

# East Bay Regional Park District

Borel Property  
Underground Storage Tank Removal and  
Soil Remediation Project  
Final Environmental Impact Report

Prepared by:

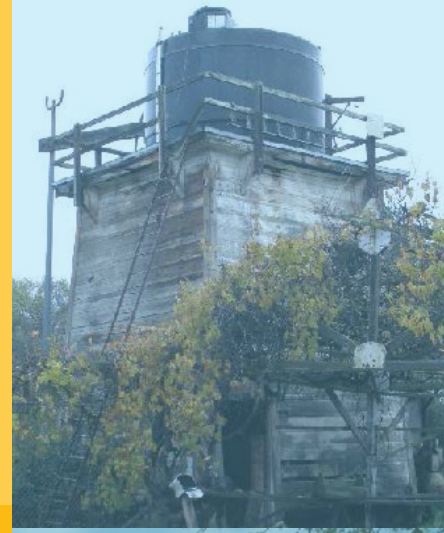
**IMPACT  
SCIENCES**

20445 Prospect Road  
Suite C  
San José, CA 95129

**Prepared for:**

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

**May 2023**



**EAST BAY REGIONAL PARK DISTRICT  
BOREL PROPERTY UNDERGROUND STORAGE  
TANK REMOVAL AND SOIL REMEDIATION  
PROJECT**

**Final Environmental Impact Report  
SCH No. 2022120433**

**Prepared for:**

East Bay Regional Park District  
Planning, Trails, and GIS  
2950 Peralta Oaks Court  
Oakland, California 94605

**Prepared by:**

Impact Sciences, Inc.  
20445 Prospect Road, Suite C  
San José, California 95129

**May 2023**

# TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
1.0	Introduction.....	1.0-1
2.0	Revisions and Additions .....	2.0-1
3.0	Responses to Comments.....	3.0-1
4.0	Mitigation Monitoring and Reporting Program .....	4.0-1
5.0	List of Preparers and Persons Consulted .....	5.0-1

# LIST OF TABLES

<u>Table</u>		<u>Page</u>
4.0-1	Mitigation Monitoring and Reporting Program Matrix.....	4.0-2

# I.0 INTRODUCTION

---

This Final Environmental Impact Report ('Final EIR' or 'FEIR') has been prepared by the East Bay Regional Park District (Park District; EBRPD) for the Borel Property Underground Storage Tank (UST) Removal and Soil Remediation Project (Project). This FEIR complies with the requirements of the California Environmental Quality Act (CEQA) statutes (Cal. Pub. Res. Code, Section 21000 et. seq.) and implementing guidelines (Cal. Code Regs., Title 14, Section 15000 et. seq.) (the "*State CEQA Guidelines*").

## I.1 CEQA REQUIREMENTS

Before approving a project that may cause a significant environmental impact, CEQA requires the lead agency to prepare and certify a FEIR. According to the *State CEQA Guidelines*, Section 15132, the FEIR shall consist of:

1. The Draft EIR (DEIR) or a revision of the DEIR;
2. Comments and recommendations received on the DEIR, either verbatim or in summary;
3. A list of persons, organizations, and public agencies commenting on the DEIR;
4. The responses of the lead agency to significant environmental points raised in the review and consultation process; and
5. Any other information added by the lead agency.

As shown, under the *State CEQA Guidelines*, the FEIR includes the DEIR as well as the other items listed. For purposes of clarity, the term "Final EIR" in this document refers to everything contained in this document (as described in **Section 1.2, Content of the FEIR**) and not the DEIR. The term "EIR" in this document refers to the FEIR and the DEIR.

## I.2 CONTENTS OF THE FEIR

As discussed above, the primary intent of the FEIR is to provide a forum to air and address comments pertaining to the analysis contained within the DEIR. Pursuant to Section 15088 of the *State CEQA Guidelines*, the Park District has reviewed and addressed all comments received on the Notice of Preparation (NOP) and DEIR by the comment period deadline (none were received).

In order to adequately address any comments provided by interested agencies and the public in an organized manner, and to present a concise summary for consideration by the Park District Board, this FEIR includes the following chapters and appendices:

**Section 1.0, Introduction.** This chapter summarizes the contents of the Final EIR and the environmental review process.

**Section 2.0, Revisions and Additions.** This chapter provides a list of changes that were made to the DEIR. No revisions or information have been added to the DEIR pursuant to *State CEQA Guidelines* Section 15132, as part of the preparation of the FEIR. Therefore, no changes to the information contained in the DEIR are documented herein. Further, there are no new significant impacts from those identified in the DEIR impact analysis or conclusions.

**Section 3.0, Response to Comments.** The Park District received no public comment letters.

**Section 4.0, Mitigation Monitoring and Reporting Program.** This chapter includes the Mitigation Monitoring and Reporting Program (MMRP) prepared in compliance with the requirements of Section 21081.6 of the California Public Resources Code and Section 15091(d) and 15097 of the *State CEQA Guidelines*.

**Section 5.0, List of Preparers.** This chapter includes the list of preparers and persons consulted on this EIR.

The FEIR also includes the previously circulated DEIR.

## **I.3 PROJECT APPROVALS REQUESTED**

As defined by CEQA, a Lead Agency is the public agency with the principal responsibility for approving a project. The Park District is the Lead Agency for consideration and approval of the Project. The Park District will hold a public hearing to consider certification of the EIR. The Park District must certify the Final EIR before making its decision on the Project.

### **I.3.1 Other Approvals**

Implementation of various project components may also require approvals, permits, or notifications by the following public agencies:

- Unauthorized Tank Release Notification to the Regional Water Quality Control Board (RWQCB)
- Final UST Removal Report will be submitted to RWQCB
- Notification to the Bay Area Air Quality Management District (BAAQMD) that UST will be removed
- UST Removal Permit from Contra Costa County

## 2.0 REVISIONS AND ADDITIONS

---

As required by *California Environmental Quality Act (CEQA) Guidelines* Section 15088, this chapter provides revisions or clarifications of certain statements in the Draft Environmental Impact Report (DEIR). The revision(s) and/or addition(s) do not constitute significant new information, as defined by *State CEQA Guidelines* Section 15088.5, because none would result in new significant impacts or a substantial increase in the severity of any impact already identified in the DEIR. New information is not significant unless the DEIR changes in a way that deprives the public of a meaningful opportunity. Specifically, Section 15088.5(a) defines significant new information which requires recirculation to be any of the following:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
4. The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

No revisions or information have been added to the DEIR pursuant to *State CEQA Guidelines* Section 15132, as part of the preparation of the Final EIR (FEIR). Therefore, no changes to the information contained in the DEIR are documented herein. Further, there are no new significant impacts from those identified in the DEIR impact analysis or conclusions.

## 3.0 RESPONSES TO COMMENTS

---

This section includes comments received during the circulation of the DEIR prepared for the for the Borel Property Underground Storage Tank Removal and Soil Remediation Project (Project). No comment letters were submitted to the East Bay Regional Park District (Park District) by public agencies or private citizens. Therefore, no responses to written comments have been prepared. Therefore, no revisions, based on comments, have been added to the DEIR pursuant to *State CEQA Guidelines* Section 15132, as part of the preparation of the Final EIR (FEIR).

On December 16, 2022, the Park District posted a Notice of Preparation (NOP) for the proposed Project. Pursuant to California Public Resources Code Sections 21083.9, 2182.2, and the California Code of Regulations, Title 14 (*State CEQA Guidelines*) Sections 15082 and 15083, the NOP included a 30-day comment period from Thursday, March 30, 2023, through Monday, May 15, 2023, to solicit comments regarding the appropriate scope and content of the Environmental Impact Report (EIR).

The DEIR was submitted to the State Clearinghouse Office of Planning and Research and circulated for a 45-day public review.

The Park District received no comment letters during the DEIR public review period.

# 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

---

## 4.1 INTRODUCTION

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Section 21081.6 of the California Environmental Quality Act (CEQA). It is the intent of this program to: (1) verify satisfaction of the required mitigation measures of the EIR (EIR); (2) provide a methodology to document implementation of the required mitigation measures; (3) provide a record of the Monitoring Program; (4) identify monitoring responsibility; (5) establish administrative procedures for the clearance of mitigation measures; (6) establish the frequency and duration of monitoring; and (7) use existing review processes wherever feasible.

This MMRP describes the procedures that will be used to implement the mitigation measures adopted in connection with the approval of the Project and the methods of monitoring such actions. It takes the form of a table identifying the responsible entity and timing for monitoring each mitigation measure (see **Table 4.0-1** below).



**Table 4.0-1  
Mitigation Monitoring and Reporting Program Matrix**

Mitigation Measures	Mitigation Monitoring Timing	Responsible Monitoring Entity
<b>Impact – Cultural Resources</b>		
<p><b>MM CUL-1:</b> Prior to the proposed demolition of the ca. 1923 wood-framed garage, or any other ground-disturbing activities at the Project Site, an Architectural Historian or Historian who meets the Secretary of Interior’s Professional Qualification Standards (SOIs) shall complete equivalent to Historic American Building Survey (HABS) documentation of the garage within the context of the historic district. The documentation will be similar to the National Park Service’s HABS Level III documentation for the garage and include a sketch plan of the historic district, digital photography of the interior and exterior of garage as well as contextual photographs of the garage within the setting of the historic district, and a short form historical report utilizing relevant historical context from the HRE. The recordation shall document the physical characteristics of not only the building proposed for demolition, but also its relationship to the district setting and landscape, in effect, documenting a portion of the district setting, which could be considered a more meaningful way to mitigate or lessen the effects on the historic district. While the recordation will generally follow HABS guidance, it will not be submitted to the permanent collection at the Library of Congress. Following the completion of the documentation, the materials will be placed on file with the Park District archives, the Town of Danville, and with local historical societies (including at minimum the Danville Historical Society and the San Ramon Valley Museum).</p>	Ongoing over the duration of the Project	East Bay Regional Park District
<p><b>MM CUL-2:</b> If archaeological resources are encountered during construction or during ground-disturbing activities, work in the immediate area should be halted and the Park District shall retain an archaeologist meeting the SOI’s Professional Qualification Standards for Archaeology immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery excavation, to mitigate any significant impacts to archaeological resources.</p>	Ongoing over the duration of the Project	East Bay Regional Park District
<p><b>MM CUL-3:</b> In the event that human remains are found, the Project will be required to comply with the procedures set forth by Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.94 of the State of California, this includes the following:</p> <ul style="list-style-type: none"> <li>• In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.</li> <li>• If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.</li> </ul>	Ongoing over the duration of the Project	East Bay Regional Park District
<b>Impact – Tribal Cultural Resources</b>		
<p><b>MM TCR-1</b> In the event of unanticipated discovery of Tribal Cultural Resources during Project implementation, they would be treated according to Mitigation Measure CUL-2 and CUL-3.</p>	Ongoing over the duration of the Project	East Bay Regional Park District

## **5.0 LIST OF PREPARERS AND PERSONS CONSULTED**

---

This Environmental Impact Report was prepared by the East Bay Regional Park District with the assistance of staff listed below from Impact Sciences, Inc., and ASM Affiliates, Inc.

### **5.1 LEAD AGENCY**

#### **East Bay Regional Park District**

2950 Peralta Oaks Court  
Oakland, California 94605

Drake Hebert, Senior Planner  
Kim Thai, Senior Planner  
Annamarie Guerrero, Cultural Services Coordinator

### **5.2 DRAFT EIR PREPARERS**

#### **Impact Sciences, Inc.**

20445 Prospect Road, Suite C  
San José, California 95129

John R. Anderson, M.A., M. Phil., OLY, Associate Principal  
Margaret Lin, M.P.P., Senior Project Manager  
Kay Real, AICP, Planner  
Annalie Sarrieddine, Associate Planner  
Kara Yates Hines, Director of Operations & Publications Manager

#### **ASM Affiliates, Inc. (Cultural Resources)**

2034 Corte Del Nogal  
Carlsbad, California 92011

Shannon Davis, M.A, RPH, Director, Architectural History  
Sherri Andrews, M.A, J.D, RPA, Senior Archaeologist  
Marilyn Novell, M.S., Architecture Historian/Historian