1 Environmental Setting

The project site is located in Anthony Chabot Regional Park, Lake Chabot Regional Park, and RCGC in unincorporated Castro Valley, Alameda County. The 3,304-acre park is part of the EBRPD System and is comprised of undeveloped wooded, grassy, open space. The project alignment is located in a State Responsibility Area and crosses lands that designated “very high”, “high”, and “moderate” fire hazard severity zones (FHSZ). Lands classified as very high fire hazard severity zones encompass Anthony Chabot Regional Park to the north, west, and south (California Department of Fire and Forestry Protection [CALFIRE] 2024)).

3.20.2 Regulatory Setting

<u>EBRPD General Conditions</u>

As stated in Section 2.6 and Table 2-3, the EBRPD operates according to standard General Conditions (May 2016) that apply to all projects and activities undertaken. These include:

General Conditions, Article 26. Fire Hazards and Preventions

(b) The Contractor shall take necessary precautions to guard against and eliminate fire hazards that may cause damage to construction work, building materials, equipment, public, and private property, including grassland, brush, and trees.

(e) Contractors shall comply with state law requirements for burning and use of combustion engines including but not limited to PRC sections 4427, 4431, 4435, and 4442.

3.20.3 Impact Discussion

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less Than Significant. As stated, the project alignment crosses “very high”, “high”, and “moderate” FHSZs. However, the project proposes to replace aging sewer and water infrastructure in an undeveloped open space area that is currently utilized for recreational purposes. The project would not block roads or impede emergency access to surrounding properties or neighborhoods during either construction or operation of the project, nor would it interfere with or impair an adopted emergency response plan, or emergency evacuation plan. This impact would be less than significant.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact (Responses b-d). The majority of proposed improvements would be underground. Above-ground improvements include two sewer pump stations and associated communication tower equipment. As noted above, the project includes General Condition Article 26 that addresses fire hazards during construction. The project does not propose the development of any habitable structures. Therefore, the project would not expose people to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Additionally the project would not require the installation of associated infrastructure that would exacerbate wildfire risk. Further, the project would not expose people or structures to significant risks including

downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No impact would occur.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the efforts of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

3.21.1 Impact Discussion

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant with Mitigation Incorporated. As discussed in the previous sections of this Initial Study, the proposed project would not degrade the quality of the environment with the implementation of the identified mitigation measures and General Conditions and Applicable Regulations. As discussed in Section 3.4 Biological Resources, with implementation of the identified mitigation measures (Mitigation Measures BIO-1a, -1b, -2a, -2b, -3a, -3b, -3c, -3d, -4a, -4b, -4c, -5a, -5b, -6a, -6b, -7a, 7b, BIO-8 and BIO-9) and General Conditions and Applicable Regulations, the project would not significantly impact sensitive habitats or species. As discussed in Section 3.5 Cultural Resources, Section 3.7 Geology and Soils, and Section 3.18 Tribal Cultural Resources, with implementation of the identified mitigation measures (Mitigation Measure CUL-1, Mitigation Measure GEO-1, and Mitigation Measure TCR-1a, -1b and -1c) and

General Conditions and Applicable Regulations, the project would result in a less than significant impact on archaeological, paleontological and tribal cultural resources.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the efforts of past projects, the effects of other current projects, and the effects of probable future projects)?

Less Than Significant Impact. Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Using this definition, a project that has no impact in a given impact category cannot have a cumulatively considerable contribution because its contribution is zero.

The project evaluated in this Initial Study is limited to the removal and replacement of sewer and water infrastructure in developed and undeveloped portions of regional parkland and a golf course. Due to the nature of this proposed project, many types of impacts that are frequently associated with development projects (e.g., housing, offices, commercial uses, etc.) would not occur. For example, as described in Section 3 of this Initial Study, the proposed replacement of existing sewer and water lines and sewer pump stations would have no adverse impacts on agriculture and forestry resources, land use, mineral resources, population and housing, and public services.

There are no other projects proposed that would be under construction in the same general area as the proposed project. Therefore, short-term, construction related impacts of the project (e.g., dust, potential soil contamination, noise and vibration, nesting bird disturbance, and water quality) would not combine with the impacts of other projects and would not be cumulatively considerable. Furthermore, mitigation measures and/or General Conditions and Applicable Regulations are included in the project to reduce construction-related impacts to a less than significant level.

As described in Section 3.13 Noise, the temporary noise sources that could occur from removal and replacement of existing sewer and water infrastructure would not have a material effect on long-term ambient noise levels in proximity to the proposed construction areas. Because noises would be localized, intermittent, and at low levels that would not significantly affect receptors on nearby trails and in campgrounds, they would not be cumulatively considerable.

As described in Section 3.4 Biological Resources, the project could affect sensitive biological resources in both the short- and long-term. These impacts, however, would not result in a cumulatively significant loss of such resources, because there are no other proposed projects or projects that would be under construction in the same general area as the proposed project. In addition, the project would implement a number of measures to reduce impacts on both

common and special-status species, as described in Section 3.4. Therefore, the project would not contribute to cumulative impacts on biological resources.

There are no planned or proposed developments in the project area that could contribute to cumulative aesthetic, air quality, hydrology and water quality, public services, recreation, or utilities and service systems impacts. The project's archaeological and biological resources and geology and soils impacts are specific to the project alignment and would not contribute to cumulative impacts elsewhere.

The project's impacts to GHG emissions are discussed in Section 3.8, and it was concluded that the project would have a less than significant impact on GHG emissions.

Based on the discussion above, the project would not result in cumulatively considerable impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant with Mitigation Incorporated. Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction- related air quality, hazardous materials, and noise. Implementation of mitigation measures identified in Section 3, including Mitigation Measure HAZ-1 and Mitigation Measure HAZ-2, however, would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

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